

BOARD OF COUNTY COMMISSIONERS
FOR SOMERSET COUNTY
APRIL 26, 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.

At this time, Commissioner Fisher excused himself from the meeting. Upon a motion made by Commissioner Boston, seconded by Commissioner Laird, it was carried 3-0 to dispense with the reading of the Minutes of the meetings held on Tuesday, April 12, 2011, and April 19, 2011 and approve the minutes as presented. Commissioner Fisher returned to the meeting.

Mr. Paul Carliner, President, Bloosurf LLC, was now present before the board to provide a PowerPoint presentation with regard to providing 4G Wireless network capabilities in the lower shore area. Also attending the presentation were Mr. Naimat Mughal, Chief Operating Officer, and Scott Palermo, Director of Sales Marketing. Bloosurf is a Delaware based LLC, headquartered in Pocomoke, Maryland. The PowerPoint presentation outlined the services the company would be offering that included basic residential broadband, unlimited 4G mobile internet access and business standard service. Additionally presented were the preliminary sites, existing and identified structures and towers and the network deployment plan. Mr. Carliner stressed the importance of being able to utilize the Marion Station tower. At the close of the presentation, Mr. Carliner requested the Board's consideration to write a letter of support that will be submitted to the State of Maryland, with regard to the company's projected plan. The Board concurred, and requested Ms. Ward draft a support letter to be presented at the next scheduled meeting.

Ms. Sharon Muir, Internal Auditor, was now present before the Board. The first item for the Board's consideration was a Change of Power of Attorney document, submitted by Integra Administrative Group that would change the power of attorney on record for the Somerset County Health Plan from Mr. David Smith (former President) to Mr. Chris Smith (current President).

On a motion by Commissioner Fisher, second by Commissioner Laird, Commissioner President Simpkins was authorized to sign the Change of Power of Attorney for Integra Administrative Group, listing Mr. Chris Smith, President, as Power of Attorney for the Somerset County Health Plan. The motion carried 4-0.

Next, Ms. Muir presented the request for LGIT (Local Government Insurance Trust) Sponsorship Letters for fiscal year 2012 on behalf of the Sanitary District and the Library. Ms. Muir explained that the Somerset County Commissioners have provided the sponsorship letters with regard to Primary Liability and Property Coverage so that these entities may participate with LGIT. Commissioner Fisher asked how long the county has been providing the sponsorship letters. Ms. Muir said that it has been done for many years.

Therefore, on a motion by Commissioner Fisher, second by Commissioner Boston, it carried 4-0 to provide sponsorship letters on behalf of the Sanitary District and the Library to LGIT for Primary Liability and Property Damage coverage.

Mr. Gary Pusey, Director of Planning and Zoning, and Mr. Mark Konapelsky, Violations and Building Code Officer, were present before the Board regarding insurance requirements for third party inspectors performing electrical inspections. Currently, Ordinance No. 765 (Electrical Code) for Somerset County, adopted about 10 years ago, requires agencies to carry insurance coverage for general loss in the amount of \$300,000.00 and error and omissions in the amount of \$1,000,000.00. Mr. Pusey has received complaints that the amounts are out-of-line with what other local counties are requiring. With the exception of Dorchester County, the coverage requirements are at \$300,000.00 general liability and \$100,000.00 for property damage for a combined total of \$400,000.00. Mr. Konapelsky said that he has spoken with Attorney Simpkins, who advised that it would not be a problem to change the ordinance, and that a public hearing would be required to adopt the change. Mr. Pusey and Mr. Konapelsky made the

recommendation to change the amount of insurance coverage requirements as noted above to be more in line with other local counties.

Therefore, the board unanimously agreed to schedule a Public Hearing, addressing the change to Ordinance No. 765 changing the insurance coverage requirements to \$300,000.00 general liability and \$100,000.00 property damage for a combined total of \$400,000.00.

Now present before the board from the Sanitary District, Mr. Robin Street, Manager, Ms. Barbara Outten, Administrative Aide, and Mr. Tom Northam, Sanitary Commission member and Danny Thompson, Executive Director of Economic Development Commission, to discuss water and sewer matters with regard to the proposed Walmart facility in Westover. Mr. Street first thanked the board for taking the time to discuss the matter. Mr. Street explained that the Princess Anne Water Sewer Expansion Project started in 2005, and that there were Memorandum of Understandings (MOU's) binding the entities to provide services for the Walmart site project. Mr. Street said that Sanitary District was bound to supply water and sewer services with specific quality and quantity amounts. Mr. Street noted that the water requirement was unusual due to a very sophisticated fire system intended to be installed.

At this time, Mr. Gene Adkins, Finance Director, was present at the meeting.

Mr. Street continued, regarding the sewer portion of the project. Mr. Street said that there was not a 'benefited user' designated, and that there was a MOU from the county to reimburse the loan for the sewer segment only. Mr. Street asked the Board to refer to page two, 'Annual Payment' under the Somerset County Commissioners line item. The projected Annual Payment to the county would be \$41,319.76 versus a total one time sewer expense of \$1,037,142.68. Funding avenues were briefly discussed. Mr. Adkins advised that time would be needed to first, process the bid proposals, and second, secure a loan to fund the project. Commissioner Mathies questioned that if Walmart does not come through on the project, is there guarantee of a user for repayment of the debt. Mr. Thompson noted that Walmart has not committed to a date, and that it has been that way since 2005. Mr. Street replied that indeed, a replacement would need to be obtained. Commissioner Mathies noted that Walmart would also need to agree to a sale. Mr. Street said he could easily find another use for the property as that the site would be a very favorable commercial location; however that stance has not been taken in good faith. Mr. Street did note the project, if started by Walmart, would be completed within one year.

After discussion, the matter was tabled, to allow Mr. Adkins time to inquire regarding funding avenues. Additionally, Mr. Thompson was asked to contact Walmart representatives to obtain their stance on the matter.

At this time, Mr. Steve Marshall, Director of Emergency Services, was present before the Board to ask their consideration in re-appointing a SWOT Task Force Emergency Services Advisory Committee (ESAC). Mr. Marshall distributed the Short-Term/Long-Term Hierarchy Chart that outlined the membership recommendations, responsibilities and contact list. Mr. Marshall explained the need of ESAC. The committee, if approved, would be a road map for Emergency Medical Services in the future. Mr. Marshall said that ESAC was established years ago, and is in need of being re-established. The committee would be comprised of representatives of various areas, and appointed by the Commissioners. Appointments would be as follows: Representatives from each EMS Company, the Fire Chief's Association (President or designee), EMS Medical Director, a representative from each medical company (EMS provider in that department), a representative from McCready Hospital, the PRMC Nurse Coordinator, a Department of Emergency Services Representative and the EMS Supervisor. Mr. Marshall discussed the numerous responsibilities the Committee would have, and the authority it would hold. After discussion, it was Mr. Marshall's recommendation that an ESAC be formed.

On a motion by Commissioner Laird, seconded by Commissioner Fisher, it was unanimously agreed to implement the Emergency Services Advisory Committee (ESAC), and appoint representatives in the positions duly recommended.

County Administrator-Clerk, Cynthia R. Ward, began a review of correspondence received since the last meeting. An email from David Lever, Executive Director, Public School Construction Program, regarding House Bill 1213 was reviewed. The bill, passed by the General Assembly, establishes a supplementary funding source for FY 2012 for a total amount of \$47.5 million.

A letter from Eastern Shore Area Health Education Center, dated April 19, 2011 was reviewed. Ms. Ward explained that Mr. Jacob F. Prego, Executive Director, requested to meet with the Board to provide a 15 minute presentation with discussion on May 10, 2011, with regard

to appointing a County Government representative to the Eastern Shore Area Health Education Center Board of Directors. The Board agreed that May 10, 2011 date would not be available. Ms. Ward was asked to reschedule the presentation for a later date.

Ms. Ward next presented a letter from Ms. Phyllis F. Saltz, who explained in her letter that her home was completely destroyed by fire on May 29, 2010. Ms. Saltz is requesting the tipping fee at the landfill be waived for the waste materials from the demolition of the house. Ms. Saltz only works part-time, and the tipping fee would be an additional burden for her to absorb. After consideration, the board took no action on the matter.

Ms. Ward next reviewed a letter from Ms. Kathleen S. Green, Warden, ECI, inviting the Commissioners to attend the May 4, 2011 Memorial Service at 9:00 a.m. and the May 6, 2011 Annual Awards Ceremony scheduled for 10:30 a.m. Ms. Ward noted that the awards ceremony would be a good opportunity to present the Proclamation approved for ECI Sergeant James Jeeter, who rescued 5 people from their burning home in Crisfield, Maryland. Commissioner Laird said he would attend the awards ceremony to present the Proclamation. Commissioner President Simpkins also said he would attend.

Ms. Ward then presented a letter from Ms. Sherree Marshall, Executive Director, Somerset County Commission on Aging, requesting the Boards consideration in submitting Mr. James Ring, citizen and past Somerset County Commissioner, and Mr. Riggin Johnson, Director of Shore Transit to serve on the Aging Board of Directors.

On a motion by Commissioner Fisher, second by Commissioner Laird, the Commissioners agreed, upon their acceptance, to appoint Mr. James Ring and Mr. Riggin Johnson to serve of the Aging Board of Directors.

Next, the Release and Settlement Agreement was presented for the Boards consideration regarding the Malone property tax sale. Ms. Ward explained that the Sanitary District continued to bill the owners, although water and sewer services would not be provided to the property. The failure by the owners to pay this bill entered the property into tax sale in 2009. A request has been submitted to Attorney Kirk Simpkins to release the owners from the tax sale. After

consultation and discussion, it was agreed to release the Malone property, contingent on reimbursement of payment to the County in the amount of \$61,286.52 by the Sanitary District.

Therefore, on a motion by Commissioner Fisher, second by Commissioner Boston, it carried 4-0, authorizing Commissioner President Simpkins to sign the Release and Settlement Agreement regarding the Malone property contingent on reimbursement of payment from the Sanitary District in the amount of \$61,286.52.

A discussion was held with regard to the request made by Mr. Kingdon of Greenlight Biofuels at the April 12, 2011 meeting, to discuss their request for a reduction of their 2010-2011 personal property tax. It was noted that Mr. Kingdon stated he has received confirmation that the companies 2011 tax due will be reduced by the state. Commissioner Mathies questioned if the company is in fact delinquent for two consecutive years. Ms. Ward confirmed that a total of \$108,462 was owed for the past two years. Also discussed was the payment plan Greenlight Biofuels has proposed, being \$30,000 for FY 2009, and \$30,000 for FY 2010 for a total of \$60,000.

Therefore, on a motion by Commissioner Laird, second by Commissioner Mathies, the request was denied to reduce the 2010-2011 property tax owed by Greenlight Biofuels. The motion carried 4-0.

Ms. Ward discussed the FY 2010 commitment made to the Somerset County Library in the amount of \$40,000. Ms. Ward explained that Jennifer Ranck, Library Director, has questioned whether the commitment was still in place. Commissioner Fisher said that he was under the impression that the City of Crisfield was committing \$40,000, although it was noted that the commitment from Crisfield has not been seen in writing. Commissioner Laird stated that he would request a point of interest letter from the library.

On a motion by Commissioner Laird, second by Commissioner Fisher, it carried 4-0 to uphold the commitment made in the FY 2010 budget to the Somerset County Library in the amount of \$40,000.

Ms. Ward asked if there was a nomination for the vacant seat on the EEO Oversight Committee. Commissioner Laird said that he would like to recommend Mr. Eric Emely for the nomination.

Therefore, on a motion by Commissioner Laird, second by Commissioner Mathies, it was approved to appoint Mr. Eric Emely to serve on the EEO Oversight Committee. The motion carried 4-0.

Ms. Ward next advised the Board of a vacancy on the Sanitary Commission, as the Chairman serving on the commission recently passed away. Commissioner Boston nominated Donna Laird, who is willing to accept the position.

On motion by Commissioner Boston, second by Commissioner Laird, the motion carried 4-0 to appoint Ms. Donna Laird to serve on the Sanitary Commission.

The next item for consideration was the contract agreement for the Zerbini Circus. Ms. Ward noted that she has also received the certificate of liability insurance, showing Somerset County as an additional insured. The fee charged to the circus was for \$200.00 rent for one day.

On a motion by Commissioner Fisher, second by Commissioner Boston, it carried 4-0 to authorize Commissioner President Simpkins to sign the contract agreement with Zerbini Circus.

Lastly, Ms. Ward advised the Board of a Proclamation request received from Mr. Bill Robinson, Director of UMES Public Relations. Mr. Robinson asked the boards consideration to recognize the UMES Women's Bowling Team in winning their second straight NCAA title. Ms. Ward noted a tribute ceremony has been scheduled for Tuesday May 3, 2011 at 11:00 am at the Hytche Center at UMES.

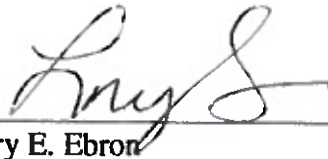
On a motion by Commissioner Boston, second by Commissioner Fisher, the motion carried 4-0 to award a Proclamation in honor of the UMES Women's Bowling Team for winning their second NCAA title. Commissioner Mathies and Commissioner Laird said they would attend the tribute to present the Proclamation.

With no further business, a motion was made by Commissioner Fisher, second by Commissioner Mathies, to adjourn the meeting. The motion carried 4-0 and the meeting closed at 4:36 p.m.

The amount drawn on the General Fund Checking Account for the week of April 26, 2011, from check no.85620 through check no.85659 was \$1,166,452.91.

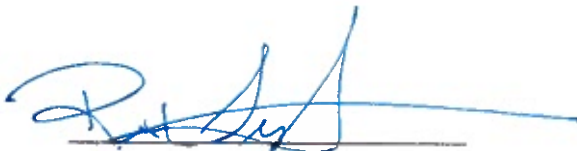
The amount drawn on the General Fund Checking Account for the week of May 3, 2011, from check no.85660 through check no.85687 was \$213,621.67.

Respectfully Submitted:



Lory E. Ebron
Executive Secretary

Approved by:



Board of County Commissioners
For Somerset County