

Board of County Commissioners
Worksession Minutes
August 30, 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; Economic Development Director Vernon Thompson; Parks and Recreation Director Clyde Van Dyke; 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.

August 23, 2011 - Closed Session Meeting - 10:02 AM

The Board convened in a closed session meeting at their August 23, 2011 worksession meeting at 10:02 a.m. Motion was made by Commissioner Dunn, seconded by Commissioner Broomell and carried by unanimous vote 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; (7) to consult with counsel to obtain legal advice on a legal matter; and (10) To discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including (i) the deployment of fire and police services and staff, and (ii) the development and implementation of emergency plans.

Present at closed session: Commissioners Mullin, Moore, Dunn, Broomell and Hodge; County Administrator Al Wein; Emergency Services Director Richard Brooks and staff; Budget Manager Craig Whiteford; Executive Office Administrator Vicky Rinkerman; and County Counsel H. Norman Wilson.

Topics of discussion and action (if necessary):

Personnel matters for request to fill positions

Action: The Board concurred to authorize the Human Resources Department to proceed with advertising and filling the positions as presented. (Operator 1 at the Landfill; Law enforcement position in the Sheriff's Office and Coordinator of Family Violence Programs)

County emergency medical services (EMS) matters

Action: The Board concurred to authorize Director Brooks to discuss and seek comments and suggestions on the ambulance proposal with officials from the volunteer fire companies.

Artesian water and wastewater legal matters

Action: The Board concurred to authorize County Administrator Wein contact Artesian officials and invite them to the worksession meeting on September 6, 2011.

Action: The Board concurred to change the language in the draft letter to reflect the termination of services provided by Counsel Larry Haislip and not the law firm of Miles and Stockbridge relative to the Elkton West project.

Action: The Board concurred to consider hiring special counsel for legal services relative to the Elkton West agreements and contracts at the next worksession meeting. Commissioner Broomell will define the scope of work for special counsel. The Board directed County Administrator Wein to place this item on the August 30, 2011 worksession agenda.

Action: On motion made by Commissioner Moore, seconded by Commissioner Hodge, the Board moved to authorize Counsel Larry Haislip to continue with the rough draft of the non-exclusive franchise agreement for Artesian for the North East area. Motion carried by a vote of 3 to 2 - Mullin - Y, Broomell - N, Moore - Y, Dunn - N, Hodge - Y.

Closed session meeting adjourned at 1:22 p.m.

OPEN SESSION

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

Habitat for Humanity – County Administrator Wein advised the Board that Joann Blewett was delayed due to travel and the meeting would be rescheduled for a future worksession.

Update on Hurricane Irene – Director Brooks and Director Flanigan reviewed the County's collaborative emergency response for hurricane Irene.

The Board conveyed their appreciation for the response of staff to assist citizens before, during and after the storm.

Discussion ensued regarding:

- . Volunteer involvement in an emergency response;
- . Early closure of the solid waste facilities;
- . Current road closures due to down trees and wires from the storm; and
- . Report on stolen road signs during the storm

Proposed Park Land Regulations, Chapter 57-13 – County Administrator Wein advised the Board of an opinion from the Attorney General relative to the county adopting parkland regulations locally through the Board of County Commissioners.

Director Van Dyke reviewed the proposed draft of parkland regulations.

Discussion ensued regarding:

- . Proposed use of separate citation forms for park land violations; and
- . Review of proposed revisions by the Parks and Recreation Board

The Board directed Director Van Dyke to forward comments from the Parks and Recreation Board and Sheriff Janney to the Board for review.

Elk River Dredging Contract Award RFQ 12-02 – Director Van Dyke reviewed the contract award relative to the Elk River Dredging project.

On motion made by Commissioner Moore, seconded by Commissioner Hodge, the Board moved to award the Elk River Dredging contract to Southern Maryland Dredging.

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

Chesapeake Science and Security Corridor Memorandum of Understanding (MOU) – Director Thompson reviewed the objectives of the Chesapeake Science and Security Corridor and the Memorandum of Understanding.

Discussion ensued regarding:

- . Defense budget funding for the work being performed by the Chesapeake Science and Security Corridor;
- . Regional planning organization for the North East and I95 corridor;
- . Anticipated development patterns from the BRAC initiative;
- . Effect of the current economy and housing market conditions on development; and
- . Marketing brand relative to this organization

The Board concurred to authorize President Mullin to sign the memorandum of understanding for the Chesapeake Science and Security Corridor.

Draft Bid No 12-12 Painting of various bridges in Cecil County – Director Flanigan reviewed the draft bid for painting of various bridges in the county.

Discussion ensued regarding:

- . Structure of the bid proposal for all bridge painting projects with award to one contractor to achieve economy of scale;
- . Staff requirements for administrative management relative to multiple painting contracts;
- . Minimum qualifications that all contractors must meet, i.e. lead paint abatement, pre-bid meetings, etc;
- . Lack of local contractors who perform this type of bridge work; and
- . Proposal to structure bid contract to allow each bridge project to be priced individually

On motion made by Commissioner Moore, the Board moved to authorize Public Works staff to proceed with advertising bid 12-12.

Commissioner Moore withdrew her motion.

The Board concurred to authorize Public Works staff to proceed with advertising Bid 12-12 Painting of Various Bridges in Cecil County.

Hiring of Special Counsel relating to Elkton West Franchise Agreements, Asset Purchase Agreements, and Sale of Assets

On motion made by Commissioner Broomell, seconded by Commissioner Dunn, the Board moved to retain the law firm of Krammer and Connolly and the scope of work would be limited to review of contracts, the joint application agreement, which includes the water and wastewater franchise agreements, first amendment to the franchise agreement and the asset purchase agreement, the notice of breach of contract, possible renegotiation of certain terms of the contract relating to nutrient credits, purchase and buy back clause of the wastewater facilities, and/or timeline for the implementation of the wastewater infrastructure on the Route 40 corridor.

Discussion ensued regarding:

- . Expertise of law firm of Miles and Stockbridge to complete and execute the contracts and agreements;
- . Concerns for special counsel to perform due diligence to ensure the contracts/agreements are in the best interest of the County;
- . Concern with wasting tax payer money relative to hiring special counsel to review the Elkton West agreements/contracts;
- . Concerns with the county honoring contracts and agreements;
- . Concerns relative to addressing issues within the contract and agreement;
- . Concerns relative to the county process for choosing special counsel for legal services;
- . Scope of work relative to the qualifications of the law firm of Krammer and Connolly;
- . Renegotiation of wastewater terms in the agreement; and
- . Bonding process relative to the project

Commissioner Broomell chose not to provide a dollar limit in her motion for the scope of work.

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

Road Code Variance Process and Other Road Code Related Matters – The current appeal procedure in the Road Code provides that any party aggrieved by a decision of the Public Works staff must appeal and appear in Circuit Court.

Commissioner Broomell recommended that the Board consider revising the Road Code to permit the Board of County Commissioners to review an appeal of a road code waiver.

Discussion ensued regarding:

- . Current road code implementation and previous variances approved;
- . Request for more detail relative to problems with road code variances;

- . Reasons why the Road Code was revised to send appeals to Circuit Court vs. Board of County Commissioners;
- . Explanation of factors used to determine "exceptional circumstance" as provided in the Road Code;
- . Process used relative to developers acquiring right-of-ways for road improvements;
- . Process for approving Road Code variances on a case-by-case basis;
- . Staff reported the following number of Road Code variances that have been granted: 16 in 2006; 9 in 2007; 2 in 2008; 0 in 2009; 2 in 2010 and 0 in 2011; and
- . Concerns relative to road safety issues

The Board concurred to review the Road Code waiver process for further discussion at a future worksession.

Commissioner Items

Commissioner Dunn commented on the emergency response to the recent storm.

Commissioner Broomell commented on the emergency response to the recent storm and provided the email notification website address for the public.

Commissioner Moore commented on representing the county on the LGIT Board of Directors.

Commissioner Hodge commented on the emergency response to the recent storm.

Commissioner Mullin commented on the MACo conference relative to a letter of support to extend the deadline for PlanMaryland.

The Board concurred to authorize President Mullin to provide a letter of support and resolution for PlanMaryland.

CLOSED SESSION

11:25 AM On motion 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; (2) to protect the privacy or reputation of individuals with respect to a matter that is not related to public business; and (7) To consult with counsel to obtain legal advice on a legal matter.

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

The Board adjourned in closed session.

ADJOURNMENT CLOSED SESSION

1:20 PM On motion by Commissioner Broomell, seconded by Commissioner Dunn, the Board voted unanimously to adjourn the closed session meeting.

CLOSED SESSION

4:00 PM On motion made by Commissioner Hodge, seconded by Commissioner Mullin, the Board moved to convene in closed session pursuant to the Maryland Annotated Code – State Government 10-508 (a) (9) To conduct collective bargaining negotiations or consider matters that relate to negotiations.

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

The Board adjourned in closed session.

ADJOURNMENT CLOSED SESSION

5:50 PM On motion by Commissioner Moore, seconded by Commissioner Hodge, the Board voted unanimously to adjourn the closed session meeting

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