

**Board of County Commissioners  
Worksession Minutes  
September 20, 2011**

**PRESENT:** Commissioners Mullin, Moore, Dunn, Broomell and Hodge; Public Works Director Scott Flanigan and staff; Planning and Zoning Director Eric Sennstrom; Emergency Services Director Richard Brooks; Budget Manager Craig Whiteford; Purchasing Agent Dave Pyle; Executive Office Administrator Vicky Rinkerman; Counsel Norman Wilson; Lisa from the Treasurer's Office; 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 13, 2011 - Closed Session Meeting – 10:05 AM**

The Board convened in a closed session meeting at their September 13, 2011 worksession meeting at 10:05 a.m. Motion was made by Commissioner Dunn, seconded by Commissioner Moore, the Board moved to convene in closed session pursuant to the Maryland Annotated Code – State Government 10-508 (a)(1) To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction, or any other personnel matter that affects one or more specific individuals; and (13) To comply with specific constitutional, statutory, or judicially imposed requirements that prevents public disclosures about a particular proceeding or matter. Motion carried unanimously.

Present at closed session: Commissioners Mullin, Moore, Dunn, Broomell and Hodge; Human Resources Director Donna Nichols; Executive Office Administrator Vicky Rinkerman; and Counsel Norman Wilson.

Topics of discussion and action taken (if necessary):

Personnel Matters – part time Bus Driver in Senior Services and Community Transit; full time Assignment Office Assistant in Circuit Court; and full time Laborer in the Parks and Recreation Department.

Action: The Board concurred to authorize staff to proceed with filling the positions as presented. The Board concurred to authorize Roy Clough as Acting Director of the Economic Development Department.

**Closed Meeting Minutes**

Action: The Board concurred with the changes to the closed session meeting minutes as discussed. The meeting minutes will be corrected and presented for consideration at the September 20, 2011 worksession meeting.

August 9, 2011 Closed Session Meeting – page 4, paragraph 5, remove "she did not finish her sentence"; and

August 16, 2011 Closed Session Meeting 10:22 AM – page 1, last bullet, change September to August; and

August 16, 2011 Closed Session Meeting 4:20 PM – page 1, add to Present: "Moore via conference call" and delete "Absent: Commissioner Moore" and paragraph 4 add to the last sentence, "...and possible contract renegotiation efforts".

August 23, 2011 Closed Session Meeting – no changes.

August 30, 2011 Closed Session Meeting – no changes.

Closed session meeting was adjourned at 10:39 a.m.

## **OPEN SESSION**

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

**Request for Closed Session Meeting** – County Administrator Wein advised the Board that Artesian officials have requested a closed session meeting with the Board after the worksession meeting today.

Discussion ensued regarding the late notice of the request from Artesian for a meeting.

On motion by made Commissioner Moore, seconded by Commissioner Hodge, the Board moved to schedule a closed session meeting after the September 27, 2011 Worksession meeting. Motion carried unanimously.

**2003 and 2004 General Obligation Bond Refunding Proposal** – Financial Advisor Sam Ketterman and Budget Manager Whiteford reviewed the 2003 – 2004 general bond-refunding proposal.

Discussion ensued regarding:

- . Net savings to the County;
- . Term of the bond issuance;
- . Suggestion to combine bond issues;
- . Requirement for bond rating; and
- . Fees associated with a private placement transaction

On motion made by Moore, seconded by Commissioner Hodge, the Board moved to accept the recommendation from Financial Advisor Sam Ketterman on the 2003 – 2004 general bond-refunding proposal as presented. Motion carried unanimously.

**Evening Meeting Agenda Review** – County Administrator Wein reviewed the informational items on the evening meeting agenda.

Budget Manager Whiteford reviewed the Resolution for the FY2012 Volunteer Fire Company Vehicle Replacement Program.

County Administrator Wein reviewed the action items for consideration on the agenda. The Board will consider the appointment of Skip Yust to serve on the Planning Commission.

County Administrator Wein advised the Board that staff recommends postponing a decision on proposed Ordinance 2011-10 Chapter 166 Ethics pending further review by the State Ethics Board. Discussion ensued regarding the disclosure form requirement for volunteers appointed to serve on boards and committees.

Director Flanigan reviewed the Public Works Items on the agenda. He provided the Board information relative to the pending decision on the resolution for wastewater connection fees.

Discussion ensued regarding:

- . Bond transaction relative to the Artesian agreement;
- . Benefit assessments and rates relative to the pump station at Mechanics Valley and Route 40;
- . Basis of the water rate study relative to projected development from BRAC and Bainbridge;
- . Cost allocation relative to the mandated ENR upgrade from the Maryland Department of the Environment;
- . Wastewater enterprise fund relative to connection fees and capital expenditures; and
- . Distinguishing fees between user categories

County Administrator Wein reviewed the proposed bid awards for consideration by the Board on the agenda.

Budget Manager Whiteford reviewed the proposed budget amendments for consideration by the Board on the agenda.

Commissioner Moore advised the Board that she would be abstaining from voting on bid award 12-09 School Based Health Center and the budget amendment for the Local Government Insurance trust grant. She serves on the Board of Directors for Union Hospital and LGIT.

Discussion ensued regarding the procedure for transferring funds at the end of the year.

### **Approval of Meeting Minutes**

On motion made by Commissioner Moore, seconded by Commissioner Hodge the Board moved to approve the meeting minutes as presented. Motion carried unanimously.

**Draft Bid 12-04-55015 Church Point Road Pump Station** – Director Flanigan reviewed the draft bid for the Board.

The Board concurred to authorize the Public Works Department to proceed with advertising Bid 12-04.55015.

**Draft Bid 12-04 Fuels** – Purchasing Agent Dave Pyle reviewed the draft bid for the Board.

The Board concurred to authorize the Purchasing Department to proceed with advertising Bid 12-04 Fuels.

**Port Deposit Flood Related Refuse/Landfill Tipping Fees** – County Administrator Wein reviewed the request relative to waiving the landfill tipping fees for the Town of Port Deposit from the recent flood event.

Discussion ensued regarding:

- . Possible reimbursable expenses for flood clean up through FEMA; and
- . Landfill tipping fee policy

The Board concurred to authorize County Administrator Wein to proceed with contacting Port Deposit officials relative to the landfill tipping fee policy.

Director Brooks advised the Board that there were two events that occurred, Hurricane Irene and Tropical Storm Lee, which need to be separated for purposes of reimbursement through FEMA. There were commercial dumpsters placed throughout the Town of Port Deposit after the flood for the residents to use for clean up. The mud that was removed was transported to the landfill and a local contractor. He advised the Board that the County must meet the established threshold to request reimbursement from FEMA for the flood event. The waiver of the landfill tipping fees would be considered a reimbursable expense.

**Artesian Closing and Transfer of Water/Wastewater Assets – next steps** – County Administrator Wein reviewed the next steps necessary to close and transfer the assets to Artesian, specifically regarding choosing bond counsel services for the Meadowview bond refinancing transfer to meet the 90 to 120 day deadline for closing. Counsel John Stouffer from the law firm of Miles and Stockbridge was providing bond counsel services for this transaction.

Mr. Ketterman advised the Board that the bond refinancing documents could be completed within 30 days; however, the legislative process and public hearings would take longer to execute.

Discussion ensued regarding:

- . Request for additional time to meet with Counsel Irwin Kramer before proceeding with bond refinancing;
- . Potential timeline for executing the paperwork for the bond refinancing; and
- . Proposed meeting with Artesian officials

The Board concurred to authorize County Administrator Wein to schedule a meeting with Counsel Irwin Kramer. The Board concurred to authorize Mr. Ketterman to contact the law firm of Miles and Stockbridge to proceed with the bond refinancing.

**Road Code Waiver Process** – Director Flanigan advised the Board that he is not recommending a change in the current policy. The Public Works Department has the authority to approve a road code variance and Circuit Court has the authority to decide on an appeal of a variance decision. There has been a request to change the process that road code variances would be appealed to the Board of County Commissioners.

Director Flanigan recommended that the Board consider appointing a Road Code Variance Appeal Board based on their professional qualifications to interpret the Road Code and review an appeal of a Public Works decision. This Board would be modeled after a similar appointed Board that operates in the Department of Permits and Inspections.

Commissioner Broomell commented on her decision to proceed with seeking a change to the current Road Code appeal process.

On motion made by Commissioner Broomell, seconded by Commissioner Dunn, the Board moved to revise the Road Code appeal process that all Road Code variance appeals would be heard and decided by the Board of County Commissioners.

Discussion ensued regarding:

- . Request for additional information relative to appointing a Road Code Variance Appeal Board;

- . A previous decision made on a road code variance relative to a specific development; and
- . Circuit Court appeal process vs. Board of County Commissioners appeal process

Motion was made by Commissioner Broomell to table her motion. Motion was seconded by Commissioner Dunn. Motion carried unanimously to table the motion.

**Draft Correspondence relating to conditional approval of transfer of lot to Habitat for Humanity** – County Administrator Wein reviewed for the Board the draft correspondence relative to the Habitat for Humanity project for a lot located at 253 Sycamore Road in Meadowview.

Discussion ensued regarding:

- . Drainage swale on the parcel;
- . Ownership of the lot relative to the Artesian agreement;
- . Assessed value of the lot;
- . Lot was part of the Meadowview system for a potential well site; and
- . Potential liability if County gives the lot away for the proposed project

The Board concurred to delay a decision on the letter of support for the Habitat for Humanity project until Artesian officials respond.

**County Administrator Wein reviewed the proposed letter of support for the Fall 2011 application of Stony Run II from Delaware Valley Development Company** – County Administrator Wein reviewed the proposed letter of support for the Stony Run II development.

Discussion ensued regarding:

- . Proposed road frontage on Route 40 for the project;
- . Engineering for wetlands on the property;
- . Request for waiver of building permit fees; and
- . Proposed service providers at the community center

The Board concurred to authorize President Mullin sign the letter of support for the project.

**Revised Plan Maryland Initiative** – Director Sennstrom advised the Board that the revisions to the document have not changed the concerns relative to the process and control of land issues at the local level. The recommendation from the Planning and Zoning department is for the Board to deny support for the initiative.

Discussion ensued regarding:

- . Absence of Bainbridge property in the plan;

- . MACo request for comments on the revised plan;
- . Resolution relative to requesting an extension on the deadline;
- . Suggestion to contact MACo relative to serving as a clearinghouse for gathering and disseminating information from local jurisdictions;
- . Impact of PlanMaryland on the county; and
- . Coordinating efforts through local municipalities and MML

**FY 2012 Transportation Priorities Letter** – Director Sennstrom advised the Board that the county received comments from two municipalities, which have been provided with the priorities letter.

The Board concurred to authorize the Planning and Zoning Department to attach the town letters as an addendum to the document and proceed with sending.

**2012 Legislative Requests** – County Administrator Wein reviewed for the Board the 2012 Legislative Requests.

The Board concurred to authorize County Administrator Wein to add a sentence that other legislative requests may be forwarded later and to proceed with sending the letter to the delegation.

### **Commissioner Items**

Commissioner Dunn had no comments.

Commissioner Broomell commented on the Drug Awareness Forum on Thursday, September 22, 2011 at Cecil College, congratulated Lt. Mary McClellan in DES for ENSB State Telecommunicator of the Year award; Perryville Fire Company banquet; Cecil College Scholarship Award breakfast, update on Brownfield meeting and available grants; Exelon Recreation Plan Development meeting, and the Alcohol and Drug Council meeting.

Commissioner Moore commented on the Indonesian Cultural Event at the Elkton Station and a local person who is the champion on Jeopardy.

Commissioner Hodge commented on the end of the BRAC initiative and upcoming seminar on Beyond BRAC What's Next?

Commissioner Mullin advised the Board of the promotion for Breast Cancer Awareness Month in Cecil County.

### **CLOSED SESSION**

**11:45 A.M.**

On motion made by Commissioner Broomell, seconded by Commissioner Dunn, the Board moved to convene in closed session pursuant to the Annotated Code of Maryland, State Government, (1) To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or

performance evaluation of appointees, employees, or officials over whom it has jurisdiction, or any other personnel matter that affects one or more specific individuals. Motion carried unanimously.

The Board convened in closed session.

**ADJOURNMENT CLOSED SESSION**

**12:05 P.M.** On motion by Commissioner Broomell, seconded by Commissioner Dunn, the Board voted unanimously to adjourn the closed session meeting.

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