

BOARD OF COUNTY COMMISSIONERS
FOR SOMERSET COUNTY
JUNE 21, 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, June 7, 2011 and approve the minutes as presented.

County Administrator Cindy Ward asked Mr. Jacob F. Frego, Executive Director of Eastern Shore Area Health Education Center to come forward. Mr. Frego was present before the Board to ask the boards consideration in appointing a Somerset County representative to serve on their board. Mr. Frego began by thanking the board for their time, noting that these are very difficult times for county governments, and he praised the people in government who are in the position of having to make hard decisions. Mr. Frego explained that each county has representation, and currently, Somerset County is not represented on the Health Education Board. The term runs from July 1, 2011 through June 30, 2012. The nominee for appointment should be someone who is interested in health care issues. Mr. Frego said that previous Somerset County representatives have included Margo Green-Gale, Drs. Betty and Ray Blakely and Matey Barker. Mr. Frego continued, explaining that the Eastern Shore Area Health Education Center is a 501 c (3) private non-profit agency that serves all nine counties of the Eastern Shore. The center encourages students to complete their education and come back to the shore to find employment. Housing is also provided. Mr. Frego said that generally five to six meetings are held per year, for one and half to two hours. and the first meeting will be held on September 8, 2011 in Cambridge beginning at 5:00 pm. Mr. Frego asked the board to refer to

the hand out provided in his presentation with regard to the number of applications/acceptances by County at the University of Maryland School of Medicine. He stated that there were years where Somerset County had no applications submitted. Commissioner Mathies commented that the overall acceptance rate of only 28% may be discouraging to students who may be afraid to apply, thinking it may be too difficult. After discussion, the board advised Mr. Frego that they would consider recommendations to submit to serve on the Eastern Shore Area Health Education Center Board.

Mr. Gene Adkins, Finance Director, was now present before the board to discuss Fund Balances and the new GASB statement No. 54. Mr. Adkins explained that previously, the board would meet after the fiscal year end was completed to carry over available funds from year to year and designate fund balance. New governmental accounting standards have mandated a revision to the previous practice, and require revising some of the previous categories. Referring to the spreadsheet provided, Mr. Adkins explained that the descriptions of the accounts that are most like Somerset County's must now be categorized as 'committed', 'assigned-intended', and 'unassigned' whereas they were previously called 'reserved'. The attached spreadsheet detailed the account descriptions, previous year's fund balance amounts, the suggested commitment treatment and the suggested fund balance distribution at June 30, 2011. Mr. Adkins advised the board that any commitments made today can be recommitted to a different purpose if needed, at any Commissioner meeting, as long as the re-commitment is documented in the minutes. It was Mr. Adkins recommendation that the total suggested fund balance for FY 2011 be reduced \$2,264,000.00 equal to the budgeted loss for FY 2011, to \$11,624,308.82, and broken down as follows:

• All Committed Funds	\$9,700,000.00
• All Assigned Intended	\$1,000,000.00
• <u>All Unassigned</u>	<u>\$ 924,308.82</u>
Total:	\$11,624,308.82

Therefore, after discussion, a motion was made by Commissioner Fisher, seconded by Commissioner Boston to approve the fund balance changes as recommended by Mr. Adkins to total \$11,624.308.82 as of June 30, 2011. The motion carried 4-0.

Mr. Charles Cavanaugh was now present before the board to present his bid award recommendation with regard to the Recycling Roll-Off Containers. Mr. Cavanaugh explained

that he reviewed the bid submissions made at the June 7, 2011 meeting, and after speaking with Meadows Hydraulics, the low bidder submitting an amount \$7,194.00, it was Mr. Cavanaugh's recommendation to award the bid to Meadows Hydraulics. Mr. Cavanaugh also noted that in speaking with Meadows Hydraulics, they are confident they can build the containers per our specs at the quoted price. Commissioner Laird asked where the containers were going to be placed. Mr. Cavanaugh responded that he intends to place two in Crisfield, one in Chance, and has not decided where the fourth container will be placed.

Therefore, on a motion by Commissioner Boston, seconded by Commissioner Fisher, it carried 4-0 to award the bid for Recycling Roll-Off Containers to Meadows Hydraulics in the amount of \$7,194.00.

In closing, Mr. Cavanaugh also advised the board that notice has been posted in the newspaper with regard to the tipping fee increase of \$2.00. Additionally, it was also stated in the newspaper as well as the website that electronics are now being accepted and recycled at the transfer stations. Mr. Cavanaugh also said that attendants will have paperwork outlining what items can be accepted. Commissioner Fisher asked if the items will be collected in containers. Mr. Cavanaugh stated that the items would be placed in containers and picked up once or twice a week depending on volume.

County Administrator-Clerk Ward next began review of correspondence received since the last meeting.

The Maryland Department of Assessment and Taxation has submitted an invoice to the Somerset County Treasurers Office, dated June 14, 2011, pursuant to Chapter 397 of the Laws of the State of Maryland (Budget Reconciliation and Financing Act of 2011) advising that local counties will reimburse the State of Maryland for 90% of the costs of administering certain programs in the State Department of Assessments and Taxation. The cost to be incurred for Somerset County is \$248,563.00 and is to be paid in quarterly payments. Ms. Ward noted that the first payment is due July 1, 2011. Commissioner President Simpkins questioned what the reimbursement was for. Commissioner Fisher stated it was for office operations within the assessment office.

A letter from the Maryland Department of Agriculture was received with regard to Weed Control. The letter requested the board to review, sign and return the Cooperative Agreement between the Maryland Department of Agriculture and Somerset County that provides for cooperation in the control and eradication of specific noxious weeds for the period of July 1, 2011 through June 30, 2012. Although the state does not have a person assigned, Mr. Mark J. Smith, Agronomist, Department of Agriculture, advised Ms. Ward that his department would continue to respond to complaints submitted.

Therefore on a motion by Commissioner Fisher, seconded by Commissioner Boston, it carried 4-0 to authorize Commissioner President Simpkins to sign the State of Maryland Department of Agriculture Cooperative Agreement between the Department of Agriculture and Somerset County.

A letter from Mr. James H. Porter, of the Somerset County Homeless Board, dated June 20, 2011 requests the commissioner's consideration for the use of ECI inmates to perform work and maintenance repairs at the Wood Home, located in Princess Anne.

After a short discussion, on a motion by Commissioner Fisher, seconded by Commissioner Laird, it carried 4-0 to approve the request by the Somerset County Homeless Board to use ECI inmates to perform work and maintenance repairs to the Wood Home homeless shelter.

Ms. Ward presented a request for signature with regard to an Assurance of Compliance form for the Commission on Aging. Ms. Ward explained that the assurance states that the Commission on Aging will abide by the regulations of the program and provide services as outlined at all facilities without discrimination. This form is required in order to receive grant funding.

On a motion by Commissioner Fisher, seconded by Commissioner Boston, it carried 4-0 to authorize Commissioner President Simpkins to sign the Assurance of Compliance for the Commission on Aging.

Ms. Ward next advised that Commissioners Boston and Mathies attended the Tri-County Counsel meeting, held last Thursday, at which time they were told of four vacancies with regard

to the Workforce Investment Board. The commissioners were provided information about the Workforce Investment Board as well as the expectations of members and were asked to consider any possible recommendations they may have.

At 3:00 p.m., in the Meeting Room of the County Commissioners Office, Commissioner President Rex Simpkins declared a Public Hearing open with regard to consider amending the County's Electrical Code to reduce the amount of required insurance for electrical inspection agencies. Also in attendance were Commissioner Vice-President Charles F. Fisher, Commissioner Craig N. Mathies, Sr., Commissioner Jerry S. Boston and Commissioner Randy Laird.

Also present were County Administrator-Clerk, Cynthia R. Ward, Executive Secretary, Lory E. Ebron, Planning and Zoning Director, Gary Pusey and Code Enforcement Officer, Mark Konapelsky.

Commissioner President Simpkins began by reading the notice of public hearing:

"In accordance with Article 25, Section 3(t)(1) and (t)(3) of the Annotated Code of Maryland, the Somerset County Commissioners will conduct a Public Hearing to consider amending the County's Electrical Code to reduce the amount of required insurance for electrical inspection agencies.

Members of the public are invited to attend the Public Hearing and comment on the proposed amendment. The County Commissioners will consider all public comment prior to making a decision on the proposed amendment.

Fair Summary

The County's Electrical Code requires third party electrical inspection agencies to carry general liability insurance in the amount of \$300,000; property damage insurance in the amount of \$100,000; and errors and omissions liability insurance in the amount of \$1 million for each person and each occurrence. The County is considering deleting the requirement to have errors and omissions liability insurance for third party electrical inspection agencies".

Mr. Pusey explained that Mr. Konapelsky's research has shown that Somerset County's insurance requirement of \$1 million for inspection agencies exceeded that same requirement in other counties, whose requirements were generally a total of \$400,000 (\$300,000 general liability/\$100,000 errors and omission). Additionally, Mr. Konapelsky spoke with the County Attorney, who advised that reducing the amount of total coverage to \$400,000 would not put the County at any risk.

Commissioner President Simpkins then asked for any testimony from any proponents present.

Mr. Dan Kuebler, Canal Drive, Crisfield, MD commented that he was in favor of the amendment and felt it was a good move on the Commissioners part in these economic times.

Commissioner President Simpkins asked if there were any opponents present wishing to give testimony. There were none. With no other proponents or opponents, Commissioner President Simpkins declared the public hearing for the Somerset County Electrical Code closed, noting that written public comment would be received until July 5, 2011.

Next, Commissioner President Simpkins declared a public hearing open at 3:15 p.m., regarding the amendment to the Somerset County Forest Conservation Ordinance. Now present for the hearing was Mr. Gary Pusey, Director, Planning and Zoning and Mr. Robert Cadwallader, Planner, Planning and Zoning. Commissioner President Simpkins proceeded with the reading of the notice of public hearing:

“In accordance with The Forest Conservation Act, Natural Resources Article 5-1601 through 5-1612 of the Annotated Code of Maryland and Article XXI of the County’s Forest Conservation Ordinance (Ordinance #807), the Somerset County Commissioners will conduct a Public Hearing to consider amending the County’s Forest Conservation Ordinance in order to comply with recently-enacted State Law.

Members of the public are invited to attend the Public Hearing and comment on the proposed amendments. The County Commissioners will consider all public comment prior to making a decision on the proposed amendments.

Fair Summary

The County’s Forest Conservation Ordinance was last amended in 2002 (Ordinance #807). The proposed amendments now being considered pertain to adding provisions for altering the Forest Conservation Exemption and the Intrafamily Transfer in order to comply with recently-enacted State legislation”.

Mr. Cadwallader explained that State legislation has changed the Forest Conservation law in 2009 and 2010, and all counties must incorporate the changes to individual ordinances. There were a total of eleven changes. Mr. Cadwallader highlighted the three most important changes. First, the 40,000 square foot exemption has been reduced to 20,000 square feet. Second, the definition for the Intra-family Declaration of Intent (DOI) has changed to owner and child of owner. Previously it was grandparents, parents, siblings, children and grandchildren. Third, the

fee-in-lieu has changed to \$0.30 per square foot inside the Priority Funding Area (PFA) and \$0.36 per square foot outside the PFA. Previously it was \$0.06 per square foot for both. It was noted that there is rarely fee-in-lieu payments.

Commissioner President Simpkins asked if there were any proponents to the amendment of the Forest Conservation Ordinance. There were none. Commissioner President Simpkins then asked if there were any opponents.

Mr. Dan Kuebler of Crisfield Maryland asked to speak. He stated that based on his calculations, a 500-600% increase per square foot valuation is unacceptable. Mr. Kuebler feels that this is just another example of the government getting into our back pockets. Also, he questions changing the definition of Intra-family to just owner and child, asking what does a person do if they have no child.

Next, Mr. Robert Hess, of Marion Maryland asked to speak. Mr. Hess said that he disagreed with the state mandate with regard to the Forest Conservation Law changes. Mr. Hess stated that his biggest concern was the Intra-Family tax. He said that you need to be careful if you can't transfer to a grandchild, as this effects recording and other fees. He also feels that the change from 40,000 square feet to 20,000 square feet is not reasonable. He provided the following scenario, that if approximately 10,000 square feet is needed for septic, that would leave 10,000 square feet for the home area. Mr. Hess continued, saying that if 4000 square feet is needed for a modest sized home, that leaves 6000 square feet to mitigate for impervious surface.

Commissioner President asked if there was anyone else present wishing to speak. As there was no one else wishing to speak, Commissioner President Simpkins declared the public hearing for Forest Conservation Law Changes closed at 3:25 p.m., noting that written public comment will be received until July 5, 2011.

County Administrator-Clerk Ward next presented a request of pauper burial assistance from the family of Mr. Robert Somers. Ms. Ward explained that she had received a call from Mr. Somers daughter, Carole Quillen, saying that the family had no means of paying funeral expenses. Mr. Somers was a veteran, with no life insurance. The family was receiving \$600.00

from the Veterans Administration and \$250.00 from Social Security. Ms. Ward noted that funds budgeted for pauper burials for FY 2011 had been expended, and that it would be the Boards decision whether to honor this request from Mr. Somers family.

Therefore, on a motion by Commissioner Fisher, seconded by Commissioner Boston, it was decided that \$250.00 was to be sent to Hinman Funeral Home on behalf of Mr. Robert Somers to assist his family with the cost of his funeral. The motion was unanimous.

Ms. Sharon Muir, Internal Auditor was now present before the board. Ms. Muir provided a handout, outlining proposed changes to the Employee Handbook previously mentioned to the board in September 2011.

With regard to Section VI, Compensation Plan, A. Pay of Employees, it is proposed to add the following language:

“After at least one year of service, the cognizant Department Head may recommend, at the budget cycle, an incremental step increase equivalent to a 2.5% increase to the hourly wage of the Part-time Employee based on work performance/merit. All salary and/or hourly rate increases are determined at the budget time by the County Commissioners.”

Ms. Muir continued with proposed changes to Section VI. Compensation Plan, H. Retirement/Pension. It is proposed to add the following language:

“...7% (effective July 1, 2011)”

Ms. Muir explained that the required Employee contribution to the Maryland State Alternate Contributory Pension Selection System was increased from 5% to 7%.

Lastly, Ms. Muir noted the proposed change to Section VI. Compensation Plan L. It is proposed to add the following language:

“...juror payment vouchers/cash juror payments..., who will promptly deliver such payments to the County Commissioners Office for deposit. Shift-Work Employees who serve on a jury during non-scheduled work hours are not required to remit their juror payment fee to the County.”

After discussion regarding jury duty related circumstances, a motion was made by Commissioner Laird, seconded by Commissioner Boston, carried 4-0, to approve the language additions to the Employee Handbook as proposed.

With no further business, on a motion by Commissioner Boston, seconded by Commissioner Laird, the meeting was adjourned at 5:05 p.m.

The amount drawn on the General Fund Checking Account for the week of June 21, 2011, from check no. 85922 through check no. 85973 was \$1,977,302.88.

The amount drawn on the General Fund Checking Account for the week of June 28, 2011, from check no. 85974 through check no. 86029 was \$315,362.54.

Respectfully Submitted:



Lory E. Ebron
Executive Secretary

Approved by:



Board of County Commissioners
For Somerset County