

**MINUTES OF THE BOARD
OF COUNTY COMMISSIONERS MEETING
August 21, 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, August 21, 2012 was called to order by Commissioner Mullin at 2:16 p.m. and opened with the Pledge of Allegiance.

APPROVAL OF MINUTES –

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

- July 17, 2012 Commissioner Meeting Minutes
- July 17, 2012 Rezoning Hearing Meeting Minutes

On motion made by Commissioner Moore, seconded by Commissioner Dunn, the Board moved to approve the July 17, 2012 Commissioner Meeting Minutes as presented. Motion carried unanimously.

On motion made by Commissioner Dunn, seconded by Vice President Broomell, the Board moved to approve the July 17, 2012 Rezoning Hearing Meeting Minutes as presented. Motion carried unanimously.

INFORMATIONAL ITEMS –

Treasurer's Report

Treasurer Bill Feehley presented the Treasurer's Report as of July 31, 2012.

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

Discussion ensued in regards to the Treasurer's Report.

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

Health Report

Health Officer Stephanie Garrity reported the following:

- **Public Health Employees leaving the Health Department;**
- **Update on the West Nile Virus and precautions to minimize contracting the virus;**
- **Quarterly Report on activities from April-June 2012;**
- **Rabies vaccinations scheduled at the Health Department on September 29, 2012; and**
- **Second Annual Cecil County 5K-Twelve Step Recovery Walk on September 29, 2012.**

Health Officer Garrity advised the Board that the two Public Health Employees leaving have distinguished themselves as leaders both in Cecil County and in the State of Maryland in their respective fields and that they will be missed.

Discussion ensued in regards to the pilot Suboxone program.

Health Officer Garrity thanked the county for allowing the participants in the Recovery Walk to assemble at the Cecil County Circuit Court.

COMMISSIONER COMMENTS—

Commissioner Moore thanked everyone for coming and commented on the North East Fire Company honoring Home Town Heroes Event, the MACo Conference, and the SB 236 Tier Map-Draft 4.

Vice President Broomell thanked everyone for coming and commented on the MACo Conference, the attendance at the meeting by the farming community, and the SB 236 Tier Map-Draft 4.

Commissioner Hodge welcomed everyone to the meeting and commented on the SB 236 Tier Map-Draft 4.

Commissioner Dunn thanked everyone for coming.

President Mullin thanked everyone for coming and commented that he is seeking solutions to move forward regarding the SB 236 Tier Map-Draft 4.

INTRODUCTION—

Deed and Entry Agreement between the Board of County Commissioners and William C. & Albert J. Ewing for right of way access and temporary easement for the replacement of the Fairview Road Bridge

Director Scott Flanigan introduced the Deed and Entry Agreement between the Board of County Commissioners and William C. & Albert J. Ewing for right of way access and temporary easement for the replacement of the Fairview Road Bridge.

Director Flanigan advised the Board that an option contract was not included with this agreement.

The Deed and Entry agreement, listed above, will be presented for the Boards consideration at the September 4, 2012 Commissioners Meeting.

PUBLIC HEARING—

Administrator Wein provided a brief overview of Ordinance 2012-07, Chapter 183 Purchasing Code of Cecil County and Purchasing Manual.

Administrator Wein thanked officials from Union Hospital, W.L. Gore and the Cecil County Board of Education for their recommendations. He advised the Board that the effective date of Ordinance 2012-07 would be December 3, 2012 with the initiation of Charter Government.

Members of the Board discussed a check and balance system for the purchase of goods and services by the County Executive.

Comments in support or opposition from the public:

Valerie Falcioni, 25 Furrow Lane, North East; commented that she would like to see a checks and balances system incorporated in Ordinance 2012-07.

Administrator Wein provided a brief overview for Ordinance 2012-08, Amendment to Chapter 166, Ethics Provisions. He advised the Board that the State Ethics Commission approved these amendments at their June 28, 2012 State Ethics Commission Meeting.

Ordinance 2012-07, Chapter 183 Purchasing Code of Cecil County and Purchasing Manual and Ordinance 2012-08, Amendment to Chapter 166 Ethics Provisions will be scheduled for consideration by the Board at the September 4, 2012 Commissioners Meeting.

PUBLIC COMMENT—

Bob Amato, P.O. Box 679, Perryville; commented on his opposition to the Resolution, for the closure of the Water Fund and Transfer of Fund Balance to the Wastewater Fund and SB 236 Tier Map-Draft 4;

Valerie Falcioni, 25 Furrow Lane, North East; commented on her opposition to SB 236 Tier Map-Draft 4;

Paula Gilley, 136 Liddell Road, Colora; commented on her opposition to SB 236 Tier Map-Draft 4;

Fred Kleiner, 45 Springfield Drive, North East; commented on his opposition to SB 236 Tier Map-Draft 4;

Wayne Stafford, 2617 Blue Ball Road, Elkton; thanked the farmers for attending the meeting and the Elkton Police Department and Sheriff's Office for their help and commented on his opposition to SB 236 Tier Map-Draft 4;

Don Moore, 2677 Telegraph Road, North East; commented on land preservation and his opposition to SB 236 Tier Map-Draft 4;

Nancy Valentine, 135 Pine Cone Drive, North East; commented on her support to approve the Transfer of Development Rights Program;

Bill Creeger, 659 Wilson Road, Rising Sun; commented on his opposition to SB 236 Tier Map-Draft 4;

Charlotte Eggink, 1100 Calvert Road, Rising Sun; commented on her opposition to SB 236 Tier Map-Draft 4;

David McCreary, 1465 Telegraph Road, Rising Sun; commented on his opposition to SB 236 Tier Map-Draft 4;

Polly Willis, 65 Wade Lane, North East; commented on her opposition to SB 236 Tier Map-Draft 4;

Donna Triboletti, 695 Colora Road, Colora; commented on her opposition to SB 236 Tier Map-Draft 4;

Raymond Borland, 695 Colora Road, Colora; commented on his opposition to SB 236 Tier Map-Draft 4;

Vincent Sammons, 25 Beaver Court, Rising Sun; commented that Tier Maps-Draft 1-3 need to be considered along with the Tier Map-Draft 4;

Bob Miller, 41 Grove Miller Lane, North East; commented on his opposition to SB 236 Tier Map-Draft 4;

Rick Mason, 64 Shelton Lane, Rising Sun; commented on his opposition to SB 236 Tier Map-Draft 4;

Ben Haines, 810 Telegraph Road, Rising Sun; commented on his opposition to SB 236 Tier Map-Draft 4;

Bill Simmons, 241 Shady Beach Road, North East; commented on his opposition to SB 236 Tier Map-Draft 4; and

Joan Ferrick, 101 Caldwell Road, North East; commented on her petition to rebuild the Old Elk Neck Road Bridge.

ACTION ITEMS—

Appointments

Local Management Board:

- **Thomas Lofland—reappointment for a one year extension to expire on August 21, 2013**

On motion made by Commissioner Dunn, seconded by Commissioner Hodge, the Board moved to approve the reappointment of Thomas Lofland to the Local Management Board. Motion carried unanimously.

Local Development Council:

- **Russ Milam—new appointment for a four year term to expire on August 21, 2016**

On motion made by Commissioner Dunn, seconded Vice President Broomell, the Board moved to approve the appointment of Russ Milam to the Local Development Council. Motion carried unanimously.

Resolution, Closure of Water Fund and Transfer of Fund Balance to Wastewater Fund

Treasurer Feehley presented the Resolution, Closure of Water Fund and Transfer of Fund Balance to Wastewater Fund.

Members of the Board discussed funds being advanced to the Wastewater fund from the General fund.

On motion made by Commissioner Moore, seconded by Commissioner Hodge, the Board moved to approve the Resolution, Closure of Water Fund and Transfer of Fund Balance to Wastewater Fund. Motion carried unanimously.

Ordinance 2012-04, Amendment to the Code of Cecil County, Chapter A282 Transfer of Development Rights, Article XI, Part V, §246 of the Cecil County Zoning Ordinance

Director Sennstrom presented Ordinance 2012-04, Amendment to the Code of Cecil County, Chapter A282 Transfer of Development Rights, Article XI, Part V, §246 of the Cecil County Zoning Ordinance. He advised the Board that the Planning Commission recommended approval of Ordinance 2012-04.

On motion made by Commissioner Dunn, seconded by Commissioner Broomell, the Board moved to approve Ordinance 2012-04, Amendment to the Code of Cecil County, Chapter A282 Transfer of Development Rights, Article XI, Part V, §246 of the Cecil County Zoning Ordinance as presented.

Commissioner Moore and Commissioner Hodge requested that the Board consider tabling the vote until the SB 236 Tier Map-Draft 4 has been considered by the Board.

Members of the Board provided their comments regarding the request to table the vote.

Vote: Mullin-Y, Broomell-Y, Dunn-Y, Moore-N, Hodge-N. Motion carried 3 in favor and 2 in opposition to approve Ordinance 2012-04.

Ordinance 2012-05, Amendment to the Cecil County Zoning Ordinance, Article II, Part I, §12, Article XI, Part V, §246.8.b (2)

Director Sennstrom presented Ordinance 2012-05, Amendment to the Cecil County Zoning Ordinance, Article II, Part I, §12, Article XI, Part V, §246.8.b (2).

On motion made by Commissioner Dunn, seconded by Commissioner Hodge, the Board moved to approve Ordinance 2012-05, Amendment to the Cecil County Zoning Ordinance, Article II, Part I, §12, Article XI, Part V, §246.8.b (2) as presented. Motion carried unanimously.

Rezoning 2012-03, 560 Blue Ball Road, Elkton, Request to Rezone 8.6 & .17 Acres from Urbanized Residential to Business General

Director Sennstrom presented Rezoning 2012-03, 560 Blue Ball Road, Elkton, Request to Rezone 8.6 & .17 Acres from Urbanized Residential to Business General.

Members of the Board provided their comments in regards to the rezoning request.

Members of the Board discussed the following:

- **Zoning Ordinance regulations relative to Home Occupation;**
- **Request to revise the Home Occupation regulations in the Cecil County Zoning Ordinance;**
- **Zoning changes on this property;**
- **Notifying all property owners of zoning changes for their property; and**
- **Notifying all property owners in the SB 236 Tier 4 Map Area who own 20 acres or more, of the new regulations.**

On motion made by Vice President Broomell, seconded by Commissioner Moore, the Board moved to deny the rezoning request to rezone 8.6 & .17 acres from Urbanized Residential to Business General.

Vote: Mullin-Y, Broomell-Y, Dunn-Y, Moore-Y, Hodge-N. Motion carried 4 to in favor and 1 in opposition to deny the rezoning request to rezone 8.6 & .17 acres from Urbanized Residential to Business General.

Members of the Board requested a copy of the letter being mailed to property owners who own 20 acres or more in the SB 236 Tier 4 Map areas.

Historic Property Tax Credit, Isaac England House

Director Sennstrom presented the request for a historic property tax credit, for the Isaac England House. He advised the Board that this tax credit has been review by the Historic District Commission.

On motion made by Commissioner Moore, seconded by Commissioner Hodge, the Board moved to approve the historic property tax credit for the Isaac England House. Motion carried unanimously.

Contract Adoption between Board of County Commissioners and Aramark Management Services, LP

Administrator Wein presented an overview of the contract between the Board of County Commissioners and Aramark Management Services, LP. He advised the Board that the term of the agreement would continue through December 14, 2015.

On motion made by Commissioner Hodge, seconded by Commissioner Dunn, the Board moved to approve the contract between the Board of County Commissioners and Aramark Management Services, LP, as presented. Motion carried unanimously.

Easement Agreement between Craft Haven Marina Campgrounds, Inc., and the Board of County Commissioners for a permanent utility easement

Director Flanigan presented the Easement Agreement between Craft Haven Marina Campgrounds, Inc., and the Board of County Commissioners for a permanent utility easement.

On motion made by Commissioner Moore, seconded by Commissioner Hodge, the Board moved to approve the Easement Agreement between Craft Haven Marina Campgrounds, Inc., and the Board of County Commissioners for a permanent utility easement. Motion carried unanimously.

Option Contract between the Board of County Commissioners and Harold E. Barker, 403 Dr. Jack Road, Port Deposit for the conveyance of property for the replacement of Waibel Road Bridge over Nesbitt Run

Director Flanigan presented the Option Contract between the Board of County Commissioners and Harold E. Barker, 403 Dr. Jack Road, Port Deposit for the conveyance of property for the replacement of Waibel Road Bridge over Nesbitt Run.

On motion made by Commissioner Dunn, seconded by Commissioner Hodge, the Board moved to approve the Option Contract between the Board of County Commissioners and Harold E. Barker, 403 Dr. Jack Road, Port Deposit for the conveyance of property for the replacement of Waibel Road Bridge over Nesbitt Run. Motion carried unanimously.

Option Contract between the Board of County Commissioners and SRP Group, LLC, North East Road, Map 25, parcel 728, Lot 6, for the conveyance of property for the replacement of Baron Road Bridge

Director Flanigan presented the Option Contract between the Board of County Commissioners and SRP Group, LLC, North East Road, Map 25, parcel 728, Lot 6, for the conveyance of property for the replacement of Baron Road Bridge.

Members of the Board discussed the cost related to the option contract.

On motion made by Commissioner Dunn, seconded by Commissioner Moore, the Board moved to approve the Option Contract between the Board of County Commissioners and SRP Group, LLC, North East Road, Map 25, parcel 728, Lot 6, for the conveyance of property for the replacement of Baron Road Bridge. Motion carried unanimously.

Permanent Utility Easement between C&S Property LLC and the Board of County Commissioners for the maintenance of sanitary sewer lines

Director Flanigan presented the Permanent Utility Easement between C&S Property LLC and the Board of County Commissioners for the maintenance of sanitary sewer lines.

On motion made by Commissioner Moore, seconded by Commissioner Hodge, the Board moved to approve the Permanent Utility Easement between C&S Property LLC and the Board of County Commissioners for the maintenance of sanitary sewer lines. Motion carried unanimously.

Two (2) Permanent Utility Easements between Peninsula Industrial Park, Inc., and the Board of County Commissioners for the maintenance of sanitary sewer lines

Director Flanigan presented the two (2) Permanent Utility Easements between Peninsula Industrial Park, Inc., and the Board of County Commissioners for the maintenance of sanitary sewer lines.

On motion made by Commissioner Moore, seconded by Commissioner Hodge, the Board moved to approve the two (2) Permanent Utility Easements between Peninsula Industrial Park, Inc., and the Board of County Commissioners for the maintenance of sanitary sewer lines. Motion carried unanimously.

Permanent Utility Easement between the Town of North East and the Board of County Commissioners for the maintenance of sanitary sewer lines

Director Flanigan presented the Permanent Utility Easement between the Town of North East and the Board of County Commissioners for the maintenance of sanitary sewer lines.

On motion made by Vice President Broomell, seconded by Commissioner Dunn, the Board moved to approve the Permanent Utility Easement between the Town of North East and the Board of County Commissioners for the maintenance of sanitary sewer lines. Motion carried unanimously.

Bid 13-10- "Asphalt Overlay to Rock Run Road (Burlin Road to Town Limits) and Hance's Point Road (Plum Creek Road to Riverside Drive)"

Director Flanigan presented Bid 13-10- "Asphalt Overlay to Rock Run Road (Burlin Road to Town Limits) and Hance's Point Road (Plum Creek Road to Riverside Drive)."

On motion made by Commissioner Hodge, seconded by Vice President Broomell, the Board moved to approve Bid 13-10- "Asphalt Overlay to Rock Run Road (Burlin Road to Town Limits) and Hance's Point Road (Plum Creek Road to Riverside Drive)." Motion carried unanimously.

Bid 13-05- WWTP Chemicals

Director Flanigan presented Bid 13-05- Wastewater Treatment Plant (WWTP) Chemicals.

On motion made by Commissioner Moore, seconded by Commissioner Hodge, the Board moved to approve Bid 13-05- WWTP Chemicals. Motion carried unanimously.

BUDGET ADMENDMENTS—

Budget Manager Craig Whiteford presented budget amendments 5-18 for the Board's consideration.

On a motion made by Commissioner Moore, seconded by Commissioner Dunn, the Board moved to approve budget amendments 5-18 as presented. Motion carried unanimously.

Budget Amendments 5-18 have been included with these minutes.

ADJOURNMENT

On motion made by Vice President Broomell, seconded by Commissioner Dunn, the Board moved to adjourn the meeting. Motion carried unanimously.

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