

BOARD OF COUNTY COMMISSIONERS

FOR SOMERSET COUNTY

APRIL 12, 2011

At 2:00 p.m., the Board of County Commissioners for Somerset County met in regular session with Commissioner 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 and Executive Secretary, Lory E. Ebron were also present.

President Rex Simpkins called the meeting to order, and asked Commissioner Mathies to lead those attending the meeting in repeating the Lord's Prayer and the Pledge of Allegiance.

Commissioner Laird requested that the Minutes of the March 29, 2011 meeting, page four, paragraph two, be corrected to reflect the response from Mr. Cavanaugh, Director of Solid Waste and Maintenance, to read as follows: "Mr. Cavanaugh noted that as funding becomes available, the drainage projects are addressed within a two year period."

Upon a motion made by Commissioner Laird, second by Commissioner Boston, it was carried 4-0 to correct the Minutes of the March 29, 2011 meeting, page four, paragraph two, to be corrected to reflect the response from Mr. Cavanaugh, Director of Solid Waste and Maintenance, as noted above, and approve the Minutes of the meeting held Tuesday, March 29, 2011, as noted.

At this time, Ms. Maureen McNeil, Coastal Hospice, was present to accept the Healthcare Decisions Day Proclamation, signed by the Board of Somerset County Commissioners and County Administrator-Clerk, dated April 12, 2011, recognizing the need to declare April 16, 2011 as Healthcare Decisions Day in Somerset County, Maryland. The goal of Healthcare Decisions Day is to encourage hospitals, nursing homes, assisted living facilities, continuing care retirement communities, and hospices to participate in a State-wide effort to provide clear and consistent information to the public about advance directives that allow documentation in advance of end-of-life wishes. Additionally, it is hoped that Healthcare Decision Day will

encourage medical professionals and lawyers to volunteer their time and efforts to improve public knowledge and increase the number of citizens with advance directives.

Commissioner President Simpkins next began opening the sealed bids submitted with regard to the purchase of scrap metal from the landfill. Mr. Charles Cavanaugh, Director Solid Waste and Maintenance was also present. The bid information was as follows:

<u>Bidder</u>	<u>Bid Amount:</u>
1. Delmarva Recycling Salisbury, MD	\$147.80/ton
2. Allstate Salvage Westover, MD	\$186.60/ton
3. Fitzgerald Auto Salvage Lincoln, DE	\$201.50/ton
4. Shultz & Sons Salvage (John Schultz) Denton, MD	\$110.50/ton

Commissioner President Simpkins noted that the following contractors were missing insurance paperwork; Fitzgerald's Auto Salvage, Allstate Salvage and Shultz & Sons. Mr. Cavanaugh, Director, noted that with this specific bid proposal, he was looking for the highest bid amount, and made the recommendation to award the bid to Fitzgerald Auto Salvage in the amount of \$201.50 per ton.

On motion by Commissioner Fisher, second by Commissioner Boston, it was carried 4-0 to award the bid submitted to purchase the scrap metal from the landfill to Fitzgerald Auto Salvage in the amount of \$201.50 per ton pending correct insurance documentation is obtained.

At this time, County Administrator-Clerk, Cynthia R. Ward began to present correspondence received since the last meeting. Ms. Ward discussed the letter received from the Department of the Navy, dated March 25, 2011, regarding wind turbines for electricity generation that has been presented to local farmers in Somerset County. Mr. Gary Pusey, Director Planning and Zoning was now present at the meeting. In the letter, the Department of the Navy expressed their concern for the effect of wind turbines on radar and radar-based measurement systems, as wind turbines dynamically reflect radio frequency energy and multiple units (wind farms) create large, complex reflections. The reflected energy can raise the local

radio frequency energy noise and clutter to levels that reduce the performance of radar and radar-based measurement systems. After discussion, the Board agreed to meet with Navy officials to address their concerns and to invite wind energy companies to attend.

Next, County Administrator-Clerk Ward reviewed the letter received from the U.S. Department of Justice, dated March 24, 2011. The letter requests documentation for the past five years relating to the investigation of the Employment Practices of Somerset County regarding Employment Opportunities in Upper-Level Positions. Ms. Ward noted that personnel are in the process of researching and providing the requested documentation.

Next, a memo dated April 1, 2011 from Gary Pusey, Director DTCS was presented by Ms. Ward to the Board for their consideration. The Tylerton Volunteer Fire & Rescue Company recently applied for permits to the Planning and Zoning office, and paid appropriate fees for the removal of a dilapidated lean-to section of their building and replacing it with a new lean-to of the same size. The Tylerton Volunteer Fire & Rescue is asking for a refund of the fees paid. In accordance with the County's policy, only the County Commissioners can waive or refund fees. The total amount of fees paid was \$605.80.

On motion by Commissioner Laird, second by Commissioner Fisher, it was carried 4-0 to refund the Tylerton Volunteer Fire & Rescue Company \$605.80 for fees paid relating to the removal of a dilapidated lean-to section of their building, and replacement with a new lean-to of the same size.

County Administrator-Clerk Ward then presented a letter addressed to Commissioner President Simpkins from Daniel Powell, States Attorney Office asking for a letter of support for their Crisfield CSAFE-VPI grant application. The CSAFE program helps to strengthen the community and makes Somerset County a safer place to live.

A motion was made by Commissioner Fisher, second by Commissioner Boston, carried 4-0, to provide the State's Attorney Office a letter of support relating to their CSAFE program.

Ms. Ward presented a letter from Chief Michael L. Tabor, Crisfield Police Department, requesting the use of ECI Annex Inmates to paint the interior of the Crisfield Police Department. Additionally, work may be needed with regard to general maintenance and landscaping.

On a motion by Commissioner Laird, second by Commissioner Boston, it carried 4-0 to permit the use of ECI Annex Inmates to paint the interior of the Crisfield Police Department as well as general maintenance and landscaping if needed.

A letter addressed to County Administrator-Clerk Ward from the Maryland State Department of Education was submitted for the Boards consideration. A revised list of nonrecurring cost exclusions (after the public school appropriation actions are completed) has been requested. Ms. Ward advised the Board that she would follow up with the Board of Education to submit the revised list to the Maryland State Department of Education as requested in consideration of Somerset County's request for nonrecurring cost exclusions to the maintenance of effort requirements for Fiscal Year 2012.

The 2011 Legislative Wrap-Up/Eastern Shore Delegation scheduled for April 27, 2011 at 4:00 p.m. at UMES/Richard A. Henson Center was reviewed. Ms. Ward noted that attending this event would provide an excellent opportunity to be alerted of actions taken in Annapolis this year. All Commissioners agreed to attend.

At this time, Ms. Kimberly Widdowson, Administrative Aide/Benefits Coordinator, Personnel Department and Ms. Debbie Mahan, Director of Personnel were present to discuss the 2011 Fiscal Year Employee Health Insurance Plan. Ms. Widdowson said that she had attended a meeting with Jill Hall of Landmark Insurance and Mike Tilghman of BC/BS to discuss recent changes to the Health Care Act that now provides an option of maintaining a grandfathered or non-grandfathered status of a health plan. Mike Tilghman advised Ms. Widdowson that other municipalities and governmental agencies had maintained grandfathered status. Ms. Widdowson commented that there will be no cost difference to maintain the grandfathered status, and furthered explained that there are certain advantages of staying grandfathered in that the county would be exempt from certain health care reform provisions. Ms. Widdowson also indicated Mr. Mike Tilghman's recommendation is for the county to remain grandfathered.

Therefore, on motion made by Commissioner Fisher, second by Commissioner Boston, it was carried 4-0 to authorize Commissioner President Simpkins to sign the notice of intent to maintain grandfathered status with CareFirst Blue Choice, Inc.

At this time, Mr. Gary Pusey, Director of Planning and Zoning; Ms. Debbie Lawson, Zoning Inspector and Mark K. Konapelski, Violations and Building Code Officer were present to discuss the proposed fee schedule with the Board. Mr. Pusey explained that a public hearing was held on March 1, 2011, and on March 15, 2011 the standard building code was adopted with standard exceptions. Mr. Pusey continued, noting that the last fee schedule was adopted in July 2008 (Resolution #970). With the adoption of an updated Building Code, the Planning and Zoning Department would like to propose an updated fee schedule for the Commissioners approval. Mr. Pusey explained the recent building permit requirement relating to buildings between 200-400 square feet. He noted that the updated fee schedule being presented today will allow detached accessory building between 200-400 square feet to have the same cost in permits as before. Mr. Pusey continued, noting that some other minor changes to the updated fee schedule (noted in red on the handout), included adding churches, temporary mobile homes, communication tower accessory building, handicapped ramps and residential and wind turbines and solar panels. Ms. Lawson, Zoning Inspector, advised that there was a flat rate increase across the board, including decks and storage buildings at .10 cents per square foot. The updated fee schedule, if approved, is slated to go into effect on April 18, 2011.

Commissioner Boston inquired about the insurance requirements relating to electrical fees. Mr. Pusey explained that the insurance requirements for inspection agencies performing electrical inspections for Somerset County is \$1 million coverage for property damage and personal injury, adopted by the commissioners in 2002 (Ordinance #765). Mr. Pusey noted that Worcester and Wicomico counties have \$400,000 in coverage. Mr. Konapelski said that he has spoken with the Electrical Board, and that the Electrical Code should perhaps be reviewed by Attorney Kirk Simpkins. However, it was noted that a public hearing would be required in order to make any revisions. Commissioner Fisher said it would be prudent to verify that there were no legal liability matters missing.

After review, on a motion by Commissioner Fisher, second by Commissioner Laird, it carried 4-0, to accept the proposed updated fee schedule as presented.

County Administrator-Clerk Ward continued with the review of correspondence. A letter dated April 7, 2011 from Jay Newcomb, President of the County Council of Dorchester County regarding the States Oyster Restoration and Aquaculture Development Plan was reviewed. The letter states that the Council of Dorchester County has concerns with regard to House Bill 208 as they feel it may further impact the seafood industry in Dorchester County, particularly if more public bottom is designated as oyster sanctuaries in compensation for leased sanctuary space, which will remove those areas from seafood production. Commissioner Fisher feels that Somerset County has an interest in this matter, as the State is narrowing the amount of public waterways available to the watermen. After discussion, it was decided that a letter of support would be drafted, although it was noted that legislature has already been written and passed on this subject.

On motion by Commissioner Fisher, second by Commissioner Boston, carried 5-0, a letter of support with regard to legislature that has been passed that effects designated oyster sanctuaries, and its effects on local watermen in the lower shore area be prepared and submitted to the proper authorities, and copied to the Somerset County Waterman's Association.

Ms. Ward presented a letter addressed to the Somerset County Commissioners from the Sudanese American Community Delmarva (SAC), located in Princess Anne, Maryland. This is a non-profit organization, registered in Maryland that works to coordinate and unite efforts pertaining to empowering members and strengthen the relations between the members as one family by offering different activities that cover culture celebration and sport programs for the youth participants. This non-profit organization has requested funding support to assist them in achieving their goals. After discussion, it was decided to table the request until after the budget process, currently underway, has been completed.

Ms. Ward continued, advising the Board of email correspondence received from John R. Nottingham, Extension Agent, and Larry Fykes, Soil Conservation, with regard to the Cropland Greenhouse Gas Reduction Financial Incentives Proposal. Both Mr. Nottingham and Mr. Fykes feel the proposal is reasonable, and is a legitimate research project geared to formatting Carbon Trading Credits that farmers may use in the future as trade-offs for large construction projects.

County Administrator Ward asked if the Board was in agreement with the recommendations made by Messer's. Nottingham and Fykes, she would recommend a C-5 response to the proposal.

Therefore, on motion by Commissioner Fisher, second by Commissioner Boston, carried 4-0, a C-5 response will be submitted with regard to the Cropland Greenhouse Gas Reduction Financial Incentives Proposal as submitted.

Ms. Ward advised the Board that Commissioner Mathies has submitted the recommendation to appoint Ms. Loisisha Redding to serve as a member on the EEO Oversight Committee, thereby filling the vacancy for his district.

On motion by Commissioner Mathies, second by Commissioner Fisher, it carried 4-0 to appoint Ms. Loisisha Redding to serve as a member on the EEO Oversight Committee.

County Administrator Ward next advised the Board that the nomination has been made to appoint Dr. James White to serve on the Social Services Board.

On motion by Commissioner Mathies, second by Commissioner Fisher, it carried 4-0 to appoint Dr. James White to serve as a member on the Social Services Board.

Ms. Ward noted that a request was received from UMES, asking for a Letter of Support for their Walk-A-Thon that will be held on April 30, 2011.

On motion by Commissioner Mathies, second by Commissioner Laird, carried 4-0, Ms. Ward was instructed to prepare a letter of support on behalf of the Commissioners with regard to the UMES Walk-A-Thon scheduled for April 30, 2011. Commissioner President Simpkins will sign the letter at a later date.

An out of county travel request has been submitted by Mr. Gary Pusey, Director Planning and Zoning to allow employee's Tom Lawton and Bob Caldwell to attend a Critical Area Concerns meeting that will be held on May 31, 2011 in Annapolis.

On motion by Commissioner Fisher, second by Commissioner Laird, it carried 4-0 to permit employees Tom Lawton and Bob Caldwell to attend the Critical Area Concerns meeting in Annapolis on May 31, 2011.

At this time, Mr. Dan Kuebler was present at the meeting. Mr. Kuebler commented that the process the Board uses for their meetings does not facilitate public input. He requested that information provided to the Board and media be made available to the public via the internet, so that the public can provide input. Mr. Kuebler requested to have representatives present if a meeting is scheduled with the Department of the Navy, as the wind farms will be a major issue and problem. He also noted that it has been six months since his request regarding placing the meeting minutes online. A short discussion was held regarding the budget hearing meeting. Commissioner President Simpkins advised Mr. Keubler that suggestions relating to the budget are welcome anytime.

At this time Mr. Phil Riggan was present at the meeting. Mr. Riggan felt that the Airport meetings have been very helpful. He noted that he appreciated the Commissioners applying a common sense approach in conducting business.

At this time, Mr. James Kingdon, Greenlight Biofuels and Ms. Carol Walston, Manager were present to discuss their request for a reduction of their 2010-2011 personal property tax due. Mr. Kingdon explained the history of his company, going back to the explosion that occurred in 2008. Mr. Kingdon advised the Commissioners that he has applied for and been granted a reduction to the assessed value of the property by 50%. Mr. Kingdon stated that the company currently employs 7 people, and that he intends to hire an additional 4 people and have the plant at fully operational next year. Mr. Kingdon explained that expiration of the "blender's credit" at the end of 2009, and subsequent reinstatement in December 2010 created further hardship for his company. A review was made of the current taxes due to the County by Greenlight Biofuels. It was acknowledged that approximately \$83,000 is owed by Greenlight Biofuels for past tax due. Commissioner Fisher, referring to the Somerset County Code of Public Local Laws, noted that it is unclear as to whether an exemption can be permitted in light of the fact that a reduction was permitted for the 2008-2009 tax year. Additionally, the code book states that the company must employ at least 10 employees. It was decided that clarification was needed to be obtained from attorney Kirk Simpkins relating to the language used in the code book (reduction vs. exemption) as to whether they are same as it applies to code,

and to verify whether the county would be permitted to allow a reduction for a consecutive tax year (2010-2011).

Ms. Sally Rankin of the Circuit Court for Somerset County was now present to request the Board's support for a grant application. Ms. Rankin explained that condition of the court Annex building is poor, and that there are security concerns because the building is small, and therefore a holding cell is not available. The request for funding in the amount of \$72,000 would allow the Committee to solicit bids from architectural consultants to conduct a study to determine present and future needs for the court facility.

On motion by Commissioner Laird, second by Commissioner Fisher, it carried 4-0 to have Ms. Ward prepare a letter of support to allow the Circuit Court to request funding in the amount of \$72,000 that will allow the Committee to solicit bids from architectural consultants to conduct a study to determine present and future needs for the court facility.

With no further business, a motion was made by Commissioner Fisher, second by Commissioner Boston, to adjourn the meeting. The motion carried 4-0 and the meeting closed at 4:25 p.m.

The amount drawn on the General Fund Checking Account for the week of April 12, 2011, from check no. 85548 through check no. 85584 was \$601,997.17.

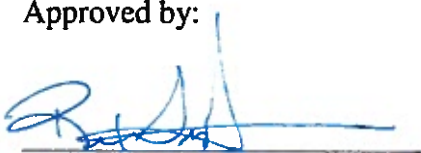
The amount drawn on the General Fund Checking Account for the week of April 19, 2011, from check no. 85585 through check no. 85619 was \$1,187,037.11.

Respectfully Submitted:



Lory E. Ebron
Executive Secretary

Approved by:



Board of County Commissioners
For Somerset County