

**Board of County Commissioners  
Worksession Minutes  
October 4, 2011**

**PRESENT:** Commissioners Mullin, Moore, Dunn, Broomell and Hodge; County Administrator Wein; Public Works Director Scott Flanigan and staff; Planning and Zoning Director Eric Sennstrom; Parks and Recreation Director Clyde Van Dyke; Emergency Services Director Richard Brooks; Permits and Inspections Director Pat Conway; Budget Manager Craig Whiteford; Executive Office Administrator Vicky Rinkerman; Counsel Norman Wilson; Treasurer Bill Feehley; members of the press, and members of the public.

**NOTE:** Audio recording of this meeting is available on the County website [www.ccgov.org](http://www.ccgov.org).

**September 27, 2011 - Closed Session Meeting – 11:25 AM**

The Board convened in a closed session meeting at their September 27, 2011 worksession meeting at 11:25 a.m. On motion made Commissioner Moore, seconded by Commissioner Dunn, the Board moved to convene in closed session pursuant to the Maryland Annotated Code - State Government 10-508 (a) (1) Personnel Matters (request to fill position – OSA Public Works Development Services, Senior Services and Community Transit Bud Driver); and (8) To consult with staff, consultants, or other individuals about pending or potential litigation (potential litigation associated with Cecil County Correctional Facility addition/renovation project).

Present at closed session: Commissioners Mullin, Moore, Dunn, Broomell and Hodge; County Administrator Wein; Human Resources Director Donna Nichols; Budget Manager Craig Whiteford; Executive Office Administrator Vicky Rinkerman; Counsel Norman Wilson; Construction Manager Scott Pickford and Dana Rampulla from Turner Construction; Major Bernard Foster, and Special Counsel Howard Stevens.

Topics of discussion and action taken (if necessary):

Personnel Matters – part –time Office Services Assistant in the Public Works Developmental Services Division and full-time Bus Driver in Senior Services and Community Transit.

Action: The Board concurred to authorize staff to proceed with filling the positions as presented.

The Board was briefed on potential litigation associated with the Cecil County Correctional Facility project.

Closed session meeting was adjourned at 12:05 p.m.

**OPEN SESSION**

**9:00 a.m.** – President Mullin called the meeting to order.

**Cecil County Watershed Implementation Plan Phase II 2013 Milestones** – Director Flanigan and Development Services Chief Tim Whittie reviewed the proposed milestones for the Watershed Implementation Plan, Phase II. The deadline to forward to the Maryland Department of the Environment is October 14, 2011.

Discussion ensued regarding:

. Suggestion to revise the document to replace commitment with continue to evaluate;

- . Septic system conversion timeline;
- . Proposed regulations for reducing the nitrogen load;
- . Explore funding options for homeowners;
- . Requirements for stormwater management;
- . Land use changes relative to the proposal;
- . Developing options for homeowners;
- . Developing initiatives and incentives for developers to comply with the regulations; and
- . Final approval of the plan

The final draft will be presented for approval at the next worksession on Tuesday, October 11, 2011.

The next meeting of the advisory committee is Wednesday, October 12, 2011 at 2:00 p.m. and there is a public comment session.

County Administrator Wein advised the Board of an error on the worksession agenda. The session relative to open meeting compliance will be held in open session, not closed session as indicated on the agenda.

**Habitat for Humanity – Property Tax Credit – HB558** – County Administrator Wein reviewed the proposed legislation being considered by Harford County.

The Board concurred to authorize County Administrator Wein to proceed with the property tax credit proposal.

**Correspondence from Circuit Court of Cecil County** - County Administrator Wein reviewed the correspondence relative to a request to close the Circuit Courthouse on December 23, 2011 and December 30, 2011 in concurrence with a State executive order mandating the closure of State offices. Staff is recommending that county employees who work for Circuit Court be required to take leave for the mandated closures.

Discussion ensued regarding:

- . Options available to comply with the mandated closures;
- . Costs associated with the mandated closures; and
- . Request for more information relative to available options

The Board concurred to authorize County Administrator Wein to add this item to the next worksession agenda on October 11, 2011.

**Perryville Revenue Sharing Agreement** – President Mullin advised the public that the Board met with Perryville officials relative to finding a resolution to the revenue sharing agreement.

Discussion ensued regarding:

- . Decision on proposed sign for the casino; and
- . Agreement relative to the addition of table games

Board members provided their comments relative to the revenue sharing agreement with the Town of Perryville throughout the discussion.

Counsel Wilson advised the Board that the legislation does not designate or differentiate the type of revenue stream generated by the casino.

Discussion ensued regarding a suggestion relative to adding a clause to the agreement that if the Town of Perryville attempts to request additional legislation through the General Assembly, the agreement with the County would be voided.

On motion made by Commissioner Hodge, seconded by Commissioner Broomell, the Board moved to approve the Perryville Revenue Sharing Agreement with the addition of a provision that if the Town of Perryville seeks legislation through the General Assembly to change the terms or conditions of this agreement; then this agreement would become null and void.

Discussion ensued regarding the proposed provision to the agreement relative to delaying the adoption of the agreement.

Motion failed by a vote of 2 to 3: Mullin - N, Broomell - Y, Moore - N, Dunn - N, Hodge - Y.

On motion made Commissioner Moore, seconded by Commissioner Dunn, the Board moved to approve the Perryville Revenue Sharing Agreement as presented. Motion carried by a vote of 4 to 1: Mullin - Y, Broomell - Y, Moore - Y, Dunn - Y, Hodge - N.

**Conowingo Park Update** – Director Van Dyke advised the Board of the damage to Conowingo Park from the recent storm events and discussion with Exelon officials relative to their regulatory license requirements as it pertains to financial and development support for Phase II of park renovations.

Board members provided comments relative to the draft letter and proposed development of Conowingo Park.

The Board concurred to authorize a revision to the letter indicating that Exelon would lease an additional twenty (+ -) acres to Cecil County for recreational purposes.

**Third Party Electrical Inspections Recommendation from Board of Electrical Examiners** – Director Conway and Ed Harrison, President of the Electrical Board updated the Board on options relative to electrical inspections in the county.

Discussion ensued regarding:

- . Electrical inspections – County inspectors VS. third party;
- . Providing free market competition through third party inspections; and
- . State requirements and standards to perform electrical inspections

Motion was made by Commissioner Dunn to approve third party electrical inspections.

Discussion ensued regarding the need for the Electrical Board to continue work on their recommendations.

Commissioner Dunn withdrew his motion.

The Board concurred to authorize the Board of Electrical Examiners to proceed with further evaluation relating to third party electrical inspections.

**Open Meetings Compliance Board** – Assistant Attorney General Counsel Ann MacNeille reviewed her role relative to providing legal counsel for open meetings compliance. She reviewed the Open Meetings Act and the requirements a government body may use to close a meeting to the public. The determination of proof to close a meeting depends on the content of the discussion during the meeting. One guideline used is to determine if there are valid reasons why the public cannot listen to the discussion. Policy discussions should be done in open session.

Discussion ensued regarding:

- . Case law relative to open meetings;
- . Closing a meeting for budget discussion under administrative function; and
- . Open Meetings Act requirements relative to agendas and public notice

Ms. MacNeille advised the Board that an amendment to the Open Meetings Act provides that live visual and/or audio streaming for meetings may be substituted for meeting minutes. The Open Meetings Act does not address disclosure of closed session discussions to the public; however, it does address the release of closed session minutes to the public.

**Evening meeting agenda review** – County Administrator Wein and staff reviewed the evening meeting agenda.

### **Commissioner Items**

Commissioner Dunn had no comments.

Commissioner Broomell commented on the Conowingo Elementary School rededication ceremony, a request for a letter from Economic Development outlining the impact of the toll increase on commercial industry in the county; and the development of drug awareness forum workshops.

Commissioner Moore commented on the Conowingo Elementary School dedication and the Chesapeake City Conquer the Bridge event.

Commissioner Hodge commented on the employment of Kramer and Connolly. The Board concurred to authorize Counsel Wilson to advise Counsel Kramer that his services were no longer needed.

Discussion ensued regarding proposed recommendations submitted by the Treasurer regarding water fees. Treasurer Feehley advised the Board that the recommendations are no longer relevant due to the sale to Artesian.

Commissioner Mullin commented on the Breast Cancer Awareness Month campaign.

## ADJOURNMENT

11:55 A.M. On motion made by Commissioner Moore, seconded by Commissioner Hodge, the Board moved to adjourn the meeting. Motion carried unanimously.

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