

**Board of County Commissioners
Worksession Minutes
January 18, 2011**

PRESENT: Commissioners Mullin, 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, Permits and Inspections Director Pat Conway, Parks and Recreation Director Clyde Van Dyke; Budget Manager Craig Whiteford; Executive Office Administrator Vicky Rinkerman; Council Norman Wilson arrived at 10:30 a.m.; Bainbridge Development Corporation Chair Nelson Bolender and Executive Director Donna Tapley; Bill Kilby from Cecil Land Trust, members of the press, and members of the public.

OPEN SESSION

9:05 a.m. – President Mullin called the meeting to order.

Evening Agenda Review

County Administrator Wein reviewed the evening meeting agenda. He stated that Treasurer Feehley would be presenting his first Treasurer's report. A public hearing is scheduled for Ordinance 2011-04 A277 Personnel Policies and Procedures Manual Section 3. County Sheriff's Office and Section 4. Division of Emergency Services – Collective Bargaining. Counsel Steve Silvestri will attend the meeting.

Director Nichols reviewed the introductory item relative to amendments to the Cecil County Pension Plan for Public Safety to revise the language and bring in up to date and in compliance with Federal regulations.

County Administrator Wein stated that the Board will consider the amendment to Ordinance 2011-01 to postpone the implementation date for the automatic sprinkler requirement. The Board will also consider the appointment of Bruce Yerkes to the Cecil Soil Conservation Board.

Director Flanigan reviewed the Public Works action items on the agenda for consideration by the Board regarding amendments to the recycling program and the backup generator for the septage acceptance station generator. He provided the Board an analysis of options available relative to this request, and staff recommended award of the contract as presented.

Discussion ensued regarding current back up power to the scale house. Commissioner Hodge commended Director Flanigan for his work to bring the Public Works divisions up to current regulations; however, one factor that needs to be determined is who pays for upgrades.

Wastewater Chief Jeff Coale stated that once the county is operating under the ENR upgrade, the option of sending septage contractors to the Seneca Point treatment plant would be prohibited. They have lost power at the septage station an average of three times per year.

Director Flanigan stated that this back up generator is to ensure power is provided in the event of a weather disaster, i.e. hurricane, severe storms, etc

Discussion ensued relative to the potential loss of revenue if the station is inoperable and an inconvenience for haulers and customers.

President Mullin stated that the Board would discuss this proposal further during the next meeting regarding the wastewater rates.

Director Flanigan reviewed the introduction of the resolutions for truck restrictions on Colora Road and on the county portion of Cedar Corner Road in Perryville. The Town of Perryville recently passed a resolution for truck restrictions on their portion of Cedar Corner Road. County staff would work with the State Highway Administration to install signs relative to the restrictions if they are approved by the Board.

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

Cecil Land Trust

Bill Kilby stated that the Board received a copy of Cecil Land Trust projects that have been executed in partnership with the County to preserve land. He reviewed the data from a survey of counties relative to agricultural industries. He encouraged the Board to continue funding the agricultural preservation program and suggested that the County and Cecil Land Trust work together to co-fund several preservation projects. Conservation easements usually buffer streams, which could assist the County with meeting TMDL regulations. Referring to a map of the County, he reviewed the Rural Legacy Priority Properties. He asked that the Board support the preservation efforts of the Cecil Land Trust.

President Mullin stated that he feels that the County is in a good position to move forward with agricultural preservation projects and economic agricultural projects.

Mr. Kilby requested support for a grant to produce a web-based video for Cecil County to promote tourism and agriculture based enterprises.

The Board concurred to support the web based video project in partnership with the Cecil Land Trust.

Bainbridge Development Corporation (BDC) Informational Briefing

BDC Chair Nelson Bolender thanked the Board for the opportunity to update the members on the BDC along with BDC Executive Director Donna Tapley and Economic Development Director Thompson.

Executive Director Tapley reviewed the BDC structure and purpose of the organization. She reviewed the current Master Development agreement and Bainbridge design and development proposal relative to traffic studies, environmental assessments, and permitting process. The Federal land transfer included stabilizing the granite structures from the Tome School that are located on the Bainbridge site. The BDC issued a Notice to Cure to MTPM for breach of contract relative to seeking a resolution to the water and wastewater infrastructure for Bainbridge. The Master Development Agreement requires private and public partnership and environmental remediation through the Department of the Navy (Navy) to proceed with this development. The Environmental Protection Agency and Navy used a risk assessment tool to determine that the property was transferrable to the BDC. Through soil samples, the Maryland Department of the Environment has determined that there are contaminated areas throughout the entire property, which has led them to make the decision that the site is unsuitable for commercial or residential development until environmental remediation is implemented. The Bainbridge site did not go through the standard Federal property transfer process. The developers have stated that they do not intend to proceed until this issue is resolved. The stabilization contract with Paul Risk Associates for the granite buildings states that if the development of the property does not move forward, they would be reimbursed for their expenditures. The anticipated cost for the environmental remediation plan is approximately \$500,000 and remediation is estimated to be in the \$10 million

range. Proposed strategies include an extension of the Notice to Cure, which would provide time for the BDC to evaluate the remediation process, require MTPM to implement a water and wastewater solution with the County, initiate an RFP process for the granite buildings/Tome School, and evaluate other funding options for the project. The final determination on the environmental condition of the site would impact the final outcome for the development project.

Chair Bolender stated that United States Senator Cardin has offered his assistance with the environmental remediation process.

Discussion ensued regarding proposed annexation of the Granite Cliffs development into Port Deposit and wastewater capacity relative to the development of Bainbridge.

Director Sennstrom stated that the Granite Cliff developers are in the process of submitting an application to the Board of Appeals for a proposed mixed-use development. The Town of Port Deposit has not initiated annexation of the Granite Cliffs property.

County Administrator Wein stated that there is private water and public sewer available to the site without annexation.

Executive Director Tapley stated that the BDC is in the early stages of negotiations with the Federal government for environmental remediation on this site. She requested assistance and support from the Board during negotiations with Federal and Port Deposit government officials and developers.

Commissioner Broomell stated that she feels the updated strategy process should be transparent and ensure that development is in the best interest of the County.

Draft bids 11-27-53640 replacement of Bridge on Rowland Road over Basin Run

Director Flanigan reviewed the bid. The Board concurred to authorize the Department of Public Works to advertise the bid as presented.

Draft bid 11-26 Lead Acid Battery Recycling

Director Flanigan reviewed the bid. Discussion ensued relative to the inclusion of a base price for recycling batteries.

The Board concurred to authorize the Department of Public Works to advertise the bid as presented.

Draft bid 11-30 Scrap Metal (white goods, refrigerant unit recycling)

Director Flanigan reviewed the bid. The Board concurred to authorize to authorize the Department of Public Works to advertise the bid as presented.

Commissioner Items

Commissioner Dunn stated that he feels the Roads Department staff did a good job during the snowstorm. He requested more information from Public Works staff relative to responsibility for snow removal on a section of Colonial Way in Rising Sun.

Commissioner Hodge stated that Elk Park was open and snow was not plowed from the parking areas. He advised that he witnessed vehicles driving all over the park area.

Director Van Dyke stated that there is no park use supervision during the winter months and citizens have requested that the Elk Park remain open during the winter months. He recommended closing the park for January and February due to supervision and snow removal issues. Parks and Recreation staff and resources are assigned to indoor facilities during the winter months to ensure they remain open.

On motion made by Commissioner Moore, seconded by Commissioner Broomell, the Board voted unanimously to close Elk River Park and Stemmers Run Park for the months of January and February with appropriate signage installed notifying the public that the parks are closed.

Commissioner Hodge suggested that the County reinstate the cost saving suggestion program for employees and open it to the public.

Director Nichols stated that individuals were required to register to use the previous site.

Commissioner Moore stated that she felt employees were hesitant to participate because it was not anonymous. She requested that this be discussed during the department head meeting with staff.

Commissioner Broomell stated that she feels the Board should consider appointing a public budget advisory committee similar to Harford County. She recommended that individuals with a business or financial background be considered for appointment to the committee.

Commissioner Hodge stated that he spoke with Queen Anne's County officials who have initiated a similar group to assist them with seeking cost-cutting measures. A committee representative should be present at all budget hearings. Commissioner Hodge and Commissioner Broomell concurred to work together on the public budget committee proposal for further review by the Board.

President Mullin stated that the Local Development Council is meeting at the same time as the Commissioners volunteer recognition event, and he asked that the Board decide on attendance for both events. He advised the Board that past Charter Board chair, Joyce Bowsbey would be scheduled for a worksession meeting to discuss the adopted Charter for Cecil County.

11:20 a.m.

CLOSED SESSION

On motion made by Commissioner Dunn, seconded by Commissioner Moore, the Board voted unanimously to adjourn to 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 (7) to consult with counsel to obtain legal advice on a legal matter.

The Board adjourned to closed session.

OPEN SESSION

2:40 p.m.

PRESENT: Commissioners Mullin, Moore, Dunn, Broomell and Hodge; County Administrator Al Wein, Public Works Director Scott Flanigan and staff, County Administrator Wein; Budget Manager Whiteford, and Executive Office Administrator Vicky Rinkerman.

RFP 11-07 55043 Design, Purchase and Installation of Septage Acceptance Station Generator continued discussion – Director Flanigan stated that in order to pay for the cost of the generator, the septage rate fee would need to be increased approximately \$2.50 per pump out. The bid reflects the "guaranteed maximum price" for the cost of the generator.

The Board will consider RFP 11-07 at the evening meeting and staff is recommending award of the bid as presented.

Wastewater Rate Study Discussion

Director Flanigan stated that this discussion is relative to providing additional information regarding the wastewater rate study. He reviewed the septage dumping fees charged in other jurisdictions within a twenty-mile radius of the county. The rates vary depending on numerous factors that would require more investigation.

Discussion ensued regarding the County's policy on accepting and recycling grease relative to it being mingled with septage and the problems that occur from this situation with sanitary sewer overflow. Department staff is working with Health Department officials to address the grease trap policy and inspections of the commercial business operations.

Director Flanigan stated that the capital cost for the septage acceptance station infrastructure has not been factored into the dumping rate fee. The septage major facilities fee is anticipated to raise the revenue to pay for the septage infrastructure; however, if this were not approved, the current septage rate of \$10 per ton would need to be increased to approximately \$17 per ton. The septage major facilities fee would be part of the building permit process for new construction not serviced by public facilities. By default, the cost of the acceptance station is currently being supported by the sewer user fees.

Budget Manager Whiteford stated that there is estimated capital funding expenditures in the five-year budget plan, which is reflected in the model used for the rate estimates.

Director Flanigan stated the Seneca Point project has been broken down into two segments, one to upgrade the plant to ENR processing standards and the other is to expand plant capacity. The expansion is being deterred; however, the upgrade to ENR standards is in the permit with a 2014 deadline for compliance. County officials anticipate some funding from the Bay Restoration project.

Deputy Director Hollenbaugh reviewed the major facilities fee and septage acceptance program from Sacco County in Maine. County Administrator Wein stated that the Board has authority to adopt the rate fees as per the County Code.

Director Flanigan stated that the next step is the public hearing process, and he feels that several of the decisions could be made at this time. Discussion ensued regarding a decision timeline and how it would impact future capital projects.

Deputy Director Hollenbaugh reviewed the sewer rates and major facility fees of surrounding jurisdictions. Chief Tim Whittie reviewed options relative to rates for commercial development.

The Board concurred to review the list provided by the department and schedule another meeting as soon as possible to decide on options the Board would consider for action.

ADJOURNMENT

4:00 p.m. – The meeting was adjourned.

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