

**CITY OF WESTMINSTER, MARYLAND
MAYOR AND COMMON COUNCIL MEETING
FEBRUARY 22, 2010**

QUORUM:

A meeting of The Mayor and Common Council was held in the Council Chambers at City Hall, 1838 Emerald Hill Lane, Westminster, Maryland on the evening of February 22, 2010, at 7:00 P.M. Mayor Utz; Council President Pro Tem Albert; Council Members Pecoraro, Chiavacci, and Wack; City Administrator and Acting City Clerk Wolf, Acting City Treasurer Ehlers; Chief of Police Spaulding, Director of Recreation and Parks Schroers, Director of Public Works Glass; and City Attorney Levan were present. Council President Halstad and Director of Planning, Zoning, and Development Beyard were excused from attending.

Mayor Utz recommended the appointment of Missy Wilcox and the reappointment of Jay Voight to the Recreation and Parks Advisory Board. Mr. Chiavacci moved to approve the recommendations. Dr. Wack seconded and the motion passed unanimously.

MINUTES:

Upon motion of Dr. Wack, seconded by Mr. Chiavacci and unanimously passed, the minutes of the meeting of February 8, 2010 were approved.

CONSENT CALENDAR:

Dr. Wack inquired whether the United Healthcare Business Associates Agreement was stating that UHC was absolved, in advance, for breach of private information and if this was due to the recent Federal legislation passed.

Ms. Levan stated that recent legislation caused additional obligations on Business Associates of the healthcare providers to commit themselves to not actually breach the privacy interest of the covered individuals and take certain steps to protect that information. She stated that the problem with this agreement is that the Business Associates are not actually identified.

Dr. Wack questioned that if the thrust of the agreement is the City releasing UHC from liability; would it matter who the Business Associates are if the City cannot do anything about it?

Mr. Levan stated that when Business Associates have information in their possession and if there is a breach, the City has the same obligations to take the steps that are necessary to identify the breach because the City will not have the ability to access their systems and their data to know whether they have done these things and whether they provided the notification to the individual. She stated that she will try to make modifications to the Agreement to clarify and alleviate any concerns.

Mr. Chiavacci moved to approve the Consent Calendar, which consisted of the approvals of the January Departmental Operating Reports and the United Healthcare Business Associates Agreement. Dr. Wack seconded the motion and it passed unanimously.

REPORT FROM THE MAYOR:

Mayor Utz reported that he will be conducting a roundtable meeting with property owners to discuss issues brought up by the tenants of their properties. He will also be attending the upcoming annual Economic Outlook Seminar, hosted by the Carroll County Department of Economic Development. Mayor Utz stated that he is looking forward to the seminar that will be delivered by Anirban Basu, Chairman & CEO of Sage Policy Group, Inc. who will provide an outlook and predictions for local, regional and national economic trends for the remainder of the year. Finally, Mayor Utz commended all of the department heads for all that was done during the recent snow storms.

REPORTS FROM STANDING COMMITTEES:

Mr. Chiavacci reported that at the recent Recreation and Parks Advisory Board meeting they approved the appointment of Ms. Wilcox and the reappointment of Mr. Voight. The Board was presented with the draft Comprehensive Plan that was developed by Ron Schroers and the City of Westminster Recreation and Parks Department. Mr. Chiavacci stated that he was very impressed with the highly detailed information. Finally, Mr. Chiavacci recognized the usage increase of the Recreation facilities and parks.

Dr. Wack reported that the Finance Committee will be meeting to begin working on the budget process, as well as discuss the costs associated with the recent snow and its impact on the budget. Finally, he reported that he recently viewed a detailed report of the changes in the City's finances over the past decade. Finally, Dr. Wack reported that he met with the auditors to review a preliminary draft of their findings.

ORDINANCES & RESOLUTIONS:

Ms. Wolf summarized that the adoption of Ordinance No. 809 would authorize the sale of the 57, 59, 61, and 63 Union Street properties by the City of Westminster to Episcopal Housing Corporation. Dr. Wack moved to adopt Ordinance No. 809. Mr. Chiavacci seconded and the motion passed unanimously.

UNFINISHED BUSINESS:

Tim Rogers, City Planner, summarized the proposed energy efficiency improvements to be made to selected City office buildings using funds received from the State. The City applied and received a \$76,000 zero percent interest loan from the MEA's Jane E. Lawton Conservation Loan Program, as well as a grant from the MEA's Clean Energy Communities Program. Mr. Rogers described how the City will utilize these funds, along with energy rebates and savings, to complete the four-phase Energy Efficiency Improvements program and payback. The loan funds would be directed to the projects that have the quickest paybacks in hopes to repay the loan in seven years. Mr. Rogers recommended to the Mayor and Council that they approve the Energy Efficiency Improvement project, accept the Lawton Loan and the Clean Energy Communities Program grant, and authorize the Mayor to execute any and all documents pertaining to this project. Mr. Chiavacci moved to approve the recommendations. Dr. Wack seconded and the motion passed unanimously.

Mr. Glass presented the Mayor and Council with a Revocable License Agreement for Frank

and Chandra McCreary of 365 Field Lily Court. In reviewing the background information, Mr. Glass stated that the property belonging to the McCreary's shares a common property line with the City and that a portion of the McCreary's shed is located on City property. Due to their current financial situations, the McCreary's are unable to have the shed moved. The City would allow the McCreary's to leave the shed in place, but under the terms of the agreement. Dr. Wack moved to approve the Revocable License Agreement, but with an amended five year agreement term. Mr. Pecoraro seconded and the motion passed unanimously.

NEW BUSINESS:

Mr. Glass reported that due to continued budget difficulties, staff recently investigated opportunities to reduce electrical costs. Results found that programs designed to reduce electrical demands have been re-instated by power providers and these programs provide financial rebates to customers that can produce their own power for short durations of time. This would allow the City regular reductions in each electric bill (per account) associated with the program. The Wastewater Treatment Plant, the Water Treatment Plant, and Pumping Station #5 were included to participate in the program based on their size and emergency generator capabilities. The City is in a good position to capitalize on this opportunity as emergency generators currently in place are designed to provide total power requirements in the event of outages. Mr. Glass stated that rebate amounts are provided by PJM, a power grid management system that controls and manages the grid that the City is connected to. Power suppliers and distributors act as subcontractors to PJM in securing customers to subscribe to the Demand Response program. Mr. Glass summarized that for the 2010-2011 year PJM will be offering \$63,615.85 per megawatt of electric curtailed from the electrical grid. The three selected facilities combined will reduce 673.2 kilowatts or 67.32% of a megawatt during a demand response event. Of the initial \$63,615.85, the City can expect approximately \$35,000 in electric savings in aggregate of the three City facilities according to their historical electric usage. Staff evaluated four subcontractors (members of PJM) interested in contracting with the City for the demand response program. Each subcontracting company that brokers the program retains a percentage of the available price per megawatt for overhead and organizing the program. The results included the following:

- Comverge Inc. 20% retainage /80% to the City
- North American Power Partners 20% retainage /80% to the City
- Constellation New Energy 15% retainage/85% to the City
- Baltimore Gas & Electric 15% retainage/85% to the City

Mr. Glass recommended that the Mayor and Council approve the contract with BG&E for the Demand Response program. Dr. Wack moved to approve the contract. Mr. Pecoraro seconded and the motion passed unanimously.

DEPARTMENT REPORTS:

Ms. Wolf reported that everyone worked hard during the recent snow storm and snow removal process. She stated that due to this event, the City was able to identify weaknesses in its emergency response system, such as communication within the City offices, as well as with the City residents and develop plans to correct these weaknesses.

Chief Spaulding reported that Dominique Keyers, one of the suspects in the Bishops Garth

apartment complex shooting, was arrested by police in Woodbury, New Jersey during a recent drug-sweep. The City of Westminster Police Department is working to extradite Mr. Keyers back to Maryland as soon as possible. With help from the Maryland State Police Warrant Apprehension Task Force, they are still seeking the second suspect, Kashon Harris. Chief Spaulding also reported that the red-light cameras are in place, but the power work still needs to be done. SHA also needs to connect the camera-controlling equipment to their traffic light-controlling equipment. Once the cameras are online, the plan is for a two-week period of warnings, before issuing citations. Finally, Chief Spaulding reported that the City has obtained a loaner surveillance camera system to be installed eventually in the Locust and Main Street area. This will allow the City Police to remotely view live feeds of the area.

Dr. Wack expressed his concerns regarding the surveillance camera in that it could pose a privacy issue. He inquired as to who would have access to the camera and whether a process had been established for quality assurance so to ensure that the camera is not being misused internally.

Chief Spaulding stated there will only be a finite amount of authorized users that will have access to make adjustments (pan or zoom) to the camera and like the cameras in the parking garages, there would be a monitor in dispatch center.

Mr. Ehlers reported that they were able to get the special assessments module to work in the accounting software and were able to bill the first three cycles for personal property tax. He also stated that the equipment for the Disaster Recovery Program is being delivered and they are arranging to setup the configurations. Finally, they are scheduled to meet with Public Works to discuss implementing the NEXGEN system.

Mr. Glass reported on the recent snow events and the clean up. He stated that the Chief was in constant communication with County officials and, with the help of the Chief and Mr. Ehlers, the City applied for emergency salt deliveries from MEMA. He stated that the budget for snow and ice control was \$90,000 for FY2010, but was exhausted prior to the recent back-to-back snow storms. He estimated that the total cost for both storms was \$233,000. Mr. Glass commended the four businesses that the City contracted to assist in the snow clean up. He described C.J. Miller, Thomas, Bennett, & Hunter, Inc., White Pine Construction Company, and Stambaugh's, Inc. as pillars of the community as they came to the aid of the City at a moment's notice. He also commended those residents that went further than clearing their own snow, by assisting neighbors. Mr. Glass reported on the City's priorities when it came to clearing snow. He stated that the number one priority was to keep the facilities open to health care for the hospital and Carroll Lutheran Village. Equipment was made available at all times to go with the fire department during emergency responses. The next phases were to have one lane open on all streets, then widen collective streets so that there was more than one lane open each way with a goal to eventually have all streets at two lanes. The City is currently continuing to work on alleys, dead ends, and cul-de-sacs and improving sight distances of intersections. Mr. Glass reported that due to budget sensitivities, the City is no longer using contractors, and until things are back to normal the City will be using its own forces. Finally, Mr. Glass reported on the equipment that was damaged, such as the \$15,000 snow-blower attachment that needs to be replaced, as well as two \$7,000 snowplows.

Ms. Levan reported that she has been working with staff on a system for collecting unpaid water and sewer bills, as well as personal property taxes. She also stated that she is looking

into questions regarding the appropriate inspection standards for Section 8 housing. Finally, Ms. Levan reported that they are working on the NEXGEN software management acquisition.

Tim Rogers reported that the Westminster Historic District Commission has a couple of openings and is looking for candidates. Finally, he stated that his thoughts and prayers are with current HDC member, Kevin Wagman and his family.

ADJOURN:

Council President Pro Tem Albert adjourned the meeting at 8:29 p.m.

Respectfully Submitted,

Elizabeth L. Fahey