

BOARD OF COUNTY COMMISSIONERS
FOR SOMERSET COUNTY
DECEMBER 27, 2011

At 1:00 P.M., the Board of County Commissioners for Somerset County met in special 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.

Also present was Kirk Simpkins, County Attorney; Ralph D. Taylor, County Administrator-Clerk; and Cynthia R. Ward, Executive Aide.

President Rex Simpkins called the meeting to order. Commissioner Mathies led those in attendance in the Lord's Prayer and the Pledge of Allegiance.

Commissioner President Simpkins declared a public hearing open relating to the following matter:

"In accordance with the Annotated Code of Maryland, State Government Article, Title 15, (Supp. 2010) Public Ethics Subtitle 8, Somerset County is considering an Ordinance to repeal Ordinance No. 1012 (Ethics Ordinance) for the purpose of amending and reenacting a Public Local Ethics Law.

FAIR SUMMARY

The Somerset County Commissioners are proposing an Ordinance for certain Somerset County elected officials, employees or appointees, relating to public ethics on a local level, including conflicts of interest, financial disclosure and lobbying disclosure, establishing a local Ethics Commission; and specifying certain personnel and characteristics of it; providing certain duties, responsibilities, powers and procedures to the local Ethics Commission, to provide for the enforcement of the Ordinance; and generally relating to the regulation, control and subject matter of conflicts of interest, financial disclosure, lobby disclosure and ethical conduct on the part of Somerset County officials, employees and appointees."

Mr. Taylor reported that today's public hearing is being held to bring the County into compliance with the recently enacted state law regarding public ethics (Annotated Code of Maryland, State Government Article, Title 15, (Supp. 2010) Public Ethics Subtitle 8).

Commissioner Fisher inquired if this document was different from the state's version. The County Attorney advised that the state's model was used to amend the County's current Ethics Ordinance. If approved by the County Commissioners, the proposed Ethics Ordinance Revision will be sent to the State Ethics Commission for their approval.

President Simpkins asked for any further questions from the Board. There were none.

President Simpkins asked for any proponents wishing to testify on the proposed Ethics Ordinance. There were none.

President Simpkins asked for any opponents wishing to testify on the proposed Ethics Ordinance. There were none.

With no further questions or testimony, President Simpkins declared the hearing closed at 1:05 p.m. Written comments will be accepted until January 6, 2012 and the Board will act on the proposed ordinance at a later date.

At 1:30 p.m., President Simpkins declared a second public hearing open relating to the following matter:

“In accordance with the Annotated Code of Maryland, Article 24, §11-504(o)(1), the Somerset County Commissioners will consider the adoption of an Ordinance that will permit the County to provide a comprehensive system for the regulation of cats within the County.

FAIR SUMMARY

The proposed Cat Ordinance empowers the Somerset County Animal Control to enforce Licensing, Rabies Vaccinations and standards of care for cats owned by residents of Somerset County. The proposed Ordinance shall also authorize the impounding and disposition of stray, injured, and diseased cats, as well as establish the redemption and adoption procedures. The Board of County Commissioners deems it necessary to consider such an ordinance in order to safeguard the health, safety and public welfare of county residents.”

Mr. Taylor began with a brief overview of the events that led to today’s public hearing, which began with telephone calls being received regarding cat related complaints, followed by a presentation to the Board by the Somerset County Dog Control Office and the Board’s appointment of a committee to review the initial draft of the cat ordinance. The Committee, which consisted of the following members: Sharon Harris, Ronald Cole, Kelly Dize, Sue Nevins, and Ashley Wallace, met on three occasions to review the drafted ordinance. The draft copy was then forwarded to the County Attorney for his review and recommended changes. Upon a final review of the Board and Attorney, the public hearing was advertised in the Somerset Herald and The Crisfield/County Times on December 14th and December 21st.

President Simpkins thanked everyone for attending today’s hearing and also advised all present of the rules for presenting testimony during the hearing.

Commissioner Laird began by asking Mr. James Henderson, Dog Control Supervisor, to explain the differences in the proposed ordinance being considered today and the original ordinance approved by the appointed committee. Mr. Henderson stated that the proposed document is consistent with the existing Dog Control Ordinance, and is basically a “clone” as far

as the standard of care required. Mr. Henderson described the exemption of identification tags on hunting dogs vs. a cattery license system. Mr. Henderson noted a change in the original ten day rule, which was later amended to five days. Additional language changes were made in the enforcement section.

Commissioner Mathies asked for clarification regarding the impounding and euthanasia time period. Mr. Henderson advised that he is willing to work with the Humane Society on this policy and wants to focus more on adoption efforts than euthanasia, unless the animal is vicious.

Commissioner Fisher asked for clarification that today's proposed ordinance is the same version that was posted on the county's website. With the exception of some numerical errors, and some technicality problems, Mr. Henderson confirmed that this was the same ordinance and same language.

President Simpkins stated that the proposed ordinance will not be voted on today – only testimony received. Written comments will be accepted for ten days following the hearing.

At this time, President Simpkins asked for proponents wishing to testify in favor of the proposed cat ordinance.

Ms. Patti Beauchamp, Supervisor of Communicable Disease, Somerset County Health Department, appeared before the Board. Ms. Beauchamp described the nature of her job, which includes the investigation of possible rabies exposure. Currently, there is no legal authority in public health to require someone to seek medical treatment in the event of rabies exposure. Ms. Beauchamp stated that she is particularly worried about the feral cat population and the potential risk involved with unvaccinated cats. As a cat lover herself, she believes that people often lose perspective when dealing with feral cats and what may be a potential threat to human health, and cited an example of someone that had been bitten by a stray cat, but was unable to identify the cat for testing purposes. Ms. Beauchamp also spoke on rabies cases involving raccoons and other nocturnal animals. By comparison, the Dog Control Ordinance, adopted many years ago, addressed the rabies concern as it relates to dogs. Animals that have been infected with the rabies virus will be most contagious during the last 3-5 days of life. In humans, there may be an incubation period as much as two years before signs/symptoms of the rabies virus appears. Once symptoms appear, death will be imminent in 99% of cases. In her efforts to protect human health, she asked if it was worth risking someone's life for. According to Ms. Beauchamp, the proposed ordinance may not be perfect, but it is necessary to address the issue. She concluded

her presentation by reporting on the good working relationship that she has always had with the Animal Control Office, and stated that they have always followed the directions recommended by Health Department personnel. As a proponent of the ordinance, she would like to see the authority in place for public health services.

President Simpkins asked for any other proponents wishing to testify.

Mr. Craig Stofko, Interim Health Officer for Somerset County, appeared before the Board in support of the proposed cat ordinance. Mr. Stofko noted the three significant areas of the ordinance: 1) prevents the arbitrary termination of an animal; 2) controls the behavior that promotes the expansion of feral cat population; and 3) protects cats from abuse.

He also addressed the concern of some for euthanasia by stating that the Dog Control staff is very responsible, and witnessed their care and concern for animals during Hurricane Irene. According to Mr. Stofko, the shelter facility was managed very well.

Also present from the Health Department was Stacy McSherry and Richelle Crockett, Health Inspectors. Ms. McSherry presented a visual display which denoted the location and origin of previous rabies cases. She also provided the Board with an overview of recorded rabies cases, citing the first confirmed case in Somerset County in 1993. Since then, 300 cases have been confirmed and documented. Most human exposure cases have been through animal bites, resulting in 71 county residents receiving medical treatment due to rabies exposure. In one particular incident, a young kitten was found to be rabid and the entire family, which had been caring for the kitten, had to received rabies exposure treatment. According to Ms. McSherry, cats are mostly at risk due to their nocturnal activities, coupled with their human interaction. In conclusion, Ms. McSherry recommended the adoption of the cat ordinance.

Ms. Crockett read aloud a letter prepared by Michael H. McIntyre, Director of Environmental Health Section for the Somerset County Health Department, in support of the proposed cat ordinance, and presented his written copy for the record.

President Simpkins asked for any other proponents wishing to testify. There were none.

President Simpkins then asked for any opponents wishing to testify in opposition to the proposed cat ordinance.

Mr. William Benson, of 31648 Mitchell Road, Princess Anne, appeared before the Board and stated his opposition to the ordinance. Mr. Benson stated that he lives in a rural part of the County, which seems to be a depository for abandoned cats. Although he has cared for some of

these cats, the ordinance poses unreasonable requirements. Mr. Benson believes that it is an example for more government bureaucracy with new laws that are difficult to enforce and strongly recommended the Board reject the proposal.

President Simpkins called for any other opponents wishing to testify.

Ms. Helen Raine, of 5889 Charles Cannon Road, Marion, appeared before the Board and stated her opposition to the ordinance. Ms. Raine, a former volunteer with the SAWS organization, spoke on her experience with the all-volunteer group that received rabies prevention treatment, and inquired why pets that are cared for be required to meet the standards set in the ordinance. She believes the only solution for the feral cat problem is to trap-neuter-release (TNR), as done on Tangier Island. Citizens should be allowed to care for their own pets in their own manner.

President Simpkins asked for any other opponents wishing to testify.

Sister Mary Winifred, of P.O. Box 143, Upper Fairmount, appeared before the Board in opposition to the proposed ordinance. Sister Mary stated that it was unrealistic to enforce new local laws when a state law already requires rabies vaccinations. Additionally, she stated that professional help is needed to monitor the health of cats housed at the county facility.

President Simpkins asked for any other opponents wishing to testify.

Ms. Valerie Hawkins, of 11619 Somerset Avenue, Princess Anne, appeared before the Board in opposition to the proposed ordinance. Ms. Hawkins stated that her family had lived at the same location for 52 years and had cared for many cats during that time, which were all spayed/neutered. Ms. Hawkins also worked at the SAWS facility and was opposed to any harsh treatment to cats. She believes the State should be responsible for this action, not the County.

President Simpkins asked for any other opponents wishing to testify.

Ms. Emily Fonte, of 10060 Deal Island Road, Deal Island, appeared before the Board in opposition to the proposed ordinance. Ms. Fonte also worked as a SAWS volunteer for five years and suffered a bite wound on one occasion which she treated at home. Ms. Fonte believes this is also an example of bureaucracy and asked if war was going to be declared on feral cats as she feeds the ones in her area, but does not believe an ordinance is needed.

President Simpkins asked for any other opponents wishing to testify.

Mr. Fred Peak, of 8870 Deal Island Road, Wenona, appeared before the Board in opposition. In addition to several errors, Mr. Peak referenced the proposed Ordinance and

expressed his concern for the following items: 1) Article 3, Section 7 - How the fees would be structured and how they would be handled. Will additional costs be necessary and will it be necessary to raise taxes to cover these costs? 2) Article 2, Sections 15,16,17 – In regard to animal abuse, state law prevents this and no additional law is necessary; 3) Article 2, Section 20 appears to be a violation of patient/doctor confidentiality; Article 2, Section 9 – There is no due process for redemption; Article II, Section 1 – Definitions were confusing and contradictory. In conclusion, Mr. Peak believes that current laws can address any problems that may arise, without the adoption of this ordinance.

President Simpkins asked for any other opponents wishing to testify.

Ms. Elizabeth Alexander, of 30535 Linden Avenue, Princess Anne, appeared before the Board also in opposition to the proposed ordinance. Ms. Alexander stated that the proposed cat ordinance is a waste of government funds and resources, since the county employees of animal control would be picking up cats that have been vaccinated, as well as those not vaccinated. In lieu of constructing a cattery and wasting government funding, Ms. Alexander recommended offering rabies vaccinations at a reduced rate.

President Simpkins asked for any other opponents wishing to testify.

Ms. Jane Hawkins, of 11619 Somerset Avenue, Princess Anne, expressed her opposition to the Board in regard to the cat ordinance. As a participant in a trap-neuter-release program in Wicomico County, she expressed her support for a similar program in Somerset as an alternative to the proposed ordinance which will be ineffective and negate their work. Ms. Hawkins also expressed her support for the rabies clinics and spoke on an alternative way to vaccinate cats involving a pellet system. Statistics from “Alley Cat Allies” was presented in support of her opposition and encouraged the County to stop criminalizing people and animals instead of solving the problem. Additionally, she questioned how many cats are being euthanized and made note of the first page of the ordinance which addresses seizing vicious feral cats. The requirement that tags be worn by cats was also addressed as a problem; and cats that have been impounded and redeemed by their owner, will be the only way revenue is derived. In regard to the enforcement of the ordinance, Mr. Henderson reported that his office will operate on a complaint basis only. Ms. Hawkins expressed her concern for the cost to the county and questioned how citizens struggling financially would be able to meet the requirements. In

conclusion, Ms. Hawkins believes that decreasing the cat population could lead to a rat infestation.

President Simpkins asked for any other opponents wishing to testify.

Mr. Jack Mills, of 5099 Annemessex Road, Crisfield, appeared before the Board as a representative of the Somerset County Humane Society. Mr. Mills stated his opposition to the proposed ordinance and described it as a license to kill feral cats. The Humane Society, on the other hand, has spayed/neutered 477 cats at zero cost to the County. The Trap-Neuter-Release Program, which is comprised of all volunteers and utilizes grant funding, is a better solution. The TNR Program was used on Smith Island which resulted in 400 cats successfully spayed/neutered. The Humane Society has committed to trap and neuter 1000 cats next year. As an alternative to the proposed ordinance, Mr. Mills expressed his willingness to prepare a new ordinance which implements the TNR program, for the Board's consideration.

President Simpkins asked for any other opponents wishing to testify.

Ms. Janet Manning, of 8566 Courthouse Hill Road, Pocomoke, before the Board. Ms. Manning, which has been unable to obtain help with stray cats, expressed her concern for the lack of medical care during the nighttime hours and cited an incident involving a sick kitten at home which she was unable to seek medical care. At this point, President Simpkins attempted to get clarification as to whether Ms. Manning was a proponent or opponent to the proposed ordinance.

President Simpkins asked for any other opponents wishing to testify. There were none.

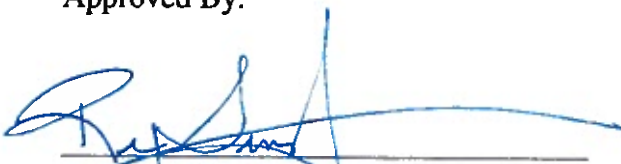
With no further testimony, President Simpkins declared the public hearing closed at 2:50 p.m. Written comments will be accepted until January 6, 2012.

Respectfully Submitted:



Cynthia R. Ward
Executive Aide

Approved By:



Board of County Commissioners
For Somerset County