

**Board of County Commissioners**  
**Worksession Minutes**  
**January 11, 2011**

**PRESENT:** Commissioners Moore, Dunn, Broomell and Hodge; County Administrator Al Wein, Public Works Director Scott Flanigan and staff; Planning and Zoning Director Eric Sennstrom; Economic Development Director Vernon Thompson; Human Resources Director Donna Nichols; Budget Manager Craig Whiteford; Executive Office Administrator Vicky Rinkerman; members of the press, and members of the public.

**ABSENT:** Commissioner Mullin.

**OPEN SESSION 9:00 a.m.** – Vice President Broomell called the meeting to order.

Information Briefing by Artesian

Joe DiNunzio from Artesian provided the Board an overview of the Artesian Company's role in the water and wastewater infrastructure development in the county. He reviewed the Mountain Hill acquisition, services for Whitaker Woods and Charlestown Crossing developments, Elkton West acquisition, Highlands and Cherry Hill wastewater system, Meadowview water and sewer system, Pine Hill water system, and Harborview water and sewer system. He reviewed the current operations and management contract with the County for the Highlands, Meadowview, and Harborview systems. He stated that Artesian has recently acquired the Port Deposit water system and they are working with Chesapeake City to resolve their water infrastructure issues. Artesian officials have identified a need in the Elkton West water system relative to providing service to the W.L. Gore facility and Cherry Hill area, which includes the Cherry Hill Elementary and Middle school. They are also investigating interconnecting the Carpenters Point and Mountain Hill systems, and providing public water service to the Granite Cliffs development in Port Deposit, which would require an extension of the Town of Port Deposit's franchise agreement and revision to the County Water and Wastewater Plan. The Artesian Company is planning for the future and anticipates requesting a franchise agreement to expand and interconnect the Mountain Hill and Elkton West systems to serve the County's growth corridor area. They are in the planning phase of the Elkton West Wastewater system to increase capacity at the Meadowview Wastewater plant.

Mr. DiNunzio continued stating that the Artesian Company is an environmentally focused organization, and officials are keenly aware of the water cycle and need to preserve the resource. He outlined the infrastructure investments made by Artesian to the County's water and wastewater systems.

Mr. DiNunzio responded to a question from Commissioner Hodge stating that the county taxpayers will not be required to make any investment in water or wastewater system upgrades. He stated that Artesian would work with Chesapeake Utilities relative to the installation and sharing of easements and right of ways for the gas lines. Artesian officials plan to participate in the TMDL process in both Delaware and Maryland to meet the new standards.

Appointments to Public Safety Pension Board of Trustees

County Administrator Wein stated that the staff recommendations for appointments to the Pension Plan Board of Trustees are Emergency Service Director Richard Brooks, Human Resources Director Donna Nichols, Sheriff Janney, and Treasurer Bill Feehley.

Chair Budget Manager Whiteford briefed the Board on the role of the Trustees.

The Board directed County Administrator Wein to place the Public Safety Pension Board appointments on the next Commissioners meeting agenda.

Request to fill vacant positions

Human Resources Director Nichols presented the request to fill for a Paramedic and Paramedic Lieutenant budgeted positions in the Department of Emergency Services.

In response to a question from Commissioner Hodge, Director Brooks reviewed the duties of the Paramedic Lieutenant position.

On motion made by Commissioner Moore, seconded by Commissioner Hodge, the Board voted unanimously to approve the request to fill the positions as presented.

Commissioner Moore requested that the request to fill positions be forwarded to the Board before the worksession meeting.

Legislative request letter to the delegation

County Administrator Wein reviewed the letter to the delegation and stated that additional letters would be sent to the relative committees assigned to hear the proposed legislation.

Discussion ensued regarding the proposed park land legislation.

On motion made by Commissioner Hodge, seconded by Commissioner Dunn, the Board voted unanimously to proceed with signing the legislative request letter to the delegation.

Request for curbside recycling waiver from Town of Chesapeake City

Director Flanigan stated that the officials from the Town of Chesapeake City have requested a recycling waiver, which would permit them to seek bids that would combine the services and separate the services. Officials will determine from the bids which company would provide the best trash and recycling service to the residents.

Director Flanigan continued stating that staff is recommending a conditional waiver to provide Town officials the flexibility to review and determine the best contract or contracts for services. He stated that there is a possibility that the same situation may occur in other towns and officials may seek a similar waiver. He advised the Board that this issue would be addressed with the next review of the Code.

On motion made Commissioner Moore, seconded by Commissioner Hodge, the Board voted unanimously to grant the recycling waiver request for the Town of Chesapeake City

Commissioner Hodge commented that he would prefer to have staff authorize this type of request if it is in the spirit of the legislation, as opposed to bringing similar requests before the Board.

## Draft Bid 10-46-52106 Replacement of Bridge CE0106 Ragan Road over Octoraro Creek

Director Flanigan reviewed the draft bid. If the bridge is not replaced, the weight restriction would continue and eventually the bridge would be closed since it will continue to deteriorate. Staff recommends that the bridge be replaced.

On motion made by Commissioner Hodge, seconded by Commissioner Moore, the Board voted unanimously to authorize Public Works to proceed with advertising the bid.

## Draft Bid 11-24 Fixtures, Furnishings, and Equipment in Corrections

Budget Manager Whiteford reviewed the draft bid. He stated that the bid is part of the CIP budget and the Detention Center renovation project budget.

Commissioner Moore commented on the estimated budget for the anticipated purchases.

Budget Manager Whiteford stated that some of the furniture is replacement and some is new relative to the renovation project. Major Foster and staff developed the equipment specs.

On motion made by Commissioner Hodge, seconded by Commissioner Dunn, the Board voted unanimously to authorize staff to proceed with advertising the bid as presented with a request that used furniture is utilized to the extent possible.

## **Information briefing on Perryville Hollywood Casino**

Economic Development Director Thompson introduced Himbert Sinopoli, Hollywood Casino Manager, who provided an overview of the casino operation in Perryville. He reviewed the anticipated expansion of the facility, gaming revenue and taxes since opening, employment figures, guest safety and surveillance standards and procedures. The company does employ trained and licensed EMT first responders and they have AED machines throughout the facility. He stated that the company has a responsible gaming and alcohol program policy that permits citizens to request that they be restricted from entering the facility. The company also adheres to the open container law. The company is limited due to the tax rate from giving to local charities; however, the revenue from the "soft" opening was donated to the Perryville Fire Company and County Boys and Girls Club.

There were regulatory restrictions on "earned comps"; however, the State Attorney General has revised the earned comps, i.e. food, drinks, etc., restrictions to permit the company to provide comps to customers based on their losses. Another challenge is that they are losing revenue due to the closing restriction on the weekends of 2:00 a.m. Other issues include adding table games, limited signage on I-95 to attract transient traffic and anticipated competition from the new casino in Anne Arundel County.

Mr. Sinopoli stated that the legislature is considering revisions to the gaming legislation to address a few of these concerns. The average pay for employees is \$30,000 per year plus benefits.

Discussion ensued regarding all the taxes that are paid by Penn National from the casino operation. Mr. Sinopoli stated that staff needs at least twenty-six weeks to determine sustainable income from the gaming operation.

Commissioner Broomell commented on the kiosk stating that she appreciates the cross promotion of Cecil County tourism, but would like to see an area in the casino with take away pamphlets on Cecil County attractions. (as amended 2/15/2011)

Mr. Sinopoli stated that Penn National has spent 4.2 million on road improvements for the casino operation, and officials will wait on the sustainable income figures before moving forward with future development.

Director Thompson stated that the next Local Development Council meeting is scheduled for January 27 at 6:00 p.m. at the Perryville Outlets. He introduced Brandon Freel from Stewart Properties.

Mr. Freel reviewed the project for Chesapeake Overlook, zoning regulations developed through the Town of Perryville for Commercial Entertainment Mixed Use Development, conceptual development program relative to commercial/residential use, proposed architectural designs and pedestrian trail linkage. The company is currently working to secure letters of intent from national retailers to expand the commercial market, and they will seek input on the commercial and retail needs from the local community. Development challenges include the current economic climate and off site road improvements to Route 222. Penn National has completed road improvements for their operation. However, the State Highway Administration (SHA) is taking the position that the Hatem Bridge would need additional lanes if commercial use were expanded at this site. The company is spending approximately \$400,000 on a mandated traffic impact study, and would be required to perform a traffic impact study for every proposed commercial expansion relative to this project. Mr. Freel continued stating that it is frustrating for their company to be prepared to move forward with economic stimulus for the area, and be expected to pay the total cost of all road infrastructure improvements.

Discussion ensued regarding the issues relative to the Route 222 road improvements vs. other improvements done in Harford County, which were funded in part with BRAC funds.

Commissioner Hodge stated that he feels that the County is being asked to pay for the road improvements that are clearly a problem for the State.

Mr. Freel expressed his frustration with the SHA process relative to this project. Commissioner Moore requested that the Board be kept informed of progress.

### **Commissioner Items**

Budget Manager Whiteford reviewed the public hearing presentation for the budget and outlined the key points that would be provided during the meeting.

Commissioner Hodge suggested that the other revenue streams and grant funds that are being cut should also be emphasized in the presentation.

Budget Manager Whiteford stated that he feels the county should anticipate the state would convey a portion of the expense for teacher pensions to local jurisdictions.

Discussion ensued relative to the level of detail provided on the teacher's pension issue. The Board concurred to include the detail to educate the public.

Discussion ensued regarding the time-line and process relative to waiver requests for the maintenance of effort.

Commissioner Broomell stated it was important to have all options on the table. Without knowing what the State will do regarding the teachers' pensions she requested that a waiver be filed for the maintenance of effort. (as amended 2/15/2011)

Weather update – Director Brooks stated that the County is under a winter advisory for 2 to 4 inches of snow. Discussion ensued relative to postponing the public budget meeting due to the weather.

### **Commissioners Comments**

Commissioner Hodge encouraged the Board to attend a public meeting scheduled relative to the Perry Point project for providing housing for the homeless in Cecil County. Perryville Mayor Eberhardt stated that the VA officials are making a presentation to town officials at their town meeting on February 1, 2011. He commented that county staff has participated in the process and been involved in the project.

Director Brooks stated that the VA officials are working with the local jurisdictions. The Board concurred to direct Director Brooks attend the VA meetings relative to this project and relay information to the Board.

Commissioner Hodge recommended participation in the Cecil Leadership program. He commented on the value of attending the MACo winter conference relative the opportunity it provided for networking and educational seminars.

Commissioner Moore stated that as a member of the MACo Board of Directors, she would be updated on the teacher pension and TMDL regulations impact on local jurisdictions.

Commissioner Broomell commented on the rates for recycling, the benefits of the recycling program, and requested another press release be submitted to inform the public on why there is a charge for recycling (as amended 2/15/2011).

Director Flanigan reviewed the process used to educate and inform the public on the recycling program and rates.

The Board concurred to direct Director Flanigan to draft a press release relative to the recycling program when the County votes on the Resolution that would reduce the recycling rate.

Motion was made by Commissioner Moore, seconded by Commissioner Hodge, to adjourn the meeting.

### **Worksession Meeting**

3:30 PM PRESENT: Commissioners Moore, Dunn, Broomell and Hodge; County Administrator Al Wein, Public Works Director Scott Flanigan and staff; Planning and Zoning Director Eric Sennstrom; and Budget Manager Craig Whiteford.

Development Meeting for Multi-year Plan required through the Local Development Council Legislation – The purpose of the meeting is for the Board to discuss the development of the multi-year plan required through the VLT legislation for expenditures of the local impact grants.

Discussion ensued relating to the September 24, 2009 letter that was signed by then Board President Lockhart and Mayor Eberhardt.

The Board concurred to direct Administrator Wein to consult with Counsel Wilson relating to the legal status of the letter, and if it represents a binding decision of the Board.

Commissioner Broomell stated her objection to honor the County's ~~President Lockhart's~~ letter dated 9/24/09 (10), especially since at least two other Commissioners at the time claimed they weren't aware of the letter. (as amended 2/15/2011)

Each Commissioner offered his or her view and priorities for each category of eligible expenditures under the law, i.e. infrastructure improvements, facilities, public safety, sanitation, economic development/community development/housing, and other public services and improvements. The Board concurred that the plan should consist of both operating and capital budget expenses that could supplant available funding in each.

The Board concurred to direct staff to develop the draft plan based on this discussion and input from the Board by February 8, 2011. Another meeting will be scheduled with the Board and staff for further discussion of the plan prior to submittal to the Local Development Council.

### **ADJOURNMENT**

4:45 PM - The meeting was adjourned.

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