

**MINUTES OF THE BOARD OF COUNTY
COMMISSIONERS MEETING
July 19, 2011**

The Board of County Commissioners for Cecil County met in regular session at the County Administration Building, 200 Chesapeake Blvd., Suite 1009, Elkton, MD. The following members of the Board were present:

James T. Mullin, President
Diana Broomell, Vice President
Michael W. Dunn, Commissioner
Tari Moore, Commissioner
Robert J. Hodge, Commissioner

Constituting a full Board.

The Board adjourned into a Closed Session at its worksession on June 28, 2011 at 10:09 A.M. Motion was made by Commissioner Moore, seconded by Commissioner Hodge and unanimously carried pursuant to MD 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; (4) To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State; (8) To consult with staff, consultants, or other individuals about pending or potential litigation. Present: Commissioners Mullin, Broomell, Moore, Dunn, Hodge, Craig Whiteford Budget Manager, H. Norman Wilson County Attorney, Donna Nichols Human Resources Director and Vernon Thompson Director of Economic Development. Topics of Discussion: Ingerman Group proposal 214 North Street; Requests to fill; Commissioner Hodge-Litigation regarding Town of Perryville. Actions Taken: Formalize Counteroffer for \$490,000.0; must verify that EMS, Housing and Facilities are not impacted with smaller lot size; Four request to fill unanimously authorized; Litigation potential Town of Perryville-No Action taken. Meeting adjourned at 11:26 A.M.

The Board adjourned into a Closed Session at its worksession on July 5, 2011 at 10:00 A.M. Motion was made by Commissioner Moore, seconded by Commissioner Dunn and unanimously carried pursuant to MD 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. Present: Commissioners Broomell, Moore, Dunn, Hodge, Alfred C. Wein Jr., County Administrator, H. Norman Wilson County Attorney, Donna Nichols Director of Human Resources and Craig Whiteford Budget Manager. Topics of Discussion: Lawrence F. Haislip – Artesian sale transfer of assets and ARCA litigation matters – postponed to 7/12/11 worksession; Continuation of employment between grant periods – Circuit Court – Theresa Carroll; County Administrator annual evaluation-postponed to 7/12/11 worksession; Request to fill; Sheriff take home car policy-discussion of complaint from citizen. Actions Taken: Approved continuation of employment for current part-time grant employee in Circuit Court. Directed Director Nichols to seek more information regarding Social Services Fiscal Manager Position; Approved Program Associate and Part Time Bus Driver (RTF) position in Senior Services and Community Transit. Meeting adjourned 10:38 A.M.

The Board adjourned into a Closed Session at its worksession on July 12, 2011 at 10:30 A.M. Motion was made by Commissioner Moore, seconded by Commissioner Dunn and unanimously carried pursuant to MD 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; (14) Before a contract is awarded or bids are opened, discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process. Present: Commissioners Mullin, Broomell, Moore, Dunn, Hodge, Alfred C. Wein., County Administrator, Vicky Rinkerman Office Executive Administrator H. Norman Wilson County Attorney, Craig Whiteford Budget Manager, Scott Flanigan Director of Public Works, Craig Marker Civil Engineer, Eric Sennstrom Director of Planning and Zoning. Topics of Discussion: Legal Matters –Artesian, sale of assets and other legal matters; Landfill gas beneficial use project- Contract matters; Board of Appeals appointments; County Administrator evaluation; Request to fill position. Fiscal Manager 20 Hours – Social Services. Actions Taken: Approved request to fill position for Fiscal Manager in Social Services (20 hour position); Directed staff to place Board of Appeals Appointments on 7/19/11 agenda; Directed staff to talk to Ag President Advisory Board regarding replacement of Wayne Stafford since he cannot be reappointed since he has served two five year terms; Landfill Gas Beneficial use project – CIP Project No; 53021, Proposed to be on 7/19/11 agenda for formal award, discussion of contract provisions and consultations with attorney; Legal advice by Lawrence Haislip regarding ARCA/Artesian. First motion: On motion made by Commissioner Hodge, seconded by Commissioner Moore, the Board moved to consider a motion to continue with current plan and contract with Artesian to include all actions necessary and required to proceed and endorse the contract agreement and closing.

VOTE: Mullin - N, Broomell – N, Moore - Y, Dunn - N, Hodge - Y. Motion failed 3 to 2.

On motion made Commissioner Broomell, seconded by Commissioner Dunn, the Board considered a motion to schedule a meeting with Artesian to renegotiate and revise the contract.

Commissioner Broomell amended her motion for the Board to consider meeting to discuss and explore options for amendments and revisions to the contract with Artesian, seconded by Commissioner Dunn, the Board moved to consider the motion and the amendment to the original motion.

VOTE: Mullin Y, Broomell-Y, Moore-Y, Dunn-Y, Hodge-Y. Motion Carried 4 to 1.

On motion made by President Mullin, seconded by Commissioner Hodge, the Board moved to consider a motion to reconsider action taken on the first motion.

VOTE: Mullin-Y, Broomell-Y, Moore-Y, Dunn-Y, Hodge-Y. Motion to reconsider previous motion carried unanimously.

Original motion made by Commissioner Hodge, seconded by Commissioner Moore: “the Board moved consider a motion to continue with the current plan and contract with Artesian to include all actions necessary and required to proceed and endorse the contract agreement and closing”.

Prior to a call for the vote to reconsider the motion: Commissioner Hodge withdrew his motion. Meeting adjourned 12:35 P.M.

The Board adjourned into a Closed Session at its worksession on July 19, 2011 at 10:30 A.M. Motion was made by Commissioner Moore, seconded by Commissioner Dunn and unanimously carried pursuant to MD 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; (8) To consult with staff, consultants, or other individuals about pending or potential litigation. Present: Commissioners Mullin, Broomell, Moore, Dunn, Hodge, Alfred C. Wein Jr., County Administrator, Vicky Rinker Office Executive Administrator H. Norman Wilson County Attorney Wilson, Scott Flanigan Director of the Department of Public Works, Larry Haislip Special Counsel, Craig Whiteford Budget Manager Whiteford, Artesian representatives Diane Taylor, Joe Di Nunzio, John Thaeder, Jim Buckland and Nicole Taylor. Topics of Discussion: Personnel matter- Administrator evaluation; To consult with counsel to obtain legal advice, respecting county rights and responsibilities under existing county contracts for sale of water and wastewater systems, and the award of franchises in connection therewith; To consult with staff, consultants, legal counsel, or other individuals about pending or potential litigation for the sale of county owned water and wastewater systems, and the award of franchises in connection therewith; Discussions with Artesian regarding above. Actions Taken: None Meeting adjourned 12:02 P.M.

The meeting of the Board of County Commissioners for Cecil County, July 19, 2011 was called to order by Commissioner Mullin at 2:00 p.m. and opened with the Pledge of Allegiance.

The following minutes were presented for the Board's consideration.

- June 7, 2011 Commissioner Meeting Minutes
- June 14, 2011 Worksession Meeting Minutes
- June 14, 2011 Closed Worksession Meeting Minutes
- June 21, 2011 Worksession Meeting Minutes
- June 21, 2011 Closed Worksession Meeting Minutes
- June 28, 2011 Worksession Meeting Minutes
- June 28, Closed Worksession Meeting Minutes

Commissioner Moore made a motion to approve the minutes, seconded by Commissioner Broomell. Motion to approve the minutes was carried by a majority vote 4-1; with one abstention. Mullin-Y, Broomell-Y, Moore-Y, Dunn-Y, Hodge-Abstained.

- INFORMATIONAL ITEMS-

- COMMISSIONER COMMENTS-

Commissioner Moore updated the public on her attendance at the MACo legislative meetings.

Commissioner Broomell updated public on a meeting with the Delegation to discuss Plan Maryland, septic bill, Toll increase concerns and the WIC program. Commissioner Broomell recognized the Perryville major girls softball and the senior girls softball teams for their achievements and encouraged all citizens to attend next years Sassafras River Jam.

Commissioner Hodge commented on the upcoming Cecil County Fair and encouraged all to support the live stock auction.

Commissioner Dunn commented on the Cecil County Firemen's Association dinner he attended.

Commissioner Mullin commented on the success of Canal Day

Commissioner Hodge commented the he hoped all Commissioners would participate in the Chesapeake City "Conquer the Bridge Walk"

- TREASURERS REPORT-

William M. Feehley, Cecil County Treasurer presented the monthly cash flow report as of June 30, 2011. A copy of this report is attached and incorporated into these minutes.

Commissioner Moore made a motion to approve the Treasurers Report seconded by Commissioner Hodge and unanimously carried to approve.

- 2010 SIXTH ANNUAL CECIL COUNTY MRA RECYCLING AWARDS-

Scott Flanigan, Director of the Department of Public Works, presented an informational chart showing the increase in recyclables starting from July, 2004 through June, 2011.

Pete Beienk, Chief of the Solid Waste Management Division and Tanya Adams, Recycling Coordinator presented the 2010 Sixth Annual Cecil County MRA Recycling Awards.

- PUBLIC HEARING-
- RESOLUTION; AMENDMENTS TO THE CECIL COUNTY POLICIES AND PROCEDURES MANUAL-

Donna Nichols, Director of Human Resources presented the resolution for public hearing.

Patrice Burchett, Elkton, MD, commented she opposes the following amendments HR 002.E, HR 004.C, HR 006, HR 010.D and the entire computer policy.

Karl Weaver, Elkton, MD, suggested the policy change to allow employees donate sick time accrued to another employee who may need it.

Discussions ensued regarding the policy and procedures manual.

Joyce Vanzile, North East, MD, commented she would like to see something added to the policy regarding the grievance process for part time employees.

This item will be placed on the August 16, 2011 meeting agenda for the Boards consideration.

- INTRODUCTORY ITEMS –
- RESOLUTION; CHAPTER 188 SEAL, COUNTY GUIDELINES AND APPLICATION FOR USE OF THE COUNTY SEAL-

Alfred C. Wein Jr., County Administrator introduced the resolution.

This item will be placed on the August 16, 2011 meeting agenda for the Boards' consideration.

- PUBLIC COMMENT-

No public comments

- ACTION ITEMS-
- APPOINTMENTS-

Board of Appeals:

- o Mike Kline-Reappointment to serve a three year term; to expire on August 5, 2014.
- o Mike Linkous-Reappointment to serve a three year term; to expire on August 5, 2014.

Public Safety Pension Plan Board of Trustees:

- o Major Jeff Clewer-Replacement for James O' Cain-to serve a three year term; to expire June 30, 2014.
- o John Buck-New Appointment to serve a three year term; to expire December 31, 2014.

Commissioner Moore made a motion to approve, seconded by Commissioner Hodge and unanimously carried to approve.

- RESOLUTION; MARYLAND TRANSPORTATION AUTHORITY PROPOSED TOLL INCREASE-

Alfred C. Wein Jr., County Administrator, presented the resolution for the Board's consideration.

Commissioner Dunn made a motion to approve, seconded by Commissioner Hodge and unanimously carried to approve. A copy of the resolution is attached and incorporated into these minutes.

- RESOLUTION; WASTEWATER CONNECTION CHARGES-

Scott Flanigan, Director of Department of Public Works presented the resolution for the Board's consideration.

Commissioner Broomell made a motion to postpone voting on the resolution until further discussion regarding the matter at the August 2, 2011 Worksession Meeting, seconded by Commissioner Dunn and unanimously carried to approve.

- ORDINANCE; 2011-09; REVISION TO THE COUNTY CODE OF CECIL COUNTY CHAPTER 188 SEAL-

Alfred C. Wein Jr., County Administrator presented Ordinance 2011-09 for the Board's consideration. A copy of the ordinance is attached and incorporated into these minutes.

Commissioner Moore made a motion to approve, seconded by Commissioner Hodge and unanimously carried to approve.

- AMENDMENT; MASTER WATER AND SEWER PLAN, SECTION 3.2.11, MOUNTAIN HILL AND CARPENTERS POINT WATER SYSTEMS-

Eric Sennstrom, Director of Planning and Zoning, presented the Amendment to the Master Water and Sewer Plan, Section 3.2.11, Mountain Hill and Carpenters Point Water Systems for the Board's consideration.

Commissioner Moore made a motion to approve the amendment, seconded by Commissioner Hodge and unanimously carried to approve. A copy of the amendment is copied and incorporated into these minutes.

- LAND PRESERVATION, PARKS AND RECREATION PLAN-

Clyde Van Dyke, Director of Parks and Recreation presented Cecil County's 2011 Land Preservation, Parks and Recreation Plan for the Board's consideration.

Commissioner Dunn made a motion to approve, seconded by Commissioner Moore and unanimously carried to approve.

- DEPARTMENT OF PUBLIC WORKS-

W. Scott Flanigan, Director of Public Works presented the Following items:

- LANDFILL GAS BENEFICIAL USE AGREEMENT-

Director Flanigan recommended the Board approve the agreement as presented.

Commissioner Moore made a motion to approve the agreement, seconded by Commissioner Hodge.

Discussions ensued regarding the Landfill Gas Beneficial Use Agreement.

Motion to approve the Landfill Gas Beneficial Use Agreement was unanimously carried to approve.

- BID NO. 12-03; SKID STEER TRACK SYSTEM INSTALLATION;

Director Flanigan recommended approval of Bid No.12-03 in the amount of \$15, 328.00, to Atlantic Tractor LLC.,

Commissioner Moore made a motion to approve, seconded by Commissioner Dunn. Discussions ensued regarding Bid No. 12-03.

Motion to approve Bid No. 12-03 was carried by a majority vote 4-1; Mullin-Y, Broomell-Y, Moore-Y, Dunn-Y, Hodge-N.

- BID AWARDS-
- RFP 12-01; DESIGN AND REPLACEMENT OF BOILERS FOR CIRCUIT COURT OF CECIL COUNTY-

Alfred C. Wein Jr., County Administrator presented RFP 12-01 for the Board's consideration.

Commissioner Hodge made a motion to approve RFP 12-01 in the amount of \$157, 263.00 to Tate Engineering Systems, seconded by Commissioner Broomell and unanimously carried to approve.

- BUDGET AMENDMENTS NO 1-8

Craig Whiteford, Budget Manager, presented budget amendments 1-8 for the Board's consideration.

Commissioner Dunn made a motion to approve the budget amendments 1-8, seconded by Commissioner Hodge and unanimously carried to approve. A copy of the Budget Amendments are copied and incorporated into these minutes.

The next regular meeting of the Board of County Commissioners will be on August 16, 2011 at 2:00 p.m., at the Cecil County Administration Building, 200 Chesapeake Blvd, Suite 1009, Elkton, MD.

Approved:

James T. Mullin, President

Attest:

Alfred C. Wein, Jr., County Administrator