

BOARD OF COUNTY COMMISSIONERS  
FOR SOMERSET COUNTY  
MARCH 1, 2011

At 2:00 P.M., the Board of County Commissioners for Somerset County met in regular session with President Rex Simpkins, Commissioner Vice-President Charles F. Fisher, Commissioner Craig N. Mathies, Sr., Commissioner Jerry S. Boston and Commissioner Randy Laird.

County Administrator-Clerk, Cynthia R. Ward, was also present.

Commissioner Mathies asked all present to join him in repeating the Lord's Prayer and Pledge of Allegiance.

Upon motion made by Commissioner Fisher, seconded by Commissioner Boston, it was carried 4-0 to dispense with the reading of the Minutes of the meetings held Tuesday, February 15, 2011, and approve them as presented.

Mr. John Petito, of Delmarva Power, and Ms. Cathy Bassett, of C.M. Bassett Consulting, LLC, appeared before the Board to discuss the MAPP Project (Mid-Atlantic Power Pathway). The new power pathway will not travel directly through Somerset County, but County residents will benefit from the proposed upgrades, which is estimated to cost \$1.2 billion and has an target completion date of 2015. Ms. Bassett outlined the planned route of the 152 miles of transmission lines. Maryland and the Delmarva Peninsula depend on imported power:

- 30% of Maryland power imported in 2007.
- 70-75% of Delmarva Peninsula Power was imported in 2009
  - Three units at Indian River Power Plant will be retired by 2013.
  - The remaining Indian River Power Plant unit is coal-fired.
  - Vienna power plant is aging and only operates intermittently.

Ms. Bassett also described how customer billing will be affected by MAPP:

- Distribution Charge (the cost of moving electricity from your local substation through power lines to your home or business): No change due to MAPP.  
Transmission Charge (the cost of moving electricity from the power plants and transmission tie points to your local substation): Will increase to pay for MAPP.
- Supply Charge (a combination of energy and capacity charges):
  - The energy charge is the cost to produce the electricity along with any transmission congestion incurred in delivering it.
  - The capacity charge is the cost to have generation available to meet peak demand.
- Both energy and capacity charges will decrease due to MAPP.

The following facts were also presented:

- The cost of MAPP will be spread over the 51 million customers in the 13 state PJM region.
- The annual cost to the customers on the peninsula is \$6.8 million.
- The annual savings from reducing congestion costs and capacity charges is \$54 million.
- MAPP will deliver power from existing and new power plants to the Mid-Atlantic Region.
- Similar to highway traffic congestion which occurs during peak rush hour, transmission lines have similar congestion during peak energy use periods.
- The installation of MAPP is similar to adding lanes to a roadway, thus diminishing congestion.
- MAPP will help reduce congestion and avoid brownouts or blackouts in the region.
- MAPP will provide a connection to off-shore wind projects and allow renewable power to be imported from the north and west.

Ms. Bassett projected that major problems will be experienced if the project is not completed by 2015.

In conclusion, Mr. Petito asked the Board of County Commissioners for a letter of support for the MAPP Project. The Board will consider the request and take action at a later date.

Mr. Adam Cohen and Mr. Johnny Walker, of Pioneer Green Energy, appeared before the Board to discuss their company which specializes in wind energy. Their company, based in Austin, Texas, was founded two years ago. They look at states with renewable energy needs and areas with land use that is compatible with wind turbines. Wind studies are currently being conducted to ascertain which areas will best perform. Mr. Cohen estimated that six to ten permanent jobs will be created along with a substantial tax base. Permitting is estimated to begin this Spring with construction commencing in 2013. Mr. Walker stated that Somerset County farmers have been very cooperative and he looks forward to working with them. Following a discussion regarding the height of the turbines (450-500 feet), Commissioner Fisher inquired as to the requirements of Patuxent River Air Force Base regarding flight patterns. Mr. Cohen stated that they are working with PAX River Officials. Commissioner Laird inquired as to the assessed value of each unit and any potential obstacles that may present a problem. Mr. Cohen advised that each unit is estimated at Three Million Dollars. Potential problems that are occasionally encountered include noise and visual complaints. The company tries to avoid these problems through extensive study prior to construction. In conclusion, Mr. Cohen and Mr. Walker thanked the Board for allowing them to appear before them to discuss Pioneer Green Energy.

Mrs. Ward reviewed correspondence with the Board.

A request was received from Manokin Manor for assistance from the ECI Annex Inmate labor program for general maintenance work. The Board agreed that the inmate labor program was not intended for privately owned facilities and therefore did not approve the request.

The Somerset County Library Board of Trustees nominated Christina Boyer for appointment to the Library Board to fill the vacant seat left by Kat Harding in December 2010.

A motion was made by Commissioner Fisher, seconded by Commissioner Boston, to appoint Christina Boyer to serve as member of the Library Board. The motion carried 4-0.

At 3:00 p.m., Commissioner President Simpkins declared a public hearing open relating to the following matter:

In accordance with the Public Safety Article of the Annotated Code of Maryland, Title 12, Subtitle 5, known as the Maryland Building Performance Standards, which requires all counties in the State of Maryland to adopt the International Building Codes (IBC), with or without amendments, the Somerset County Commissioners will conduct a Public Hearing to consider adoption of the 2009 IBC with local amendments.

#### **Fair Summary**

The proposed Building Code Ordinance regulates all construction occurring within the unincorporated areas of Somerset County. The State of Maryland has recently adopted the 2009 IBC, and Somerset County is considering its adoption also, but with local amendments. Included in the 2009 State-adopted Code that the County may or may not amend is a requirement that new single-family and two-family homes must contain a residential fire sprinkler system. Among other requirements that the County has exempted in prior years include the issuance of building permits and inspections for agricultural buildings and accessory buildings of a certain minimum size.

Mr. Gary Pusey, Director of Technical and Community Services, began with a brief history of the County's Building Code; the State's update of the IBC and IRC every three years; and the 2009 IRC which contains a requirement that all single-family and two-family homes must be installed with residential sprinkler systems. As with all requirements in the Building Code, the County has the option to exempt this requirement in its local ordinance. In 2010, the Somerset County Fire Chiefs Association voted to oppose the sprinkler requirement, citing the cost of installing these systems and the belief that working smoke alarms provide adequate protection. Additional information regarding water supply that is needed to sustain a sprinkler system was provided.

Mr. Mark Konapelsky, Building Code Inspector for Somerset County, was also present for the public hearing. Mr. Konapelsky discussed the financial impact that a sprinkler requirement would have on the construction of a house, such as costs related to the following:

1. Engineering Study

2. 2-inch separate water feed line from the street to the house (for city water)
3. Hook-up fees (city water)
4. Upgraded well and pump (well water)
5. Adequate bladder system (well water)
6. Housing and back-up generator (well water)

Mr. Konapelsky also advised that there are many improvements in housing construction today that address the risk of fire, other than sprinklers, such as hard wired smoke alarms; fire walls; etc. The financial impact associated with sprinklers would also affect the County's housing program since it would reduce the number of projects that could be funded.

Other amendments include:

- 1) Accessory structures at least 200 sq. ft. in size (decreased from the current 400 sq. feet) would need a zoning certificate, a building permit and inspections would be performed to ensure that the structure is built to Code.
- 2) Bona fide agricultural buildings would be exempt from the Building Code (this is not a change from the current practice).
- 3) Termite Control – the allowance of other methods of termite control other than chemical treatment.
- 4) Vapor Retarder – Follow the IRC recommendations regarding the use of polyethylene that is placed under concrete floors; a reduction in what the County currently requires.

Commissioner President Simpkins asked for any proponents wishing to testify.

Mr. John Kotoski, of 24 Bridgewater Road, Berlin, Maryland, appeared as a proponent for the exemption of the sprinkler requirement from the County's Building Code. Mr. Kotoski stated that he served as President of the Eastern Shore Builders Association and that builders are currently spending over \$7,000 to install sprinkler systems in houses that are on municipal water systems. In a discussion regarding statistics on house fires, Mr. Kotoski reported that the survival rate is 99% if a working fire alarm is present, and that sprinklers only add .06%. The Board was also advised that a sprinkler system cannot be shut off, therefore unoccupied homes cannot be "winterized". In conclusion, Mr. Kotoski stated that sprinklers do not add much safety for occupants and asked the Commissioners to opt out of the building code requirement.

Commissioner President Simpkins asked for any other proponents.

Mr. Dennis Williams, of 11728 Beechwood Street, Princess Anne, Maryland, appeared before the Board as a proponent for the exemption of the sprinkler requirement from the County's Building Code. Mr. Williams stated that the costs associated with the installation of sprinklers is exorbitant and will hurt housing sales in the County.

Commissioner President Simpkins asked for any other proponents.

Ms. Neda Cox, of 29958 Arbor Acres Drive, Princess Anne, Maryland, appeared before the Board also as a proponent for the exemption of the sprinkler requirement from the County's Building Code. Ms. Cox serves as the Treasurer for the Coastal Association of Realtors, a 1000-member organization that promotes and helps preserve the right to own, transfer and use real property. Ms. Cox read from a written prepared statement, which she also submitted to the Board as testimony, stated that the primary concern of the Association is housing affordability and the negative impact parts of the new code places on home builders – increasing their costs which are ultimately passed through to consumers. The additional sprinkler mandate, depending on the system installed, will add costs upward from approximately \$2,386 to \$16,061 to the median-list price of \$82,500 on a home in Somerset County. Worcester and Wicomico Counties have both passed ordinances to waive sprinkler requirements in new construction of one and two family residential homes. Due to the state of the economy and the slow recovery of the real estate market, the Coastal Association of Realtors request the Commissioners exempt the requirement of installing sprinklers in new construction of single and two-family homes.

Commissioner President Simpkins asked for any other proponents wishing to testify. Mr. Michael T. Hall, of 28624 Revells Neck Road, Westover, Maryland, appeared before the Board also as a proponent for the exemption of the sprinkler requirement from the County's Building Code. Mr. Hall expressed his concern that a sprinkler requirement would stop development altogether in certain areas due to the lack of adequate water supply. Both Wicomico and Worcester opted out for similar reasons. Mr. Hall believed that actions that make housing less affordable leads to people living in less than desirable conditions. Also, the sprinkler requirement would decrease the County's tax base by discouraging housing construction.

Commissioner President Simpkins asked for any other proponents wishing to testify.

Mr. John Barnett, of 13250 Pruitt Lane, Princess Anne, Maryland, appeared before the Board as an opponent to the exemption of the sprinkler requirement from the County's Building Code. Mr. Barnett expressed his concern for the safety of firefighters that are at risk of injury or death while fighting fires in houses that are constructed of manufactured wood products versus a more dimensional wood product. According to the information presented, most firefighter deaths occur due to structure failure. A sample of a TGI beam constructed of manufactured wood was presented to the Board. Mr. Barnett stated that building codes were designed for a reason.

Sprinkler cost equates to \$1.25 per square foot and water supply requirements can be altered by the County. Rural areas, such as Somerset County, need the protection that sprinklers can provide. Commissioner Boston suggested that new fire fighting tactics be considered for fires that occur within houses constructed with this man-made material. Mr. Barnett concluded by stating that his main concern is for the lives of the firefighters and suggested that the County Commissioners revisit the issue with the County's Fire Chiefs Association. He believes that the Fire Chiefs Association initially received a lot of incorrect information which led to their lack of support for the sprinkler requirement.

Commissioner President Simpkins clarified that Mr. Barnett would be considered an opponent to the proposed exemption of the sprinkler requirement from the County's Building Code, based upon the testimony he presented.

Commissioner President Simpkins asked for any other proponents or opponents wishing to testify.

Ms. Donna Dumsha, of 10785 Old Princess Anne Road, Princess Anne, Maryland, inquired about the requirements for manufactured homes. She concluded by stating that she was against the requirement for sprinklers and believed Somerset County should opt out.

Commissioner President Simpkins asked for anyone else wishing to testify. There were none. Written comments will be accepted for ten days until March 11, 2011. The public hearing was closed at 3:45 P.M.

Dr. Karen-Lee Brofee, Superintendent of Somerset County Public Schools, was now present before the Board, accompanied by Mrs. Vickie Miller, Director of Finance, to present their budget request for Fiscal Year 2012. On behalf of Somerset County Public Schools, Dr. Brofee is requesting level funding for 2012 in the amount of \$8,624,325.00. This is \$5,585 above Maintenance of Effort. According to Dr. Brofee, Somerset County Public Schools will be losing:

- a) \$251,000 in state revenue based upon the Governor's proposed budget
  - b) \$400,000 in contractual positions added with ARRA revenue
  - c) \$338,481 in State Fiscal Stabilization Funds that covered specific expenses for 2011.
- Somerset County Public Schools has received \$170,000 in Jobs for Education funds that they are moving from 2011 to 2012 to help save positions.

- Somerset County will also be receiving \$1.2 million dollars in Race to the Top revenue over the next 4 years which began this year.

- Budget Request for 2012:

Staffing Requests	\$672,711
Materials & Supplies	\$593,271
Total	\$1,265,982

- 2012 Capital Budget:

Princess Anne Outer Door Replacement	\$15,000
Greenwood Outer Cafeteria Door Replacement	\$3,000
OCR JM Tawes Handicapped Bath. Addition	\$40,000
Playground Upgrades & Repairs	\$45,000
CHS PA System	\$10,000
CHS Railing for Bleachers	\$5,000

In conclusion, Dr. Brofee reviewed the Non-Recurring Costs that are requested from the County, totaling \$222,700.

The Board reviewed a letter from Maryland Department of Business & Economic Development (DBED) regarding the suspension of real estate taxes on the Carvel Hall property while owned by the City and vacant. Ms. Sharon Muir, Internal Auditor, provided the Board with the loan history which led to the County entering into the Consolidated and Re-States Promissory Note which required the County to pay the real estate taxes for twenty years, an amount not less than \$8,657.19. Now that The City of Crisfield owns the property, DBED has agreed to suspend the real estate tax payments until a tenant is in the building and taxes are being received. To confirm the County's acceptance of these terms, DBED is requesting signature by the Board.

A motion was made by Commissioner Fisher, seconded by Commissioner Laird, to authorize President Simpkins to sign the letter accepting the terms that real estate taxes on the Carvel Hall property will be suspended while owned by The City of Crisfield and vacant. The motion carried 4-0.

At this time, the Board reviewed the results of the annual meetings held by the Public Drainage Associations and their request for tax levy rates for the upcoming year:

Upon motion made by Commissioner Boston, seconded by Commissioner Mathies, it was carried 4-0 to approve the request of the Board of Managers of the Tony's Branch Public Drainage Association that the Somerset County Treasurer be authorized to levy the Fiscal Year 2012 Drainage Tax Assessment for the Tony's Branch PDA as follows:

Cropland	\$3.50 per acre
Woodland	\$1.50 per acre
Minimum Billing	\$25.00

Upon motion made by Commissioner Mathies, seconded by Commissioner Boston, it was carried 4-0 to concur with their recommendation to appoint Mr. Gary Rathkamp as replacement for Reuben Beauchamp as Manager, with Thomas Smith and Walter West continuing on from a previous appointment.

Upon motion made by Commissioner Fisher, seconded by Commissioner Laird, it was carried 4-0 to approve the request of the Board of Managers of the Barkley's Branch Public Drainage Association that the Somerset County Treasurer be authorized to levy the Fiscal Year 2012 Drainage Tax Assessment for the Barkley's Branch PDA as follows:

Cropland	\$3.50 per acre
Woodland	\$1.50 per acre
Minimum Billing	\$20.00

Upon motion made by Commissioner Mathies, seconded by Commissioner Laird, it was carried 4-0 present to concur with their recommendation to re-appoint Mr. Robert Finney to serve another three-year term as Manager, with Tom Banks and Paul Wiles continuing on from a previous appointment.

Upon motion made by Commissioner Fisher, seconded by Commissioner Laird, it was carried 4-0 to approve the request of the Board of Managers of the Upper Manokin Public Drainage Association that the Somerset County Treasurer be authorized to levy the Fiscal Year 2012 Drainage Tax Assessment for the Upper Manokin PDA as follows:

Cropland	\$3.50 per acre
Woodland	\$1.50 per acre
Minimum Billing	\$25.00



Upon motion made by Commissioner Fisher, seconded by Commissioner Laird, it was carried 4-0 to concur with their recommendation to appoint Mr. Robert Powell to serve as Manager for another three-year term, with Mr. Jerry Bozman and Mr. Tom Pinto continuing on from a previous appointment.

Upon motion made by Commissioner Mathies, seconded by Commissioner Boston, it was carried 4-0 to approve the request of the Board of Managers of the Handy Church Public Watershed Association that the Somerset County Treasurer be authorized to levy the Fiscal Year 2012 Drainage Tax Assessment for the Handy Church PWA as follows:

Minimum Billing      \$50.00

Upon motion made by Commissioner Mathies, seconded by Commissioner Boston, it was carried 4-0 to concur with their recommendation to appoint Mr. Stanley Johnson for another three-year term as Manager, with Stanley Johnson and Larry Van Story continuing on from a previous appointment.

The Board was presented with three Proclamations for adoption:

- 1) Jack King – 60 years of service as firefighter
- 2) William Wilson – 60 years of service as firefighter
- 3) Robert Murphey – 45 years of service as firefighter

A motion was made by Commissioner Fisher, seconded by Commissioner Boston, to adopt the three Proclamations as listed above. The motion carried 5-0.

A motion was made by Commissioner Laird, seconded by Commissioner Mathies, to adopt a Proclamation recognizing Asst. Chief Chris Keane for his heroic actions in rescuing a young boy from a frozen pond. The motion carried 5-0.

The Board was advised of a request from the Somerset County Tourism Director, Julie Widdowson, to attend a training class on April 6, 2011 in Hanover, Maryland. A motion was made by Commissioner Boston, seconded by Commissioner Fisher, to approve the request to attend training. The motion carried 4-0.

With no further business, the meeting was adjourned at 5:15 p.m.

The amount drawn on the General Fund Checking Account for the week of March 1, 2011, from check no. 85313 through check no. 85353 was \$ 456,366.80

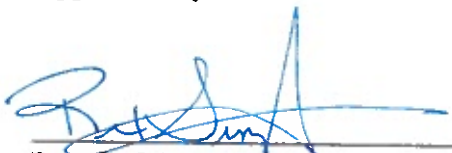
The amount drawn on the General Fund Checking Account for the week of March 8, 2011, from check no. 85354 through check no. 85387 was \$ 493,376.49

Respectfully Submitted:



Cynthia R. Ward  
County Administrator/Clerk

Approved By:



Board of County Commissioners  
For Somerset County