

MINUTES OF THE BOARD OF COUNTY

COMMISSIONERS MEETING

February 1, 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 January 25, 2011 at 10:20 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; Director Sennstrom; Director Nichols; Budget Manager Whiteford; and Director Brooks. Topics of Discussion: Board of Appeals attorney appointments; EMS Matters, Director of Department of Emergency Services Richard Brooks; Request to fill-Director of Human Resources Donna Nichols; Elkton West Franchises; Local impact grants. Actions Taken: Approved an-call OSA request to fill position; Discussed selection process for Board of Appeals attorney; Discussed medicare laws with respect to EMS billing; Discussed Legal issues regarding Elkton West Franchise; Discussed legal matters regarding local impact grants. Meeting adjourned at 12:10 P.M.

The Board adjourned into a Closed Session at its work session on February 1, 2011 at 12:15 P.M. Motion was made by Commissioner Dunn, 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. Present: Commissioners Mullin, Broomell, Dunn, Moore & Hodge; Administrator Wein; Office Executive Administrator Vicky Rinkerman; Counsel Wilson; Director Nichols and Director Sennstrom. Topics of Discussion: Discuss the appointment of attorney for Board of Appeals; Request to fill positions. Actions Taken: Approved two requests to fill; Approved selection / voting process for Board of Appeals Attorney; Jason Allison was appointed through the selection process. Meeting adjourned at 12:45 P.M

The meeting of the Board of County Commissioners for Cecil County, February 1, 2011 was called to order by Commissioner Mullin at 7:01 p.m. and opened with the Pledge of Allegiance.

The approval of the following minutes was postponed.

- o January 4, 2011 Worksession Meeting Minutes
- o January 11, 2011 Worksession Meeting Minutes
- o January 11, 2011 Public Hearing for Citizen Input for 2012 Operating Budget Meeting Minutes

Motion to delay the approval of the following minutes until the February 8th, 2011 Commissioners Worksession was made by Commissioner Broomell, seconded by Commissioner Hodge and unanimously approved by the Board to approve.

- COMMISSIONER COMMENTS-

Commissioner Moore thanked everyone for coming out and commented she was honored along with Commissioner Hodge to present the Cecil County Commissioners Scholarship to Chelsey Childress.

Commissioner Broomell commented it was a good crowd that came out for the meeting and is glad to see the interest and participation.

Commissioner Hodge commented he was very pleased to see so many citizens involved.

Commissioner Dunn thanked everyone for attending the meeting and commended the Roads Department for all the hard work regarding the snow removal process.

Commissioner Mullin commended the Sheriff's Office for the recent arrest in the Crystal Beach neighborhood.

- PUBLIC HEARING-

- Amendment to ORDINANCE 2011-03 the Cecil County Code Chapter 160, Section 160-1 County Commissioners Policies and Procedures – Regular Meeting, Alfred C. Wein, Jr., County Administrator-

County Administrator Alfred C. Wein, Jr., presented Ordinance 2011-03 for Public Hearing Amendment to the Cecil County Code Chapter 160, Section 160-1 County Commissioners and policies and procedures. The Board has proposed to eliminate the meeting on a rotating basis with all municipalities once per year.

- COMMISSIONERS COMMENTS -

Commissioner Hodge clarified the purpose of amendment is to take advantage of the technology available at the County Administration Building and making the transparency of the meetings available to all citizens.

Commissioner Mullin also commented that the request to amend ordinance 2011-03 is to take advantage of the technology available at the County Administration Building.

Commissioner Broomell commented the motivation for the amendment is to have a permanent public record. Commissioner Broomell advised the public that audio is available online for meetings that are held in the Elk room at the County Administration Building.

- SUPPORT / OPPOSITION:

Joe Carabetta, Perryville, MD, commented he appreciates the recording of the minutes but is opposed to meetings only being conducted at the County Administration Building.

Ron Lobos, Elkton, MD, commented he is in support of an inexpensive way to video record meetings.

- COMMISSIONER COMMENTS-

Commissioner Hodge commented that once the Board has the details in place that it is possible to have the meetings move around.

A decision regarding amendment to Cecil County Code Chapter 160, Section 160-1 will be placed on the February 15, 2011 meeting agenda.

- AMENDMENT TO ORDINANCE 2011-02 Chapter 209 – Animal Care & Control – Proposed Repeal & Re-enactment & Fines & Fee Schedule, Alfred C. Wein, Jr., County Administrator-

County Administrator Alfred C. Wein, Jr., presented for Public Hearing Ordinance 2011-02; Amendment to the Cecil County Code Chapter 209 Dogs and Other Animals. The Animal Control Task Force has recommended to repeal Chapter 209 Dogs and Other Animals and reenact Chapter 209 Animal Care Control.

- COMMISSIONER COMMENTS-

Commissioner Hodge commented that over two years ago over 400 citizens voiced concerns regarding animal control, and the Board recognized Chapter 209 needed to be revised and the Board put together a task force that has worked on updating Chapter 209. Commissioner Hodge also commented no decisions have been finalized and the Board is open to suggestions.

- SUPPORT / OPPOSITION:

The following citizens spoke in opposition of approval of Ordinance 2011-02, as written

- David Simpler, Elkton, MD
- David Wallace, Earleville, MD
- Citizen did not state name
- Stephanie Garrity, Elton, MD
- Richard Rudolph, Elkton, MD
- Cathy Kempinski, Elkton, MD
- Ted Kempinski, Elkton, MD
- Mindy Carletti, Elkton, MD
- John Bolinski, North East, MD
- Joe Carabetta, Perryville, MD
- Diane Carabetta, Perryville, MD
- Mary Snyder, Rising Sun, MD
- Harold McCanick, North East, MD
- Chaz Blanford, Colora, MD

The following citizens spoke in support of Ordinance 2011-02

- Jean Deeming, Director of Cecil County SPCA
- Robert Calehuff, Rising Sun, MD, commented it needs more clarification
- Pete Raymond, Conowingo, MD, commented it needs more clarification
- Bree Ann Massner, Rising Sun, MD, commented it needs more clarification

A decision regarding amendment to Ordinance 2011-02 Chapter 209 Animal Control and Care will be placed on the February 15, 2011 meeting agenda.

- PUBLIC COMMENT-

Al Reasin, Conowingo MD, commented he believes there needs to be two appointments per Commissioner to the Citizen Budget Advisory Committee.

Tom Connelly, Colora MD, commented he was concerned with the proposed resolution for Colora Road.

Joe Carabetta, Perryville, MD, thanked the Board and Department of Public Works for getting the recycling rate down and hopes they will continue to work and get the rate down further.

Diane Carabetta, Perryville, MD, thanked the Roads Department for their work during the recent snow storms and commended the Commissioners for putting together a Citizen Budget Advisory Committee and involving the citizens.

Ron Lobos, Elkton MD, thanked the Commissioners for giving the citizens involvement in the Budget process and asked that when each Commissioner makes their appointment they keep in mind the individual's expertise and commitment.

- ACTION ITEMS-

- 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 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 motion to approve Ordinance with recommended change to Section 7 under the EMS Ordinance to change the date from March 1, 2011 to April 1, 2011 as dead line for reaching Memorandum of Understanding, was made by Commissioner Moore and seconded by Commissioner Dunn and unanimously carried to approve. A copy of this Ordinance is attached and incorporated into these minutes.

- AMENDMENTS TO CECIL COUNTY PENSION PLAN FOR PUBLIC SAFETY-

Alfred C. Wein, Jr., County Administrator 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 motion to approve the amendments was made by Commissioner Hodge, seconded by Commissioner Broomell and unanimously carried to approve. A copy of the amendment is attached and incorporated into these minutes.

- APPOINTMENTS-

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

Cecil County Commission on Aging:

- Trish Dana, reappointment for a three year term, to expire on February 1, 2014.
- Cindy Brown, reappointment for a three year term, to expire on February 1, 2014.

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

- DEPARTMENT OF PUBLIC WORKS-

- RESOLUTION FOR TRUCK RESTRICTION ON COLORA ROAD-

Director Flanigan presented for the Board's consideration 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.

Upon the recommendation of Director Flanigan motion to approve the resolution for truck restriction on Colora Road was made by Commissioner Hodge seconded, by Commissioner Moore.

- COMMISSIONER COMMENTS-

Commissioner Broomell commented she would vote to approve the Resolution with the understanding it would be revisited if problems and complaints arise.

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

- RESOLUTION FOR TRUCK RESTRICTION ON CEADR CORNER ROAD-

Director Flanigan presented for the Board's consideration 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.

Upon the recommendation of Director Flanigan a motion to approve a resolution for truck restriction on Cedar Corner Road was made by Commissioner Hodge, seconded by Commissioner Moore

- COMMISSIONER COMMENTS-

Commissioner Broomell commented she was surprised this has not been done sooner as this is a very dangerous road.

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

- RFP 11-08; Purchase, Installation and Operation of GPS Units-

Director Flanigan presented RFP 11-08 Purchase, Installation and Operation of GPS Units for the Board's consideration. Director Flanigan made a recommendation to approve RFP 11-08 to TV Management Inc., dba GPS North America , be awarded RFP 11-08 in the estimated cost of \$155,796.00 contingent upon final execution.

Upon the recommendation of Director Flanigan motion to approve RFP 11-08; Purchase, Installation and Operation of GPS Units made by Commissioner Hodge, seconded by Commissioner Moore.

- COMMISSIONER COMMENTS-

Commissioner Moore commented this will be a cost savings to the County and a safety feature. Commissioner Moore also commented Director Flanigan will report back to the Commissioners in one year with a report of cost savings.

Commissioner Hodge commented the expense for the purchase will be short term and the County will see multiple benefits from the purchase of the systems.

Commissioner Broomell commented that there was also additional savings in the reduction of insurance of five to fifteen percent.

Motion was unanimously carried to approve.

- BID 11-22; Hydraulic Excavator or County Approved Equivalent-

Director Flanigan informed the Board bids were opened on January 12, 2011 with five vendors submitting proposals for review. The Department of Public Works reviewed the proposals and determined that all bid proposals exceeded the budget limitations. Director Flanigan recommended the Board reject all bids and the Department of Public Works will re-evaluate the specifications to determine what changes are possible while still meeting minimum requirements and will re-submit the request for bid at a later date.

Upon the recommendation of Director Flanigan a motion to reject Bid 11-22 was made by Commissioner Moore seconded by Commissioner Hodge and unanimously carried to reject.

- BID 11-23; MOTOR GRADER OR COUNTY APPROVED EQUIVALENT-

Director Flanigan informed the Board bids were opened on January 12, 2011 with three vendors submitting a proposal for review. The Department of Public Works reviewed the proposals and determined that all bid proposals exceeded their budget limitations. Director Flanigan recommended the Board reject all bids and the Department of Public Works will re-evaluate the specifications to determine what changes are possible while still meeting minimum requirements and re-submit the request for bid at a later date.

Upon the recommendation of Director Flanigan a motion to reject Bid 11-23 was made by Commissioner Dunn, seconded by Commissioner Broomell and unanimously carried to reject.

- BID AWARD-

- RFP 11-10; DESIGN, PURCHASE & INSTALLATION OF SNOW RAIL SYSTEM-

- Alfred C. Wein, Jr., County Administrator presented RFP 11-10 Design, Purchase and Installation of Snow Rail. Administrator Wein informed the Board bids were opened September 15, 2010 with only one contractor submitting a proposal. Facilities Maintenance reviewed the proposal and determined that the proposal exceeds their budget limitations. Therefore it is recommended to reject the proposal and re-evaluate the specifications to determine what changes are possible while still meeting minimum requirements and re-submit the request for bid at a later date.

Motion was made to reject RFP 11-10 was made by Commissioner Broomell, seconded by Commissioner Hodge and unanimously carried to reject.

- COMMISSIONER COMMENTS-

Commissioner Hodge commented he would not support a one bidder bid, and he would like to see the Commissioners support the Purchasing Department in working harder in getting more bids on every bid that goes out.

- BUDGET AMENDMENTS NO'S. 64-72

Alfred C. Wein, Jr., County Administrator, presented budget amendments 64-72 for consideration.

Motion to approve Budget Amendments No's 64-72 was made by Commissioner Moore, seconded by Commissioner Dunn

- COMMISSIONER COMMENTS-

Commissioner Hodge advised the public of the Board's review and approval process of the budget amendments

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

- COMMISSIONER COMMENTS-

Commissioner Hodge commented that the vehicle being purchased for Permits and Inspections is to replace a vehicle that has over a 100,000 miles.

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

The next regular meeting of the Board of County Commissioners will be on February 15, 2011 at 7:00 p.m. at the Cecilton Town hall, 177 west Main Street, Cecilton, MD.

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