

**CECIL COUNTY COMPREHENSIVE PLAN CITIZEN OVERSIGHT  
COMMITTEE  
Meeting Minutes  
16 July 2008**

**Present:** Rossetti, Rupert; Hutton, Randy; Lane, Diane; Gilley, Paula; Gell, Robert; Smyser, Chuck; Butler, Eileen; Cairns, Ed; Wiggins, Ken; Duckett, Vernon; Whiteman, Will; Denver, John; Thorne, Owen; Hodge, Robert; Stewart, Gary; Colenda, Sarah; Jackson, Ann; Polite, Dan; Day, Shawn; Walbeck, Carl; Clewer, Jeff; Tapley, Donna; Deckard, Donna; Shafer, Henry; Bennett, John; Strause, Vicki; Broomell, Diana; Derr, Dan; Kilby, Phyllis; Priapi, Vic; Edwards, Sandra; Bayer, Michael – ERM; Graham, Clive – ERM; Sussman, Ben – ERM; Di Giacomo, Tony – P&Z; Sennstrom, Eric – P&Z

**Absent:** Ellerton, Vaughan; Folk, Patricia; Poole, John; Pugh, Mike; Buck, Walter; Bunnell, John; Doordan, Pat; Bolender, Brian; Snyder, Linda; Whitehurst, Dan

**Observers:** Di Nunzio, Joe; Cochrane, Gene; McWilliams, Tom; Weygand, Sharon; Stewart, Gary, Sr.; Stewart, David

**Call to Order:** Chairperson Diane Lane called the meeting to order at 6:00 p.m.

**Approval of Minutes:** Motion was made by Robert Hodge to approve the 21 May 2008 meeting minutes. The motion was seconded by Donna Tapley. All members present voted in favor of motion to approve the May meeting minutes. Motion carried.

**New Business:** Dr. Lane presented a summary of the master schedule and stated that the September meeting will be on Wednesday the 17<sup>th</sup> from 1:00 p.m. to 8:00 p.m. in Room 208 of Cecil College's Technology Center. The commencement of the monthly meeting cycle for the Oversight Committee meetings will begin with the 15 October meeting. The refinement of the sub-committee goals will occur in the Fall and all day meetings may be necessary. Dr. Lane summarized the order of sub-committee reports beginning with Water Resources tonight to be followed by Land Use, Public Services, Infrastructure & Transportation, Agriculture, Economic Development, and Housing & Recreation.

Owen Thorne inquired as to when the scenario process will be discussed. Dr. Lane stated it will be discussed at tonight's meeting.

Dr. Lane introduced Rupert Rossetti and stated that Rupert would be presenting the Water Resources sub-committee report. Mr. Rossetti prefaced his remarks by stating that the report will be an existing conditions report and the first of two. Mr. Rossetti proceeded to recognize the sub-committee members in attendance and staff members who have been participating with the sub-committee. A summary of the sub-committee's efforts, background on the water resources element, and the requirements of the water resources element were presented by Mr. Rossetti. Mr. Rossetti stated that the building blocks for the element are the 8 digit watersheds. There are 13 eight digit water sheds in the County. Managing the data has been a difficulty and obtaining the most recent

information has been a challenge. Mr. Rossetti summarized the sources of data and prior studies utilized to date. The population growth of the County will impact drinking water, the trends are important. The report contains data on the percentages of those on public water supplies and those on private wells. A summary of public drinking water systems and their present capacities was presented. Information was provided relative to the type of withdrawals and percentage allocated to residential versus commercial/industrial users. The report also provided a snapshot as to the percentages on septic systems (55%) as compared to those served by wastewater treatment plants (45%). Additional information regarding wastewater treatment plant capacity, nutrient loads, those exceeding caps on phosphorus and nitrogen was presented. Mr. Rossetti stated that exceeding nutrient caps will limit growth and service areas. No public wastewater treatment plants in Cecil County are discharging to Tier II streams. Mr. Rossetti presented information relative to non-point sources. This included loading by type of land use. Future scenarios on how land use changes will affect the projected loadings of nutrients delivered to the Chesapeake Bay. Mr. Rossetti summarized how total impervious surface has an impact on water quality. 7 -10% degrades water quality, 15 – 25% quality drops sharply. A summary of next steps was presented as a conclusion to Mr. Rossetti's presentation.

Gary Stewart interjected that the County is spending funds on plant expansions, Mountain Hill Water Company is coming on-line, North East is expanding their facilities, have these been contemplated by the Water Resources sub-committee? Rupert Rossetti responded that Mountain Hill was not on his radar screen, Rising Sun expansions will be taken into account as will Enhanced Nutrient Removal (ENR) upgrades as they will deliver less nutrients to the Chesapeake Bay.

Gary Stewart asked if improved stormwater management (SWM) techniques had been taken into account? Ben Sussman commented on the nature of MDP/MDE non-point source model and indicated that the Cecil County WRE process had raised questions about the accuracy of the State's nonpoint source model.

Gary Stewart stated that better SWM such as pervious paving will yield better results. Ben Sussman replied that the model accounts for some improved SWM techniques, and that the County will need to adopt new regulations and retrofit existing SWM facilities.

Gary Stewart queried as to how better technology will be taken into account? Ben Sussman replied that the plan will determine that. The Water Resources Element is broad in its language and policies can make room for new technologies. The Comprehensive Plan should be flexible to account for new technologies.

Ed Cairns asked if in-state versus out of state non-point sources are taken into account? Ben Sussman answered they are not taken into account.

Ed Cairns stated that Pennsylvania can shut off water, Delaware is not as strict and the County should focus on in-state water sources rather than out of state sources. Rupert Rossetti concurred.

Robert Hodge inquired as to how nutrient loads were created for septic systems? Ben Sussman replied that MDE scientifically determined separate numbers for denitrifying septic systems. The State says that if better numbers are available, they can be used. Rupert Rossetti stated that his sub-committee is pushing for policies requiring denitrifying septic systems. Robert Hodge indicated that all septic systems don't affect the water quality equally.

Will Whiteman pointed out that the County must follow the new State SWM regulations.

Paula Gilley questioned as to why the Bohemia and Sassafras watersheds are higher than other watersheds when the water from Lancaster and Chester Counties in Pennsylvania entering Cecil County is so poor. Ben Sussman replied the State only requires Cecil County to evaluate its own point and nonpoint nutrient loads and that background loads are therefore not evaluated. Rupert Rossetti noted that the nitrogen at Basin Run is lower than the nitrogen at the Pennsylvania line for the Octoraro Creek, but we get no credit for cleaning up Pennsylvania's loads. Gary Stewart stated that it is important to know the levels of nutrients entering the County. Ben Sussman noted that the contributions from the County are of paramount concern. Rupert Rossetti opined that stream sampling could build a database. Dr. Lane inquired as to the location of the stream sampling locations. Rupert Rossetti noted that the numbers are based on land use and associated nitrogen and phosphorus loadings based on the model. There were no stream samplings done. It is theoretical rather than actual.

Eileen Butler queried as to the phosphorus and nitrogen loadings in the North East River when it is forested. Ben Sussman stated that there are questions about loading rates in the model. ERM is working with MDE to address this issue. Dan Polite thanked Mr. Rossetti for his dedication to the sub-committee and the task at hand.

Dr. Lane introduced Michael Bayer to discuss the scenario process. Mr. Bayer presented a summary of the scenario building process with a timeline for the next few months. Receipt of the refined goals from each of the sub-committees will be an important part of the process. Mr. Bayer provided a step by step description of the process with a calendar for key events, and the timelines for each participant. ERM hopes to wrap up the scenario building process by November 2008. The Comprehensive Plan Oversight Committee will review a choice of alternatives and will select a preferred alternative using the "Choosing by Advantages" method. Carl Walbeck questioned whether the powerpoint slide or the handout was accurate due to a discrepancy between the two. Mr. Bayer replied the handout was correct. Dr. Lane posited that the 1990 Comprehensive Plan had solid reasonable depth. The questions are whether it was implemented as intended and were all stakeholders have included. The choosing by advantages method will bring together all inputs. A scenario building process involving the Oversight Committee would require 3 or 4 days of meetings and would not be practical. Dr. Lane continued to discuss the process and the different options for chair and co-chair input versus entire committee input. Ed Cairns stated that he needs more information on Choosing by Advantages. Michael Bayer explained that the decision making process is a key point of the overall plan making process. All decisions are based on their advantages

and the group would determine which advantages are more important. The process will look at the advantages of each input. Ed Cairns questioned the decision making criteria. Michael Bayer explained the difference between objective vs. subjective decisions, the steps each scenario will go through, how scores are assigned and identify why they are chosen.

Gary Stewart wanted to know who will be making the decisions and how will dialogue occur? Michael Bayer explained that the Oversight Committee will make the decision. The Oversight Committee will review the decision through a value analysis. Ed Cairns wanted to know when the Oversight Committee will receive the factors to consider. Michael Bayer responded that they will be developed as evaluation criteria and discussed at the Oversight Committee meeting in September. John Bennett queried as to whether the Oversight Committee members can attend the staff meeting on 31 July. Michael Bayer responded that the meeting is staff only due to complexity and timeframe. Ann Jackson inquired as to when the Land Use sub-committee is scheduled to report. Michael Bayer stated November 2008. Discussion ensued on the Choosing by Advantages process.

Dr. Lane asked the Oversight Committee whether they would prefer chairs and co-chairs at the October meeting or the entire committee. The meeting will be 9:00 a.m. to 5:00 p.m. Discussion ensued regarding October meeting and process to be followed. A motion was made by Phyllis Kilby to have the entire committee participate. Motion was seconded by Eileen Butler. Discussion ensued regarding on the possibility of entire committee not being able to attend, whether the meeting should be from 9-5 or 1-8, why does entire committee need to meet and why is their a lack of faith in the chairs and co-chairs, whether the oversight committee should let staff decide, does the oversight committee have the time to dedicate to the meetings, how the scenario presentations will work, and whether a 41 member group is workable. Dr. Lane called for a vote on the motion to let the entire oversight committee participate at the 15 October meeting. 26 members voted in favor of the motion. Motion carried. The time of the October meeting will be determined at the September meeting.

Dr. Lane reminded the sub-committees that their goals are important for the scenario building process. It is important for the Oversight Committee to be aware of the goals, and how they are overlapping. The most recent goals were distributed and common themes were noted.

Clive Graham noted that the Green Infrastructure Plan has become a point of contention between sub-committees with presentations regarding the plan being made to the Agriculture sub-committee and the Land Use sub-committee. Mr. Graham described the plan as an informational item and reminded the oversight committee that while the Plan was prepared for Cecil County it has not been formally adopted by the Board of County Commissioners. The purpose of the plan was to identify and protect green infrastructure. Clive Graham described the contents of the Plan he contents of the plan and noted that it looked at the County through only one lens. Mr. Graham stated that ERM thinks it is well done as an informational item, however, it does not weigh the other needs of the

County in a comprehensive manner. ERM intends to consider all information comprehensively to assist in developing the Comprehensive Plan. Clive Graham reported that ERM learned the day before the Oversight Committee meeting that the Sage Group, a subcontractor for ERM, had critiqued the plan in writing outside of the ERM process and without informing ERM. As a result, Clive Graham believed that this action had compromised the impartiality of the consultant team. Accordingly, ERM intended to no longer retain the services of Sage as part of the consultant team. Jeff Clewer asked if the results of the critique were different, would ERM actions have been the same. Dr. Lane responded the reaction would be the same. Clive Graham reiterated that all inputs need to be considered. Dr. Lane stated that opposing viewpoints can be considered, but taking sides can not be a part of the consulting firm's duties. Discussion ensued regarding the impartiality of the report and whether the Sage report was as valid as the Green Infrastructure Plan and if it should be considered by the Oversight Committee. Robert Hodge expressed puzzlement at how Sage could be dismissed from the consultant's team. Gary Stewart noted that a great deal of information was left out of the Green Infrastructure Plan and that ERM was demonstrating bias by opting to let Sage go. Mr. Stewart feels that the Sage critique was a good report and the Green Infrastructure Plan was flawed and biased. Discussion ensued regarding the Green Infrastructure Plan.

Phyllis Kilby noted that the Green Infrastructure Plan was not a secret report and that it was commissioned by the previous Board of County Commissioners. Dr. Lane stated that the Comprehensive Plan work is driven through the sub-committees and that two separate sub-committees have two separate takes on the plan. Motion was made by Vernon Duckett to use the Green Infrastructure Plan as an informational item only to the Agricultural sub-committee. Motion was seconded by Ed Cairns. Shawn Day noted that it should not just be limited to Ag sub-committee since other sub-committees will be affected by its contents. Discussion ensued regarding the Green Infrastructure process and follow up to Sage's critique. Dr. Lane called for a vote. 8 members voted in favor of the motion, 22 voted against the motion. The motion was defeated.

Dr. Lane directed staff, based on the consensus of the Oversight Committee, to send copies of the Green Infrastructure Plan, Sage report and the Pais Ecological Services report to the committee members so that they could evaluate all the documents regarding green infrastructure.

Eileen Butler queried as whether the goals should come from sub-committees or from individuals. Dr. Lane stated that goals should come from the sub-committee only and Clive Graham concurred. Discussion ensued regarding decision making process.

Motion was made by Donna Tapley to recommend that ERM consider retaining the services of Sage as part of the consulting team. Motion was seconded by Sarah Colenda. Mr. Graham clarified that due to the legal questions surrounding the terms of the contract between ERM and Sage, the motion should be advisory, not mandatory. 13 members voted in favor of motion. 11 members were opposed. Motion carried.

Dr. Lane noted that the sub-committee reports are the last agenda item. There are no revisions to report.

**Adjournment:** Meeting adjourned at 9:01 p.m.

**Next meeting:** 1:00 p.m., Wednesday, 17 September 2008, Room 208, Cecil College

Respectfully submitted:

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Eric S. Sennstrom, AICP  
Director – Planning & Zoning