COUNTY COUNCIL OF CECIL COUNTY
WORK SESSION MINUTES

August 6, 2024

OPEN SESSION – Elk Room
4:30 P.M.
NOTE: The recording and transcription of this meeting are available on the County website at www.ccgov.org/council.

PRESENT: Council Members: Robert Meffley, Rebecca Hamilton, Al Miller, Donna Culberson and Jackie Gregory; David Culver, Council Manager; Christine Palmer, Council Assistant, members of the administration and members of the public.

Call to Order
President Gregory called the meeting to order at 4:30 pm and announced that there were five Council Members present which constitute a quorum.

Approval of Minutes
On a motion made by Vice President Meffley, seconded by Councilwoman Culberson, the Council moved to approve the minutes of the Council work session of July 23, 2024, as presented. The motion passed unanimously.

Review of Legislative Agenda
a. Introduction of Bills
   1. Bill 2024-14 - Supplemental Appropriation – Amendment to the Fiscal Year 2025 – Fiscal Year 2029 Capital Improvement Program – Construct Bainbridge Outfall.

Director of Administration Steven Overbay noted this is a new project for an upgrade at Bainbridge to assist the development in discharging of water. Director Overbay noted the total project is about $3,800,000, of which the County would pay about $1,900,000 and the remainder would come from the developer and tenants of the site. He noted that an agreement is being negotiated for the developer's contribution.

Vice President Meffley inquired if the developer or tenants have put any funds into escrow for this project and Director Overbay noted that is still being negotiated. Vice President Meffley also inquired to which phase is this for and Director Overbay noted it is for Phase II which would include the construction of a new buildings and other infrastructure improvements. President Gregory inquired if a lease has been signed for any new tenants and Director Overbay noted a lease is signed for one tenant and the agreement for the infrastructure will be forthcoming. Councilman Miller inquired on the timing of the funding of the project and Director of Public Works Scott Flanigan noted it would be in FY25 for design and FY26 for construction depending on the tenant's schedule. Councilman Miller inquired on the existing infrastructure and Director Flanigan noted that the easements are still in place for the outfall, but the current piping system will need to be evaluated and repaired or replaced and the cost is an educated guess based on other similar projects. Councilman Miller inquired if any of this water would be diverted to the Port Deposit Wastewater Treatment Facility and Director Flanigan noted it would not and that water entering into this system would still need a MDE discharge permit. He also noted that in addition to this permit those utilizing the system would need to pay for the use of the system and connection fees to recoup the costs of the project. Councilwoman Culberson inquired who would monitor this system and Director Flanigan noted it would be MDE. Vice President Meffley inquired on the Port Deposit WWTF capacity and the number of MDE inspectors assigned to Cecil County and Director Flanigan noted he does not know how many inspectors are assigned to Cecil County and that the Port Deposit WWTF upgrades are in the CIP and also the subject of Bill 2024-15.

   2. Bill 2024-15 - Supplemental Appropriation – Amendment to the Fiscal Year 2025 – Fiscal Year 2029 Capital Improvement Program – Expand Port Deposit WWTP, Project Number 55079

Director of Administration Steven Overbay noted that this project is currently funded in the CIP, however based on potential new tenants at Bainbridge and advances in technology, it may be possible to upgrade the plant further to treat up to 750,000 gallons of wastewater per day. He noted that the current cost for the upgrade is $4,500,000, however, with the potential developer agreement to expand capacity, the County cost would go to $4,375,000 and the developer at Bainbridge would fund the $4,000,000 for the additional capacity. Director Flanigan noted that this Bill would change the current scope of the CIP project and the timing of the improvements based on capacity needs.

Councilwoman Hamilton noted that a project that would add capacity and lower the County cost is a great project for the County and Town. Vice President Meffley inquired on how the expansion would work and Director Flanigan noted the study is ongoing and will determine the phasing of the expansion based on projected flows. He also noted the system could be a package system that get expanded as the need for capacity expands. Councilwoman Hamilton inquired if both this and the outfall projects would be completed by the end of FY26 and Director Flanigan noted these projects will only move forward with a developer agreement and depending on the need for the infrastructure, construction could go longer to FY27 to FY29.

3. Bill 2024-16 - Supplemental Appropriation – Amendment to the Fiscal Year 2025 – Fiscal Year 2029 Capital Improvement Program – Extend Water Service to Wilson Road.

Director of Administration Steven Overbay noted that this project has been in negotiations with MDE and Southern States LLC for numerous years to provide water to 17 homeowners along Wilson Road whose wells have been contaminated by the Southern States facility. As part of the settlement, this project, currently projected to cost about $4,300,000, would be entirely funded by Southern States and Cecil County would not be responsible for any of the cost. Director Flanigan noted that the line is only to provide service to the 17 property owners whose wells have been contaminated and not for additional development in the area. He also noted the Planning Board, at its July 17, 2024 Meeting, did recommend in favor of all four bills on the changes to the FY25 – FY29 CIP.

Councilwoman Culberson inquired once completed, who will pay for the water usage and Director Flanigan noted it is his understanding that Southern States will pay for a period of time then the usage bills will be the responsibility of the property owners. Councilman Miller inquired if the settlement agreement has been executed and Director Overbay noted it has been signed with MDE. Vice President Meffley inquired if the line could be sized for fire protection and to allow other properties with failing wells to connect since this would be a health benefit and is also required by current Code provisions. Director Flanigan noted it is only being sized for the 17 property owners based on the MDE agreement since this area is not part of the approved growth area in the Comprehensive Plan. Director Overbay noted MDE does consider the health benefits but also must consider compliance with the Comprehensive Plan and the approved growth areas by the State. Director of Land Use and Development Services Stephen O'Connor noted that if a well does fail in this area it would be allowed to be redrilled and will not be subject to the mandatory connection to a public water line as part of the MDE agreement. President Gregory also noted the July 2, 2024 MDE agreement that addressed many of these concerns. Councilwoman Culberson inquired if all the properties were on Wilson Road and Director O'Conner noted they were, but some did have access to Telegraph Road. Councilman Miller inquired on the water usage, maintenance of the pipe and routing of the system. Director Flanigan noted the design and construction will be overseen by the County and the routing of the pipe will be determined during design. He also noted the entity responsible for the distribution system maintenance will need to be determined and the Town of Rising Sun would be providing the water.

4. Bill 2024-17 - Amendment to the Fiscal Year 2025 – Fiscal Year 2029 Capital Improvement Program – Public Safety Training Center, Project Number 51030 and Paramedic Station #2, Project Number 50051

Director of Administration Steven Overbay noted this amendment is to move the timing of bond expenditures with APRA funding to ensure the APRA funding is spent by the end of 2026. This is moving $270,000 between the two projects which are located on the same site but have different construction timelines. Councilwoman Hamiton and Councilman Miller inquired if the administration is sure the construction will be done to meet the requirement of the funding and Director Overbay and Director Flanigan both indicate they should meet the schedule timelines.

President Greogry requested a motion to amend the agenda to move New Business on the agenda to accommodate the Board of Education schedule. Motion was made by Councilwoman Hamilton, seconded by Councilwoman Culberson to amend the agenda to move New Business to the next order of business on the agenda. The motion passed unanimously.

b. New Business
   1. Cecil County Public Schools Budget Amendment #125

President Gregory noted that the Cecil County Public Schools Budget Amendment #125 is for $125,019. Denise Sopa from the Board of Education reviewed the requested Budget Amendment and noted this amendment is for FY24 and that one more FY24 amendment will be forthcoming. Ms. Sopa noted that this amendment included school activities fees and donations being used, various grant changes including Behavior Health, Title III and FY23 Leads Grant funds, as well as replacement of the auditorium seating at Cherry Hill Middle and the use of student funds at Charlestown Elementary for the purchase of books and other media.

President Gregory inquired if the student funds are included in the fund balance and Ms. Sopa noted they are a dedicated fund in the fund balance that can only be spent on student activities. Councilwoman Culberson inquired on the current fund balance and Ms. Sopa note that this amendment is of July 18, 2024 and the final fund balance number will be forthcoming. Councilwoman Culberson inquired on the large amount of remaining funds in salaries and Ms. Sopa noted this was the decision to not fill vacancies during the school year but use long term substitutes until the FY24 Budget amount was determined to prevent additional cuts in staff. Councilwoman Culberson inquired if this savings in salaries would be added to the fund balance and Ms. Sopa noted it would once the final amount is determined. President Gregory reviewed the total allocation to the BOE and the currently shown fund balance and Ms. Sopa noted that invoices for FY24 are still being received and that the fund balance also reflects committed and restricted funds. President Gregory inquired when would the final fund balance be reported and Ms. Sopa noted the estimated amount will be known in the near future and the audit will note the final fund balance. Councilwoman Hamilton inquired on the FY23 Leads Grant and how the funds are expended and Ms. Sopa noted that because of the uncertainty of the costs with the various partnership for this program, the grant does allow a 15% carryover each year. Councilwoman Culberson inquired how long can this be carried over and Ms. Sopa noted for just one year and anticipates it will be spent by the beginning of the new school year.

c. Introduction of Resolutions
   1. Resolution 36-2024 - Appointment – Electrical Inspection Agencies - Bay Area Inspection Agency and American Inspection Agency

Director of Administration Steven Overbay noted that the County received two proposals for electrical inspections and both firms are being utilized. He noted both firms have been providing this service for over a decade to Cecil County. Councilman Miller inquired on the process to review the contracts and Director O'Connor noted they are vetted through the Electrical Board. Councilman Miller noted the dates on the correspondence from the contractors and Director Overbay noted they were from last year and the total bid package would be made available to the Council. Vice President Meffley noted that is good to have multiple inspectors so that the contractors can choose which service to use.

   2. Resolution 37-2024 - Supplemental Appropriation – FY2025 - General Fund Balance – Cecil County Public Schools – Rising Sun High School Water Line Replacement

Director of Administration Steven Overbay noted this project was approved in FY24 but is still being completed so the funds need to be reallocated in FY25. Councilman Miller noted that the work is ongoing and should be completed soon.

   3. Resolution 38-2024 - Amend – Solid Waste Management Plan 2016-2025

Director of Public Works Scott Flanigan noted this amendment would allow a private medical waste facility to operate in the Town of Elkton, allow the gas to energy project at the Central Landfill to continue and also makes changes as it relates to the design and construction of the new cell at the Central Landfill. He noted that any change to the Solid Waste Management Plan, such as adding a new waste facility, requires the plan to be updated as per the COMAR regulations. He also noted the 2026 to 2035 Plan update will begin in the near future. Director Flanigan noted the Choice MedWaste LLC site is in the Corporate Limits of Elkton and does meet the Elkton zoning regulations. He noted that if this amendment passes and they do locate in Elkton they would operate under a MDE permit and process medical waste. He also noted that Cecil County is entered into a MOU with Choice to limit what can be processed at this site and that the waste byproducts may not be disposed at the landfill.

Councilwoman Culberson inquired on how medical waste is currently handle in Cecil County and Director Flanigan noted it is done privately by various parties like Christinia Care, and Cecil County does not have a medical waste processing plant. Councilwoman Culberson questioned the need for this facility and Director Flanigan noted it is a private company and he is not privy to its busines. model. Councilwoman Culberson confirmed that they operate under a MDE permit and Director Flanigan noted they do, but Cecil County can also have the MOU as part of the operation. Councilwoman Hamilton inquired on the COMAR regulations for the amendment and Director Flanigan indicated any new facility must be specifically listed in the plan in order to get a permit. Vice President Meffley inquired on outside storage of medical waste and Director Flanigan noted that Choice would need to answer questions on the operation. President Gregory noted that the MOU is necessary to protect Cecil County and inquired how long has this been in discussion. Director Overbay noted they have been in discussion for two years and the MOU was part of the discussion. Councilwoman Culberson inquired on the enforcement of the MOU and Director Flanigan noted it would give us the authority to audit the site so that we may enforce the MOU provisions. Councilman Miller noted that he is excited for the gas to energy project at the Central Landfill and hoped this becomes feasible and Director Flanigan noted that proposals are being reviewed and he also hopes this is successful.

d. Consideration of Resolutions
   1. Resolution 33-2024 – Supplemental Appropriation – General Fund Balance – Volunteer Fire Service – Vehicle Replacement Program – Community Fire Company of Rising Sun and Singerly Fire Company of Elkton

Director of Administration Steven Overbay noted that these funds were appropriated in FY23, but because of the lead time, the vehicles are now being received. He noted this would provide partial funding for a new fire truck for Rising Sun and a new ambulance for Singerly.

   2. Resolution 34-2024 - Supplemental Appropriation – Grant Funds – Community Services – Aging and Disabilities Division – Long Term Care and Dementia Care Navigation Program Grant

Director of Administration Steven Overbay noted this grant is for Community Services and will help provide funding for staffing and support services to families in need of assistance for the care of individuals with dementia.

   3. Resolution 35-2024 - Supplemental Appropriation – Grant Funds – Office of Economic Development – Maryland Department of Commerce Grant and Maryland 5 Star Partial Matching Grant

Director of Administration Steven Overbay noted this is a matching grant to assist in the promotion of the 5 Star Event and thanked the Maryland Department of Commerce and the 5 Star organization for the funding. He noted the total for the grant will be $100,000 with $50,000 coming from the Maryland Department of Commerce with matching funds of $25,000 from 5-Star and the Cecil County Office of Economic Development. He also thanked the various parties for participation in the grant. President Gregory noted she did see an advertisement for this event in a national publication.

Council Manager Report
Council Manager Culver noted the updated Council Manager report is in the packet.

Council Member Items
Councilmembers deferred comments to the Legislative Session of August 6, 2024.

Adjournment
Councilman Miller made a motion to adjourn, which was seconded by Councilwoman Hamilton. Council President Gregory adjourned the work session at 6:06 pm.

The next County Council Work Session will be held on Tuesday, August 20 at 4:30 pm in the Elk Room of the County Administrative Building. The session will be livestreamed on the County Council's webpage at www.ccgove.org/council.

Approved:

Jackie Gregory, Council President

David M. Culver
Council Manager