COUNTY COUNCIL OF CECIL COUNTY
WORK SESSION MINUTES

September 3, 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 Councilwoman Culberson, seconded by Vice President Meffley, the Council moved to approve the minutes of the Council work session of August 27, 2024, as presented. The motion passed unanimously.

On a motion made by Vice President Meffley, seconded by Councilwoman Culberson, the Council moved to approve the minutes of the Council Closed Session of August 27, 2024, as presented. The motion passed 5 to 0.

CLOSED SESSION
AUGUST 27, 2024
4:34 pm

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

Council President Gregory asked for a motion to recess the work session and to go into a closed session. Vice President Meffley made a motion to go into closed session, which was seconded by Councilwoman Culberson.

Roll Call Vote
Hamilton - Y, Miller - Y, Culberson - Y, Meffley - Y, Gregory – Y
The motion was approved by a vote of 5-0.

Council Manager Culver stated for the record:

Pursuant to the Maryland Annotated Code, General Provisions §3-305 (b)(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.

Council President Gregory recessed the work session at 4:32 pm and opened the closed session at 4:34 pm.

Council had a discussion on applicants to the Ethics Commission. Under Section 607 of the Charter, Council needs to appoint two members. After deliberations Council directed Council Manager Culver to prepare a resolution to appoint Robert McKnight of North East to a 4-year term and Nicholas Cusmano of Chesapeake City to a 2-year term.

Councilwoman Culberson a motion to adjourn the Closed Session and reconvene the Work Session, which was seconded by Councilman Miller.
Roll Call Vote

Hamilton - Y, Miller - Y, Culberson - Y, Meffley - Y, Gregory – Y
The motion was approved by a vote of 5-0

President Gregory adjourned the closed session at 5:01 pm.

Presentation

Carl Anderton, Director of Rural Economic Strategy, noted that he was recently appointed by Governor Wes Moore to this position. He noted he is a former Delegate that represented the lower Eastern Shore and is familiar with the challenges facing rural counties as it relates to economic development. Director Anderton noted that he reports directly to the Govonor's Office and will try to meet monthly with Cecil County, the Chamber of Commerce and all interested parties. He also noted he will report on quality-of-life issues and will interact with all State agencies on issues or problems related to development. Vice President Meffley congratulated Director Anderton on his appointment and noted several issues with the Maryland Department of the Environment and the permitting of projects. Director Anderton requested that these issues be forwarded to him to review. Councilman Miller noted Fair Hill is an asset and that the Department of Natural Resources should coordinate efforts with Cecil County to restore the Fair Hill Races and promote other events at this site. Councilman Miller also offered to take Director Anderton on a tour of Fair Hill and Director Anderton noted he would like to tour the site and discuss opportunities at Fair Hill with DNREC.

Review of Legislative Agenda

a. Old Business
   1. Cecil County Public Schools Budget Amendment #126

President Gregory noted that the Cecil County Public Schools Budget Amendment #126 is for $3,799,392. Denise Sopa from the Board of Education reviewed the budget amendment and noted that this is the second amendment for the FY24 audit adjustments. Ms. Sopa reviewed the student activity funds, the State and Federal restricted funds and the GASB requirements for the audit. She also reviewed the three-year comparisons and noted areas of savings such as utilities and supplies and also areas that exceeded budget expectations.

Councilwoman Hamilton inquired on the timing and close out of grants and the GASB requirements and Ms. Sopa noted the timing of invoices for FY24 and that GASB requires accounting for the leasing and deprecation of equipment. Councilwoman Culberson inquired on the ELA and math program surplus and grants and Ms. Sopa noted that grant funds are expended first, when possible, and the savings are often in restricted funds that must be spent on those programs. She also noted the audit will determine the final expenditures for these programs. Councilwoman Culberson also inquired on the fund balance being around $8,000,000 in unrestricted funds and Ms. Sopa noted that is correct and the final amount will be indicated in the audit that is due September 30, 2024. President Grogory inquired on the discrepancies in funding and allocations and Ms. Sopa noted that will always be the case because of the use of fund balance and carry over grants. President Gregory inquired on the restricted fund balances being around $6,500,000 and Ms. Sopa noted that federal funds usually run on the federal fiscal year from October to September and State funds must be spent in accordance with the terms of the grant. Ms. Sopa noted that the next budget amendment should account for and grant funds that were carried over from FY24. President Gregory also noted the amount of surplus in supplies and Ms. Sopa noted this is over all departments. Councilwoman Culberson inquired on supply budget to each individual school and Ms. Sopa noted that each school is generally allocate about $62.00 per pupil for supplies. President Gregory inquired if all FY24 invoices are now processed, and Ms. Sopa noted they are all being processed. President Gregory inquired on the use of Fund Balance in FY25 and Ms. Sopa noted $6,000,000 was used in addition to the increase in State and County funding. Councilman Miller noted that overall the BOE Budget is conservative and they did keep spending below what was allocated.

b. Public Hearings
   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 in 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 the Panning Board did support this amendment and the Maryland Department of the Environment (MDE) also supports the project. He noted that an agreement is being negotiated for the developer's contribution.

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 cost for the additional capacity.

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 that have wells that have been contaminated by the Southern States facility. Director Overbay noted the estimated cost is about $4,300,000, would be entirely funded by Southern States and Cecil County would not be responsible for any of the cost. He also noted the size and routing of the line is still to be determined and that the Planning Board, at its July 17, 2024 Meeting, did recommend in favor of the changes to the FY25 – FY29 CIP. Vice President Meffley opined that the size of the line should be increased to accommodate future development and Director Overbay noted the restrictions in the growth area and Comprehensive Plan. Vice President Meffley also noted wastewater lines are not available to this area so that would limit development and Director Overbay noted the municipal goals of growth, but MDE is focused on potable water for these 17 homeowners. Councilman Miller inquired if the funds from Southern States have been received and Director Overbay noted that MDE is still finalizing the agreement but the consent decree would require Southern States to pay the full amount. Councilman Miller inquired on who would pay any cost overruns on the construction of the line and Director of Public Works Scott Flanigan noted Southern States would be responsible for all costs and if they do not agree to the project with MDE then the project would not go forward. Councilwoman Culberson inquired if this would be done in FY25 and Director Flanigan noted that it would be contingent on getting all agreements, funding and permits in place, but it is unlikely to be completed by the end of FY25. Director Overbay noted that Southern States would be bound to the project under the consent decree with MDE. President Gregory noted this project has been discussed for several years and any changes to the growth areas in the County or rezoning of properties in this area would need to go through the County and State process and be voted on by Council.

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 funds are spent by the end of 2026. This bill is moving $270,000 between the two projects which are located on the same site but have different construction timelines. Vice President Meffley inquired why the administration waited so long to spend the ARPA funds and are they sure the construction will be done to meet the requirement of the funding. Director Overbay noted that when ARPA funds were first made available local governments were uncertain of how they could spend the funds, either on operating or capital projects. He noted it was determined in the budgeting process to use these funds for one time capital for public safety initiatives and it became a timing issue on the purchase of land, engineering and construction. Councilman Miller inquired if the contracts would be signed by December 31, 2024 and the funds spend by the end of 2026 for these projects and Director Overbay noted that they should be completed.

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

Director of Administration Steve Overbay 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 Solid Waste Management Plan update will begin in the near future. He also noted that Cecil County has entered into a MOU with Choice MedWaste, LLC to limit what can be processed at this site and that the waste byproducts may not be disposed at the landfill.

Matt Georgov of Choice MedWaste, LLC gave a presentation on the proposed facility. He noted that they are a family owned and operated business and that his father, Bruce Georgov, and brother, Ryan Georgov, operated the business. Mr. Georgov noted that they began the business in 2015 and now operate in Maryland, Delaware and Pennsylvania. He noted that most medical waste went from being incinerated to the autoclave process to sterilize the waste using steam. He noted that waste is vacuumed sealed, steamed and then either shredded or compacted to be disposed of in a landfill that is permitted to accept medical waste. Mr. Georgov noted currently they haul the waste to an incinerator in Baltimore. He noted prior to the operation of this facility they would need a MDE permit.

Councilwoman Culberson inquired on the shredding of the waste and Mr. Georgov noted that everything is either compacted or shredded, including the sharps, based on the State's regulation for disposal. Councilwoman Culberson inquired what landfill would the waste be transported to and Mr. Georgov noted that the landfill must be permitted to accept medical waste and they are working on a permit for a landfill located in York, Pennsylvania that does have the medical waste permit. Vice President Meffley inquired on how long of a process is it to treat the waste and Mr. Georgov noted between 40 to 60 minutes in the autoclave. Vice President Meffley inquired on the permit for the landfill and the safety of the autoclave and Mr. Georgov noted that once the MDE permit is achieved they can finalize the agreement with the landfill. He also noted that the autoclave being purchased is the industry standard and they supply over 85% or all autoclaves. Councilman Miller inquired on the warranty for the autoclave and Bruce Georgov noted it is 10 years. Councilwoman Hamiton inquired on the expansion of the business and Mr. Georgov noted the goal is to expand the business in Cecil County and to continue to seek customers in the mid-Atlantic region. Councilwoman Culberson inquired as to the location of majority of the current customers and Mr. Georgov noted most customers are in New Castle County and Philadelphia. President Gregory inquired as to why they choose a location in Cecil County and Mr. Georgov noted that MDE is familiar with the process and the local zoning allowed this use in industrial zones.

c. Introduction of Bills
   1. Bill No. 2024-20 – 2024-20 - Public Safety Pension Plan – Amendment 9 – Domestic Relations Order and Disability Determination

Director of Administration Steven Overbay noted that the Pension Board identified this issue with the pension plan as it relates to disability payments and divorce settlements. He noted that this was examined by the pension consultants and will have no fiscal impact. Councilman Miller inquired if the consultants are normally utilized to review the fiscal impact and Director Overbay noted they were to ensure any cost changes are account for in the program.

   2. Bill No. 2024-21 - Establishment – Community Reinvestment and Repair Fund

Director of Finance Shon McCollum noted this amendment is part of the Cannabis Act that requires counties to outline how the funds will be spent. Director of Community Services David Trolio noted that the sales tax on cannabis is partially allocated based on where the cannabis offensives were concentrated over the last 20 years. He noted that Cecil County only receives about 1% of these funds. Councilwoman Hamilton noted that 35% of the funding is allocate based on the cannabis offensives and that local government also gets only 5% of the tax funds collected from the 9% sales tax and that is split equally with a municipality if the cannabis dispensary is located in a municipality. Councilwoman Culberson asked for confirmation on the how the funds must be allocated and to what programs and Director Trolio confirmed it was based on cannabis offensives and that the funding cannot be used to supplant funding for existing programs and must be spent in addition to these funds. Director McCollum noted $465,000 onetime funds were received and about $45,000 is received quarterly from cannabis sales. Director McCollum also confirmed that tax distribution percentages, that we have two dispensaries and that the language in this bill is consistent from the State Code. Councilwoman Hamilton inquired if the funding can be added to existing programs and Director Trolio noted it could as long as it does not supplant the existing funding.

3. Bill No. 2024-22 - Supplemental Appropriation – Amendment to the Fiscal Year 2025 - Fiscal Year 2029 Capital Improvement Program – Child Advocacy Center

Director of Public Work Scott Flanigan noted this amendment will coincide with Resolution 43-2024 which is the grant funding for this project. He noted this project will add 800 square feet to the center, allow the roof to be replace and add an emergency generator to the site. He also noted the Planning Board will consider this amendment at its September 16, 2024 Meeting. Vice President Meffley inquired if this funding will be sufficient and Director Flanigan noted it is, based on the estimates. Councilwoman Hamilton inquired if this would disrupt services for the programs and Director Tilio noted it should be minimal since the work will be done in phases. Councilman Miller inquired when will the project be given a project number in the CIP and on the Planning Board recommendation being received and Director Flanigan noted once it is approved it will be given a project number and the Planning Board review and recommendation will be completed prior to Council action. Vice President Meffley inquired on potential building code issues and Director Flanigan opined that the building is not that old and the building code issues should be very minimal.

4. Bill No. 2024-23 - Supplemental Appropriation - Amendment to the Fiscal Year 2025 – Fiscal Year 2029 Capital Improvement Program – ARPA Funding

Director of Public Work Scott Flanigan noted this Bill will move ARPA and bond funding between various projects to ensure the ARPA funds are spent in accordance with the deadlines established for the program. The Holloway Beach Project will move $2,100,000 million to the Public Safety Training Cener, and $300,000 each to Paramedic Station 2 and 4. County bond funding of $1,700,000 from Old Fild Point Road and $1,000,000 for Elkton West Sewer project will be moved to the Holloway Beach project. He noted the Holloway Beach project is behind schedule due to easements being required and that the Oldfield Point project also needed additional right of way dedication. Director Overbay noted that the Holloway Beach project will still be receiving CDBG and Bay Restoration Funds. Director Flanigan also noted the unique language in the bill that authorizes the County Executive to move APRA funds within the CIP to ensure they are allocated by December 31, 2024 and that if funding must be moved, the CE will submit CIP Amendments to Council within 60 days to account for these changes. Councilman Miller questioned the 60-day window and Director Flanigan noted this was to make sure the contracts were awarded in time. Councilwoman Hamilton questioned on how this would relate to Bill 2024-14 for the Public Safety Training Center and Paramedic Station #2 timing and Director Flanigan noted it would not change the timing of those projects.

d. Introduction of Resolutions
   1. Resolution No. 41-2024 – Council Appointments – Ethics Commission

President Gregory noted that Council is nominating Robert McKnight of North East for a four year term and Nicholas Cusmano of Chesapeake City for a two year term.

2. Resolution No. 42-2024 - Appointment—Emergency Medical Services Advisory Board

Director of Administration Steven Overbay noted this Board had 15 members, 1 member from each of the 9 fire companies, 1 member from each Council District and 1 member from the IAFF Local 4645 and 3 non-voting ex-officio members. He noted these are all three-year terms. Councilwoman Culberson inquired if they are new appointments or reappointments and Director Overbay noted it is a mixture of both.

3. Resolution No. 43-2024 - Supplemental Appropriation – Grant Funds – Community Services – Community Development Block Grant – Child Advocacy Center Expansion

Director of Community Services David Trolio noted this resolution is the companion funding to Bill 2024-22 for the Child Advocacy Center Expansion. He noted the Council previously approved Community Services to apply for the grant and this will expand the center by 800 square feet, add a new roof and install an emergency generator. He also noted some of the funding does go to the administration of the grant.

4. Resolution No. 44-2024- Supplemental Appropriation – Casino Local Impact Fund – Various Grants

Director of Community Services David Trolio noted this resolution is to move previously allocated funding from FY24 to FY25 to account for invoices from non-profits that were received after the FY24 budget year closed. He also noted the Video Lottery Terminal grants to non-profits and community groups is approximately $700,000.

5. Resolution No. 45-2024 - Supplemental Appropriation – Grant Funds – Community Services – Cecil Transit Division – Statewide Special Transportation Assistance Program

Director of Community Services David Trolio noted this grant is for $272,000 and is part of the FY25 funding for Cecil Transit. He noted this funding will be allocated to the purchase of a mid-size bus for the program. He also noted the State will now allow funding to be used over multiple fiscal years for these larger capital purchases.

e. Consideration of Resolutions
   1. Resolution No 39-2024 - Resolution No. 39-2024 – Appointment – Commission on Aging – John Kapral

Director of Administration Steven Overbay noted Mr. Kapral is well qualified and will make an excellent addition to the Board.

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 September 3, 2024.

Adjournment
Councilman Miller made a motion to adjourn, which was seconded by Councilwoman Hamilton. Council President Gregory adjourned the work session at 6:55 pm.

The next County Council Work Session will be held on Tuesday, September 10 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