

BOARD OF COUNTY COMMISSIONERS
FOR SOMERSET COUNTY
TUESDAY, OCTOBER 23, 2012

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.

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

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

Upon a motion made by Commissioner Boston, seconded by Commissioner Laird, it carried unanimously by all present to dispense with the reading of the Minutes of the meetings held on Tuesday, October 2, 2012 and October 9, 2012 , (open and closed sessions) and approve them as presented.

At 2:00 P.M., President Simpkins declared a public hearing open relating to the following matter:

"In accordance with Section VII.G of the Somerset County Subdivision Ordinance, Somerset County is considering amending the Subdivision Ordinance to revise the definition of a "minor subdivision." The County Planning Commission held a Public Hearing on this request and forwarded a favorable recommendation to the County Commissioners.

Fair Summary

The proposed amendment will revise the definition of "minor subdivision" to state that the maximum number of lots that will constitute a minor subdivision is seven (7). The current definition limits a minor subdivision to no more than five (5) lots. Other minor amendments that pertain specifically to minor and major subdivisions will also be considered for clarification purposes. This potential amendment is in response to recently-adopted State legislation that will limit residential subdivision in certain areas of the County to the maximum number of lots allowed in a minor subdivision."

The public notice was read into the record by the County Administrator. President Simpkins then called upon Mr. Gary Pusey, Director of Technical and Community Services, to present the staff report. Mr. Pusey stated that the proposal being presented today is in response to state legislation (Senate Bill 236) that was passed this year. Under SB236, it is anticipated that a large area of the County, primarily the agricultural zoning district – will be restricted from future development to allow only "minor residential subdivisions". Senate Bill 236 will limit where residential subdivisions which utilize septic tanks can be located. Additionally, under this

Bill, lands throughout the State will be divided into four “Tiers”, with Tier 4 being restricted from large-scale development with the intention of preserving agricultural and forest lands and improving water quality in the Chesapeake Bay watershed. In Tier 4, major subdivisions would not be permitted – only minor subdivisions would be allowed. However, the Bill does permit counties and municipalities to amend their definition of a minor subdivision in response to this Bill and increase the number of lots from five to seven lots. Since it is expected that a majority of the County will be designated Tier 4, in order to provide property owners with some additional potential to use their land for residential development, the possibility of increasing the number of lots in a minor subdivision from five to seven is being considered. The Planning Commission held a public hearing on September 6, 2012 and forwarded a favorable recommendation to the County Commissioners to change the definition of a minor subdivision from five lots to seven lots.

Additionally, there were other minor revisions that needed to be made once the definitions were changed pertaining to road standards, based on the increased number of lots.

President Simpkins asked for any proponents wishing to testify on the proposed amendment to the Subdivision Ordinance.

Mr. Gilbert Lemay appeared before the Board to discuss the potential impact of excessive noise and lights as forms of pollution. Mr. Lemay was informed that his testimony pertained to the next public hearing, scheduled at 2:15 p.m. , and he was withdrew his testimony.

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

President Simpkins then asked for any opponents wishing to testify against the proposal. There were none.

As a final comment, Mr. Pusey stated that he concurred with the Planning Commission’s recommendation to adopt the proposed amendments to the Subdivision Ordinance.

With no further comments or questions, President Simpkins declared the public hearing closed at 2:10 p.m. Written comments will be accepted until November 2, 2012 at 4:30 p.m.

At 2:15 p.m., President Simpkins declared a second public hearing open relating to the following matter:

“In accordance with the Public Local Laws of Somerset County, Section 2-410, the Somerset County Commissioners may adopt ordinances for the purpose of property maintenance. The Commissioners are considering amending the existing Nuisance Ordinance (Ordinance #913 as amended by Ordinance #1019) to increase the number of conditions that may constitute a “nuisance.”

Fair Summary

The proposed amendment will add 13 new conditions to the Ordinance that will be considered a "nuisance." These conditions concern health and safety issues ranging from the accumulation of decaying garbage to overflowing sewage and are intended to be enforced by the Health Department. A complete listing of the nuisances is contained in the Draft Ordinance."

The public notice was read into the record by the County Administrator. President Simpkins then called upon Mr. Gary Pusey, Director of Technical and Community Services, to present the staff report. Mr. Pusey began with providing a brief history of the County's Nuisance Ordinance, which was initially adopted in 1997. An amended version was adopted in 2006 which eliminated many of the nuisances that had previously been enforced by the Health Department, such as the accumulation of garbage and trash, the overflow of septic tanks and drain fields, and any unsanitary condition which constituted a health or safety hazard. Recently, a nuisance complaint was received and investigated. It was determined that the violation could have been enforced by the Health Department, under the guidelines that were established in the original 1997 version. As the result of recent meetings with Health Department officials, DTCS staff is recommending these health related violations be put back in the Nuisance Ordinance. Additionally, one other change pertains to the length of time that a property must be brought into compliance. Mr. Pusey recommended the proposed amendment require all nuisance violations to be addressed within a 15-day period, similar to an earlier version of the Ordinance.

Mr. Michael McIntyre, Director of Environmental Health for the Somerset County Health Department, spoke on the early versions of the Nuisance Ordinance that addressed health related violations. They were unaware that the Ordinance was later amended, limiting their authority to enforce these health related violations. He concurred with Mr. Pusey's recommendation to add these back to the Ordinance, thereby correcting what was mistakenly done in 2006. Mr. Mark Konapelsky, Code Enforcement Officer for DTCS, believes this would allow the County another avenue to address nuisance complaints with a more efficient compliance period.

President Simpkins asked for any proponents wishing to testify on the proposed Ordinance amendment.

Mr. Gilbert Lemay again appeared before the Board to testify. He stated that the proposed ordinance is a good ordinance, but does not go far enough to address excessive light and excessive noise which are also pollutants. Mr. Lemay understands the need for security

lighting, but lights can be adjusted to be more conducive to neighboring properties. He encouraged the Board to consider these additions.

President Simpkins called for any other proponents. There were none.

President Simpkins then called for any opponents wishing to testify in opposition to the proposed amendment. There were none.

With no further comments or questions, President Simpkins declared the public hearing closed at 2:20 p.m. Written comments will be accepted until November 2, 2012 at 4:30 p.m.

At this time, the County Administrator reviewed correspondence and discussion items with the Board.

The Board reviewed a letter from Jennifer Ranck, Somerset County Library Director, requesting the Commissioners consideration to re-appoint Deborah Parker to the Library Board of Trustees.

A motion was made by Commissioner Boston, seconded by Commissioner Laird, to re-appoint Deborah Parker to serve another five-year term as member of the Somerset County Library Board of Trustees. The motion carried unanimously by all present.

The Board was advised of a request to submit a letter of support for the re-development of the Washington Hotel in downtown Princess Anne. A letter was prepared for signature by President Simpkins to express the Board's support for grant funding through the Maryland Department of Housing and Community Development to be applied to the building rehabilitation.

A motion was made by Commissioner Laird, seconded by Commissioner Boston, to authorize President Simpkins to sign the letter of support. The motion carried 4-0.

At this time, President Simpkins opened sealed bids for a lead ditch drainage improvement project on Whitehaven Ferry Road. Bid information is as follows:

| <u>Bidder</u> | <u>Bid Amount</u> |
|----------------------|-------------------|
| Bozman Sand & Gravel | \$4,515.00 |
| Gerard Dumsha | \$4,450.00 |
| Rick Jones | \$4,650.00 |

A motion was made by Commissioner Boston, seconded by Commissioner Laird, to award the lead ditch drainage improvement project to the low bidder, Gerard Dumsha, for his bid of \$4,450.00. The motion carried unanimously by all present.

Mr. Clint Sterling, Director of Recreation and Parks, was now before the Board. Mr. Sterling began by thanking the Board for his recent appointment as Director of Recreation and Parks. He then went on to present a proposal for the addition of lighting on the second athletic field at the Westover facility. As part of the Five-Year Recreation Plan, this additional lighting would allow for more recreational programs and would allow the County facility to be more competitive. An estimate of the costs were presented for the Board's review. Commissioner Laird inquired about the availability of grant funding to cover the cost of the field lighting. Mr. Sterling advised that grant funding is available with a 10% match from the County. According to John Dize, Maintenance Supervisor, the existing poles are already outfitted for the placement of additional lights and the County would only be required to purchase two (2) additional poles, two (2) pairs of lights and the requisite cable/wiring, estimated at \$76,000. Mr. Sterling asked for the Board's permission to proceed with obtaining the grant funding for the purchase of the additional field lighting.

Upon motion made by Commissioner Laird, seconded by Commissioner Boston, it was carried unanimously by all present to authorize the Director of Recreation and Parks to pursue the grant funding for the purchase of the lighting.

The County Administrator addressed the issue of industrial wind energy (wind turbines) that would be permissible through an amendment to the County's zoning ordinance, if adopted by the County Commissioners. Mr. Taylor reported on the timeline of events that have taken place following the initial proposal, which included public hearings held by the Planning Commission and the Board of County Commissioners; the receipt and review of an extensive amount of testimony; site visits of existing industrial wind turbines; presentations by PAX River Naval Air Station; and a study performed by Massachusetts Institute of Technology, Lincoln Laboratory. At the conclusion of the review, Mr. Taylor asked the Board if they wished to take action on this issue. Commissioner Laird stated that it appeared we are at an impasse with the wind companies and PAX River N.A.S. and made a motion to table the issue until such time that the two parties can reach some type of agreement, at which time the Board will re-address the issue then. The motion was seconded by Commissioner Mathies and carried unanimously by all present.

Mr. Taylor also addressed an earlier proposal to dissolve the elected position of Treasurer. Senator Mathias and Delegate Otto have agreed to consider introducing a legislative

bill that would eliminate the elected position, provided a public hearing was held to receive public comment. Mr. Taylor recommended a public hearing be scheduled for November 20th in order to meet the deadline for pre-filing in the General Assembly.

Commissioner Boston expressed his support for the proposal and made a motion to schedule the public hearing for November 20th at 3:00 p.m. to receive public comment. The motion carried 3-1 with President Simpkins in opposition.

A subrecipient grant agreement for the Emergency Solutions Grant Funding was presented to the Board for signature. The Subrecipient Agreement establishes the guidelines of how a second allocation of \$23,250 from Maryland Department of Housing and Community Development is administered by Catholic Charities, Inc. – Seton Center. A motion was made by Commissioner Boston, seconded by Commissioner Mathies, to authorize President Simpkins to sign the Subrecipient Grant Agreement. The motion was carried unanimously by all present.

The Board took a brief recess at 2:40 p.m.

Ms. Jane Hawkins inquired about the public hearing held earlier today, regarding the Nuisance Ordinance Amendment, and if it would apply to the Town of Princess Anne. President Simpkins advised Ms. Hawkins that it would not apply within the Town limits. When Ms. Hawkins offered further comments on the proposed amendments, President Simpkins recommended she submit her comments in writing since the public hearing had been adjourned.

Ms. Susanna Henson, Director of the Somerset County Local Management Board, appeared before the County Commissioners to provide an update on the status of the Local Management Board. Due to significant funding cuts across the State, totaling \$7 Million, Ms. Henson predicts the closure of LMB in 2013. Maryland Association of Counties is looking into the issue and Ms. Henson is attempting to enlist the help of several non-profit agencies to support LMB. An information sheet was distributed to the Commissioners which outlines the services provided by the LMB programs that have been funded in the past by the Governor's Office on Children and the Governor's Office on Crime Control and Prevention. Commissioner Laird suggested the County enlist the help of Maryland Rural Counties Coalition. President Simpkins supported the statement but felt that it is a statewide issue, not just a rural county problem. Commissioner Boston inquired as to the amount of funding cuts from the Governor's Office and the number of full time employees at the LMB. Ms. Henson reported that \$13,000 was cut by the Governor for FY13. There are approximately 15 people that are employed full

time to oversee LMB programs. In conclusion, the Board thanked Ms. Henson for providing this information.

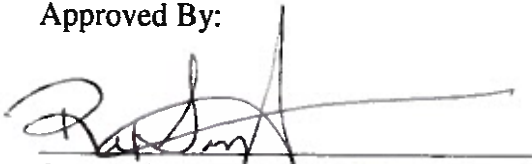
With no further business, a motion was made by Commissioner Boston, seconded by Commissioner Laird, to adjourn the meeting. The motion carried unanimously by all present and the meeting was adjourned at 2:55 p.m.

Respectfully Submitted:



Cynthia R. Ward
Executive Aide

Approved By:



Board of County Commissioners
For Somerset County