

BOARD OF COUNTY COMMISSIONERS  
FOR SOMERSET COUNTY  
AUGUST 2, 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 meeting held on Tuesday, July 19, 2011 and approve the minutes as presented.

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

A letter from the Department of Housing and Community Development was received, advising that the county's request for FY 2012 Community Development Block Grant funding in the amount of \$600,000 has been conditionally approved. The letter advised that if funds are not approved by the close of the session, the award will be rescinded. This grant request will go towards funding the \$1.2 million project for a Senior Citizen Center in Westover.

Ms. Ward next advised that the Department of Housing and Community Development (DHCD) invites Somerset County to transfer its 2011 housing bond allocation to the DHCD. In doing so, the DHCD utilizes local government housing bond allocations to issue bonds that will fund various housing programs in the state. The amount allocated for Somerset County for 2011 is \$874,355.00.

Therefore, on a motion by Commissioner Fisher, seconded by Commissioner Boston, it carried 4-0 to transfer Somerset County's housing bond allocation in the amount of \$874,355.00 to the DHCD for use in the Maryland Mortgage Program.

Ms. Ward advised the Board that the Maryland Department of Planning has requested the Board's response for a project submitted by Mann and Mann Grant Solutions and Accohannock Indian Tribe, Inc., with regard to the construction of a Welcome Center at Bending Water Park, Marion Station, MD. A discussion was held with regard to the project. Information was reviewed that was included with the project information package as submitted. After review, it was determined that more information regarding the project was needed in order to make a final decision, and therefore a R4 response would be submitted (Additional Information Requested).

Therefore, on a motion by Commissioner Fisher, seconded by Commissioner Boston, it carried 4-0 to submit an R4 response to the Maryland State Clearinghouse – Agency Review Request for the construction of a Welcome Center at Bending Water Park in Marion Station Maryland.

A letter received from the Maryland Department of the Environment (MDE), advised that a Sewage Sledge Utilization Permit Application has been submitted to the MDE to transport sewage sludge generated by the Naval Support Facility Indian Head Wastewater Treatment Plant to the Princess Anne Wastewater Treatment Plant for further treatment. It was decided to table the issue until the discussion can be held with Mr. Street, Manager of the Sanitary District, who will be present at the meeting shortly.

At this time, Deputy Chief Howard was present before the Board and advised that the Sheriff's Department has received two additional vehicles. The military has donated, free of charge, two surplus Humvee vehicles. One has passed inspection. The vehicles are five years old, and Mr. Howard suggested the vehicles primary use in the Crisfield area as they are ideal for use in the snow, as well as flooded areas. Commissioner Boston asked if the vehicles would only be used in the Crisfield area. Commissioner Fisher recommended that the vehicles be housed in Westover so that they can be used in other areas.

The Maryland Transit Administration has forwarded, for the Board's consideration, the FY 2012 Operating Grant Agreement for funding to support public transit services. Ms. Ward explained that the grant agreement, on behalf of the Commission on Aging, noted the Federal share as \$117,447, and the local in-kind match as \$59,624. These are the same amounts granted last year.

Therefore, on a motion by Commissioner Fisher, seconded by Commissioner Boston, it carried 4-0 to authorize Commissioner President Simpkins to sign the FY2012 Operating Grant Agreement for funding to support public transit services.

Ms. Ward next advised the Board that Ms. Vicki Miller, Director of Finance for Somerset County Public Schools has submitted two requests, asking permission to transfer funds among major categories for FY2011. The request noted that the transfers were approved by the Board of Education at a special meeting held on June 30, 2011. The first request totaled \$570,000.00 and the second request totaled \$558,000.00. A detailed breakdown of the categories by amount was included with meeting exhibits.

On a motion by Commissioner Fisher, seconded by Commissioner Laird, it carried 4-0 to approve the transfer of funds request as approved by the Board of Education at their June 30, 2011 special meeting.

Now present before the Board to discuss the Wal-Mart project with regard to the water phase, was Mr. Robin Street, Manager, Ms. Barbara Outten, Administrative Aide, Mr. Danny Thompson, Executive Director, Economic Development and Mr. Tom Northam, Sanitary District Commissioner. Mr. Street thanked the Board for allowing him the opportunity to speak. Mr. Street began by advising the Board that it appears that all permits are in place to start the project, however, the Sanitary Commission is taking a close look at this \$6 million dollar project, and before taking any action, has requested the County Commissioners input before any action is taken on their part. A project summary narrative with regard to the Princess Anne Subdistrict Expansion project was provided. Mr. Street explained that the original project began in 2004, and since that time, many changes have occurred. In 2005, a USDA-RD loan and grant in the amount of \$6,025,900 was approved. Mr. Street stated that if the project is scaled back, the grant may not be used in lieu of the requirement from the USDA to use loan funding first. Mr. Street noted that this is a very complex issue, and that it is very difficult to get a firm amount with regard to estimated user cost. Mr. Street proceeded to explain the four options being presented today for the Commissioners consideration:

1. Option 1 - Close the bond to pay interim financing at PNC Bank at \$.22 per foot.
2. Option 2- Construct two wells and the water tower, following the Memorandum of Understanding at \$.67 per foot.
3. Option 3- Construct two wells at \$.57 per foot.
4. Option 4 - Construct one well at \$.48 per foot.

In summary, Mr. Street noted that Option 2 would follow the MOU and be the most complete option to the original plan, with Option 3 being the minimal amount to do, besides doing nothing as Option 1 suggests. Mr. Gene Adkins, Finance Director was now present. A discussion took place with regard to past issues that have arisen with this project. Commissioner Mathies stated that he has heard that Wal-Mart may have not fully committed to the location off Revells Neck Road, and that Wal-Mart may be considering the Sysco location, should Sysco close. Mr. Thompson stated that he has also heard some of those rumors, and has contacted Sysco who say they are committed to the area. The recent layoffs at Sysco have to do with a national corporate decision to re-configure, and has nothing to do with the current economic times. Mr. Thompson also explained that he has sent an email to Ms. Jennifer Clark, a contact at Wal-Mart, attaching the recent article in the paper, asking her if Wal-Mart can provide an update to the Commissioners on behalf of Wal-Mart's intentions with regard to the project. Mr. Thompson said that he provided the dates of the upcoming Commissioners meetings in August. Commissioner President Simpkins stated that in consideration of the changes occurring with this project over the past five years, it would be prudent to schedule a meeting with Wal-Mart representatives to discuss the matter, and obtain answers to the questions surrounding this project, including the obligations for both sides contained in the MOU. The Commissioners advised that they would be willing to travel to meet with the Wal-Mart officials if they are unable to come to our area to meet.

While Mr. Street was still present, the Commissioners brought up for discussion the previous matter tabled with regard to the notice received from the Maryland Department of the Environment (MDE) that advised a Sewage Sledge Utilization Permit Application has been submitted to the MDE to transport sewage sludge generated by the Naval Support Facility Indian Head Wastewater Treatment Plant to the Princess Anne Wastewater Treatment Plant for further treatment. There were concerns noted that the Total Maximum Daily Load (TMDL) relating to the Manokin River with regard to the limit of pollutant that a water body may receive may be compromised. Mr. Street advised that accepting the sludge from Indian Head will not affect the river, as 15,500 pounds is permitted annually, and we would still be under the regulated amount including the Indian Head contract. Mr. Street also advised that this will be a one-time occurrence. Commissioner President Simpkins questioned if there is a closer location that they could consider, and questioned if perhaps our rates are too low.

Ms. Ward continued with correspondence received since the last meeting.

A request was received from the 9/11 Memorial of Maryland Committee, who have requested each county in Maryland donate a 4' x 6' county flag and if available a 7' pole that will be displayed at a Dedication being held on September 11 to honor the extraordinary heroism, commitment and sacrifice of Maryland's 9/11 victims, rescuers, first responders and their families.

Therefore, on a motion by Commissioner Fisher, seconded by Commissioner Laird, it was approved to allow the Somerset County Flag/pole stand be used at the 9/11 Memorial being held on September 11, 2011. The motion was unanimous.

Ms. Ward next presented correspondence received from the Eugenia M. Taylor Charities, Inc. Ms. Sherry Majors submitted a letter, dated May 16, 2011, to the Board requesting a letter of support on behalf of Eugenia M. Taylor Charities, Inc., for a CED Grant application for funding assistance to develop a micro-business and jobs-creation entity in the Crisfield/Marion area of Somerset County. At the May 24, 2011 meeting, the Board reviewed Ms. Majors request, however it was determined that more information was needed in order to provide a letter of support. Ms. Majors subsequently provided a copy of the CED project submitted to the OCS Grants Operations Center. After review of the documentation provided, in the process of performing due diligence, it was determined that there were additional questions with regard to the submission, and a letter dated July 19, 2011 was submitted to Ms. Majors outlining the questions.

After reviewing Ms. Major's response letter dated July 22, 2011, it was felt that there continued to be limited information provided. Therefore, on a motion by Commissioner Fisher, seconded by Commissioner Boston, it unanimously carried that the Board has elected to not provide a letter of support for the Eugenia M. Taylor Charities, Inc., because of limited information provided.

Ms. Ward presented a letter received from The Crisfield Heritage Foundation, Inc., requesting tax exemption be granted pursuant to the Annotated Code of Maryland, Tax Property, Subsection 9-321 with regard to the following County taxes (totaling \$3,203.42) currently due:

- The J. Millard Tawes Library in the amount of \$2,705.01
- Ida Ward Linton in the amount of \$400.32
- J. Millard Tawes Library in the amount of \$98.09

Ms. Ward noted that the County can only exempt the county portion due. Commissioner Boston questioned why there were two accounts listed for the Library. Ms. Ward stated that the one account was relating to the vacant lot next to the library.

Therefore, on a motion by Commissioner Laird, seconded by Commissioner Fisher, it unanimously carried to exempt the Crisfield Heritage Foundation, Inc., from current county taxes due totaling \$3,203.42 pursuant to the Annotated Code of Maryland, Tax Property, Subsection 9-321.

Ms. Ward next presented a letter received from Mr. Tom Johnson, President of Eastern Shore Forest Products, Inc., pertaining to their request of an exemption with regard to personal property tax owed for FY2012. Mr. Johnson noted that the request has been granted for fiscal years 2009, 2010 and 2011. An excerpt from the meeting held on March 18, 2008 approving the exemption was reviewed. Commissioner Fisher asked if the number of employees had increased. Commissioner President Simpkins agreed that follow up should be done to determine the makeup of employees currently employed. Commissioner Laird concurred. After referencing the code book, it was noted that Mr. Johnson will be advised that the exemption will not be permitted after the 5<sup>th</sup> year. Commissioner Boston suggested that the Board make a decision this year as to what decision will be made for future years. In light of the suggestion, it was agreed that the number of current employees are to be determined, as well as any additional equipment that may have been added before a decision is made.

Next on the agenda for discussion was the matter of the appointment of the County Attorney. Ms. Ward advised that two resume's for the position were received; one from the current interim County Attorney Mr. Kirk Simpkins, and the other from an attorney who resides from out of county.

Being that the advertisement specifically stated that the applicant must be a Somerset County Resident, on a motion by Commissioner Fisher, seconded by Commissioner Boston, it carried 4-0-1 to appoint Mr. Kirk Simpkins as County Attorney, for the remainder of the four year term ending December 2014. Commissioner President Simpkins abstained.

A discussion was held regarding a request to release the performance bonds from the developer of Somerset Gardens. Ms. Ward explained that Gemcraft Homes has entered into bankruptcy, and the current owner does not intend on completing the project. The Attorney for the current owner has contacted County Attorney Simpkins, requesting the county release the bonds associated with this

project, so that their client can proceed with the bankruptcy filing. Although Attorney Simpkins has advised the county to release the bond, Ms. Ward noted that concerns have been raised by Mr. Gary Pusey, Director of Planning and Zoning relating to the recorded plats. It was noted that the property can be developed by another entity, and possibly not be required to comply with sub-division requirements, whereby bonding would not be in place to protect the county. After discussion, it was decided to table the matter so that Mr. Pusey's concerns can be relayed to Attorney Simpkins for his opinion.

Ms. Ward advised that there is a vacancy on the Agricultural Preservation Advisory Board. Commissioner Fisher recommended Mr. Eddie Johnson, who has volunteered to serve on the Board.

On a motion by Commissioner Fisher, seconded by Commissioner Boston, it carried unanimously to appoint Mr. Eddie Johnson to the Agricultural Preservation Advisory Board.

At the July 19, 2011 meeting, a memo from Mr. Gary Pusey, Director of Planning and Zoning, dated July 13, 2011, advised the Board that the term of two members of the Board of Zoning Appeals has expired. Mr. Brian Laird and Mr. Isaac Ballard have both indicated they would like to continue serving on the Board of Zoning Appeals. At that time, the re-appointments were tabled in order to determine if there is a term limit to serve on the Board. Ms. Ward advised that Mr. Pusey researched the issue, and stated that there was no stipulation in place regarding time limits placed to serve on the Board of Zoning Appeals.

Therefore, on a motion by Commissioner Fisher, seconded by Commissioner Laird, the Board unanimously approved re-appointing Mr. Brian Laird to serve on the Board of Zoning Appeals.

On a motion by Commissioner Mathies, seconded by Commissioner Boston, the Board unanimously approved re-appointing Mr. Isaac Ballard to serve on the Board of Zoning Appeals.

Next, Ms. Ward advised that there continues to be three vacancies remaining on the Workforce Investment Board. Mr. Milton Morris requests the Board's consideration in nominating business related persons to serve on this board. Mr. Dan Kuebler, present at today's meeting was asked if he would be interested in serving on this board. Mr. Kuebler asked what the strategy of this board was. Information was provided to Mr. Kuebler for his consideration. After review of the information, and a short discussion, Mr. Kuebler said that he would accept serving on the Workforce Investment Board.

Therefore, on a motion by Commissioner Laird, seconded by Commissioner Boston, Mr. Dan Kuebler was appointed to serve on the Workforce Investment Board.

With regard to the Eastern Shore Area Health Education Center appointment, Ms. Ward advised the Board that she has spoken with Ms. Colleen Parrott, who has indicated that Mr. Craig Stofko has advised he would be willing to serve on this board.

On a motion by Commissioner Fisher, seconded by Commissioner Boston, Mr. Craig Stofko was appointed to serve on the Eastern Shore Area Health Education Center Board. The motion was unanimous.

A proclamation request has been received from Sharice Fisher. Ms. Fisher advised Ms. Ward that First Sergeant Samuel Cottman will be retiring after 24 years of service, and they would like to present him with a proclamation for his many years of service. The Board was in agreement to approve the request for the proclamation.

Ms. Ward advised the Board that Mr. Steve Marshall, Director of Emergency Service, has recommended that the Board consider placing the burn ban into effect. Mr. Marshall noted that not all areas in the county have received significant rainfall, and that fire calls have been coming in. The Board was in agreement to place the burn ban in effect.

Upon review of Listing of Boards, Commissioner Boston noticed that there are three member's terms that have expired in February 2011 on the Code Appeals Board. Ms. Ward said that she would follow up on the matter.

Commissioner President Simpkins asked if there was anyone present at today's meeting wishing to speak. Mr. Joe Mangini stood, and stated that he came by today's meeting, interested in hearing about the Wal-Mart site, and to hear how the Board was dealing with resolving the project. He thanked the Board for their hospitality.

With no further business, on a motion by Commissioner Fisher, seconded by Commissioner Boston, it carried 4-0 to adjourn the meeting at 3:45 p.m.



The amount drawn on the General Fund Checking Account for the week of August 2, 2011, from check no.86218 through check no.86257 was \$428,694.11.

The amount drawn on the General Fund Checking Account for the week of August 9, 2011, from check no.86258 through check no.86280 was \$539,618.76.

Respectfully Submitted:

  
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Lory E. Ebron  
Executive Secretary

Approved by:

  
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Board of County Commissioners  
For Somerset County