

**MINUTES OF THE BOARD
OF COUNTY COMMISSIONERS MEETING
June 19, 2012**

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.

The meeting of the Board of County Commissioners for Cecil County, June 19, 2012 was called to order by Commissioner Mullin at 2:14 p.m. and opened with the Pledge of Allegiance.

APPROVAL OF MINUTES –

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

- June 5, 2012 Commissioner Meeting Minutes
- June 5, 2012 Commissioner Meeting Public Hearing, Ordinance 2012-02 Chapter 209

Commissioner Moore commented that on the agenda for the Board of County Commissioners Meeting, the next Citizens Corner should state July 17, 2012 at 1:00 P.M instead of June 19, 2012 at 1:00 P.M.

On motion made by Commissioner Dunn, seconded by Commissioner Moore, the Board moved to approve the minutes as presented. Motion carried unanimously.

INFORMATIONAL ITEMS –

Presentation of Commissioners' Scholarship

President Mullin presented the Commissioners' Scholarship to Bohemia Manor High School Graduate Karlee Baker on behalf of the Cecil County Board of County Commissioners.

2012 Small Government Leadership Award to the Town of Chesapeake City

President of Maryland Recycling Network Tanya Adams presented the 2012 Small Government Leadership Award to Councilman Frank Vari and to members of the Town of Chesapeake City. President Adams commented on the Town's efforts to raise the funds needed to support this project and what those efforts have yielded.

Councilman Frank Vari commented that this award would not be possible without the Town of Chesapeake City staff, its residences and the whole town coming together to make this program possible. Councilman Vari went on to thank the residences of Chesapeake City for allowing him to serve them for the past two (2) years, and asked everyone in Cecil County to keep recycling. Councilman Vari accepted the award on behalf of Chesapeake City and all its residences.

Junk-Be-Gone was also recognized for being the company that serves the Town of Chesapeake City. President Adams commented that Junk-Be-Gone recycles ninety-seven percent (97%) of everything that they take in.

Planning and Zoning 2011 Annual Report

Director of Planning and Zoning Eric Sennstrom presented the Planning and Zoning 2011 Annual Report. Director Sennstrom commented that the Planning Commission adopted the Report at their meeting, and that now it is being presented for the Boards approval.

Director Sennstrom advised the Board that no action is needed at this time that this Report is for informational purposes only.

A copy of the Planning and Zoning Annual Report can be obtained from the Department of Planning and Zoning.

Treasurer's Report

Treasurer Bill Feehely presented the Treasurer's Report as of May 31, 2012.

Discussion ensued regarding the Treasurer's Report.

On motion made by Commissioner Moore, seconded by Commissioner Dunn, the Board moved to approve the Treasurer's Report as presented. Motion carried unanimously.

The Treasurer's Report has been incorporated as an addendum to the meeting minutes.

COMMISSIONER COMMENTS—

Commissioner Hodge welcomed everyone to the meeting.

Commissioner Dunn welcomed everyone to the meeting.

Commissioner Moore welcomed everyone to the meeting.

Vice President Broomell congratulated John Denver for being elected as President to the Fireman's Association in Ocean City, Maryland.

President Mullin had no comments.

INTRODUCTION—

Memorandum of Agreement, Provision of Water & Wastewater Services by the Town of Chesapeake City to the Cecil County Board of Education for the Bohemia Manor School Complex

County Administrator Wein introduced the Memorandum of Agreement (MOA), Provision of Water & Wastewater Services by the Town of Chesapeake City to the Cecil County Board of Education for the Bohemia Manor School Complex.

Commissioner Hodge commented on his approval for this MOA.

Vice President Broomell commented on her approval of this MOA.

Discussion ensued on how the Town of Chesapeake City will guarantee funding for this project, and the ramifications if the school exceeds the contractual agreement of 8,000 gallons of water per day and what those costs would entail.

President Mullin advised that the Board will keep in touch with the Town until the Board moves to approve this MOA at the next Commissioners Meeting on July 17, 2012.

License Agreement between the Maryland Transportation Authority and the Cecil County Department of Public Works – SCADA Antenna

Director Flanigan introduced the License Agreement between the Maryland Transportation Authority and the Cecil County Department of Public Works– SCADA Antenna.

Option Contract between James E. & Mary E. Craft and the Cecil County Board of County Commissioners – Waibel Road Bridge Replacement

Director Flanigan introduced the Option Contract between James E. & Mary E. Craft and the Cecil County Board of County Commissioners – Waibel Road Bridge Replacement.

Permanent Utility Easement Agreement between the Board of County Commissioners and Artesian Water Maryland, Inc. – Chestnut Hill Road

Director Flanigan introduced the Permanent Utility Easement Agreement between the Board of County Commissioners and Artesian Water Maryland, Inc. – Chestnut Hill Road.

PUBLIC HEARING—

Director Conway introduced the proposed amendments to certain sections of Chapter 200 Building Construction of the Cecil County Code

President Mullin advised the public that Ordinance 2012-03 would be considered by the Board at their Commissioners Meeting on July 17, 2012.

Alan Reasin, Conowingo, MD, commented that he was opposed to this Ordinance and commented on the impact that this Ordinance will have on residence that have wells.

PUBLIC COMMENT—

Fred Kleiner, North East, commented that he approves agricultural land preservation but is opposed to how it is accomplished.

Virginia Sanders, Rising Sun, commented that she is opposed to the purchase and preservation of agricultural lands of Lowell and Drew McCoy, etal.

Phyllis Kilby, Colora, commented on her approval for the purchase and preservation of agricultural lands of Lowell and Drew McCoy, etal.

George Kaplan, Colora, commented on his approval for the purchase and preservation of agricultural lands of Lowell and Drew McCoy, etal.

Linda Kleiner, North East, read a letter on behalf of Joseph Tropp, Earleville, he wrote that he is opposed to the purchase and preservation of agricultural lands of Lowell and Drew McCoy, etal.

Latisha Ayers, Elkton, commented that she is opposed to the purchase and preservation of agricultural lands of Lowell and Drew McCoy, etal.

Nancy Valentine, North East, commented on her approval for the purchase and preservation of agricultural lands of Lowell and Drew McCoy, etal.

LesAnne Hudson, Elkton, commented that she is opposed to the Town of Elkton annexation proposal

Gail Casini, Elkton, commented on the Town of Elkton annexation proposal and her concerns for the proposal.

Ron Hartman, Elkton, commented on his approval for the purchase and preservation of agricultural lands of Lowell and Drew McCoy, etal.

Harold McCanick, Elkton, commented that he is opposed to the purchase and preservation of agricultural lands of Lowell and Drew McCoy, etal..

Mark Wayman, Elkton, commented that he is opposed to the Town of Elkton annexation proposal

Ken Kirk, Elkton, commented that he is opposed to the Town of Elkton annexation proposal

Bill Harris, Cecilton, commented that he is opposed to the purchase and preservation of agricultural lands of Lowell and Drew McCoy, etal.

Wayne Stafford, Elkton, President of Cecil County Farm Bureau commented on their approval for the purchase and preservation of agricultural lands of Lowell and Drew McCoy, etal. and commented on his personal experiences of the preservation of his farm land.

Greg McDonald, Elkton, commented that he is opposed to the purchase and preservation of agricultural lands of Lowell and Drew McCoy, etal.

Kevin Emmerich, Elkton, commented that he is opposed to the purchase and preservation of agricultural lands of Lowell and Drew McCoy, etal.

Tom Kenny, Charlestown, commented that he is opposed to the purchase and preservation of agricultural lands of Lowell and Drew McCoy, etal.

Lois Chookessi, Elkton, commented that he is opposed to the purchase and preservation of agricultural lands of Lowell and Drew McCoy, etal.

Charles Herzog, Colora, commented on his approval for the purchase and preservation of agricultural lands of Lowell and Drew McCoy, etal.

Bob Fisher, Rising Sun, Mayor of Rising Sun commented on his approval for the purchase and preservation of agricultural lands of Lowell and Drew McCoy, etal.

Vincent Sammons, Rising Sun, commented that he is opposed to the purchase and preservation of agricultural lands of Lowell and Drew McCoy, etal.

Mary Rodgers, Elkton, commented that she is opposed to the purchase and preservation of agricultural lands of Lowell and Drew McCoy, etal.

Kathleen O'Connell, Elkton, commented that she is opposed to the purchase and preservation of agricultural lands of Lowell and Drew McCoy, etal.

Rupert Rossetti, Port Deposit, commented on his approval for the purchase and preservation of agricultural lands of Lowell and Drew McCoy, etal.

Dwight Thomey, Elkton, Architect for Tenby Ridge Developers asked the Board to approve the Town of Elkton annexation proposal and for the approval of the land to be rezoned.

Discussion ensued regarding:

- The Stop Work Order
- The effect if this annexation was not approved by the Board
- The public being properly notified
- If sketches are going to be presented at the next Town Meeting and the long term process for moving forward with this project
- If the Town would be willing to take on the responsibility of maintaining the roads

Vice President Broomell expressed her concerns in rezoning this land and expressed concerns of the Town benefiting financially from this annexation, but the County not having the ability to obtain developer contributions.

Mr. Thomey commented that the Town is expressing the same concerns and wants to ensure that this project is done correctly, and advised that the Board attend the Town Meetings on this subject.

Elmer Justice, Elkton, one of the owners of Tenby Ridge asked the Board to approve the Town of Elkton annexation proposal and for the approval of the land to be rezoned.

Justin Charles, Elkton, commented that he is opposed to the purchase and preservation of agricultural lands of Lowell and Drew McCoy, etal.

Walter Rozanski, Elkton, commented on his approval for the purchase and preservation of agricultural lands of Lowell and Drew McCoy, etal.

Robert Amato, Perryville, commented that he is in support of agricultural land preservation but opposed to the contract as it stands.

Commissioner Moore asked for a copy of the document that Mr. Amato was referencing from.

Ron Lobos, Elkton, commented that he is in support of agricultural land preservation but opposed to purchasing them with tax money and the contract as it stands. He also commented on the new sprinkler code.

Susan Fager, North East, commented that she is opposed to the purchase and preservation of agricultural lands of Lowell and Drew McCoy, etal.

Donna Caudell, Elkton, commented that she is opposed to the purchase and preservation of agricultural lands of Lowell and Drew McCoy, etal.

Discussion ensued in regards to the statements made about Vice President Broomell.

Jackie Gregory, Elkton, commented that she is opposed to the purchase and preservation of agricultural lands of Lowell and Drew McCoy, etal.

Bill Seiss, Elkton, commented that he is opposed to the Town of Elkton annexation proposal.

Bill Kranz, Elkton, commented that he is opposed to the Town of Elkton annexation proposal.

Anne Mahoney, Rising Sun, commented on her approval for the purchase and preservation of agricultural lands of Lowell and Drew McCoy, etal.

Diane Carabotta, Perryville, commented on the award given to the Town of Chesapeake City and on her approval for the purchase and preservation of agricultural lands of Lowell and Drew McCoy, etal.

ACTION ITEMS—

Appointments

Administrator Wein presented the following appointments for the Board's consideration

Commission on Aging:

- Ron Graybeal—New Appointment—for a three year term to expire; June 30, 2015

On motion made by Commissioner Dunn, seconded by Commissioner Hodge, the Board moved to appoint Ron Graybeal to the Commissioner on Aging.

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

Administrator Wein presented the following appointments for the Board's consideration

Cecil County Department of Social Services Board:

- Carol England—Reappointment—for a three year term to expire; June 30, 2015

On motion made by Commissioner Moore, seconded by Commissioner Hodge, the Board moved to reappoint Carol England to the Cecil County Department of Social Services Board.

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

Resolution-Girl Scouts of America

County Administrator Wein presented the Resolution for The Girl Scouts of America.

On motion made by Commissioner Dunn, seconded by Commissioner Hodge, the Board moved to approve the Resolution for The Girl Scouts of America.

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

Resolution-Cecil County Revolving Loan Fund/Application-Operative Experience

County Administrator Wein presented the Resolution for the Conditional Loan Commitment to Operative Experience, Inc from the Cecil County Revolving Loan Fund.

On motion made by Vice President Broomell, seconded by Commissioner Moore, the Board moved to approve the Resolution for the Conditional Loan Commitment to Operative Experience, Inc from the Cecil County Revolving Loan Fund.

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

Commissioner Hodge commented on the future relationship between Cecil County and Operative Experience, Inc.

Town of Elkton Annexation Proposal for Tenby Ridge Joint Venture, LP

Administrator Wein presented the Town of Elkton Annexation Proposal for Tenby Ridge Joint Venture, LP to the Board.

Discussion ensued regarding:

- If the County has the sufficient tools to have the developer contribute towards the upgrade of Muddy Lane.
- Town of Elkton taking over responsibility of the road as well as property in the annexation.
- The County properly notifying the public about the annexation.
- Why there is a waiting period of five (5) years in order to change the zoning of a specific property.

Vice President Broomell commented on how Muddy Lane will be affected if this annexation is approved.

Director Sennstrom advised the Board that they are only voting on whether or not to approve the zoning change, and that if the Board does not approve the zoning change request Town of Elkton officials will need to wait five years before they can move to change the zoning.

Commissioner Moore expressed her concerns about the future of Muddy Lane, and commented on the need for the Board to meet with the Town of Elkton before a decision is made.

On motion made by Commissioner Hodge, seconded by President Mullin, the Board moved to table the Town of Elkton Annexation Proposal.

VOTE: Mullin – Y, Broomell - N, Moore – Y, Dunn - Y, Hodge – Y. Motion carried 4-1 to table.

President Mullin advised Administrator Wein to set up a meeting with Town of Elkton officials, planning staff and Public Works staff.

Memorandum of Understanding, Retired and Senior Volunteer Program (RSVP)

Administrator Wein presented the Memorandum of Understanding, RSVP Grant.

On motion made Commissioner Dunn and Vice President Broomell, seconded by Commissioner Hodge, the Board moved to approve the Memorandum of Understanding, RSVP Grant.

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

Resolution-Volunteer Fire Company Equipment Replacement Program

County Administrator Wein presented the Resolution for the Volunteer Fire Company Equipment Replacement Program.

On motion made Vice President Broomell, seconded by Commissioner Hodge, the Board moved to approve the Resolution-Volunteer Fire Company Equipment Replacement Program.

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

Animal Control Contract Extension

County Administrator Wein presented the Animal Control Contract Extension.

Commissioner Hodge moved to approve the Animal Control Contract Extension with the provision of termination if it is found that Act 209 is too expensive to implement.

On motion made Commissioner Hodge, seconded by Commissioner Moore, the Board moved to approve the Animal Control Contract Extension.

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

Discussion ensued regarding what rights this extension gives to all parties involved and the steps following this extension.

Memorandum of Understanding, Maryland Broadband Cooperative

County Administrator Wein requested that the Board defer the Memorandum Of Understanding (MOU), Maryland Broadband Cooperative until the July 17, 2012 Commissioners Meeting.

Commissioner Hodge moved to table the MOU until Board has an agreement that they are satisfied with.

On motion made Commissioner Hodge, seconded by Commissioner Moore, the Board moved to table the Resolution-Volunteer Fire Company Equipment Replacement Program until the July 17, 2012 Commissioners Meeting.

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

Resolution-Preservation of Agricultural Lands of Lowell and Drew McCoy, etal.

Planning and Zoning Plans Reviewer Eric Shertz presented to the Board the revisions to the Resolution for Preservation of Agricultural Lands of Lowell and Drew McCoy, etal.

Discussion ensued regarding:

- The Agreement between Cecil Land Trust and the NRCS and what is required of the County in terms of the easements.
- Educating the citizens on why land preservation is a benefit for the County
- The landowner reviewing and being aware of the Resolution
- What the Board is agreeing to by approving the Resolution

Plans Reviewer Shertz reviewed what the comprehensive plan entails and what the responsibility of the County and the Department of Planning and Zoning is in regards to land preservation.

Plans Reviewer Shertz advised the Board that if the funds are not used by March 31, 2013 they will expire and the process will have to start over again.

On motion made by Vice President Broomell, seconded by Commissioner Dunn the Board moved to approve the Resolution—Preservation of Agricultural Lands of Lowell and Drew McCoy, etal.

Commissioner Hodge commented on his reasoning's to oppose this Resolution.

President Mullin commented on his reasoning's for supporting this Resolution. President Mullin advised the Board and the public that the Recertification of Cecil County will be taking place in Annapolis and that the County will retain seventy-five percent (75%) transfer tax instead of thirty-three percent (33%).

Vice President Broomell commented on her reasoning's for supporting the Resolution.

Commissioner Moore advised the public on what the Comprehensive Plan entails and why the County is preserving land. Commissioner Moore commented about her concerns regarding this Resolution and asked the Board to defer this Resolution to make sure the property owner is given the opportunity to review it.

Vote: Mullin—Y, Broomell—Y, Moore – Abstaining, Dunn—Y, Hodge—N. Motion carried 3-1-1 to approve the Resolution.

"Letter of Intent"-Home Partnerships of Cecil County for 214 North Street

County Administrator Wein presented the "Letter of Intent" for Home Partnerships of Cecil County, Inc for the county owned property at 214 North Street, Elkton.

On motion made by Commissioner Moore, seconded by Commissioner Dunn the Board moved to approve the "Letter of Intent"-Home Partnerships of Cecil County for 214 North Street.

Vote: Mullin—Y, Broomell—Y, Moore – Y, Dunn—Y, Hodge—N. Motion carried 4-1 to approve the "Letter of Intent".

Electrical Inspection Agency Approval

Administrator Wein presented the recommendation from the Board of Electrical Examiners to appoint Bay Area Inspection Agency, Elkton, MD and American Inspection Agency, Newark, DE to perform electrical inspections in Cecil County.

On motion made by Commissioner Hodge, seconded by Commissioner Moore the Board moved to approve the appointment of Bay Area Inspection Agency and American Inspection Agency to perform electrical inspection in Cecil County.

Vote: Mullin—Y, Broomell—Y, Moore – Y, Dunn—Y, Hodge—Y. Motion carried unanimously.

Deed-Ridgley Forest Holdings, LLC and the Cecil County Board of County Commissioners

Public Works Director Flanigan presented the Deed for Ridgley Forest Holdings, LLC and the Cecil County Board of County Commissioners.

On motion made by Commissioner Moore, seconded by Commissioner Hodge the Board moved to approve the Deed for Ridgley Forest Holdings, LLC and the Cecil County Board of County Commissioners.

Vote: Mullin—Y, Broomell—Y, Moore – Y, Dunn—Y, Hodge—Y. Motion carried unanimously.

Permanent Utility Easement Agreement between Cecil County Board of County Commissioners, and CECO Utilities, Inc., Artesian Water Maryland, Inc., and Pivotal Utility Holdings, Inc. (D.B.A) Elkton Gas

Public Works Director Flanigan presented the Permanent Utility Easement Agreement between Cecil County Board of County Commissioners, and CECO Utilities, Inc., Artesian Water Maryland, Inc., and Pivotal Utility Holdings, Inc. (D.B.A) Elkton Gas.

On motion made by Commissioner Moore, seconded by Commissioner Hodge the Board moved to approve the Permanent Utility Easement Agreement between Cecil County Board of County Commissioners, and CECO Utilities, Inc., Artesian Water Maryland, Inc., and Pivotal Utility Holdings, Inc. (D.B.A) Elkton Gas.

Vote: Mullin—Y, Broomell—Y, Moore – Y, Dunn—Y, Hodge—Y. Motion carried unanimously.

Permanent Utility Easement Agreement between the Cecil County Board of County Commissioners, and A&E Industrial Drive LLC.

Public Works Director Flanigan presented the Permanent Utility Easement Agreement between the Cecil County Board of County Commissioners and A&E Industrial Drive LLC.

On motion made by Commissioner Dunn, seconded by Commissioner Hodge the Board moved to approve the Permanent Utility Easement Agreement between the Cecil County Board of County Commissioners and A&E Industrial Drive LLC.

Vote: Mullin—Y, Broomell—Y, Moore – Y, Dunn—Y, Hodge—Y. Motion carried unanimously.

Option Contract – John C. Sentman, Bohemia Church Road, Tax Map 58, Part of Parcel Nos., 65 & 66, Cecilton, MD for the replacement of Culvert XCE 1071 Bohemia Church Road over Little Bohemia Creek

Public Works Director Flanigan presented the Option Contract – John C. Sentman, Bohemia Church Road, Tax Map 58, Part of Parcel Nos., 65 & 66, Cecilton, MD for the replacement of Culvert XCE 1071 Bohemia Church Road over Little Bohemia Creek.

On motion made by Commissioner Moore, seconded by Commissioner Dunn the Board moved to approve the Option Contract – John C. Sentman, Bohemia Church Road, Tax Map 58, Part of Parcel Nos., 65 & 66, Cecilton, MD for the replacement of Culvert XCE 1071 Bohemia Church Road over Little Bohemia Creek.

Vote: Mullin—Abstaining, Broomell—Y, Moore – Y, Dunn—Y, Hodge—Y. Motion carried 4-1 to approve Option Contract.

Option Contract – The Rounds Corporation, Tax Map 58, Parcel 7, Warwick, MD for the replacement of Culvert XCE 1071 Bohemia Church Road over Little Bohemia Creek

Public Works Director Flanigan presented the Option Contract – The Rounds Corporation, Tax Map 58, Parcel 7, Warwick, MD for the replacement of Culvert XCE 1071 Bohemia Church Road over Little Bohemia Creek.

On motion made by Commissioner Dunn, seconded by Commissioner Moore the Board moved to approve the Option Contract – The Rounds Corporation, Tax Map 58, Parcel 7, Warwick, MD for the replacement of Culvert XCE 1071 Bohemia Church Road over Little Bohemia Creek.

Discussion ensued regarding the increase in the offer.

Vote: Mullin—Y, Broomell—Y, Moore – Y, Dunn—Y, Hodge—Y. Motion carried unanimously.

Bid No. 12-22-52669-Replacement of Culvert XCE 1071-Bohemia Church Road

Public Works Director Flanigan presented the Bid No. 12-22-52669-Replacement of Culvert XCE 1071-Bohemia Church Road be awarded to JJID, Inc.

On motion made by Commissioner Hodge, seconded by Commissioner Dunn the Board moved to approve the Bid No. 12-22-52669-Replacement of Culvert XCE 1071-Bohemia Church Road be awarded to JJID, Inc.

Vote: Mullin—Y, Broomell—Y, Moore – Y, Dunn—Y, Hodge—Y. Motion carried unanimously.

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