

**Open Work Session
Legislative Breakfast Topic Discussions
September 6, 2016**

County Executive Bob Culver and Mr. Wayne Strausburg came before Council. Mr. Strausburg said he has four topics that he would like to discuss at the Legislative Breakfast. He said highway user revenue is on this list, but the County has to pay attention to the paid sick leave bill, which he thinks is a very damaging bill. Also, community college collective bargaining is something the County really needs to pay attention to. He said the County still needs the state's next installment on the Perdue Stadium funding, so it is important that those funds see a way into the budget. Mr. Strausburg said those are really the four things that he felt, at this point in time, need to be talked about. Mr. Joe Holloway asked if Council could get an exact figure as to how much highway user revenue has been lost. He said he heard \$35 million or \$40 million. He said it would be interesting to see how much money has been lost because that is money that would have gone to roads that the County has not seen. Mr. Strausburg said he has a number, but it is about two years old, so he will update it. Mr. Kilmer said state poultry legislation and regulations should be discussed as that seems to be a hot topic. He said in terms of what is coming up legislatively, but also the environmental regulations. Mr. Cannon said the County could look at proactive measure to avoid the phosphorous management debacle that occurred on whether there is anything necessary that the County needs to anticipate. Mr. Kilmer said Council could discuss the poultry legislation in terms of what is coming and even state versus local jurisdiction. He said he knows that Delegate Anderton's Office gets calls about the County's zoning issues, and the County gets calls about the environmental regulations. Mr. Kilmer said we are trying to be on the same page with all of this because we are hearing from the same people with the same concerns, but we have different levels of jurisdiction over the poultry industry. Mr. John Hall said he has two issues. One is that he would like to see an air monitor on the Lower Eastern Shore. He said there is an air monitor in Talbot County and there is one on the Upper Eastern Shore, but there is not an air monitor on the Lower Eastern Shore. Mr. Joe Holloway said there is an air monitor up in Blackwater in Dover, DE, to which Mr. Hall responded that is not considered the Lower Eastern Shore. Mr. Joe Holloway said that depends on how low you want to go. Mr. Hall said air quality seemed to be a concern when Council was looking at regulating the construction and use of poultry houses. He asked is it not a concern anymore for health issues? He said air quality was one of the things Council was concerned about. Mr. Hall said Council took the poultry house issue and addressed it tonight, but half of the people that came out to the meeting had issues with health quality. Mr. Hall asked if Council is going to look at the air quality or put its heads back in the sand and pretend that it is not an issue. Mr. Joe Holloway said that Mr. Cannon explained earlier that the state monitors the air quality. Mr. Joe Holloway then asked does Council want to go there. Mr. Hall said Council can put its head back in the sand and pretend that it does not exist, but let us face it. Mr. Kilmer said he thinks Mr. Hall is saying that he wants the state to monitor the air quality on the Lower Eastern Shore, not the County. Mr. Cannon said he has used this analogy before but does not know how solid it is. If planes are flying too low into the Wicomico-Salisbury Airport, and they were knocking off the tops of trees and it was happening consistently, they would not go to the County to talk about that issue, they would talk to the Federal Aviation Administration. Mr. Hall said Council is talking about issues that it would like the state to look at. Mr. Cannon said there are some issues that go to the state and some issues that go to the federal government. Council is not hiding its head in the sand; it is just trying to place that responsibility in the right area. Mr. Strausburg said in speaking of the air quality issue, particularly on poultry, in the Health Impact Assessment, one of the recommendations that was made by Lori Brewster was that the state should undertake an air quality study directly related to poultry. He said the lady, who spoke during public comments tonight, apparently, did not read that part of the report. The County cannot do that as it does not have sanction from the state, but the County can

talk to the state to see if the state thinks it is in their best interest to perhaps further investigate the air quality. Mr. John Hall said he could live with that. Mr. Strausburg said the second part is and, he thinks everyone has talked about this, is that he thinks everyone is somewhat uncomfortable with MDE's position in that they inspect a CAFO every five years. One of the things administration has asked and discussed with Lori Brewster is can the County make an arrangement with the State Health Department so that if the County's inspectors see something that is untoward with regards to a poultry CAFO operation, can the local Health Department then transmit or communicate that information to the appropriate state personnel. Mr. Strausburg said it should be firmed up better than just a handshake. Mr. Hall asked if the communication has to come through the Health Department or if it could come from zoning or code enforcement. Mr. Creamer said the local Health Department already has a formal relationship with MDE through environmental health. Mr. Strausburg said if the County's inspectors notified the appropriate Health Department personnel that could trigger a response that might not otherwise take place. He said while the state has not given the County authority in that area, perhaps we could put something in place where we would have at least some level of inspection authority that would then be referred to the state. Mr. Cannon said the state interprets that as the tail wagging the dog. The state is in charge of overseeing that industry. If the state wants the Wicomico County Health Department to inspect it, they will tell the Wicomico County Health Department to inspect it. Mr. Davis said if the state oversees that industry as strictly as you say they do, they could have come to Wicomico County and cut what the Council did in half by saying we have control over the industry and this what we are going to do. Mr. Davis said the state has not come to our County to say that, so, apparently, this is Council's baby. Mr. Davis said he thinks the County needs to ask the state for an air monitor. He said they have an air monitor in Talbot and Dorchester, so what is the problem with getting an air monitor in Wicomico County. Mr. John Hall said if MDE had this policy for 10 years, the environmental impact and the people who have represented our County have changed. If this policy has been in effect, maybe it is time for a policy change on the state level. Mr. Kilmer said Mr. Hall just wants to talk about air monitoring at the meeting. Mr. Cannon clarified that Mr. Hall had four items or two items that he wanted to talk about. Mr. Hall said it is actually three items (1) health inspections; (2) air monitoring; and (3) airborne particulates, which he thinks the state should do a study on air particulates. Mr. Strausburg asked if he wants to talk to the delegation about the runway extension and the time compression that the County is in, to which Mr. Hall responded, yes. Mr. Cannon said Delegate Anderton might be able to help him on this topic, when the state increased the gas tax, which they were very cavalier about, they made it so that it would increase automatically every year or something like that. He said he thinks some of the delegates in minority think that is taxation without representation as you are increasing the tax, but you are not taking a vote or even getting public input. He thinks that may be an effort in futility, but he thinks the County should talk to the state and try to turn that around a little bit. Mr. Hall said they could have done what they did in Delaware and that is wait until the prices are at an all time low and then raise it nine cents while nobody was looking.

Signatures are on the next page.

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John T. Cannon, President

Absent

Matt Holloway, Vice President



Ernest F. Davis, District 1



Marc Kilmer, District 2



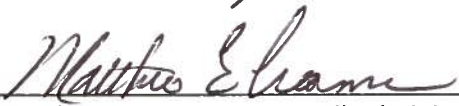
Larry W. Dodd, District 3



John B. Hall, District 4



Joe Holloway, District 5



Matthew E. Creamer, Council Administrator