

BOARD OF COUNTY COMMISSIONERS
FOR SOMERSET COUNTY
SEPTEMBER 27, 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, September 13, 2011 and approve the minutes as presented.

Mr. Paige Hurley, Director of Recreation and Parks was now present before the Board for the opening of bids received with regard to the Land Preservation, Parks and Recreation Five-Year Plan. It was decided at the August 30, 2011 meeting to re-bid the project because a 2:00 p.m. cut off time to accept bids had not been stated in the previous bid announcement, and a third bid was turned in while the August 30, 2011 meeting was in session. Commissioner President Simpkins proceeded to open the bids submitted as follows:

<u>Bidder:</u>	<u>Amount:</u>
Davis, Bowen & Friedel, Inc. Salisbury, MD	\$19,500.00
Environmental Resources Management (ERM), Annapolis, MD	\$19,698.00
Urban Research and Development Corp., (URDC), Bethlehem, PA	\$19,700.00

Mr. Hurley advised that he would like to review the submissions, and submit his recommendation at the next scheduled Commissioners Board meeting. Additionally, Mr. Hurley said that he has received Program Open Space approval to install lights on the playing fields, and also cover the cost of installing the new parking lot area at the Westover facility. Mr. Hurley noted that installation of lights at the facility will permit additional programs and events, including Relay for Life. Bids for the light project will be posted with Tip/Taps, a municipal purchasing system and EMarylandmarketplace.

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

Ms. Ward advised that Notice of Applications received for State Permits, dated September 15, 2011, advised that a statewide project was submitted by The Maryland Department of Information Technology to install approximately 1,300 miles of aerial and underground fiber optic cables throughout the state; specifically including Manokin Branch and Big Annemessex River in Somerset County.

Ms. Ward advised that we have received an Intergovernmental Review request for a project submitted by Mr. Charles Cavanaugh, Director of Solid Waste and Maintenance with regard to maintenance dredging and tidal dyke system repair from Norris Harbor Drive to Walter Jones Road.

A letter dated September 12, 2011, was received from Ms. Tudy Schermerhorn, Somerset County Highway Safety, advising the Board of the elimination of her position (CTSP Highway Safety position). In the letter, Ms. Schermerhorn thanked both the Commissioners and Somerset County employees that she has worked with during the past three years. Ms. Ward noted that Ms. Karen Waggoner has been assigned as the new regional coordinator, and will be attending a Luncheon Meeting on September 29, 2011 at Peaky's, to be introduced as the Regional Traffic Safety Program Coordinator should any of the Commissioners be interested in attending.

Ms. Ward next reviewed a Memo received from Mr. Gary Pusey, Director of Planning and Zoning, advising of a request to waive permit fee's in the amount of \$175.00 for The East-Side Missions Temple of God Ministries. The church is seeking donations to complete the installation of a bathroom, and the installation of a new septic system and drain field. The church has requested the Boards consideration to waive the permit fee's to help alleviate some of the financial hardship being incurred to install the bathroom and septic system.

Therefore, on a motion by Commissioner Fisher, seconded by Commissioner Boston, it carried unanimously to waive permit fee's in the amount of \$175.00 for the East-Side Missions Temple of God Ministries as requested.

Mr. Charles Cavanaugh, Director of Solid Waste and Maintenance was now present before the Board to submit his recommendation with regard to the Solar Panel bid submissions received for the

Somerset County Behavioral Health Center at the August 30, 2011 meeting. Mr. Cavanaugh began by noting that the apparent low bidder was Solaire Green Energy in the amount of \$85,000 for the 20Kw system, and \$21,250.00 to add additional 5Kw's to the system. A fact sheet regarding the project was provided by Mr. Cavanaugh to the Board that included an explanation of the funding source for the project, and the cost savings anticipated by utilizing this renewable energy source and warranty information. Additionally Mr. Cavanaugh advised the Board that after contacting the Solaire representatives, he has negotiated to receive the 20Kw system, and an additional 20Kw, totaling 40Kw for \$166,000, well below the quoted bid price. Therefore, it is Mr. Cavanaugh's recommendation to award the bid to Solaire Green Energy in the amount of \$166,000.00. Mr. Cavanaugh then requested Commissioner President Simpkins to sign the "Notice to Proceed" authorization for the project.

Therefore, on a motion by Commissioner Boston, seconded by Commissioner Laird, it carried 4-0 to authorize Commissioner President Simpkins to sign the "Notice to Proceed" notice, and award the Solar Energy Project to Solaire Green Energy in the amount of \$166,000.

Ms. Ward continued, with a discussion regarding PAC 14, a local programming network that airs various public meetings. Ms. Ward advised the Board that Wicomico County has inquired if Somerset County would like to participate. Commissioner Boston had recently attended a meeting regarding PAC 14 services, noting that the service is tied into franchising agreements. Commissioner Fisher also noted that costs are unknown to initiate the project. Commissioner Laird said that there is no way to offer the service to Crisfield residents. Ms. Ward noted that the expiration date of our franchising agreement with Comcast and Charter is 2015. The issue will be tabled until the current franchising agreement is closer to expiration. Commissioner Mathies then asked about revenue generated from the franchising agreement with Comcast. Commissioner Fisher referred to budget records, and stated that the revenue amount for 2011 was \$103,317.00; however numbers appear lower for this fiscal year. Commissioner Boston also discussed franchise agreement audits.

Next, Ms. Ward addressed the matter of a Redistricting Committee, as discussed in previous meetings. It had been decided by the Board that the committee should consist of the following representatives: a resident from each district, each district commissioner, the county administrator, a representative from the Democratic and Republican Party affiliations, a representative from the NAACP and a representative from the UMES Political Science Department. Additionally, Ms. Audrey

Cornelius, and Mr. Tom Lawton from the Planning and Zoning office would be asked to serve on the committee as non-voting members for mapping and census data purposes.

Therefore, on a motion by Commissioner Boston, seconded by Commissioner Laird, it carried 3-0 nominate Mr. Charles Massey to serve on the Redistricting Committee for District 2.

On a motion by Commissioner Laird, seconded by Commissioner Boston, it carried 3-0 to appoint Mr. Phil Gerald to serve on the Redistricting Committee for District 5.

On a motion by Commissioner Mathies, seconded by Commissioner Boston, it carried 4-0 to appoint Mr. Weldon Corbin to serve on the Redistricting Committee for District 1.

On a motion by Commissioner Fisher, seconded by Commissioner Boston, it carried 4-0 to appoint Mr. Robert Fitzgerald to serve on the Redistricting Committee for District 3.

On a motion by Commissioner Fisher, seconded by Commissioner Boston, it carried 4-0 to appoint Mr. Edward "Bunky" Price to serve on the Redistricting Committee for the Democratic Party.

On a motion by Commissioner Boston, seconded by Commissioner Laird, it carried 4-0 to appoint Mr. Allen Muir to serve on the Redistricting Committee for the Republican Party.

On a motion by Commissioner Fisher, seconded by Commissioner Boston, it carried 4-0 to appoint Mr. Kirkland Hall to serve on the Redistricting Committee for the NAACP.

On a motion by Commissioner Fisher, seconded by Commissioner Boston, it carried 4-0 to appoint Ms. Audrey Cornelius and Mr. Tom Lawton, to serve as non-voting members of the Redistricting Committee.

Ms. Ward next advised the Board that the Somerset County Ethics Ordinance has been updated by County Attorney Simpkins to be in compliance with State requirements. The revised ordinance has been forwarded to the State office for their review and consideration. It was noted by Ms. Ward that the proposed effective date for the ordinance is October 1, 2011, however a response from the State is not expected to be returned by that date, due to the excessive amount of ordinances submitted by county's and municipalities for approval.

A discussion was held with regard to the drafting of a resolution to support the Maryland Planning Bill of Rights in PlanMaryland. Ms. Ward noted that MACo is working hard with all Maryland counties regarding the issue. Carroll and Frederick counties have advocated blocking the adoption of the planning document, as they feel it could shift authority for local planning and land use to

the State. Ms. Ward requested the Board allow Mr. Gary Pusey, Director of Planning and Zoning, to review the amendments to determine how it will affect Somerset County, and if the changes may or may not be an improvement to current procedures. Ms. Ward reminded the Board that there was a 60 day review period allowed. After discussion, it was unanimously decided to table the issue, and have Mr. Pusey review the amendments and report his findings back to the board before a resolution is drafted.

Mr. Gary Pusey, Director of Planning and Zoning, has requested permission to travel out of town to attend the Watershed Workshop being held at Salisbury University on September 30, 2011. The Board unanimously approved the request.

Mr. Rodger Daugherty, Director of Facilities and Transportation, and Superintendent Marjorie E. Miles, Ed.D., Ph.D. were now present before the Board to present the FY2013 Comprehensive Maintenance Plan, which is established to develop, maintain and/or improve the maintenance program of the Somerset County Public School system. Mr. Daugherty began review of the plan, describing the different project plans anticipated for the various schools, as well as the total estimated costs, broken down by public/county/state shares. Commissioner Boston and Commissioner Mathies questioned having two elementary schools in Princess Anne, and inquired if it would be more feasible to build one new school rather than repair two old schools. Mr. Daugherty advised that based on the number of students (approximately 900), it would not be prudent to just have one school. Dr. Miles agreed with Mr. Daugherty's opinion. Commissioner Fisher asked if the budget plan was to be used as a guideline, noting that having the information helps the State and County to plan ahead. Mr. Daugherty advised that the plan can be changed. Commissioner Boston asked about the tile and carpeting replacements noted in the plan every year. Mr. Daugherty explained that the damaged areas are stained and unsightly, and located in different areas of the building.

Therefore, after the discussion, on a motion by Commissioner Mathies, seconded by Commissioner Fisher, Commissioner President Simpkins was authorized to sign the Comprehensive Maintenance Plan for FY2013 as submitted by Mr. Daugherty for Somerset County Public Schools. The motion carried 4-0.

Dr. DeWayne Whittington was now present before the Board. Dr. Whittington asked that the Board take all ethnicity into consideration when making the Redistricting Committee appointments. He

also requested that the appointment made representing UMES political science be a Somerset County resident, noting that many of UMES staff does not reside in Somerset County. Dr. Whittington noted that he is not criticizing the Board, however he feels it is very important to take the political make-up of the committee into consideration. He also mentioned that the Board consider bringing 'younger minds' into the mix as well.

Mr. Albert Nurmi of Wenona was now present before the Board. Mr. Nurmi explained that his home is across from the newly renovated Wenona Harbor and that he had a couple of concerns. The first he has addressed with Mr. Taylor of the Roads Department with regard to a tide gate. The second problem he wanted to address with the Board is with regard to the security lights installed at the harbor. Mr. Nurmi stated that the lights are unbelievably bright, and he invites the Commissioners to come out to the harbor after 9 p.m. to see the lights for themselves. Mr. Nurmi explained that Wenona Harbor previously had 2 lights, however with the improvements; there are now a total of 17. The problem stated by Mr. Nurmi is the 8 pole lamps installed that do not have shades to direct the light. Mr. Nurmi stated that even with the blinds closed at night, the light is so bright you could read a book. Mr. Nurmi is asking the Boards consideration to install shades on the 8 pole lamps in question to direct the light away from his home. Mr. Nurmi said that he has been told the Watermen like the security that the lights provide, but he feels the amount of light generated is going above security. Other than the installation of all the lights, Mr. Nurmi stated the improvements to the harbor are beautiful. The Board advised Mr. Nurmi that they would take the matter into consideration, and would like to speak with Mr. Taylor before responding to the request.

On a motion by Commissioner Fisher, seconded by Commissioner Boston, the meeting adjourned at 3:12 p.m.

At 4:42 p.m., the Board resumed open session on a motion by Commissioner Boston, seconded by Commissioner Fisher.

Ms. Ward presented a memo from Mr. Gary Pusey, Director of Planning and Zoning, dated September 22, 2011, requesting the Boards consideration to increase the hourly rate paid for Mr. Dale Pusey's services as Stormwater Management Review. Ms. Ward advised the Board that Mr. Dale Pusey

has been providing Stormwater Management Review since 2004 on a contractual basis. The initial contract payment agreement in 2004 was \$40.00 per hour. Ms. Ward noted that the most recent amendment occurred in July of 2008, when the hourly rate increased from \$42.00 to \$45.00. Mr. Dale Pusey has requested an increase for his services from \$45.00 to \$47.00 for the remainder of this fiscal year. Commissioner Fisher stated that he felt having Dale Pusey perform the services on a contractual basis is less costly than if the county were to hire a full time employee. Commissioner Boston questioned if an employee within the Planning and Zoning department could be trained to perform stormwater management review. Commissioner Fisher stated that he thought certifications were required. Commissioner Laird questioned if the contractual position could be bid out. Ms. Ward noted that the county would have to incur the costs to advertise the position. Commissioners Fisher and Laird both noted that the memo stated that even with the increase in rate, the budgeted amount for Dale Pusey's position would cover the increase.

Therefore, on a motion by Commissioner Fisher, seconded by Commissioner Boston, it unanimously carried to grant Mr. Dale Pusey's request for an hourly pay rate increase from \$45.00 to \$47.00.

With no further business, the meeting adjourned at 4:43 p.m.

The amount drawn on the General Fund Checking Account for the week of September 27, 2011, from check no. 86488 through check no. 86539 was \$1,315,461.59.

The amount drawn on the General Fund Checking Account for the week of October 4, 2011, from check no. 86540 through check no. 86587 was \$464,056.66.

Respectfully Submitted:



Lory E. Ebron
Executive Secretary

Approved by:



Board of County Commissioners
For Somerset County