

**MINUTES OF THE BOARD OF COUNTY  
COMMISSIONERS MEETING  
September 20, 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  
Tari Moore, Commissioner  
Michael W. Dunn, Commissioner  
Robert J. Hodge, Commissioner

Constituting a full Board.

**September 20, 2011 - Closed Session Meeting – 11:45 A.M.**

The Board convened in a closed session meeting at their September 20, 2011 worksession meeting at 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 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. Motion carried unanimously.

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

Topics of discussion and action taken (if necessary):

Discussion only on the terms of the resignation submitted by the Director of Economic Development.

The closed session meeting was adjourned at 12:05 p.m.

**September 21, 2011 – Closed Session Meeting – 4:00 P.M.**

The Board convened in a closed session meeting on Tuesday, September 21, 2011 at 4:00 p.m. On motion made by Commissioner Moore, seconded by Commissioner Hodge, the Board moved to convene in closed session pursuant to the Maryland Annotated Code – State Government 10-508 (a) (8) To consult with staff, consultants, or other individuals about pending or potential litigation to discuss the notice of breach tendered by Artesian and matters pertaining thereto.

Present at closed session: Commissioners Mullin, Moore, Dunn, Broomell and Hodge; County Administrator Al Wein; Public Works Director Scott Flanigan; Planning and Zoning Director Eric Sennstrom; Budget Manager Craig Whiteford; County Counsel Norman Wilson; Diane Taylor President of Artesian and Jack Schreppler, Vice President and General Counsel for Artesian.

Topics of discussion and action taken (if necessary):

Discussion relative to the notice of breach tendered by Artesian and matters pertaining thereto.

Action: The Board directed County Administrator Wein to place both matters, the letter regarding the closing associated with the Water Asset Purchase Agreement and the letter regarding termination of the Wastewater Asset Purchase Agreements on the September 27, 2011 Worksession agenda.

The closed session meeting was adjourned at 6:30 p.m.

The meeting of the Board of County Commissioners for Cecil County, September 20, 2011 was called to order by Commissioner Mullin at 7:00 p.m. and opened with the Pledge of Allegiance.

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

- September 6, 2011 Commissioner Meeting Minutes

Motion made by Commissioner Hodge to approve the minutes, seconded by Commissioner Moore and unanimously carried to approve.

- INFORMATIONAL ITEMS-
- COMMISSIONER COMMENTS-

Commissioner Moore commented on the celebration of the Indonesia exhibit she attended at Elkton Station and a local Union Hospital doctor who is a contestant on Jeopardy.

Commissioner Broomell commented on the Drug Forum scheduled for September 22, 2011 at 6:30 at Cecil College, Nottingham Lots dedication, Lt. Mary McClellan Telecommunicator of the Year award; and Perryville Fire Company banquet.

Commissioner Hodge thanked the audience in attendance for coming to the meeting.

Commissioner Dunn extended his thanks to Emergency Services for their work during the earthquake and hurricane.

Commissioner Mullin commented on the campaign for Breast Cancer Awareness Month in Cecil County.

- TREASURER'S REPORT

Lisa Saxton, Chief Administrative Supervisor provided the financial report of the County for August 2011.

Motion made by Commissioner Moore to accept the financial report, seconded by Commissioner Dunn, and unanimously carried.

- PRESENTATION OF CHECK FROM THE LOCAL COMMUNITY GRANT FUNDS, VICKY RINKERMAN, OFFICE EXECUTIVE ADMINISTRATOR

The Commissioners presented the first VLT Local Community grant checks to Chesapeake Health Education Program, Christmas in April, Haven House, Nicanor, Inc., and the North East VFW.

- INTRODUCTORY ITEMS

- RESOLUTION; FY2012 VOLUNTEER FIRE COMPANIES VEHICLE REPLACEMENT

County Administrator Wein introduced Resolution FY2012 Volunteer Fire Companies Vehicle Replacement Program. The Resolution will be scheduled for consideration at the October 4, 2011 Commissioners Meeting.

- PUBLIC COMMENT

Millie LaCorte, 42 Winchester Avenue, Elkton requested that the Board consider Clay McDowell for the Planning Commission appointment.

Louis LaCorte, 42 Winchester Avenue, Elkton requested that the Board consider Clay McDowell for the Planning Commission appointment.

Joe Carabetta, Carpenters Point Road, commented on the mowing along Carpenters Point Road and supported the request to appoint Clay McDowell to the Planning Commission.

Linda Kleiner, 45 Springfield Drive, North East commented in support of Clay McDowell for the Planning Commission appointment.

Donna Caudell, 114 Long Drive, Elkton supported the request for Clay McDowell for the Planning Commission appointment.

Daniel Whitehurst, 4645 Millennium Drive, Bel Air commented on the proposed increase in wastewater fees for consideration by the Board.

Jeff Tosi, Home Builders Association of Maryland commented on the proposed increase in wastewater fees for consideration by the Board.

Monica Penhollow, 202 S Mauldin Avenue, North East thanked the Board for the funding provided for vehicle replacement for the volunteer fire companies.

Rob Lobos, 10 Academy Drive, Elkton commented in support of Clay McDowell for the Planning Commission appointment.

Jackie Gregory, 7 Cami Way, Elkton commented on the proposed change to the Road Code waiver process under consideration by the Board and the process for choosing the best person for the Planning Commission appointment.

- ACTION ITEMS

- APPOINTMENTS

Motion made by Commissioner Dunn to appoint Skip Yust to the Planning Commission, seconded by Commissioner Broomell.

Commissioner Hodge stated that he supports choosing the best qualified person for the appointment and he would not support the appointment of Skip Yust to the Planning Commission. He feels there is a perception of cronyism with the proposed appointment.

Commissioner Moore stated that she feels there are other candidates who are more qualified for the appointment and she would not support the appointment of Skip Yust to the Planning Commission.

Commissioner Broomell stated that she has worked with Skip Yust on several projects and supports his appointment to the Planning Commission. She commented on land use issues facing the county and her support for Owen Thorne before he withdrew his name for consideration.

Commissioner Mullin stated that he supports the appointment of Skip Yust to the Planning Commission and disagrees with the comment regarding cronyism on the Board.

Commissioner Dunn commented on the orchestrated attack against Skip Yust and outlined his qualifications for appointment to serve on the Planning Commission.

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

- ORDINANCE 2011-10; CHAPTER 166 ETHICS

County Administrator Wein advised the Board that staff recommends tabling Ordinance 2011-10 Chapter 166 Ethics pending further review of the proposed revisions by the State Ethics Commission.

Motion made Commissioner Broomell to table Ordinance 2011-10 Chapter 166 Ethics until the October 4, 2011 Commissioners Meeting, seconded by Commissioner Dunn and unanimously carried to approve.

- DEPARTMENT OF PUBLIC WORKS
- OPTION CONTRACT FOR THE REPLACEMENT OF BARON ROAD BRIDGE BETWEEN THE BOARD OF COUNTY COMMISSIONERS AND SHIARA PARTNERSHIP

Public Works Director Flanigan reviewed the option contract for the replacement of Baron Road Bridge between the Board of County Commissioners and Shiara Partnership as funded through the Roads and Bridges CIP budget.

Motion made by Commissioner Dunn to approve the option contract for the replacement of Baron Road Bridge as presented, seconded by Commissioner Broomell and unanimously carried to approve.

- BID NO. 12-10; WEMCO/MUNIFLO SLUDGE PUMP OR COUNTY APPROVED EQUIVALENT FOR WATER & WASTEWATER DIVISION

Public Works Director Flanigan reviewed bid number 12-10 Wemco/Muniflo Sludge pump or equivalent for the Water and Wastewater Division and recommended award to Borger, LLC for \$7,760.

Motion made by Commissioner Dunn to award bid 12-10 to Borger LLC as presented, seconded by Commissioner Broomell and unanimously carried to approve.

- RESOLUTION; WASTEWATER CONNECTION FEES, SCOTT FLANIGAN, DIRECTOR OF DEPARTMENT OF PUBLIC WORKS

Public Works Director Flanigan reviewed the proposed resolution to increase wastewater connection fees. He outlined three proposed increases as discussed by the Board, which are all lower than the recommended increase from the wastewater rate study. He reviewed the proposals as outlined on a spreadsheet provided to the Board and advised the Board that setting the connection fees below the recommendation from the rate study would leave the wastewater enterprise fund under resourced. He recommended that the Board consider the "Commissioner Hodge" proposal for the FY2012 – FY 2016 time period with an effective date of January 1, 2012, with an increase on July 1, 2012 and another increase on July 1, 2014; and eliminate the Route 40 and Mechanics Valley Road pump station benefit assessment effective October 1, 2011 without refunds to those who have already paid the fee.

Commissioner Moore commented on the mandated ENR upgrade for the Seneca Point Wastewater Treatment plant with an anticipated cost of \$27 million. If the wastewater enterprise fund does not have enough funds for the upgrades, etc., the Board would need to use general funds to pay the expenses, which is a burden on all taxpayers.

Director Flanigan advised the Board that in addition to the anticipated upgrade cost, the Watershed Implementation Plan would also impact the cost of wastewater treatment plants. A lower connection fee increase means less money in the enterprise funds to pay these expenses.

Commissioner Broomell stated that the rate does not matter if the county does not have the customers. She feels the county needs to have competitive rates in order to attract economic development and find a way to provide the needed infrastructure on the Route 40 corridor. She recommended that this issue be discussed again next year.

Commissioner Dunn stated that he feels the Board should postpone a decision until the questions submitted by the Homebuilders Association have been answered.

On motion made by Commissioner Dunn the Board moved to table a decision on the Resolution until the October 4, 2011 Commissioners meeting. Motion died for lack of a second.

On motion made by Commissioner Hodge, seconded by Commissioner Moore, the Board moved to approve the recommendation from Public Works Director Flanigan for the wastewater connection fees as shown in the "Commissioner Hodge Proposal" as outlined on the spreadsheet provided, to include the elimination of the Route 40 and Mechanics Valley Road pump station benefit assessment fee effective October 1, 2011, to not refund benefit assessment fees paid prior to that date, and to accept the

effective dates for phased in connection fee rates as presented, with fee increases occurring on January 1, 2012, July 1, 2012, and July 1, 2014.

Commissioner Hodge commented that he is not in favor of raising rates; however, the Board has a fiduciary duty to maintain the enterprise fund to ensure all taxpayers are not subsidizing wastewater service. There will be negative consequences if the fees are not increased.

Commissioner Broomell stated that she feels the issue is more than just raising rates; the county needs to focus on starting growth to have enough users to support the system.

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

On motion made by Commissioner Hodge, seconded by Commissioner Broomell, the Board moved to approve the "Commissioner Broomell Proposal" as outlined on the spreadsheet to include the elimination of the Route 40 and Mechanics Valley Road pump station benefit assessment fee effective October 1, 2011, to not refund benefit assessment fees paid prior to that date, and to implement the phased in connection fees on the effective dates as previously discussed and outlined on the spreadsheet.

Commissioner Moore confirmed and the Board concurred that connection fees would be reviewed again.

Motion carried by a vote of 4 – 1: Mullin - N, Broomell - Y, Moore - Y, Dunn - Y, Hodge - Y.

Director Flanigan requested clarification on the phased in connection fee rates from FY 2012 through FY2016.

Commissioner Hodge confirmed that his motion intended to phase in connection fee increases as outlined on the spreadsheet under Commissioner Broomell's proposal.

On motion made by Commissioner Dunn, seconded by Commissioner Broomell, the Board moved to reconsider the previous vote on the motion.

Motion carried by a vote of 4 – 1: Mullin - Y, Broomell – Y, Moore - N, Dunn - Y, Hodge - Y.

Motion for reconsideration: the Board moved to approve the "Commissioner Broomell Proposal" as outlined on the spreadsheet to include the elimination of the Route 40 and Mechanics Valley Road pump station benefit assessment fee effective October 1, 2011, to not refund benefit assessment fees paid prior to that date, and to

implement the phased in connection fees on the effective dates as previously discussed and outlined on the spreadsheet.

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

- BID AWARDS
- 12-06; TRANSITIONAL YOUTH

County Administrator Wein stated that the Cecil Human Services Agency and review committee recommended award of Bid 12-06 Transitional Youth to Project Crossroads in the amount of \$83,679.44.

Motion made by Commissioner Moore, seconded by Commissioner Broomell to award Bid 12-06 to Project Crossroads as presented and unanimously carried to approve.

- 12-08; OUTREACH PROGRAM

County Administrator Wein stated that the Cecil Human Services Agency and review committee recommended award of Bid 12-08 Outreach Program to the Town of Perryville, Perryville Police Department Outreach Program in the amount of \$60,903.00.

Motion made by Commissioner Dunn, seconded by Commissioner Hodge to award Bid 12-08 to Town of Perryville, Perryville Police Department Outreach Program as presented and unanimously carried to approve.

- 12-09; SCHOOL BASED HEATH CENTER

County Administrator Wein stated that the Cecil Human Services Agency and review committee recommended award of Bid 12-09 School Based Health Center to Union Hospital in the amount of \$75,175.00.

Motion made by Commissioner Broomell, seconded by Commissioner Dunn to award Bid 12-08 to Union Hospital as presented and carried to approve with a vote of 4 in favor with 1 abstention from Commissioner Moore because she serves on the Union Hospital Board.

- BUDGET AMENDMENTS

Motion made by Commissioner Dunn, seconded by Commissioner Hodge to approve the budget amendments as presented and unanimously carried to approve, with the exception of the budget amendment for the Local Government Insurance Trust that carried to approve with a vote of 4 in favor with 1 abstention from Commissioner Moore because she serves on the LGIT Board.

- ADJOURNMENT

Motion made by Commissioner Moore, seconded by Commissioner Dunn to adjourn the meeting. The meeting was adjourned.

The next regular meeting of the Board of County Commissioners will be on October 4, 2011 at 7:00 p.m., in the Cecil County Administration Building, 200 Chesapeake Blvd, Suite 1009, Elkton, MD.

Approved:

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James T. Mullin, President

Attest:

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Alfred C. Wein, Jr., County Administrator