

## **Minutes of the Board of County Commissioners Meeting**

**January 18, 2011**

The Board of County Commissioners for Cecil County met in regular session at the County Administration Building, 200 Chesapeake Blvd., 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 work session on December 28, 2010 at 10:45 A.M. Motion was made by Commissioner Moore, seconded by Commissioner Broomell 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 Mullin, Broomell, Dunn, Moore & Hodge; Administrator Wein; Office Executive Administrator Rinkerman; and Counsel Wilson. Topics of Discussion: North East water service/rate matters-status; Personnel matter request to fill Parks and Recreation; Board of Appeals attorney interest. Actions Taken: Director Sennstrom informed the Board of expressions of interest received for Board of Appeals attorney, he will disseminate this information to the Board; Parks and Recreation-Recreation Coordinator approved; North East Water Service matter before PSC-Counsel Haislip provided status update regarding rate study. Motion to adjourn the meeting was made by Commissioner Moore, seconded by Commissioner Hodge and unanimously carried. Meeting adjourned at 12:55 P.M.

The meeting of the Board of County Commissioners for Cecil County, January 18, 2011 was called to order by Commissioner Mullin at 7:01 p.m. and opened with the Pledge of Allegiance.

The following minutes were unanimously approved by the Board with changes to the December 28<sup>th</sup>, 2010 Worksession Meeting Minutes, as recommended by Commissioner Broomell.

- o December 28, 2010 Worksession Meeting Minutes
- o December 28, 2010 Closed Worksession Meeting Minutes
- o January 4, 2011 Board of Health Meeting Minutes
- o January 4, 2011 Commissioners Meeting Minutes

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

- COMMISSIONER COMMENTS-

Commissioner Moore thanked the Cecil County Chamber of Commerce and the Office of Economic Development for putting together Cecil Night in Annapolis and felt the event was a success.

Commissioner Hodge commented on the MACo conference he attended and feels it was well worth the time, they met with many people who are facing the same financial difficulties and feels they will work together in the future.

Commissioner Mullin commented he was very pleased with the meeting between Crystal Beach Manor residents and the Sheriff's office.

- TREASURER'S REPORT-

William M. Feehley, Cecil County Treasurer, presented the monthly cash report as of December 31, 2010.

Motion to approve the Treasurers report was made by Commissioner Broomell, seconded by Commissioner Hodge and unanimously carried to approve. A copy of the Treasurer's Report is attached and incorporated into these minutes.

- PUBLIC HEARING-

- Ordinance 2011-04; A277 Personnel Policies and Procedures Manual Section 3. County Sheriff's Office and SECTION 4. Division of Emergency Services – Collective Bargaining, Alfred C. Wein, Jr., County Administrator-

Alfred C. Wein, Jr., County Administrator presented for Public Hearing Ordinance 2011-04; A277 Personnel Policies and Procedures Manual Section 3. Cecil County Sheriff's Office and Section 4. Division of Emergency Medical Services. Section A277-5 empowers the Board of County Commissioners to amend, revise, or delete the Personnel Policies and Procedures Manual.

A decision regarding Ordinance 2011-04; A277 Personnel Policies and Procedures Manual Section 3. Cecil County Sheriff's Office and Section 4. Division of Emergency Medical Services, will be placed on the February 1, 2011 meeting agenda.

- COMMENTS SUPPORT / OPPOSITION:

Patrice Burchett, 9 Vince Ct Elkton MD, commented there were still concerns in the policy as written and asked the Board address the following,

1. The definition of managerial employee.
2. Section 4. Employer Rights (6) add language stating with consultation and input from the certified Exclusive Representative.
3. Ms. Burchett asked that the MOU date be moved from March 1, 2011 to April 1, 2011.

- PUBLIC COMMENT-

Frank Vari, 100 Third St, Chesapeake City, MD, thanked the Commissioners and Director Flanigan for moving quickly on the recycling waiver for Chesapeake City and asked that the Commissioners vote unanimously on the amendment to recyclables processing agreement and the revisions to the solid waste management division fee schedule.

Mike Klerlein, Lot 13 Crestwell Forest, Chesapeake City, MD, does not agree with the mandate of automatic fire sprinklers.

Diane Carabetta, 1611 Carpenters Point Road, Perryville, commented on the possible front funding of the pipeline and asked the Board to look for other solutions for the funding of the pipeline. Ms. Carabetta asked the Board to delay the implementation of automatic sprinklers.

Al Reasin, 632 Conowingo Rd, spoke against RFP 11-07-55043; the design, purchase and installation of the septage acceptance station generator. Mr. Rasin asked that the Board consider putting together a Citizen Budget Advisory Committee.

Ron Rae, 4 Pats Circle, Elkton, MD, commented on the use of the meeting rooms at the County Administration Building after hours.

Joe Carabetta, 1611 Carpenters Point Road, Perryville, MD, stated Cecil Night in Annapolis was a lovely event. Mr. Carabetta asked the Board if they do approve the automatic sprinklers that they also look at exempting the property owner from paying tax on the improvement of the property.

Patrice Burchett, 9 Vince Ct, Elkton, MD, commented she was in favor of the automatic fire sprinklers.

Ron Lobos, 10 Academy Dr, Elkton, MD, commented he was against the mandate of automatic fire sprinklers. Mr. Lobos also asked that the Board for a Citizen Budget Advisory Committee.

- INTRODUCTORY ITEMS-

- AMENDMENTS TO CECIL COUNTY PENSION PLAN FOR PUBLIC SAFETY-

Donna Nichols, Director of Human Resources presented the amendments to the Cecil County Pension Plan for Public Safety. This amendment will bring the plan into compliance with the IRS as requested and has been approved by the Plan attorney.

A decision regarding the amendments to the Cecil County Pension Plan for Public Safety Employees will be placed on the February 1, 2011 meeting agenda.

- ACTION ITEM-

- Ordinance 2011-01; Amendment to Cecil County Code Chapter 200 – Building Construction Automatic Fire Sprinklers, Patrick Conway, Director of Permits and Inspections.

Alfred C. Wein, Jr. County Administrator presented for vote Ordinance 2011-01 Cecil County Code Chapter 200 – Building Construction Automatic Fire Sprinklers. Section R313.1 of 2009 International Code encourages the installation of an automatic sprinkler system in all newly constructed one and two family dwellings to be in compliance with Public Safety Article 12-504, each local jurisdiction may choose to adopt the mandatory requirement or amend the Code as they feel is in the best interest of the citizens of the jurisdiction. Proposed ordinance alters effective date for sprinkler implementation from January 1, 2011 to July 1, 2011.

Motion to approve Ordinance 2011-01 was made by Commissioner Hodge, seconded by Commissioner Moore.

- COMMISSIONER COMMENTS-

Commissioner Hodge commented he supports the implementation of Ordinance 2011-01 and plans to present the Board with an alternate ordinance in the near future.

Commissioner Moore commented it was very clear during the public hearing process there are strong feelings on both sides. It was also clear that there is a lot of conflicting information and Commissioner Moore would like the opportunity to look at the facts and options more thoroughly and she does support the implementation of ordinance 2011-01.

Motion was unanimously carried to approve the implementation of ordinance 2011-01. A copy of this ordinance is attached and incorporated into these minutes.

- APPOINTMENTS-

Alfred C. Wein Jr., presented to the Board for their consideration the following appointments

Cecil Soil Conservation

- Bruce Yerkes, reappointment for a four year term, to expire on January 18, 2015.

Board of Trustees for Public Safety Pension Plan

- Donna Nichols, reappointment for a four year term, to expire on January 18, 2015.
- Richard Brooks, reappointment for a four year term, to expire on January 18, 2015.
- Jeff Clewer, reappointment for a four year term, to expire on January 18, 2015.
- William M. Feehley, new appointment for a four year term, to expire January 18, 2015.

Motion to approve the appointment was made by Commissioner Dunn, seconded by Commissioner Hodge and unanimously carried to approve.

- DEPARTMENT OF PUBLIC WORKS-

- AMENDMENT TO THE RECYCLABLES PROCESSING AGREEMENT BETWEEN CECIL COUNTY, MD AND WM RECYCLE AMERICA, LLC. -

Director Flanigan presented to the Board an amendment to the recyclables processing agreement between Cecil County, MD and WM Recycle America, LLC., dated May 30, 2003 and an Amendment dated September 26, 2006 (collectively "Agreement") in which Cecil County agreed to provide to WM Recycle America, LLC., and WM Recycle America, LLC., agreed to accept from Cecil County one hundred percent (100%) of Cecil County's recyclable materials as defined in the Agreement. ("Recyclables")

Upon the recommendation of Director Flanigan motion to approve the amendment to the Recyclables Processing Agreement between Cecil County and WM Recycle America, LLC., was made by Commissioner Hodge, seconded by Commissioner Dunn.

- COMMISSIONER COMMENTS-

Commissioner Hodge feels they could have done better, but does feel this agreement is a big improvement over the prior agreement. The county will continue to monitoring the market and make changes to the pricing as the market changes.

Commissioner Mullin supports Commissioner Hodges remarks.

Motion to approve the amendment unanimously carried to approve. A copy of the agreement is attached and incorporated into these minutes.

- REVISIONS TO THE SOLID WASTE MANAGEMENT DIVISION FEE SCHEDULE-

Director Flanigan presented the revision to the solid waste management division fee schedule. In accordance with Chapter 228, Section 5 (Billing and Payment of Fees) of Cecil County Code of Public Law's, the Board has the ability to adopt charges for the disposal of waste and other services at Cecil County solid waste disposal facilities for the purpose of providing funds for the environmentally sound management of Cecil County's solid waste. Such charges may be used for operating, maintaining, and repairing such solid waste disposal facilities, payment of principal and interest on bonds or loans, accumulation of funds for capital improvements, and the purchases of appropriate equipment necessary to the operation of the solid waste disposal facilities.

Upon the recommendation of Director Flanigan motion to approve the revisions to the Solid Waste Management Division Fee schedule was made by Commissioner Hodge, seconded by Commissioner Dunn and unanimously carried to approve. A copy of the revisions to the solid waste management division fee schedule is attached and incorporated into these minutes.

- COMMISSIONER COMMENTS-

Commissioner Moore commended Director Flanigan and the DPW staff for their hard work. Commissioner Moore also commented it is not very often the Board gets the opportunity to pass a fee decrease, but then to also get the chance to pass the savings back onto the citizens is a move in the right direction.

Commissioner Hodge commented the Board is committed to continue to monitor and make adjustments to the fee schedule and it is his hope to one day pay citizens for their recyclables.

- RFP 11-07-55043; DESIGN PURCHASE AND INSTALLATION of SEPTAGE ACCEPTANCE STATION GENERATOR –

Director Flanigan presented RFP 11-07-55043 Design Purchase and Installation of Septage Acceptance Station Generator for backup generator at the Cecil County Landfill.

Director Flanigan recommended the Board approve RFP 11-07-55043 to Hartwell Engineering, Inc., in the amount of \$75,000.00.

-COMMISSIONER COMMENTS-

Commissioner Hodge commented the Board is looking into wastewater rate studies and feels it would be in the best interest to postpone RFP 11-07-55043 until further information has been gathered.

Commissioner Moore commented she commends Director Flanigan but does feel a delay in RFP 11-07-50043 is necessary until the wastewater study has been completed.

Motion to postpone RFP 11-07-55043 for Design Purchase and Installation of Septage Acceptance Station Generator was made by Commissioner Hodge, seconded by Commissioner Moore and unanimously carried to approve.



Commissioner Mullin commented he also feels a postponement would be beneficial in allowing time for all the information to be available to the Board before making a final decision.

Commissioner Hodge commented he acknowledges there is a need for the generator and the Board is aware they have to adjust the rates but feels the Board needs to be cautious of the expenditures.

- INTRODUCTION; RESOLUTION FOR TRUCK RESTRICTION ON COLORA ROAD-

Director Flanigan introduced a resolution for truck restriction on Colora Road. The Board of County Commissioners of Cecil County ("Board"), in accordance with the Annotated Code of Maryland Transportation Article, Section 24-204(a)(2) and section 25-102(a)(11), has the authority to restrict truck traffic on roads maintained by Cecil County.

A decision regarding the resolution for truck restriction on Colora Road will be placed on the February 1, 2011 meeting agenda.

- INTRODUCTION; RESOLUTION FOR TRUCK RESTRICTION ON CEDAR CORNER ROAD-

Director Flanigan introduced a resolution for truck restriction on Cedar Corner Road. The Board of County Commissioners of Cecil County ("Board"), in accordance with the Annotated Code of Maryland Transportation Article, Section 24-204(a)(2) and section 25-102(a)(11), has the authority to restrict truck traffic on roads maintained by Cecil County.

A decision regarding the resolution for truck restriction on Cedar Corner Road will be placed on the February 1, 2011 meeting agenda.

- BUDGET AMENDMENTS NO'S. 60-63

Alfred C. Wein, Jr., County Administrator, presented budget amendments 60-63 for consideration.

Motion to approve Budget Amendments No's 60-63 was made by Commissioner Hodge, seconded by Commissioner Dunn

- COMMISSIONER COMMENTS-

Commissioner Hodge advised the public of the Boards review and approval process of the budget amendments

Motion to carry the budget amendments were unanimously carried to approve. A copy of the Budget Amendments are attached and incorporated into these minutes.

- COMMISSIONER COMMENTS-

Commissioner Moore advised the public that Commissioner Broomell and Commissioner Hodge would be working together to move forward with a plan regarding the Citizen Budget Advisory Committee.

With there being no further business of the County Commissioners, a motion to adjourn the meeting was made by Commissioner Moore, seconded by Commissioner Hodge and unanimously carried to approve.

The next regular meeting of the Board of County Commissioners will be on February 1, 2011 at 7:00 p.m. at the County Administration Building, 200 Chesapeake Blvd., Elkton MD, 21921.

>