

BOARD OF COUNTY COMMISSIONERS  
FOR SOMERSET COUNTY  
JULY 5, 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 Laird to lead those attending the meeting in repeating the Lord's Prayer and the Pledge of Allegiance.

Upon a motion made by Commissioner Boston, seconded by Commissioner Laird, it carried 4-0 to dispense with the reading of the Minutes of the meeting held on Tuesday, June 21, 2011 and June 28, 2011 and approve the minutes as presented.

Mr. Steve Marshall, Director of Emergency Services, was now present before the board to give his bid award recommendation with regard to the Mitigation Plan. Mr. Marshall stated that he asked Mr. Gary Pusey to assist him with review of the five bid submissions presented at the June 7, 2011 meeting. After review of the submissions, it was recommended that the submission from S & S Planning and Design be accepted. Mr. Marshall explained that S & S Planning and Design had written the original plan, did a good job with creating the original plan, and are also writing the plan for the State of Maryland. Also, good comments were received from the references provided. Mr. Marshall explained that although S & S Planning and Design did not present the lowest bid amount, it was his recommendation that the Commissioners award the bid to them for the reasons stated. He also noted that the funded grant amount will cover the cost of the plan, so that there will be no cost to the county. Commissioner Mathies questioned the reference for the lowest bidder, URS Corporation. Mr. Marshall stated that there were timeliness issues noted, in that the company was slow to get the work done.

Commissioner Fisher stated that it was a plus to hear the S & S Planning and Design was writing the State of Maryland plan, and therefore, on a motion by Commissioner Fisher,

seconded by Commissioner Mathies, it carried 4-0 to award the bid for the Emergency Services Mitigation Plan to S & S Planning and Design in the amount of \$21,092.00.

In other business, Mr. Marshall explained that there has been an ongoing problem with the generator that operates his office in power outages. Curtis Engine has been called, and has determined that the problem is related to the electrical supply from the generator to the building not being compatible. Maintenance Supervisor, Mr. John Dize stated that he could change the connection in the generator, however, Mr. Marshall explained that he has contacted the Emergency Numbers System Board, and intends on requesting funding to cover the cost of a new generator. The new generator will be 100 kilowatts versus the old generator that provides 80 kilowatts of power. The proposed cost for the new generator is \$28,187. Mr. Marshall anticipates funding will be approved promptly. Additionally, Mr. Marshall stated that if his department is approved funding for a new generator, the old generator will be transferred to the Princess Anne Police Department, who currently do not have a generator backup system in place.

Therefore, on a motion by Commissioner Fisher, seconded by Commissioner Boston, Mr. Marshall was authorized to seek funding assistance from the Emergency Numbers System Board in the amount of \$28,187 to purchase a new 100 kilowatt generator for the Emergency Services Department, and if approved, transfer the existing generator to the Princess Anne Police Department. The motion carried 4-0.

Ms. Ward began review of correspondence received since the last meeting.

Intergovernmental review was requested in a letter dated June 21, 2011 with regard to the Statewide Planning Work Program 2012 project. This lengthy project plan, generically outlined the plans to meet the needs of MDOT, the Federal Highway Administration that incorporates agreements reached at the re-program review stage. The outline indicated no specific reference to Somerset County. Ms. Ward noted that County response was required by July 2, 2011, although the paperwork was only received last week. After discussion, it was felt that further review was needed before the Review and Recommendation form could be appropriately completed.

Ms. Ward advised the Board of an email she received from Ashley Valis, Intergovernmental Affairs, Office of the Governor, requesting the Board provide contact

information for the person the county would like alerted when a project in our jurisdiction enters "Fast Track". "Fast Track" is a new tool for business owners and developers to streamline and expedite the review of state permits for projects in priority development areas. After discussion, it was recommended to list Mr. Danny Thompson, Economic Development Director, as the contact for Somerset County.

A request was received by the Nehemiah Coalition with regard to a pilot program that began in May, for women incarcerated in the Somerset County Detention Center, whereby leniency in terms for graduates of the program would be considered. Ms. Ward stated she would follow up with Warden Purnell to identify who would have the authority to consider the request.

Ms. Sharon Muir, Internal Auditor, was now present before the Board to seek the board's consideration to approve additional fiscal year 2012 proposed changes to the Somerset County Employees Handbook.

Ms. Muir referred the board to Page 9, Section III. Under section G. Probationary and Permanent Status, the following language is proposed to be added:

**3. Employees will not be eligible to receive an incremental step increase while serving their regular (1) year probation and/or if their probationary period is extended.**

Next, Ms. Muir referred the Board to Page 10, Section III. Statement of Policy. It is proposed to add the following additional language to the paragraph:

**2. (d). Promotional employees will not be eligible to receive an incremental step increase until they have passed their six (6) months probationary status.**

The next change proposed was to Page 27, Section VI. Compensation Plan. It is proposed to add the following additional language to the paragraph:

**F. Salary Increases - Probationary, Extended Probationary, and Promotional Probationary Employees will not be eligible to receive any budget approved incremental step increase until they have passed their probationary period.**

Lastly, Ms. Muir requested the board to refer to Page 18, Section V. Disciplinary Measures. It is proposed to add the following language:

**5. Loss of Increment- The Appointing Authority may deny an incremental step increase to any suspended employee.**

Therefore, on a motion by Commissioner Mathies, seconded by Commissioner Laird, it was unanimously approved to make the changes to the Somerset County Employees Handbook of Governing Rules and Regulations as proposed.

Next, Ms. Muir asked the Board's consideration to approve adding the new Roth 457(b) provision to the County's current 457(b) tax deferred compensation plan with Nationwide Retirement Solutions. Features of the Roth 457(b) are: after tax contributions, potentially tax free withdrawals of contributions and earnings, no income limits on contributions, unlike a Roth IRA, and rollovers maybe included from another plan's Roth account. Along with the new Roth provision, the County would accept the terms of the Additional Products and Services Plan Sponsor Authorization Agreement, which would provide transition support services from Nationwide Securities, LLC, an affiliate of NRS. These transition support services provide the additional guidance plan participants may need to help them make more informed decisions during key transitions, such as when they change jobs or retire. Ms. Muir explained that this request is only expanding the current provisions of the 457(b) deferred compensation plan, which would give employees more choices in their retirement savings, at no cost to the County.

Therefore, on a motion by Commissioner Fisher, seconded by Commissioner Laird, it carried 4-0 to approve the provision to the County's current 457(b) tax deferred compensation plan with Nationwide Retirement Solutions and also approve and accept the terms of the Additional Products and Services Plan Sponsor Authorization Agreement, which would provide transition support services from Nationwide Securities, LLC, an affiliate of NRS.

Now present before the Board were Ms. Julie Widdowson, Tourism Director and Mr. Pete Richardson, Auctioneer. Ms. Widdowson and Mr. Richardson were before the Board to discuss scheduling the next auction for the Burgess Museum and to make a recommendation as to what items to include in the sale. Mr. Richardson explained that the original concept was to hold multiple sales with items from the museum. However, based on the results from previous sales, and being that the next sale will be held at the Civic Center, Mr. Richardson suggested that he take a team into the museum and identify if there are enough items that would make it profitable to move for the sale. Commissioner Laird asked Mr. Richardson how he intends to proceed. Mr. Richardson explained that his group will sort the items and decide which items would most likely sell. Items previously earmarked as not for sale will be excluded. Commissioner Fisher questioned if a list of intended sale items will be submitted to the Board for consideration prior to a final decision. Mr. Richardson stated it would be time consuming to compile a list. Commissioner Laird suggested tagging the items as the review is made, so that

the Commissioners can view the items prior to their transport to the Civic Center for the sale. Mr. Richardson commented that he is providing three to four hours of service at no charge to review the items, and feels that tagging will add 1/3 to the cost. Mr. Richardson stated that the furniture in the building has been exposed to Powder Post Beetles, thereby permanently damaging the furniture. Additionally buyers at the last sale, upon finding the beetles were not interested in purchasing anything exposed to the beetle and left the sale. Ms. Widdowson was asked for her opinion. Ms. Widdowson stated that she feels there are two choices. One is to leave the items and attempt no sale. The other is to blend the items with other sales at the Civic Center. Ms. Widdowson stated that the building is not safe to hold an auction on site. Mr. Richardson recommended moving the items stated not for sale to the location across the street to prevent further damage. Commissioner Boston reminded Mr. Richardson that the Civic Center should be called to schedule the date.

After discussion with regard to the best time to hold the auction, it was decided by the Board to allow Mr. Richardson to hold a sale; however, the Commissioners will review the items prior to Mr. Richardson's final decision made with regard to what items will be offered for the sale.

Ms. Ward brought up for discussion the results from the Public Hearing held on June 21, 2011, with regard to amending the County's Electrical Code for 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 amendment will reduce the requirement of errors and omissions liability insurance for third party electrical inspection agencies to \$100,000. The public was allowed to submit written comment until July 5, 2011. Ms. Ward stated one comment had been received, and proceeded to read the letter from Middle Department Inspection Agency, Inc., dated July 5, 2011 in opposition to decreasing the insurance coverage.

After discussion, on a motion by Commissioner Laird, seconded by Commissioner Boston, it carried 4-0 to approve amending the Somerset County's insurance requirement of \$1 million for errors and omissions liability insurance for inspection agencies to a total of \$400,000 (\$300,000 general liability/\$100,000 errors and omission).

Next, on June 21, 2011, 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 conducted a Public Hearing to consider amending the County's Forest Conservation Ordinance in order to comply with recently-enacted State Law. Ms. Ward stated that public comment could be submitted until July 5, 2011. No written comment had been received. It was noted that there were 2 opponents who had attended the hearing on June 21, 2011. The three state mandated changes were 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.

At this time, Gary Pusey, Director of Planning and Zoning and Mr. Robert Cadwallader, Planner, Planning and Zoning were present for the meeting. Because of strong opposition expressed with regard to the matter, it was questioned whether the county must adopt the amendment to the ordinance. Mr. Cadwallader stated that if the county does not adopt the mandated changes, it could be found in violation. Additionally, Mr. Cadwallader stated that the changes should have been implemented in April, and it would be his opinion that the State would not be happy with additional delays. After discussion, it was decided that before the changes to the ordinance are approved, because of the strong opposition, Mr. Cadwallader is to contact the State and inquire that if there is opposition to the amendment mandated, what repercussions could be incurred if the county chooses not to comply.

Ms. Ward next presented the Assurance of Compliance form with regard to Large Urban Transportation Assistance Program, submitted by Ms. Sherree Marshall, Commission on Aging. In signing the form, Somerset County makes assurances to the Maryland Transit Administration in conjunction with its application for state financial; assistance for the Statewide Special Transportation Assistance Program (SSTAP) and/or for Large Urban funding. The amount of the grant is \$117,447.00, with an in-kind match in the amount of \$39,963.00. Ms. Ward noted that the form requires approval by a local County Official.

Therefore, on a motion by Commissioner Fisher, seconded by Commissioner Boston, it carried 4-0 to approve Commissioner President Simpkins to sign the Assurance of Compliance form on behalf of the Commission on Aging, for SSTAP funding.

Ms. Ward next presented a request for pauper burial assistance from the family of Mr. Oliver Lee Collins Sr. The request stated that Mr. Collins was a lifelong resident of Somerset County. He died on July 30, 2011 at Coastal Hospice at the Lake. Mr. Collins did not have any life insurance, and the family is raising funds to provide a simple service and cremation. Arrangements are being made at Anthony Ward Funeral Home.

On a motion by Commissioner Laird, seconded by Commissioner Fisher, it was approved to submit \$250.00 to Anthony Ward Funeral Home, pending Mr. Collins was a Somerset County resident, to assist the Collins family with funeral arrangements. The motion was unanimous.

Ms. Ward presented a request from Mr. Doug Taylor, Roads Director, to attend a meeting being held by the Department of Natural Resources in Annapolis Maryland with regard to Waterway Improvement Funding and proposed funding changes for projects with regard to the 2013 budget. The meeting will be held on July 7, 2011 at 10:00 a.m. in Annapolis. The Board approved the request for Mr. Taylor to attend the DNR meeting in Annapolis on July 7, 2011.

Commissioner President asked if there was anyone present at today's meeting wishing to address the Board.

Mr. Dan Kuebler stood, and requested to address the Board. Mr. Kuebler stated that he was sorry that he missed last week's meeting, and in reviewing the minutes submitted, he was distraught at the Liquor Control Board's audit numbers, especially in comparison to our sister county's numbers. He would like to submit a letter to the control board, and ask who they report to. Mr. Kuebler noted the numbers stated for the Crisfield location, and questioned a whole profit margin of a little over 5% return. Mr. Kuebler questioned \$90,000 being submitted to the County from \$1.8 million in sales. He also asked if the costs include retirement. Ms. Ward stated that the Liquor Board employees are not County employees. Mr. Kuebler urged the Commissioners to "drill down" on this matter, and possibly consider recommitting to going commercial, like our sister county. Mr. Kuebler stated that he feels the numbers are wrong, and

he feels that the increase in sales tax from 6% to 9% will have a detrimental effect on sales in the county and state. Mr. Kuebler noted that he can save the 9% just by driving to Delmar, and not pay tax on the purchase, and with an additional 10% discount for purchasing a case, nearly 20% would be saved.

Mr. Phil Riggan stood to address the Board. Mr. Riggan stated that he had the same issue as Mr. Kuebler and noticed the profit margin between the Highway store and Princess Anne, being 6%-8%, and Crisfield less than ½%. He questions these results, noting that the volume is the same as the Highway store. Mr. Riggan stated that this seems to be consistent issue in Crisfield, and feels it deserves investigation. Mr. Riggan questioned expenditures that he feels could add approximately \$40,000.00. Ms. Ward offered to provide Mr. Riggan with a copy of the expenditure sheet.

With no further business, on a motion by Commissioner Fisher, seconded by Commissioner Laird, it carried unanimously to adjourn the meeting.

The amount drawn on the General Fund Checking Account for the week of July 5, 2011, from check no.86030 through check no.86084 was \$659,619.75.

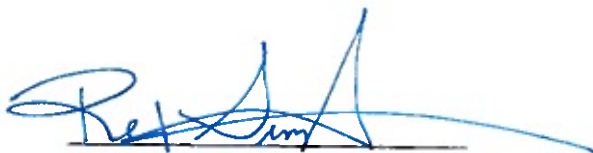
The amount drawn on the General Fund Checking Account for the week of July 12, 2011, from check no.86086 through check no.86146 was \$1,041,818.89.

Respectfully Submitted:



Lory E. Ebron  
Executive Secretary

Approved by:



Board of County Commissioners  
For Somerset County