

BOARD OF COUNTY COMMISSIONERS  
FOR SOMERSET COUNTY  
MAY 10, 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.

Upon a motion made by Commissioner Mathies, seconded by Commissioner Fisher, it carried 4-0 to dispense with the reading of the Minutes of the meetings held on Tuesday, April 26, 2011, and the Special Session meeting held on Tuesday May 3, 2011 and approve the minutes as presented.

Mr. Steven Volkert, Business Development Manager, Delsea Energy was now present before the Board. Delsea Energy is a New Jersey based company that owns, develops and operates wind energy facilities. Mr. Volkert thanked the commissioners for their time, and allowing him to speak. Mr. Volkert introduced Mr. Brad Campbell, Counsel, and Mr. Alan Galietti, Business Development Manager, who were also present today to discuss bringing clean renewal energy to the east coast, specifically the Eastern Shore. Mr. Volkert presented a map that illustrated wind speeds for Somerset County. The first step of the process began on November 23, 2010, when a wind turbine began collecting data through a test tower in Marion Station. Mr. Volkert explained that at 80 meters, the tower was registering 6.5 to 7 meters per second which equates to approximately 15 miles per hour wind speed. Generally the towers will collect data for a two year period, and assist in determining the type of turbine to use in the area. Mr. Volkert noted that the testing tower area may be expanded in the future. The next step to the process will be moving into a feasibility study period. It was noted that generally, 2 to 3 turbines are placed per 100 acres of land. Mr. Volkert noted that his company has been working with Maryland Department of the Environment, as well as various state agencies in a consulting

capacity and that environmental impacts are under consideration. There have been no indications any natural resource issues have been identified as of yet. He also noted that he has been very encouraged with recent zoning ordinances within Somerset County. Mr. Volkert concluded that two years of data will be collected before the project starts, and asked if anyone had any questions.

Commissioner Fisher asked about the anticipated heights for the turbines. Mr. Volkert said the turbines would extend to 400-450 feet with 12 foot blades.

Mr. Volkert also explained that there will be an approval process proceeding with the Federal Aviation Administration. He also touched on concerns that have been expressed by Patuxent River Naval Air Station, regarding the impact the wind turbines may have on radar systems. Mr. Volkert expressed his opinion that wind turbines in Somerset County should be a far enough distance away from the Naval Station so that it should not be a problem. Commissioner Boston asked if Delsea Energy had been made aware of the upcoming meeting with Patuxent River Naval Air Station on May 24, 2011, and if they had planned on attending. Mr. Volkert said that he did anticipate attending. Commissioner Laird asked if this project will generate local jobs. Mr. Volkert explained that the intent will be to use local contractors (trades) for excavation and concrete type labor. Commissioner Mathies inquired as to the total number of turbines anticipated. Mr. Volkert replied that the total number will depend on the amount of land. Roughly 60 are anticipated based on obtaining approximately 2500 acres of land. With there being limitations as to the distance regulation requirements between the turbines, Commissioner Fisher questioned the issue of different companies installing turbines within close proximity of each other. Mr. Volkert indicated that he felt consideration would be made due to the acreage involved, to allow the various turbines to be considered one project as a whole. Commissioner Boston asked about any other projects the company may have. Mr. Volkert replied that currently there are no constructed turbines, however, there are testing projects entering the process of approval. Commissioner Laird asked if there are any other issues that may impede the project. Mr. Campbell said not that he was aware of any other issues.

Mr. Phil Riggan, of Crisfield was now present before the Board. Mr. Riggan asked about the legislative bill recently signed by the Commissioners relating to the transfer of the former MAC center property, adjacent to the American Legion property in Crisfield, to the American

Legion. Commissioner Fisher replied that generally the process takes 60 to 90 days to process through the state. After a short discussion, Commissioner President Simpkins advised Mr. Riggin that the commissioner's office will notify Mr. Riggin, as the point of contact for the American Legion, as soon as passage of the bill is obtained.

County Administrator-Clerk Ward began review of correspondence received since the last meeting. A letter dated May 5, 2011 from the Public School Construction Program notified Dr. Brofee that the state has approved funding for 148 school construction projects. Somerset County has received approval to fund renovations to Washington High School for the amount of \$3,257,283 which is the full amount requested.

Notice was received from the Board of Public Works, dated May 1, 2011, stating that at their April 20, 2011 meeting, it was determined that the fiscal year 2012 State tax rate on real property subject to the tax will be 28 cents (\$0.280) per \$100.00 of the full assessed value and 11.2 cents (\$0.112) per \$100.00 of the full assessed value.

Next, Ms. Ward advised the Board of a proposed loan guarantee by Eric R. Dannenfelser to purchase 21.4 acres and construct four (4) 61' x 560' poultry houses and a 40' x 215' manure shed located at 7235 Meadowbridge Road in Eden Maryland. A discussion was held regarding planning and zoning requirements. Ms. Ward advised the board that Mr. Gary Pusey, Director of Planning and Zoning, has reviewed the project, and felt that it meets all planning and zoning requirements provided appropriate permits are obtained (zoning certificates, grading permit and storm water management approval).

Therefore, on a motion by Commissioner Fisher, seconded by Commissioner Laird, it carried 4-0 to recommend a <sup>R-2</sup> ~~CS~~ response to the proposed loan guarantee by Eric R. Dannenfelser to purchase 21.4 acres and construct four (4) 61' x 560' poultry houses and a 40' x 215' manure shed located at 7235 Meadowbridge Road in Eden Maryland. *amended  
5/24/11  
C.W.*

The second correspondence received from the Maryland Department of Planning related to the Bay Restoration Fee (BRF) for septic funds granted for FY 2012. Grant recipients will use

the funds to upgrade on-site septic systems using the best available technologies for nitrogen removal. Ms. Ward noted that Somerset County would receive \$338,530 in BRF grant funding.

On a motion by Commissioner Fisher, seconded by Commissioner Mathies, a C5 response will be recommended regarding the Bay Restoration Fee for septic funds granted for FY 2012. The motion carried 4-0.

The third correspondence from the Maryland Department of Planning was with regard to funding thru the USDA for the rehabilitation of the former Carvel Hall property for business re-use by the City of Crisfield. The grant request, in the amount of \$500,000, would be used for renovations to the former Carver Hall property for roof replacement, re-plumbing, re-wiring and installation of a new HVAC system, and installation of new windows.

Therefore, on a motion by Commissioner Laird, seconded by Commissioner Boston, the motion carried 4-0 to recommend a C6 response (It is consistent with the Economic Growth, Resource Protection, and Planning Visions, State Finance and Procurement Article 5-7B- Smart Growth and Neighborhood Conservation (Priority Funding Ares), and our plans, programs and objectives) to the former Carver Hall property renovation for business re-use.

Mr. Charles Cavanaugh, Director of Solid Waste and Maintenance, was now present before the Board for the sealed bid openings for the Lead Ditch Drainage project at West Ridge Road, Phase I & II – 3.575 feet. Commissioner President Simpkins proceeded in opening the bids submitted. Bid information is as follows:

<u>Bidder</u>	<u>Bid Amount</u>
Bozman Sand and Gravel	\$7,450.00
Doug Vann	\$8,750.00
Mitchell Bonneville	\$3,100.00
Paul Jones & Son	\$7,095.00
Dixie Construction	\$58,070.00

Mr. Cavanaugh made the recommendation to award the bid to the lowest bidder, Mr. Mitchell Bonneville.

Therefore, on a motion by Commissioner Fisher, seconded by Commissioner Laird, it carried 4-0 to award the Lead Ditch Drainage Project at West Ridge Road Phase I & II to Mitchellville Bonneville in the amount of \$3,100.00.

Mr. Cavanaugh next asked for the Boards consideration to allow Somerset County Maintenance to use Creative Recycling for electronic equipment disposal. Mr. Cavanaugh explained that the county does not currently have a procedure in place for disposal of electronic equipment. Cost to use Creative Recycling would be \$950.00 for the first year (\$350.00 for the container and \$50.00 per month) and then \$600.00 for consecutive following years. Mr. Cavanaugh noted the importance of properly disposing of electronic items. Commissioner Fisher noted that utilizing the company would assist the county in meeting recycling goals. Commissioner Boston asked if a contract had been presented. Mr. Cavanaugh said a contract had not been presented at this point. It was agreed that if a contract were to be required, it be limited to a term of one year.

Therefore, on a motion by Commissioner Boston, seconded by Commissioner Fisher, Mr. Cavanaugh received approval to use Creative Recycling for disposal of electronic items at a cost of \$950.00 for the first year, and \$600.00 for subsequent years, with a contract term of one year or less. The motion carried 4-0.

At this time, Commissioner President Simpkins declared a public hearing open relating to the following matter:

The Board of County Commissioners for Somerset County will conduct a Public Hearing to obtain the views of citizens on Community Development and Housing Needs, and to offer citizens the opportunity to review an application for a proposed Senior Center at 8928 Sign Post Road, Westover, MD, which Somerset County proposes to submit to the State on or before the May 20, 2011 deadline for same. The hearing will be held at 3 p.m. in the County Commissioners Meeting Room (Room 111), 11916 Somerset Avenue in Princess Anne.

Citizens will be furnished with information including but not limited to:

- The amount of Community Development Block Grant (CDBG) funds expected to be made available for the current fiscal year;
- The range of activities that may be undertaken with CDBG funds;
- The estimated amount of the CDBG funds proposed to be used for activities that will meet the national objective of benefit to low and moderate income persons; and
- Proposed CDBG activities likely to result in displacement and the unit of general local government's anti-displacement and relocation plans required under 24 CFR 42.325.

The Maryland CDBG Program is a federally sponsored program designed to assist units of general local government with activities directed toward neighborhood and housing revitalization, economic development and improved community facilities and services.

Maryland's CDBG Program is administered by the Department of Housing and Community Development (DHCD), in close cooperation with the Department of Business and Economic Development (DBED).

The Maryland CDBG Program reflects the State's economic and community development priorities and provides public funds for activities which meet one of the following national objectives, in accordance with the Housing Community Development Act of 1974, as amended:

1. Give maximum feasible priority to activities which will benefit low and moderate income persons and households having an income equal to or less than the Section 8 lower income limits established by HUD;
2. Aid in the prevention or elimination of slums or blight;
3. Meet other community development needs of an urgent nature, or that are an immediate threat to community health and welfare.

Ms. Sherree Marshall, Executive Director for Somerset County Commission on Aging, was present for today's hearing, accompanied by Mr. Gary Pusey, Director of Planning and Zoning, and Mr. Charles Cavanaugh, Director of Solid Waste and Maintenance and Mr. Jim Michael, Project Coordinator for MAC Inc. Mr. Pusey explained the Community Development Block Grant process, noting that for FY 2010, \$289,000 was granted to the county for housing rehabilitation projects. After the initial grant, an amendment to include Princess Anne and Crisfield added an additional \$300,000. The CDBG grant request being proposed at today's hearing for FY 2012 must be submitted by the county commissioners on behalf of the Senior Citizen Center (MAC) by Friday May 20, 2011. Mr. Pusey explained that with the uncertainty of the federal budget, it is anticipated that the maximum amount CDBG grant funding will be reduced from \$800,000 to \$600,000. Mr. Pusey stated that the total estimated cost for the project will be \$1.3 million. Funding for the project will be as follows: \$600,000 in CDBG funding, \$600,000 funding from the Department of Aging, \$100,000 from the County and \$40,000 in-kind match from the county.

Ms. Marshall explained the purpose and need of a centralized senior facility, noting that she intends the center to operate for 4 days a week, including meals. The administrative office would be open 5 days a week. The Crisfield and Princess Anne centers would be consolidated into the new facility in Westover.

Mr. Dan Kuebler questioned the popularity of the Crisfield and Princess Anne Centers, and asked if consideration could be made in retaining those centers. Ms. Marshall answered that transportation would be provided to transport the seniors to the Westover facility.

Mr. Phil Riggin asked if the new center would be providing Adult Day Care services. Ms. Marshall noted that adult day care would not be provided initially, but intentions are to provide adult day care in the future. However, Ms. Marshall added that additional space will be

required to provide adult day care service, and that grant funding would be applied for to accommodate the need.

Mr. Kuebler asked if there will be a cost to the county. Ms. Marshall replied just the in-kind match.

Commissioner Mathies asked how many are anticipated to participate in the center. Ms. Marshall said that there are a total of 444 seniors participating in the MAC programs currently, with over 600 seniors overall if all programs are included. Ms. Marshall hopes to be serving 60 to 100 seniors a day at the new Westover facility. She further explained that there are two AARP chapters that could use the facility, and the intention is to make it a multi-purpose facility. Commissioner Mathies noted the importance of providing an Adult Day Care facility in Somerset County, as he was impressed with a center he visited in Dorchester County.

Commissioner Boston inquired if it was felt that CDBG funding would be approved for this project. Mr. Jim Michael, Project Coordinator for MAC, Inc., commented that block grant personnel have been positive with regard to senior centers, as senior centers are well received.

Commissioner President Simpkins asked for any proponents of the project wishing to testify. There were none.

Commissioner President Simpkins asked for any opponents of the project wishing to testify. There were none.

On a motion by Commissioner Fisher, seconded by Commissioner Boston, it carried 4-0 to approve Resolution 1026, to support the submittal of an application requesting Community Development Block Grant funding for a proposed Senior Center in Westover, Maryland.

Next, on a motion by Commissioner Laird, seconded by Commissioner Fisher, it was unanimously approved to authorize Commissioner President Simpkins to sign the application for CDBG funding in the amount of \$600,000, the Assurance Certificate and the Anti-Displacement Plan, that will assist in funding the proposed Senior Center at 8928 Sign Post Road, Westover, Maryland,

With no further testimony, Commissioner President Simpkins declared the public hearing closed at 3:24 p.m.

At this time, Mr. Andrew Gohn, Clean Energy Program Manager with the Maryland Energy Administration was now present to discuss the Maryland Energy Administration's stance with regard to wind energy programs. Mr. Gohn explained that the state has been working with various counties regarding wind energy, and that western Maryland has been the main area of focus regarding the programs. Eighty (80) meter maps have been issued that show the Lower Eastern Shore wind levels are just as rich as the Appalachian ridgeline. Mr. Gohn noted that the Crisfield water tower study has shown very promising numbers, and this has prompted full tower study with an on again, off again status.

Mr. Gohn next addressed the matter of Patuxent River Naval Air Station (PATNS) concerns. He noted that his department greatly values PATNS security asset, and that his department desires to work with them in a cooperative way to pursue mission goals. Mr. Gohn further explained that first, there is a FAA flight hazard determination process, whereas proposals are screened by the Department of Defense for impact on airports or military stations. Secondly, there is a new development with the establishment of a Department of Defense Clearinghouse, which would create standards across the board to all military sites. Commissioner President Simpkins asked about Department of Natural Resources and Maryland Department of the Environment regulations regarding wind energy. Mr. Gohn referred to a 2007 law that was added noting wind energy projects under 70 mega-watts would be exempt from environmental review. He noted that 70 mega-watts equates to approximately 20-30 turbines. Although this is a state law, projects would still be liable in following any county zoning requirements.

Commissioner Boston inquired about off shore wind energy possibilities. Mr. Gohn noted that his department continues to evaluate that type of wind energy source and that there is confidence that a bill will be passed in the next legislative session.

Commissioner Fisher asked about wind energy companies having turbines within close proximity of each other, and the impact on their performance. Mr. Gohn noted that wake effects



within a half mile distance may affect performance, and that this may be an issue needing further review.

Mr. Gohn closed the discussion by stating he will make the maps referenced earlier in his presentation available to the Board.

Ms. Sharon Muir, Internal Auditor was now present to request the Boards consideration with regard to the FY 2012 Integra Retiree Group Health Plan. Ms. Muir noted that the plan increased \$5.00 to \$390.00.

On a motion by Commissioner Fisher, seconded by Commissioner Boston the motion carried 4-0 to authorize Commissioner President Simpkins to sign the contract agreement for the FY 2012 Integra Retiree Group Health Plan.

Ms. Ward updated the Board with regard to the pump station/force main for the Wal-Mart project. The Sanitary District has moved forward with the water aspect of the project, and Ms. Ward questioned if the county will proceed with the sewer portion of the project, estimated to cost \$41,319.76 annually versus a total one time sewer expense of \$1,037,142.68.

After discussion, on a motion by Commissioner Fisher, seconded by Commissioner Mathies, it was unanimously decided to delay the construction of the pump station/force main for the Wal-Mart project until commitment has been received by Wal-Mart. It was noted that the County will immediately proceed with the construction of the pump station/force main once Wal-Mart commits to locating in Somerset County.

Ms. Ward asked for the Boards approval regarding a request for Pauper Burial funds. Ms. Ward explained that \$500.00 is budgeted every year for this purpose. This will be the second request for assistance, which is usually granted to those who have no family or insurance. The request was made on behalf of Mr. David Brian Evans, Crisfield, Maryland. Payment would be sent to Bradshaw and Sons Funeral Home.

Therefore, on a motion by Commissioner Laird, seconded by Commissioner Fisher, \$250.00 will be sent to Bradshaw and Sons Funeral Home on behalf of David Brian Evans. The motion was unanimous.

Ms. Ward next asked for the Boards consideration regarding three Proclamation requests. The first is a request in honor of Mr. Sam Boston. The First Annual "Lion Sam Boston" Memorial Golf Tournament will be held on May 14, 2011. In addition to the golf tournament, it was requested to have the first Saturday after Mother's Day be proclaimed as Sam Boston Day. The second Proclamation request was for a Flag Display at Peakys on behalf of the Lions Club, honoring Judge Lloyd Simpkins. Third was a Proclamation regarding the teams participating in Relay for Life.

On a motion by Commissioner Fisher, seconded by Commissioner Boston, it was unanimously approved to adopt all three Proclamations as noted.

Ms. Ward received an out of town travel request for Sgt. Les Tyler to attend Maryland Crime Prevention training at Alleghany College in Cumberland, Maryland on May 21 – 23, 2011. The estimated reimbursement lodging submitted was \$59.00 per night.

On a motion by Commissioner Laird, seconded by Commissioner Boston, it carried 4-0 to approve the out of town travel request for Sgt. Les Tyler for Maryland Crime Prevention training for the amount of \$59.00 per night per lodging.

Next, Ms. Ward presented a request from Mr. Doug Taylor, Roads Director, to allow Mr. Taylor and Mr. Gary Beauchamp, Assistant Superintendent, to attend the County Engineers Meeting, held in Cockeysville on May 11, 2011. Ms. Ward noted that the previous board had approved roads department personnel to attend this meeting on an on-going basis, and Ms. Ward explained she wanted to make the current Board aware of the prior approval.

On a motion by Commissioner Laird, seconded by Commissioner Fisher, the Board concurred with the previous board's approval to authorize Messer's Taylor and Beauchamp to continue to attend the County Engineers Meeting when scheduled. The motion carried 4-0.

Ms. Ward presented the 2010 Sub-Recipient Agreement for Somerset County Department of Emergency Services for performance period October 1, 2009 through June 30, 2011. The grant, in the amount of \$65,433.00, supported by the Department of Homeland Security, provides reimbursement towards the salary of the Director of Emergency Services as well as offsetting employee salaries.

On a motion by Commissioner Mathies, seconded by Commissioner Boston, it carried 4-0 to authorize Commissioner President Simpkins to sign the 2010 Sub-Recipient Agreement for Somerset County Department of Emergency Services as presented.

A request was received from Ms. Tudy Schermerhorn, Somerset County Highway Safety, to approve overtime pay for two Sherriff's Deputies, permitting them to attend the Eastern Shore Regional Click It or Ticket Event at Shorebirds Stadium. Ms. Ward noted the public relations event will occur on May 19, 2011, and its purpose is to educate 3000 public school students attending.

Therefore, on a motion by Commissioner Fisher, seconded by Commissioner Boston, it carried 4-0 to allow overtime pay for two Sherriff's Deputies to attend the Eastern Shore Regional Click It or Ticket Event on May 19, 2011.

Commissioner Fisher began a discussion with regard to the cost of building permits for the construction of handicapped ramps. Commissioner Fisher said he had been approached by concerned citizens who have said that other local county municipalities are not charging a building permit fee, feeling it creates undue hardship for those in the situation. The permit cost is \$75.00 with a \$50.00 inspection fee.

After discussion, on a motion by Commissioner Mathies, seconded by Commissioner Fisher, the board agreed to waive the permit and inspection fee, but to continue requiring an inspection of the handicapped ramp for safety purposes. The motion carried 4-0.

At this time, the Board was advised of the need to go into Closed Session, Authority of State Government Article of the Annotated Code of Maryland, Section 10-508 (a) (1) (i) the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; and Section 10-508(a)(3) Consider the acquisition of real property for a public purpose and matters directly related thereto.

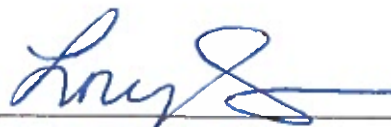
On a motion by Commissioner Boston, seconded by Commissioner Laird, it carried 3-0 to adjourn the Board of Somerset County Commissioners meeting and go into Closed Session.

With no further business, the meeting was adjourned at 4:35 p.m.

The amount drawn on the General Fund Checking Account for the week of May 10, 2011, from check no. 85688 through check no. 85722 was \$530,383.38.

The amount drawn on the General Fund Checking Account for the week of May 17, 2011, from check no. 85723 through check no. 85758 was \$664,544.69.

Respectfully Submitted:



Lory E. Ebron  
Executive Secretary

Approved by:



Board of County Commissioners  
For Somerset County