

BOARD OF COUNTY COMMISSIONERS  
FOR SOMERSET COUNTY  
MAY 24, 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 Fisher, seconded by Commissioner Boston, it carried 4-0 to dispense with the reading of the Minutes of the meeting held on Tuesday, May 10, 2011, and the Public Budget Hearing held on May 17, 2011 and approve the minutes as presented.

Ms. Sarah Mister, Event Co-Chairman for Relay for Life was now present before the board to accept a Proclamation from the Board of County Commissioners proclaiming May 22, 2011 through June 5, 2011 as "Paint Somerset County Purple for Relay for Life". The proclamation also encouraged citizens to participate in the Relay for Life event at the Ruritan Ball field in Princess Anne on June 4, 2011. Ms. Mister presented a purple bow to the Commissioners, and thanked them for their support.

Now present before the board, Mr. Dan Will and Mr. Edward J. (Bunky) Price of the Somerset County Fire Police came forward to ask the commissioner's consideration in approving a funding request. Mr. Will thanked the commissioners for allowing him the opportunity to speak, and explained that the volunteer organization was incorporated to be a 501-C3 Non-Profit Organization in December 2010. Consisting of 39 members, the Fire Police represents the whole county, and falls under the Sheriff's Department jurisdiction. Mr. Will continued, explaining the purpose of the organization was to protect emergency personnel at a scene, by directing traffic and controlling onlookers. Additionally, the organization will perform search and rescue

missions. Mr. Will stated that they are in need of equipment immediately. In submitting his request of \$7,540.00 he outlined the following items that would be obtained for his organization should funding be made available: Pop up cones, traffic batons, breakaway vests and radios. Commissioner Fisher asked if Emergency Services has been able to provide any support. Mr. Will replied, that initially some support was provided, however more recently they have not received much assistance. The board agreed to consider the request. Mr. Will thanked the board for their time.

Ms. Ward advised the board of a needed correction to the May 10, 2011 meeting minutes with regard to the Maryland Department of Planning, proposed loan guarantee by Eric R. Dannenfels. Ms. Ward recommended changing the C-5 response to this request to a R-2 response (Contingent upon certain actions: It is generally consistent with our plans, programs and objectives contingent upon certain actions being taken as noted in the attached comment), as this response better reflects the project requirements by the Health Department, and permit requirements by the Planning and Zoning Department.

Upon a motion by Commissioner Laird, seconded by Commissioner Fisher, the response to the Maryland Department of Planning for the proposed loan guarantee by Eric R. Dannenfels 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 was changed from a C-5 response to an R-2 response. The motion carried 4-0.

Next, Ms. Ward advised the board of two Proclamation requests. The first was a proclamation that will honor Dr. Karen-Lee Brofee, relating to her upcoming retirement as Superintendent of Somerset County Schools. A retirement dinner celebration is planned for June 17, 2011. The second proclamation request was for Ms. Jeanette Morgan to recognize her retirement from the Somerset County Extension Office following twenty-nine years of service.

On a motion by Commissioner Fisher, seconded by Commissioner Boston, it carried 4-0 to approve both proclamations as requested.

Mr. Thomas J. Lawton, Senior County Planner, was now present before the board to discuss Local Matching Program funds that are available to Somerset County through the Maryland Agricultural Land Preservation Foundation (MALPF). Mr. Lawton explained that the County Treasurer collects the Agricultural Land Transfer Tax at the time of sale when farmland is sold and converted to another land use. One third is retained by the County and can be used for agricultural land preservation purposes. Currently, there is \$11,244.75 available for the current match. Should the County commit this money, MALPF would match it on a 40% county/ 60% state basis, resulting in \$28,111.88 which would be available toward easement purchase.

Therefore, on a motion by Commissioner Fisher, seconded by Commissioner Boston, it carried 4-0 to participate in the Local Matching Program and commit \$11,244.75 in local matching funds toward the 2011/2012 easement offer cycle.

Ms. Ward continued, with correspondence received since the last meeting. A letter from Local Government Insurance Trust (LGIT), dated May 11, 2011 requests the County's consent to approve the Ninth Amended and Restated Local Government Insurance Trust Agreement. Ms. Ward noted that the eighth agreement had been received on June 22, 2004. This amendment would modify the composition of the Board of Trustees from 13 to 12 members.

On a motion by Commissioner Laird, seconded by Commissioner Fisher, Commissioner President Simpkins was authorized to sign the LGIT Member Consent and Approval Form and Member Certificate Form, verifying the Commissioners for Somerset County consented to, approved and accepted the proposed amendment. The motion carried 4-0.

Ms. Ward discussed a memorandum received from Mr. Gary Pusey, Director, Planning and Zoning, regarding a request for the waiver of permit fees. St. John's Family Worship Center, Inc. owns the property located at 28505 Hudson Corner Road, Marion Station. The church has applied for permits totaling \$375.00 to remodel the church with updated electrical service, new plumbing and extensive renovations to repair fire damage, in addition to other renovations. Rising cost of living for parishioners, the increases in utility bills and gas prices,

and the loss of jobs has caused a hardship, and therefore they are asking that the permit fees be waived.

On a motion by Commissioner Laird, seconded by Commissioner Fisher, it carried 4-0 to waive the permit fees as requested by St. John's Family Worship Center, Inc., in the amount of \$375.00.

Ms. Ward next reviewed a letter received from Eugenia M. Taylor Charities, Inc. Ms. Sherry L. Majors, President, has requested a letter of support from the Board of County Commissioners for this relatively new 501-C3 non-profit organization; created for the purpose of assisting families in crisis and creating social and economic lift in the Crisfield/Marion areas of Somerset County. After discussion, it was decided that more information was needed in order to provide a letter of support.

Mr. Gene Adkins, Finance Director and Mr. Robin Street, Manager Sanitary District, were now present before the board. PNC Bank has notified Somerset County Sanitary District, Inc., that resolution #1008, Princess Anne Water and Sewer Improvement Project, dated 4-27-10 in the amount of \$1,500,000 at 4% interest has expired. The Sanitary District has requested the board's consideration to extend the county's guarantee on this resolution. Mr. Adkins explained that the extended term request would increase the amount from \$1,500,000 to \$1,700,000, an increase of \$200,000. The term of 6 months, and interest rate at 4% would remain the same. Commissioner President Simpkins questioned the increase of \$200,000. Mr. Street explained that the original amount was cut back by \$200,000, in the hope that it would not be needed. However, as the project has progressed, it has been found to be needed. Mr. Street also noted that the Sanitary District intends to retire the debt utilizing USDA Rural Development loan proceeds, tentatively scheduled to close no later than July 2011.

Therefore, after discussion, on a motion by Commissioner Boston, seconded by Commissioner Fisher, it carried 4-0 to authorize Commissioner President Simpkins, and County Administrator-Clerk Ward to sign the Governmental Certificate, Promissory Note and Commercial Guaranty as requested by PNC Bank, to extend the interim financing of the Princess

Anne Water and Sewer Improvements Project in the amount of \$1,700,000 for a term of 6 months, at an interest rate of 4%. The motion carried 4-0.

Commissioner President Simpkins greeted those attending today's presentation from Patuxent River Naval Air Station (PAX), noting that although the meeting today was not designed as a Public Hearing, time would be allotted at the end of the presentation for any questions.

Ms. Ward welcomed those attending, acknowledging the many interested parties attending the meeting today that included wind energy company representatives, representatives from Ben Cardin and Barbara Mikulski's office, and P.J. Purnell, the Mayor of Crisfield, in addition to many area residents. Ms. Ward then introduced Mr. Christopher Jarboe, Team Lead, NAVAIR Ranges Sustainability Office and invited him to come forward to address the Board.

Mr. Jarboe thanked the Board of Commissioners for Somerset County for having the discussion today, and introduced Mr. Robert Mann, Southern Maryland Navy Alliance, Mr. LeRoy Mattingly, NAS Patuxent River Air Operations, Ms. Melanie Anderson and Kelsey Johnson, NAVAIR Ranges Sustainability Office. Also attending today was Mr. Todd Morgan, St. Mary's County Commissioner. Commissioner Morgan thanked the Board for allowing them to attend today's meeting, noting that concern is not with having wind turbines, rather the concern is with regard to where they are placed. He noted that at the end of the day, working together, it could be a good match to generate revenue.

Mr. Jarboe next proceeded with a PowerPoint handout that was distributed to those attending the meeting today. Mr. Jarboe explained that much of Somerset County falls within a restricted air space area referred to as the "Inner Range". The purpose of the PAX facility was noted as being crucial to national defense, as it is essential air space that should be preserved and protected. In referring to the Department of Defense policy, Mr. Jarboe noted that wind turbines, placed in Somerset County, that are over the recommended heights, will have an impact on air traffic control radars, low level and supersonic flight operations, offshore weapons separation testing and aerial target launch and intercept testing. Mr. Jarboe explained that unwanted radar returns from objects that are not primary targets is called "noise" or "clutter", and that wind

turbines pose unique problems, especially for instrumentation radars. However, Mr. Jarboe said that there are solutions that can create a win-win situation for all parties involved. A key factor will be to have the wind turbine be below the radar "line of sight", so that it will not be a source of clutter or noise. A height viewshed map was presented that showed areas of Somerset County fall within the 50 foot to 400 foot height range, with the majority height being 300-400 feet. Mr. Jarboe suggested using the viewshed maps as a guide with ordinance decisions, and including the Navy with the review processes. Mr. Jarboe asked if there were any questions.

Commissioner Boston complimented Mr. Jarboe on his presentation.

Commissioner Laird questioned the map reference to area's that may not be used. Mr. Jarboe explained that the maps would be used as a guide, and working with the Planning and Zoning office for the county, it would be determined which areas are feasible and which areas would need constraints.

Commissioner Mathies asked if the determinations were projected results, and if there are turbines in areas where effects have been reported, rather than projected. Mr. Jarboe replied that PAX does not have any turbines effecting radar systems currently, and that they are just looking at model results. He stated that the Air Force and Department of Defense have data with radar units and wind farms to see how much noise came into the system. Mr. Jarboe added that measurement results have shown that the amount of energy a wind turbine creates is equal to a Boeing 707 aircraft.

Commissioner Fisher asked if St. Mary's County has adopted any restrictions. Commissioner Morgan replied that restrictions were submitted to the Navy and a response was received back within one day. Mr. Jarboe cited Dorchester County obtaining a Memorandum of Understanding, signed by their Planning and Zoning Department relating to small residential wind turbine projects. Commissioner Fisher asked if there were any commercial turbines in Dorchester County. Mr. Jarboe said that there were no commercial turbines, and noted that Dorchester County's proximity being directly across from PAX causes their turbine line of sight to be much lower.

Mr. P.J. Purnell, Mayor of the City of Crisfield was now present before the board. Mr. Purnell commented that Crisfield has been working on their wind turbine project for three years

at a planned estimated height of 300 feet. He noted that Massachusetts, with wind turbines greater than 300 feet, is in close proximity of naval bases, and questions why Somerset County is such an issue. Mayor Purnell noted that Wallops understands the interference, but it is minimal. He also asked for clarification with regard to the use of the word "cooperation", noting that if cooperation suggests a tower to be lowered to 100 feet, and \$100,000 is lost in revenue, who will make up the difference. Mr. Jarboe answered that cooperation does not mean to abandon wind turbine projects, and that information shows that line of sight radar will be an issue. Discussions regarding lowering the line of sight below the viewshed was considered, and if not possible, they will work on the Navy end to work with the manufacturer of cad models to run simulators. Mr. Jarboe also explained that PAX air traffic control radar is different than what Wallops and Salisbury uses and that they operate on a different frequency. PAX is a unique case, and that if there is only air traffic control, there is not as much impact.

Mr. Dan Kuebler was now present before the board. Mr. Kuebler stated that a win-win would be to change the radar line of sight. Mr. Jarboe referred to the Department of Defense energy clearing house, which is the group that handles review of wind energy projects for defense. Evaluations will be performed that will list the impacts to the Department of Defense and the wind energy companies. Further out in the evaluation, as the process continues, the turbines may be lowered, or the radar line raised. Department of Defense will make the requirement, and this may be a solution.

Mr. Danny Thompson was now present before the board. Mr. Thompson stated that with \$6.6 billion projected to do the state/region project, is there a way to build investments by putting up pilot testing to eliminate unknown's, that may benefit others in other communities. Mr. Jarboe said that they have been trying to do that, and that it is a very good thing to do.

Mayor Purnell questioned the time frame that Department of Defense operates under. Mr. Jarboe described the process that is generally followed, that includes approval from Department of Defense as well as the FAA, and that it can be a time consuming process.

Mr. Noah Bradshaw was now present before the board. Mr. Bradshaw questioned the age of the technology being used by PAX, stating with newer technology, line of sight issues are alleviated. Mr. Jarboe said that their radar system is updated every couple of years on a continuous basis. An explanation of how the radar system picks up signals was explained by Mr.

Mattingly, who also indicated that raising the sight line won't resolve the issue in that the noise created by wind turbines doesn't allow the radar systems to see smaller aircraft. He also noted that a signal will be picked up anywhere an antenna is pointed.

Mr. Joe Slechta was now present before the board. Mr. Stechta asked if the wind turbines can be made with stealth technology and if this is something that could come out in the future. Mr. Jarboe said stealth blades could be used, however it is very frequency specific. Mr. Jarboe noted that it would not be the total solution. Mr. Slechta asked if turbines can identify themselves as a fixed object. Mr. Jarboe noted that it has been proposed with air traffic control.

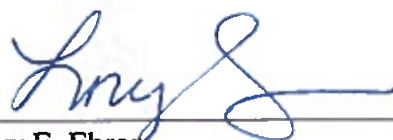
Mr. Adam Cohen, Pioneer Wind Energy, was now present before the board. Mr. Cohen stated that his company has been working with Somerset County for over a year. Additionally his company has performed studies that have shown no impact within 29 nautical miles. Mr. Cohen offered to share his company's study information with PAX.

With no further business, the meeting was adjourned at 4:10 p.m.

The amount drawn on the General Fund Checking Account for the week of May 24, 2011, from check no. 85759 through check no. 85800 was \$1,333,761.73.

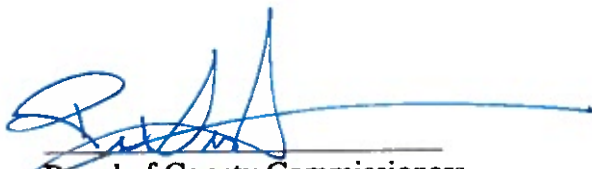
The amount drawn on the General Fund Checking Account for the week of May 31, 2011, from check no. 85801 through check no. 85821 was \$50,772.40.

Respectfully Submitted:



Lory E. Ebron  
Executive Secretary

Approved by:



Board of County Commissioners  
For Somerset County