

BOARD OF COUNTY COMMISSIONERS  
FOR SOMERSET COUNTY  
AUGUST 16, 2011

At 2:00 p.m., the Board of County Commissioners for Somerset County met in regular session with Commissioner President Rex Simpkins, 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 Boston, seconded by Commissioner Laird, it carried 3-0 to dispense with the reading of the Minutes of the meeting held on Tuesday, August 2, 2011 and approve the minutes as presented.

Mr. Paige Hurley, Director of Recreation and Parks and Mr. Gary Pusey, Director of Planning and Zoning were now present before the Board with regard to the bid proposals received for the 2012 Land Preservation, Parks and Recreation Plan for Somerset County. Mr. Hurley noted that this is a five year plan that the county is mandated to have in place in order to receive Program Open Space funding. The plan will update the current parks and also advise of future plans. Commissioner President Simpkins proceeded to open the bids received as follows:

| <u>Bidder</u>         | <u>Amount</u> |
|-----------------------|---------------|
| Clive Graham – ERM    | \$20,962.00   |
| Robert Kriebel – URDC | \$24,900.00   |

Commissioner President Simpkins then offered the submissions to Mr. Hurley for his review. Mr. Hurley noted that he intends to make his recommendation at next Tuesday's meeting.

While still present, Commissioner Laird questioned Mr. Hurley with regard to the matter of Great Hope Golf Course Advisory Board (GHAB). Ms. Ward explained that the matter of the GHAB had arisen with regard of two Golf Advisory Member terms expiring. Within that discussion, consideration was given to possible options presented; in that the Bylaws for the Committee could be

changed to more appropriately pertain to the current need of the committee, or possibly consider the elimination of the committee. Ms. Ward explained that the original purpose of establishing the Advisory Board was to have people with golf experience serving on the board, that have knowledge of the function, policy and fees associated with maintaining a golf course. Since that time, it has been expressed that perhaps the need of such a Golf Advisory Board is no longer needed. A letter has been submitted by Chairman Dr. Paul Fleury to the Board, recommending the Advisory Board be eliminated.

Commissioner Vice-President Charles F. Fisher was now present at the meeting.

It was then noted that also in agreement with the recommendation were Mr. Charles Massey, Secretary, and Mr. Clyde Marriner, Golf Advisory Board member. Commissioner President Simpkins noted that Mr. Massey was instrumental in the creation of the Advisory Board, and would know first-hand if the Advisory Board was no longer needed. Commissioner Boston questioned if all members of the Golf Advisory Board have been advised of the recommendation to dissolve the Committee. Mr. Hurley stated that there were two members who have not been made aware of the suggestion. Commissioner Laird asked if the matter should be addressed at the next Golf Advisory Board meeting. The Board agreed that dissolving the Golf Advisory Board would be tabled, so that all members of the Great Hope Golf Advisory Board could be notified of the recommendation to eliminate the Committee.

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

The Maryland Department of Planning has requested intergovernmental review for two projects. The first project is for The City of Crisfield's project submission for land acquisition and demolition of two (2) structures located in Crisfield, Maryland. The purpose of the project will be to return the property to public open space, for use as a centralized park.

After discussion, on a motion by Commissioner Laird, seconded by Commissioner Fisher, it carried 4-0 to submit a C5 response to the City of Crisfield's project to acquire land and demolish two structures to return the property to public open space.

The second request, also submitted by the City of Crisfield, is for the replacement of four (4) tidal gates that are defective at Somers Cove Marina. Additionally, twenty-one (21) new tidal gates are to be installed throughout the City of Crisfield. Ms. Ward read the proposed locations of where the new

tidal gates will be placed. The importance of this project was noted, considering the amount of flooding that occurs in the Crisfield area. Ms. Ward recommended a C5 response to the review of this project.

On a motion by Commissioner Laird, seconded by Commissioner Fisher, it carried 4-0 to submit a C5 response for the City of Crisfield project request for four (4) tidal gate replacement in the Somers Cove Marina and installation of twenty one (21) new tidal gates, and locations throughout the city of Crisfield.

Ms. Ward next presented a letter from the Maryland Department of the Environment (MDE), advising that a Sewage Sludge Utilization Permit Application had been submitted to MDE to transport sludge generated by the Mardela High School Wastewater Treatment Plant to the Eastern Correctional Institute Wastewater Treatment Plant for further treatment. Commissioner Fisher asked if this transport was going to be a one-time occurrence and questioned if it will affect the TMDL (Total Maximum Daily Load). It was noted that a request was received last week to transfer sludge generated by the Naval Support Facility Indian Head Wastewater Treatment Plant to the Princess Anne Wastewater Treatment Plant for further treatment. After discussion, it was decided to table a possible objectionable response so that additional information regarding ramifications of transportation of the sludge to Somerset County wastewater facilities can be determined.

A letter was received from the Local Government Insurance Trust (LGIT) congratulating Somerset County and the commissioners for the 24 years the county has been a member of LGIT. The letter also advised that a credit in the amount of \$68,591 was being applied to the FY 2012 premium in consideration of the membership.

Ms. Ward advised that a letter from Charter, dated August 4, 2011 had been received in response to the Boards letter dated June 28, 2011 regarding concerns relating to the service Charter is providing in the Crisfield area. Commissioner Laird noted that the first two items of concern addressed were adequate, however the response received with regard to the other concerns were not acceptable. Commissioner Laird stated that he is in the process of following up on the issue.

A memo has been submitted by Mr. Gary Pusey, Director of Planning and Zoning with regard to three members term expiring with regard to the Building and Plumbing Code Appeals Board. Mr.

William Bates, Mr. William Drewer and Mr. George Walston have all indicated that they would like to continue serving on the Board.

Therefore, on a motion by Commissioner Fisher, seconded by Commissioner Boston, Mr. William Bates, Mr. William Drewer and Mr. George Walston were approved to be reappointed to serve on the Building and Plumbing Code Appeals Board for a term of three years, expiring February 2014. The motion carried 4-0.

Ms. Ward brought up for discussion, the request for personal property tax exemption from Mr. Tom Johnson, Eastern Shore Forest Products, Inc. At the August 2, 2011 meeting, it was decided to table the request for the exemption so that Mr. Johnson could be contacted to provide information with regard number of current employees, as well as any additional equipment that may have been added before a decision is made. Ms. Ward advised that Mr. Johnson was not available, however an employee stated that the number of employees has remained the same. Ms. Ward proceeded to read the meeting excerpt from the 2008 meeting in which the previous board initially approved the request. Ms. Ward also noted that over the past three years, approximately \$160,000 has been exempted.

Therefore, on a motion by Commissioner Fisher, seconded by Commissioner Boston, it carried 4-0 to table the decision to allow a personal property tax exemption for FY 2012 to Mr. Tom Johnson of Eastern Shore Forest Products, Inc.

Now present before the Board to discuss a grant proposal submission was Ms. Susanna Henson, Executive Director, Local Management Board (LMB), and LMB Board members Dr. Marjorie E. Miles, Mr. Kirkland Hall and Lieutenant Krah Plunkert. Ms. Henson began by explaining that the Somerset Feeding Somerset Community Gardens Project will be designed to give various 'Mini-Grants' to eligible businesses, organizations, groups and individuals to develop and maintain produce gardens throughout the county, primarily in needy areas. Ms. Henson estimates the 20 or so 'Mini-Grants' to fall in the range of \$3,000.00 to \$5,000.00 depending on the size of the garden. The USDA grant requested will be in the amount of \$125,000.00. Ms. Henson explained that grant funding will be used to educate recipients, and provide supplies needed to tend the gardens such as rain barrels.

After Ms. Henson's review of the projects purpose, and the process that will be put into place to submit for funding, on a motion by Commissioner Boston, seconded by Commissioner Fisher, Ms.

Henson received approval to apply for a USDA Federal Grant request to fund the Somerset Feeding Somerset Community Gardens project in the amount of \$125,000.00. The motion carried 4-0.

Next, Ms. Henson presented a grant request proposal entitled 'Promise Neighborhoods' that will provide funding for a planning grant in an amount of up to \$500,000.00. 'Promise Neighborhoods' would offer the highest level of community atmosphere services for children, parents and even grandparents. Ms. Henson explained that the plan will be required to be implemented within six years, and can encompass just about any community related activity such as housing, community centers and education. Ms. Henson noted that she wanted to present the proposal to the Board for their consideration, and if favor, she will then proceed to put a committee together.

Therefore, on a motion by Commissioner Mathies, seconded by Commissioner Laird, it carried 4-0 to authorize Ms. Henson to apply for the USDE/HUD grant request up to \$500,000.00 to fund the Promise Neighborhoods grant that will create improved community atmosphere.

Mr. Steve Marshall, Director of Emergency Services was now present before the Board to enter into a contract agreement with Harris Corporation, through RF Communications to maintain the radio system equipment for the Emergency Services Department. Mr. Marshall advised that the annual charge for the services is \$128,095.32, which has been included in his FY2012 budget. Mr. Marshall also noted that Harris has been used for the last four years.

Therefore, on a motion by Commissioner Boston, seconded by Commissioner Fisher, it carried 4-0 to authorize Commissioner President Simpkins to sign the contract agreement in the amount of \$128,095.32 with Harris Corporation to maintain the radio system equipment for the Emergency Services Department.

Ms. Ward presented a request from The Friends of Teackle Mansion, Inc., requesting a resolution that will support the Friends of Teackle Mansion, Inc., for their application submitted to the Department of Housing and Community Development for approval of an allocation of tax credits for business entities and individuals that contribute to the restoration project under the Department's Community Investment Tax Credit Program.

On a motion by Commissioner Fisher, seconded by Commissioner Boston, it carried 4-0 to adopt the resolution that acknowledges the Boards approval of the Project as described above, and permits an allocation of tax credits for business entities and individuals that contribute to the Project.

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 the adoption of a revised Somerset County Stormwater Management ordinance. Now also present before the Board were Mr. Gary Pusey, Director of Planning and Zoning and Mr. Dale Pusey, Stormwater Management Contractor. Commissioner President Simpkins proceeded to read the notice of public hearing as follows:

**In accordance with the State Stormwater Management Act of 2007, as described in Title 26, Subtitle 17, Chapter 2 of the Annotated Code of Maryland, the Somerset County Commissioners will conduct a Public Hearing to consider repealing the current Stormwater Management Ordinance #833 and adopting a new Ordinance consistent with State regulations.**

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

#### **Fair Summary**

**The proposed Stormwater Management Ordinance replaces the County's current Ordinance and incorporates new requirements contained in State regulations. Included is the replacement of large Best Management Practices (ponds) with smaller on-site facilities known as Environmental Site Design techniques; a mandatory 3-step plan review and approval process; and the requirement of a National Pollutant Discharge Elimination System (NPDES) permit for development projects that disturb more than one acre of land, including agricultural construction projects.**

Mr. Gary Pusey explained that the drafted Ordinance is in response to State legislature adopted by the General Assembly in 2007. Mr. Pusey discussed an issue that the Board has questioned in the past with regard to bonding requirements for poultry houses, as requiring a bond may impose financial hardship on poultry farmers. Referring the Board to page 23/24 of the Ordinance draft, Mr. Pusey explained that the department will have the right to waive the requirement for a bond where the construction of the stormwater management facility has been approved by the Department prior to the issuance of a Certificate of Occupancy.

Mr. Dale Pusey then explained the old rules in place whereby "quantity" for flood control was required. With the mandated changes, "quality" of flood control is now recommended, but not required. Mr. Dale Pusey explained that the intent is to try to filter runoff before it leaves the site, with less concern placed with flood control. Commissioner Mathies asked if ponds are being eliminated. Mr.

Dale Pusey explained that ponds are not eliminated; however there is a different emphasis on sediment control leading to the ponds. Commissioner Boston asked if the new system plans are more costly. Mr. Dale Pusey stated that it is too early in the process to determine cost variance, however he did say it may be more expensive depending on the project. Commissioner Fisher next questioned if more inspections will be required with this new process. Mr. Dale Pusey stated that yes, probably during the construction phase. Commissioner Fisher then questioned time delays that will be created, because of Mr. Pusey's schedule, if additional inspections are required. Mr. Dale Pusey said that he only works for the county for a half day a week. The suggestion was made that perhaps staff can be trained to perform the inspections to eliminate additional delay's that may be caused regarding inspections. Commissioner President Simpkins asked if there were any proponents. There were none. Commissioner President Simpkins then asked if there were any opponents. There were none.

Mr. Dan Kuebler, Crisfield, Maryland, asked to speak before the Board. Mr. Kuebler asked if any exhaustive testing has been done to prove the new techniques are more effective than the previous techniques used. Mr. Dale Pusey replied that Maryland is ahead of other states with this process.

Commissioner President Simpkins then advised that written comments will be received until August 26, 2011, and the final vote on the ordinance will be made at the August 30, 2011 meeting. The public meeting was declared closed at 3:15 p.m.

Mr. Phil Riggins was now present before the Board. Mr. Riggins clarified that the Resolution request made on behalf of Teackle Mansion was to allow donors to receive a tax credit. Mr. Riggins was advised he was correct. Next, Mr. Riggins advised the Board that the State Comptroller's Office was going to hold a forum to discuss changes to the Sheriff's Office jurisdiction relating to slot proceeds collected by non-profit organizations. Mr. Riggins stated his concern that if jurisdiction is given to the Comptroller's Office, fees charged may have a crucial impact on the amount of money that is distributed to charity from the proceeds collected.

Mr. Dan Kuebler asked to speak before the Board. Mr. Kuebler asked for clarification regarding the discussion involving the Great Hope Golf Course Advisory Board as he was having trouble hearing the discussion. Ms. Ward provided a summary of the discussion. Mr. Kuebler then said that the issue of creating some type of Membership Committee for Great Hope Golf Course has come up within the previous 4 to 5 months and that he feels a Membership Committee would bring new ideas. He feels

youth and females are needed to serve on the committee. Mr. Kuebler closed by saying he fully supports the creation of a Membership Committee for Great Hope Golf Course.

With no further business, on a motion by Commissioner Boston, seconded by Commissioner Fisher, the meeting adjourned at 3:28 p.m.

The amount drawn on the General Fund Checking Account for the week of August 16, 2011, from check no.86281 through check no. 86319 was \$380,068.18.

The amount drawn on the General Fund Checking Account for the week of August 23, 2011, from check no. 86321 through check no.86345 was \$937,728.38.

Respectfully Submitted:

  
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Lory E. Ebron  
Executive Secretary

Approved by:

  
\_\_\_\_\_  
Board of County Commissioners  
For Somerset County