

BOARD OF COUNTY COMMISSIONERS
FOR SOMERSET COUNTY
AUGUST 30, 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, August 16, 2011 and approve the minutes as presented.

Mr. Charles Cavanaugh was now present before the board for the opening of bid submissions received with regard to the Behavioral Health Center's 20Kw Solar Panel project. Commissioner President Simpkins proceeded to open the bids received as follows:

<u>Bidder</u>	<u>RFP Amount</u>	<u>5Kw option</u>
Flexera Inc.	\$97,575.00	\$18,280.00
Advanced Solar Technologies	\$96,600.00	\$22,200.00
Green Electric Design, LLC	\$99,500.00	\$24,875.00
KB Coldiron, Inc.	\$109,500.00	\$27,375.00
High Castle Solar	\$115,000.00	\$28,750.00
Standard Solar Inc.	\$103,824.00	\$25,956.00
Solaire Green Energy	\$85,000.00	\$21,250.00
Paradise Energy Solutions	\$159,000.00	\$39,700.00

In receipt of the bid submissions, Mr. Cavanaugh advised the Board that he would need at least two weeks to review all submissions in order to offer his award recommendation.

Mr. Dan Powell, State Attorney, was now present before the Board to present the Somerset County Narcotics Task Force Forfeiture Agreement to the Board for their consideration. Mr. Powell explained that the agreement gives his office legal authorization to act as the County Attorney in forfeiture proceedings. The agreement presented is a drafted duplicate

of Talbot County's agreement. Mr. Powell directed the Board's attention to page 2, item 'D' with regard to language added regarding the Town of Princess Anne that stated the following:

"Forfeited money and the proceeds from the sale of forfeited property seized solely by law enforcement members of the Princess Anne Police Department shall be retained by the Princess Anne Police Department." Mr. Powell explained that this was an issue when his predecessor was in office, and that the Circuit Court discarded the previous request as it was not in writing. Additionally, a discussion was held with regard to auditing procedures performed yearly by the State and Federal officials with regard to the collection of forfeiture items. Mr. Powell suggested that the County Internal Auditor perform audits as an additional "double check" of procedures. Commissioner Laird questioned why the City of Crisfield is not included within the agreement. Mr. Powell stated that the City of Crisfield does not have an officer in the Task Force. Commissioner Laird asked if Mr. Powell had spoken with the Chief of Police and the Mayor recently regarding the matter. Mr. Powell advised that he would follow up with the City of Crisfield to see if they have had a change of position regarding their participation.

Therefore, on a motion by Commissioner Fisher, seconded by Commissioner Boston, County Administrator-Clerk Cynthia R. Ward was authorized to sign the Somerset County Narcotics Task Force Forfeiture Agreement on behalf of the Commissioners of Somerset County. The motion was unanimous.

Mr. Paige Hurley, Director of Recreation and Parks was now present before the Board to give his recommendation with regard to the bid proposals received for the Land Preservation, Parks and Recreation Five-Year Plan received at the August 16, 2011 meeting. Ms. Ward explained that a third bid had been received while the Board was in session on August 16, 2011. The company presenting the bid stated that there was confusion with the request for bid (RFB) in that no time was clearly stated on the RFB. Ms. Ward explained that the original RFB due date had been extended to August 16, 2011 because bidders had not been provided with complete spec information for the project. Ms. Ward continued, saying that it was assumed on our part that the 2:00 time deadline would carry forward with the extension date. The third bidder stated that it was the company's assumption that the bid could be turned in by the end of the work day. After discussion, it was decided to open the third bid received, after which all bids would be

rejected and the project would be re-bid. Commissioner President Simpkins opened the third bid received:

<u>Bidder</u>	<u>Amount</u>
Davis, Bowen and Friedel, Inc.	\$19,762.00

On a motion by Commissioner Laird, seconded by Commissioner Mathies, it carried unanimously to reject all three bids submitted for the Land Preservation, Parks and Recreation Five-Year Plan and re-bid the project.

With Mr. Hurley still present, the Board discussed the issue of possibly dissolving the Great Hope Golf Course Advisory Board, a matter previously discussed during the August 16, 2011 meeting. Mr. Hurley advised that he has spoken with all members of the Golf Advisory Board, who are all in agreement that the Great Hope Golf Course Advisory Board is not serving a purpose as currently in place, and that a Membership Committee would serve a more prudent function.

After discussion, on a motion by Commissioner Boston, seconded by Commissioner Mathies, it unanimously carried to dissolve the Great Hope Golf Course Advisory Board, effective August 30, 2011.

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

The Maryland Department of Planning has provided the results of intergovernmental review for the following projects:

- The Interstate Commission on the Potomac River Basin to deliver financial incentives for reduction in crop land greenhouse gas.
- The Maryland Department of the Environment's project for FY2011 Intended Use Plan: Maryland Water Quality Revolving Loan Fund.
- The Maryland Department of the Environment's project for FY2011 Intended Use Plan: Maryland Drinking Water Revolving Loan Fund.
- The City of Crisfield CDBG Wind Turbine Support Location.

- The Town of Princess Anne CDBG- Repaving of Progress Street and the Service Road to Garland Hayward Youth Center.
- The City of Crisfield for CDBG funding for the rehabilitation of the City Depot.

Next, the Maryland Department of Planning has requested State Clearinghouse Intergovernmental Review of a project submitted by the Maryland Department of Natural Resources for the Firewise and Invasive Species Initiatives in Maryland's Coastal Plains. The project would receive federal funding in the amount of \$260,000.00 with a matching state grant in the amount of \$260,000.00, totaling \$520,000.00. Questions were raised by the Board with consideration as to what additional requirements will be incurred by the project and any affect it may have on the County's Forestry Program. After discussion, it was decided to table the response so that the County's Forrester can be contacted to review and comment with regard to the specifics involving this project and how it will affect Somerset County.

Ms. Ward continued, advising the Board that no comments have been received with regard to the Stormwater Management Ordinance as of the Public Hearing held at the August 16, 2011 meeting. Ms. Ward explained that the proposed Stormwater Management Ordinance replaces the County's current Ordinance and incorporates new requirements contained in State regulations. Included within the revised Ordinance is the replacement of large Best Management Practices (ponds) with smaller on-site facilities, a mandatory 3-step plan review and approval process and the requirement of a National Pollutant Discharge Elimination System permit for development projects that disturb more than one acre of land. It was noted that the revisions to the Ordinance are State mandated.

On a motion by Commissioner Fisher, seconded by Commissioner Laird, it carried 4-0 to accept and adopt the proposed Stormwater Management Ordinance as submitted.

Ms. Ward next presented the FY2011 revised Labcorp contract for genetic testing. Ms. Ward stated that the price for genetic testing is being reduced \$30.00, to \$40.00 per person. It was the recommendation of Mr. Philip C. Widdowson, Assistant State's Attorney for Somerset County to accept the revised contract as submitted. Commissioner Fisher asked if there is a term

attached to the contract. Ms. Ward reviewed the contract, and found that there was not a term noted in the contract.

Therefore, on a motion by Commissioner Fisher, seconded by Commissioner Boston, Commissioner President Simpkins was authorized to sign the FY2011 Labcorp contract for genetic testing as presented. The motion carried 4-0.

Mr. Steve Marshall, Director of Emergency Service was present before the Board to provide a briefing with regards to this past weekend's hurricane. Mr. Marshall began by thanking the Commissioners for their support before, during and after the weekend storm, noting that in his opinion, this was the best run Emergency Operations Center (EOC) that he has seen in a while. He stated that every department and entity in the county had the same mission, which was to protect the citizens of Somerset County. Evacuations included McCready Hospital, Tawes Nursing Home, and Smith Island residents. The Emergency shelter at Washington High School registered 550 persons. Three "special need" persons were taken to Manokin Manor for care. Mr. Marshall also noted that the pet shelter was also utilized. Mr. Marshall said that he can best describe the weekend events as "controlled chaos". There were three notable occurrences to report to the Board. The first was the generator failure during the storm at the 911 Emergency Center. Portable generators were used, until a replacement was provided by Royal Plus. Mr. Marshall wished to commend Mr. Sammy Hall from Scott Drewer with regard to his efforts to work into the early hours of the morning in order to re-establish generator power. Secondly, a house fire was reported on Deal Island, when a candle left burning, ignited the curtain, setting the house on fire. Thirdly, an unfortunate electrocution occurred on Smith Island. The gentleman was evacuated by helicopter, and is reported to be doing better. Mr. Marshall also asked the Commissioners to get the word out in their perspective districts that damage assistance should be reported to his office by calling 410-651-0707. A threshold of \$7.1 million is needed in order to qualify for federal assistance with regard to individual damages incurred. Therefore it is very important that all individual damage is reported to his office as soon as possible. Mr. Marshall also noted that the threshold for public assistance with regard to damages incurred is \$86,000, which he believes we will come very close to obtaining. To date, damage has been reported by Crisfield to the city dock, some road damage, sewer damages have been reported by Mr. Robin Street, Manager Sanitary District, and console damages were reported by

Mr. Joe Chelton, Director of the IT Department. All food, shelter, EOC staffing, Sheriff staffing and overtime is eligible for reimbursement, with no threshold requirement. An assessment of expenses as indicated are being obtained and calculated. Commissioner President Simpkins expressed his gratitude to Mr. Marshall, noting that most people do not realize what goes on behind the scenes during an emergency situation. Commissioner President Simpkins also commended the citizens of Somerset County for their diligence and common sense approach to stay home during the peak of the storm. Commissioner President Simpkins suggested that a post emergency critique be performed to identify any changes that may be needed to be made. Mr. Marshall advised that he would be providing a full report of the hurricane event to the Board next Tuesday.

Ms. Ward next presented the request for signature with regard to the Maryland Human Services Agency request for the modification made to the TEFAP program. Ms. Ward explained that an additional \$3,000.00 in funding allocation has been made available to Shore-Up, the designated agency of the program.

Therefore, on a motion by Commissioner Mathies, seconded by Commissioner Laird, it carried 4-0 to approve Commissioner President Simpkins to sign the modification request that will add \$3,000.00 in additional funding for the TEFAP program.

Ms. Ward presented a copy of the email request from the Carroll County Board of Commissioners asking for the Boards support to request a 12 month time deferral with regard to PlanMaryland, a statewide planning document that has been proposed by the state. Local jurisdictions were given a 60 day period to review and comment on the proposed plan, however, it is felt that 60 days is not an ample amount of time to properly review the plan. Therefore, many local jurisdictions are requesting a 12 month extension period so that jurisdictions can analyze the plan to their reasonable satisfaction. The following resolution was proposed to be adopted in support of the request for the 12 month extension period regarding PlanMaryland:

WHEREAS, each county and municipality within Maryland is responsible for planning within its own jurisdiction according to State Law;

WHEREAS, local planning is the responsibility of local elected officials, and it appears PlanMaryland would place a greater degree of responsibility into the hands of nonelected boards and agency officials;

WHEREAS, the lengthy and deliberative process involved in planning encompasses

county and municipal governments, economic interests and citizens, and is not performed without serious time commitments from all interested parties within a jurisdiction;

WHEREAS, PlanMaryland took years to develop, but local jurisdictions have had only a few months to analyze this plan and its potential effects on planning and development processes;

WHEREAS, a Maryland Department of Planning community meeting overhead stated, "*[the] plan will be implemented by a combination of admin, regulatory, and potential legislative actions.*"

WHEREAS, the Plan has cultivated reasonable and legitimate concerns on matters related to degrees of freedom; span of control; and local autonomy on future land use decisions;

WHEREAS, State determinations of Highest and Best Use must be implemented in a way so as to minimize potential exposure to "takings" litigation by affected property owners;

WHEREAS, there are innumerable ambiguities in the Plan on matters related to premises; collaborative processes; respective responsibilities; remedies, etc.

WHEREAS, local governments need more time to evaluate, discuss, understand, and analyze this Plan;

NOW, THEREFORE BE IT RESOLVED that the adoption of PlanMaryland as a statewide planning document be deferred for a period of one year so that all jurisdictions can analyze this plan to their reasonable satisfaction; all necessary discussions between the State and local jurisdictions can be completed; and a majority of the counties support the final product.

Therefore, on a motion by Commissioner Fisher, seconded by Commissioner Laird, it unanimously carried to adopt and approve the Resolution requesting to extend the 60 day comment period to a 12 month comment period so that jurisdictions can analyze the plan to their reasonable satisfaction.

Next, a discussion was held with regard to the consideration of establishing a re-districting committee. Ms. Ward advised that with the results of the consensus performed last year (3,100 fewer residents), the time has come to establish a re-districting committee that can properly assess the results of the census report, and make appropriate changes. Ms. Ward recommended the formation of a committee, consisting of a designee from each of the current commissioner districts, a representative from each of the political affiliations (democrat/republican), and a member from the NAACP. Commissioner President Simpkins noted that Mr. Charles Massey served on the past re-districting committee and could be asked to be the representative for his district. Commissioner Boston asked who served on the previous committee. It was noted that Mr. Massey would be able to answer the question. Commissioner Fisher questioned if a member from the Planning and Zoning Department and the Elections Board be included on the committee makeup. Commissioner Mathies also suggested that a

representative from the Political Science Department at UMES also be included to serve on the committee. Additionally Commissioner President Simpkins noted that the County Administrator should also be a member on the committee. A discussion was also held with regard to the School Board District elections, upcoming in 2012. It was noted that the 2012 School Board Election results may be affected with the 2014 County redistricting results. Ms. Ward was then instructed to begin planning a preliminary meeting to be held in mid-October.

Ms. Ward next presented several proclamation requests. The first is for Ms. Vedy Cornish Wright, of Eden, Maryland, in honor of her 108th birthday. The second and third proclamation requests were submitted by Ms. Wendy Restin. The first is a proclamation in honor of Constitution Week, being held the week of September 17th thru the 23rd. The second proclamation would be in recognition of National American Indian Heritage Month held in November.

Therefore, on a motion by Commissioner Boston, seconded by Commissioner Fisher, it unanimously carried to approve the proclamation requests for Ms. Wright, Constitution Week and National American Indian Heritage Month as presented.

Ms. Ward requested the Boards consideration for the approval of the allowance of overtime compensation to Department Heads that were required to work during the weekend of Hurricane Irene. Ms. Ward referenced the Somerset County Employee Handbook, page 26, Section VI., B. Working Hours, Item 2. In the handbook it states that "Department Heads shall only be compensated for overtime worked during emergencies. Emergencies shall be certified as such by the County Commissioners within ten (10) days of this occurrence." A discussion was held, and it was determined that Hurricane Irene Emergency Preparedness began on Friday, August 26, 2011 at 4:30 p.m. and continued through Sunday, August 28, 2011 at 3:00 p.m.

Therefore on a motion by Commissioner Fisher, seconded by Commissioner Boston, Hurricane Irene was certified as an emergency event that began Friday August 26, 2011 at 4:30 p.m., continuing through Sunday August 28, 2011 at 3:00 p.m. Additionally, it was approved to compensate Department Heads emergency overtime compensation for the hours worked during the emergency. The motion was unanimous.

Mr. Dan Kuebler was present, and asked to speak before the Board. Mr. Kuebler stated that government systems are the only place ever where salaried employees are compensated for extra time. Mr. Kuebler also questioned the number of "Plans" under recent discussions, and questioned if the 5 year Land Preservation and Recreation and Parks Plan could be drafted by employees within the department to save on the expense of bidding the plan out to a consulting agency. Commissioner Fisher responded that he believes that the plan must be completed by a certified planner. Mr. Kuebler questioned the response, and requested to see where it is stated that the plan must be drafted by a certified planner.

With no further business, the meeting adjourned at 4:02 p.m.

The amount drawn on the General Fund Checking Account for the week of August 30, 2011, from check no.86346 through check no.86372 was \$358,030.61.

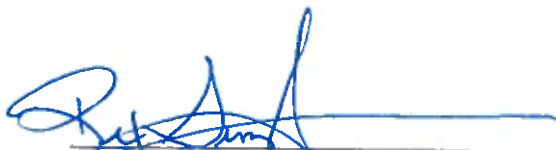
The amount drawn on the General Fund Checking Account for the week of September 6, 2011, from check no. 86373 through check no.86400 was \$170,359.99.

Respectfully Submitted:



Lory E. Ebron
Executive Secretary

Approved by:



Board of County Commissioners
For Somerset County