

Board of County Commissioners
Worksession Minutes
July 10, 2012

PRESENT: Commissioners Mullin, Broomell, Moore, Dunn, and Hodge, County Administrator Alfred Wein, Planning and Zoning Director Eric Sennstrom, Human Resources Director Donna Nichols, Public Works Director Scott Flanigan and staff, Economic Development Director Lisa Webb, Budget Manager Craig Whiteford, Executive Office Administrator Vicky Rinkerman, Administrative Assistant Katie Piazza, County Attorney Norman Wilson, Treasurer Bill Feehley, members of the press, and members of the public.

OPEN SESSION – Elk Room

9:03 a.m. – President Mullin called the meeting to order.

NOTE: Audio recording of this meeting is available on the County website www.ccgov.org.

Closed Session

The Board convened in closed session on July 3, 2012 at 10:25 a.m. On motion made by Commissioner Moore, seconded by Vice President Broomell, the Board moved to convene in closed session pursuant to Maryland Annotated Code State Government 10-508(a) (1) (ii) To review and discuss applications for appointment to various Boards and Commissions, and to discuss Administrative Assistant position approved in FY13 budget in Commissioner's office; Board, staff, county attorney. Motion carried unanimously.

Present at Closed Session: Commissioners Mullin, Broomell, Moore, Dunn, and Hodge, County Administrator Al Wein, Human Resources Director Donna Nichols, Budget Manager Craig Whiteford, and Administrative Assistant Katie Piazza.

Topics of discussion and action taken (if necessary):

Members of the Board discussed the proposed list of names submitted for consideration for appointment to the Ethics Commission, the Liquor Board, Economic Development Commission, Agricultural Land Preservation Advisory Board, Planning Commission and Board of Appeals.

The Board agreed to review applications submitted for appointment to the Planning Commission, Board of Appeals and Agricultural Land Preservation Advisory Board at the next closed session meeting on July 10, 2012.

The Board discussed the Administrative Assistant position in the Commissioners' Office that was allocated in the FY 2013 budget.

On a motion made by Commissioner Hodge, the Board moved to consider continuing the current part time Office Services Specialist position until January 1, 2013 when Charter Government commences. Motion died for lack of a second.

On a motion made by Vice President Broomell, seconded by Commissioner Moore, the Board moved to reclassify the part time Office Services Specialist position to a full time Administrative Assistant position with a six-month probationary period.

Members of the Board commented on the position reclassification.

Vote: Mullin—Y, Broomell—Y, Dunn—Y, Moore—Y, Hodge—Abstained. Motion carried 4-1 to reclassify the part time Office Services Assistant position to a full time Administrative Assistant position.

The closed meeting was adjourned at 11:52 a.m.

Approval of Minutes

On motion made by Commissioner Moore, seconded by Commissioner Dunn, the Board moved to approve the minutes of the July 3, 2012 Worksession meeting with a change to page 2, paragraph 5, "Grabhill" change to "Crabill"; and page 5, paragraph 7, change "seconded by unanimous" to "seconded by Commissioner Dunn" Motion carried unanimously.

On motion made by Vice President Broomell, seconded by Commissioner Moore, the Board moved to approve the minutes of the July 3, 2012 Closed Session meeting. Motion carried unanimously.

Request to Fill Positions

Director Nichols reviewed the following requests to fill positions:

State's Attorney Office for a grant funded Victim Witness Advocate position.

Steve Trostle, Assistant State's Attorney, advised the Board of the justification for the position and the terms of the Maryland Victims of Crime Grant.

The Board discussed the following:

- Benefits for this position;
- Other statutory obligations that need to be filled; and
- Making the contractual agreement for one (1) year instead of three (3) years

The Board agreed to authorize the Human Resources department to advertise and fill the position as presented.

Department of Parks and Recreation for a budgeted Manager of Park Operations position;

Members of the Board stated their comments and/or concerns for the Manager of Operations position.

The Board discussed the following:

- Reasons for the requested position and funding;
- Duties and responsibilities of the position; and
- Forwarding the position request to the Board of Parks and Recreation for their comments

Members of the Board agreed to forward the request for this position to the Board of Parks and Recreation for comment.

Video Lottery Terminal Community Grant Award Recommendations

Commissioner Moore requested that the Board table this decision until they have an opportunity to meet with Executive Office Administrator Rinkerman to discuss the grant recommendations.

Commissioner Hodge requested a list of all the grant applications that indicates how the grants that were denied were prioritized.

The Board discussed the following:

- Scheduling a meeting with the Maryland Department of Mental Hygiene;
- Taxes the state collects from the Perryville Casino for gambling prevention; and
- Allocating local funds for a gambling prevention program

The Board agreed to table a decision and authorized staff to schedule a meeting to discuss the grant recommendations in more detail.

Watershed Implementation Plan (WIP) Advisory Committee Recommendation Letter Regarding Revisions to COMAR 26.04.02

Director Flanigan advised the Board that Van Funk, Acting Chief of the Development Services Division and Chief of the Sediment and Stormwater Branch of Development Services in the Public Works Department has assumed the role of project manager for the WIP. The WIP Advisory Committee was appointed to advise the Board on the development and implementation of the WIP.

Director Flanigan reviewed the following points of interest in the proposed WIP:

- Estimated cost of nutrient reduction was based on existing development;
- Impact of additional development on the nutrient levels;
- Accounting for growth in the WIP and associated costs for nutrient reduction;
- Local options for accounting for growth in the county;
- Proposed state regulations under review would change the regulations to expand the circumstances to use "best available technology" (BAT) septic technology, which may partially account for growth;
- Members of the WIP Ad Committee voted to recommend support for expansion of BAT use in state regulations; and
- Deadline for submitting recommendations to the state is July 16, 2012

Members of the Board discussed the following:

- Concern with the county supporting the recommendations;
- State Septic System Task Force recommended septic denitrification systems, which was not included in SB236 legislation;
- Studies indicate much of the pollution in the Bay comes from New York and Pennsylvania;
- County should continue controlling septic system issues, not the state;
- Problem with the state process for approving these regulations;
- Additional cost of denitrification systems for septic systems;

- Negative consequences of mandating denitrification system has not been studied;
- Information provided does not indicate that septic systems are the major cause of pollution in the Bay;
- Locations of septic systems in proximity to watersheds changes the impact of the pollution;
- Anticipation that future BAT septic technology will be cheaper and more effective than decreasing nitrogen by 50 percent;
- Consider updating old septic systems in water front communities where the use of the property has changed since the homes were built;
- Cost associated with implementing these regulations is not county funded, state may have some funding available from the Bay Restoration Fund;
- Installing a BAT septic system would be required for new construction and upgrades to existing systems;
- MDE has a list of approved denitrification systems;
- Suggestion to advise the state that the "one size fits all" approach will not work for Cecil County; however, county would consider updating septic systems in those communities closest to water resources;
- Anticipate state and possibly federal government will impose regulations on those counties not moving to address nitrogen issues;
- Limited choices of BAT septic technology;
- Aggressive timeline from the state for nitrogen reduction;
- Consider embracing the WIP and attempt to stay ahead of regulations, as opposed to waiting for more regulatory mandates; and
- State is going to require local jurisdictions to do a wide variety of system improvements that may include extending public wastewater systems and/or installing public septic systems in water communities

On motion made by Vice President Broomell, seconded by Commissioner Moore, the Board moved to not send the letter of recommendations from the WIP Advisory Committee to the state.

Members of the Board provided their comments relative to sending the letter.

VOTE: Mullin – Y, Broomell – Y, Moore – Y, Dunn – Y, Hodge – Y. Motion carried unanimously.

Members of the Board discussed the following:

- Lack of information on the impact of the proposed regulations;
- Process used to enforce regulations; as opposed to using legislation;
- Suggestion for an internal (county) cost analysis of impact of the proposed regulations;
- Suggestion to send a letter in opposition to the proposed regulations and the process; and
- State Legislative Services Office will provide a cost analysis

On motion made by Commissioner Moore, seconded by Commissioner Hodge, the Board moved to send a letter in opposition to the regulations that states concern with the process of mandating changes through regulations as opposed to legislation, cost analysis is needed on the impact of the regulations, and further evaluation is needed on the proposed regulations. VOTE: Mullin – Y, Broomell – Y, Moore – Y, Dunn – Y, Hodge – Y. Motion carried unanimously.

Draft Bid #13-08-52031 Mill Lane Bridge Removal (Scotchman's Creek) and Road Stabilization

Director Flanigan reviewed draft bid #13-08-52031 for Mill Lane Bridge removal (Scotchman's Creek) and road stabilization.

Members of the Board provided their comments relative to the draft bid.

Member of the Board discussed:

- anticipated consent order with Maryland Department of the Environment;
- On the Step Pool Project at the Cecil County Landfill;
- The intention and benefits for approving this bid;
- Consideration to defer a contract award until an agreement with MDE is finalized; and
- Consideration by the Board to permit Department to move forward with the draft bid

The Board agreed to approve draft bid #13-08-52031 for Mill Lane Bridge removal (Scotchman's Creek) and road stabilization.

Commissioner Items

Commissioner Dunn had no comments.

Vice President Broomell commented on the Third Annual Cecil County Wade In event, the Chesapeake Bay Foundation, and the County's local WIP Programs.

Commissioner Moore commented on the Minahasa event.

Commissioner Hodge commented on the Minahasa event, and encouraged the public to attend the Cecil County Fair on July 27, 2012 at 6:00 p.m. to support the 4-H live stock auction.

President Mullin commented on the Third Annual Cecil County Wade In and the Minahasa event.

CLOSED SESSION

10:40 AM

On motion made by Commissioner Moore, seconded by Commissioner Dunn, the Board moved to convene in closed session Pursuant to Maryland Annotated Code State Government 10-508(a) (1)(ii) To review and discuss appointments to Planning Commission, Board of Appeals, and Agricultural Land Preservation Advisory Board; Board, staff, county attorney. Motion carried unanimously.

ADJOURNMENT CLOSED SESSION

11:20 AM

On motion made by Commissioner Moore, seconded by Vice President Broomell, the Board moved to adjourn the closed session meeting. The meeting was adjourned.

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