

BOARD OF COUNTY COMMISSIONERS
FOR SOMERSET COUNTY
JANUARY 31, 2012

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.

Executive Aide, Cynthia R. Ward and Executive Secretary, Lory E. Ebron were also present. County Administrator-Clerk, Ralph D. Taylor was absent, as he was attending a meeting in Annapolis, therefore Ms. Ward conducted today's meeting on his behalf.

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, January 17, 2012 and approve the minutes as presented.

Ms. Audrey Cornelius, G.I.S. Technician/Zoning Specialist was present before the board to accept a Certificate of Recognition. Ms. Ward read aloud, an appreciation letter from County Administrator Doug Taylor thanking Ms. Cornelius for all her hard work and dedication with regard to serving on the re-districting committee. Mr. Taylor stated that her excellent knowledge the G.I.S. system and the ability to organize information is second to none, and he personally thanked Ms. Cornelius for a job well done.

Mr. Gary Pusey, Director of Planning and Zoning, Ms. Liz Zucker from the Nature Conservancy and Ms. Kate Patton of the Lower Shore Land Trust were now present before the Board to request Somerset County approval and signature of the FY2013 Dividing Creek Rural Legacy Area (DCRLA) Grant Application. Mr. Pusey explained that the DCRLA was established five years ago, and covers approximately 24,000 acres in both Somerset and Worcester Counties. As of today, over 5,500 have been protected in the area. When initially established, Somerset and Worcester Counties agreed to partner with the Nature Conservancy and the Lower Shore Land Trust to pursue funding sources for easement purchases. Mr. Pusey stated that Ms. Liz Zucker is the contact person that will meet with the landowners, and also obtains funding for Somerset County. Ms. Patton provides continuing stewardship.

Ms. Zucker explained that it has been a year since she and Ms. Patton were before the Board, and that it has been a terrific partnership. Ms. Zucker stated that she coordinates all of the paperwork, and negotiates easements with the landowners in Somerset County. Pointing out the areas within the delineation on maps provided, Ms. Zucker noted that they have been very fortunate with the stream of funding from the State of Maryland. However, although the grant request is in the amount of \$2 million, she noted that they are asking for more than they expect to receive. Last year, Ms. Zucker noted that there was no state funding available, and said that it will be very fortunate to get state funding this year. Commissioner Boston asked how the landowners are contacted. Ms. Patton answered that the workshops have been very successful. Additionally, word of mouth and ongoing conversations have also kept the information public. Commissioner President Simpkins asked about an area he noted on the map delineation that he had questioned last year, and asked if all properties that touch the creek have been notified. Ms. Patton stated that yes, as far as she knows, noting that the issue with the piece of property Commissioner Simpkins questioned may be the amount of acreage. Mr. Tom Lawton, present in the audience, came forward and explained that he receives many calls, which he forwards onto Ms. Patton. Commissioner Boston asked if anyone has ever been turned down. Ms. Patton stated that there is a waiting list, and that they try to set a minimum of 50 acres. Mr. Lawton noted that he is working with some of the smaller farms.

Therefore, on a motion by Commissioner Boston, seconded by Commissioner Fisher, it carried 4-0 to endorse the FY 2013 Renewal and Area Expansion Grant Application for Dividing Creek as presented.

Next, Mr. Pusey presented for the Commissioners approval, the Crisfield Comprehensive Plan Revision for the Carvel Hall property. Mr. Pusey explained that Crisfield owns the Carver Hall property, and is proposing to amend its Municipal Growth Element, by adding Carvel Hall to the proposed growth area, with an eventual goal of annexing the property into the City. Mr. Pusey explained that he is presenting the matter to the Board today for their comment, as required by state law. Mr. Pusey stated that his department endorses the amendment as proposed, and that the revision would be in accordance with the county's comprehensive plan. As part of the procedure, if the Board is in agreement to the revision, the 30 day comment period can be waived and the Commissioners will next review the proposed zoning of the property once it is planned to be annexed by the City of Crisfield.

Therefore, on a motion by Commissioner Laird, seconded by Commissioner Boston, it carried unanimously to approve the amendment to Section 5.5 of the City of Crisfield, Maryland

Comprehensive Plan to amend The City of Crisfield's Municipal Growth Element, by adding Carvel Hall to the proposed growth area, with an eventual goal of annexing the property into the City.

Ms. Ward asked Mr. Charles Cavanaugh, Director of Solid Waste and Maintenance, to come forward to update the Board with regard to the fire which occurred on Saturday, January 28, 2012 at the Caddy Shack Restaurant, Great Hope Golf Course. Mr. Cavanaugh began by saying repairs were already underway. Commissioner President Simpkins took a moment to thank Mr. Cavanaugh and Mr. John Dize, stating that he appreciates their efforts. Mr. Cavanaugh said that the Pro Shop and bathrooms were cleaned up yesterday so that they can be used with an upcoming tournament scheduled for this Sunday. There is still the smell of smoke in the building and the kitchen area has been blocked off due to the damages. Mr. Cavanaugh explained that Local Government Insurance Trust (LGIT) has arranged for Royal Plus to be onsite. Royal Plus is a "one stop" shop, and will clean, repair and replace damaged equipment as needed. Mr. Cavanaugh then clarified the timeline of events. He stated that the burglar alarm was triggered at 16:48 and the fire alarm at 16:49, noting that both alarms are motion activated. Additionally, Mr. Cavanaugh noted that state police advised that that all doors were locked upon their arrival, and therefore do not suspect any type of unauthorized entry prior to the fire. Mr. Cavanaugh stated that he believes it will take one to two months to complete clean up and repairs. Commissioner Boston asked if the fire started at the drink machine. Mr. Cavanaugh answered that the Fire Marshall believes that the fire did start at the drink machine based on the burn pattern, and quickly engulfed paper products nearby. Commissioner Boston asked about the extension cord that was plugged into the machine, and where it came from. Mr. Cavanaugh stated that he did not know who attached the cord to the machine. Commissioner Boston then asked Mr. Cavanaugh to make sure other departments and buildings were not using extension cords in the same way. Commissioner Boston also inquired about the provision of food and drinks for golfers during normal daily operations. Ms. Ward noted that she will follow up with Mr. Paige Hurley, Director of Recreation and Parks, on the issue.

Ms. Ward began review of correspondence received since the last meeting.

The Board reviewed a letter from the Maryland Department of Planning, State Clearinghouse, with regard to the Somerset County Five-Year Land Preservation and Recreation Plan, stating the project is in the process of intergovernmental review. Ms. Ward noted that the Five-Year Plan is mid-way through development, as it is due by July. Ms. Ward also stated that the plan will come to the Board for review prior to submission to the state.

The Maryland Department of Transportation (MDOT) has advised that the MDOT State Report on Transportation Funding for 2012 is available online. Paper copies will no longer be available in an effort to conserve paper and reduce costs.

Correspondence was received from David Lever, R.A., D.A., Executive Director of the Maryland Public School Construction Program, which advised Dr. Marjorie Miles, Superintendent, of FY 2013 funding for 131 school construction projects statewide. Ms. Ward advised that the letter stated that with the proposed increase of approximately \$100 million to the capital budget for public school construction, changes may occur in the allotted funding amounts. Additional information will be forwarded should there be any significant changes.

Ms. Ward advised that a letter was sent to Ms. Beverly K. Swaim-Staley, Secretary of Transportation advising that the University of Maryland Eastern Shore Access Road project had inadvertently been omitted from the requested project priority list submitted on November 15, 2011. The letter requested the department's consideration of the amendment to the priority list.

Ms. Ward reviewed a letter dated January 23, 2012, addressed to Retired Brigadier General Warner Sumpter, Chairman of the Somerset County Board of Education, with regard to the Somerset County Board of Commissioners position regarding the restructure plans to place county high school students in a centralized facility. The letter also addressed additional information that has been received from the State.

On a motion by Commissioner Fisher, seconded by Commissioner Boston, the submission of the letter to the Board of Education, dated January 23, 2012, was unanimously approved.

Ms. Ward next discussed consideration of adopting the Ethics Ordinance, as presented at a previous meeting. Ms. Ward stated that the public hearing regarding the Ethics Ordinance was held on December 27, 2011. Following the public hearing, Ms. Ward reported that there were no additional comments or written correspondence received. The Ethics Ordinance as proposed to conform to state regulations is ready for adoption and signature, after which the final copy will be forwarded to the State for its final approval.

Therefore, on a motion by Commissioner Mathies, seconded by Commissioner Laird, it carried 4-1 to adopt the new Somerset County Ethics Ordinance as proposed to conform to state regulations. Commissioner Fisher opposed the motion, stating that his questions had not been answered as of yet.

A request for a letter of support was received from Tri-County Council with regard to the Rural Maryland Prosperity Investment Fund. Ms. Ward advised that the investment fund is state funded, and assists the Rural Maryland Council. The fund also benefits the Lower Shore Counties as well as allowing the continued ability to encourage business, create jobs and increase economic opportunity.

On a motion by Commissioner Fisher, seconded by Commissioner Boston, it carried 4-0 to authorize Ms. Ward to draft a letter of support to the Rural Maryland Prosperity Investment Fund. Commissioner Mathies abstained from the motion as he serves as the President of Tri-County Council.

Ms. Ward discussed the Scope of Services for Professional Planning Service as presented by URS relating to the Crisfield Airport Avigation Easement Land Acquisition Program (Phase I). Ms. Ward explained that Phase I originally consisted of thirteen parcels, however three were rejected because they failed to meet the requirements for acceptance. A new Scope of Services has been submitted to address the three remaining parcels. Ms. Ward requested the Boards consideration to approve the proposal which will allow for new appraisals and associated Technical Appraisal Reviews on the 3 parcels which were rejected.

On a motion by Commissioner Laird, seconded by Commissioner Boston, it carried unanimously to authorize County Administrator Taylor to sign the new URS Scope of Services proposal, dealing with the three rejected parcels relating to the Crisfield Airport Avigation Easement Land Acquisition Program (Phase I).

Next, Commissioner Laird brought up for discussion the recent matter regarding the consolidation of Crisfield and Washington High Schools, as suggested by the Somerset County Board of Education. It was Commissioner Laird's recommendation that a letter be drafted by the Commissioners for Somerset County, stating their opposition to the current plans under consideration to consolidate the two high schools. Commissioner Laird also suggested the letter be sent to Delegate Otto and Senator Mathias and copied to the Board of Education. Commissioner Mathies asked for clarification that the Board was opposing the "current plan" as proposed. Commissioner Fisher suggested the two previous letters drafted with regard to the issue also be included.

Therefore, on a motion by Commissioner Laird, seconded by Commissioner Boston, it was approved to have a letter drafted to Delegate Otto and Senator Mathias and copied to the Board of Education, stating opposition to the current plan proposed by the Board of Education to consolidate Crisfield and Washington High Schools. The motion carried 3-0, with Commissioner Fisher and Commissioner Mathies abstaining.

Ms. Ward next advised the Board of the results of the Annual Public Drainage Association (PDA) meetings, held on January 14, 2012.

Upon motion made by Commissioner Fisher, seconded by Commissioner Mathies, it was carried unanimously to approve the request of the Board of Managers of the **Tony's Branch Public Drainage Association** that the Somerset County Treasurer be authorized to levy the Fiscal Year 2013 Drainage Tax Assessment for the Tony's Branch PDA as follows:

Cropland	\$3.50 per acre
Woodland	\$1.50 per acre
Minimum Billing	\$25.00

and to concur with their recommendation to re-appoint Mr. Tommy Smith for another three-year term as Manager, with Walter West and Gary Rathcamp continuing on from a previous appointment.

Upon motion made by Commissioner Fisher, seconded by Commissioner Mathias, it was carried unanimously to approve the request of the Board of Managers of the **Barkley's Branch Public Drainage Association** that the Somerset County Treasurer be authorized to levy the Fiscal Year 2013 Drainage Tax Assessment for the Barkley's Branch PDA as follows:

Cropland	\$3.50 per acre
Woodland	\$1.50 per acre
Minimum Billing	\$20.00

and to concur with their recommendation to appoint Mr. Paul Wiles and Ms. Remonia Finney to serve as Managers for a three-year term, with Robert Finney continuing on from a previous appointment.

Upon motion made by Commissioner Boston, seconded by Commissioner Laird, it was carried 4-0 (Commissioner Fisher abstained) to approve the request of the Board of Managers of the **Upper Manokin Public Drainage Association** that the Somerset County Treasurer be authorized to levy the Fiscal Year 2013 Drainage Tax Assessment for the Upper Manokin PDA as follows:

Cropland	\$3.50 per acre
Woodland	\$1.50 per acre
Minimum Billing	\$25.00

and to concur with their recommendation to re-appoint Mr. Jerry Bozman to serve as Manager for another three-year term, with Mr. Tom Pinto and Mr. Robert Powell continuing on from a previous appointment.

Upon motion made by Commissioner Fisher, seconded by Commissioner Laird, it was carried unanimously to approve the request of the Board of Managers of the **Handy Church Public Watershed Association** that the Somerset County Treasurer be authorized to levy the Fiscal Year 2013 Drainage Tax Assessment for the Handy Church PWA as follows:

Minimum Billing \$50.00

and to concur with their recommendation to re-appoint Mr. William Johnson to serve another three-year term as Manager, with Larry Van Story and Stanley Johnson continuing on from a previous appointment.

Ms. Ward presented a request for out of town travel from Ms. Sharon Muir, Internal Auditor. Ms. Muir has asked the Board's permission to attend the LGIT Annual Workshop, being held in Cambridge on March 5, 2012. The Board agreed to the out-of-town travel request for Ms. Muir.

Commissioner Boston advised the Board that he attended the Trap/Neuter/Release (TNR) meeting held last Saturday on Farm Market Road. Commissioner Boston noted he was asked to attend with regard to the proposed cat ordinance, and that he spoke with several people regarding the proposed ordinance. It was Commissioner Boston's recommendation to the Board that consideration be given to placing the matter of the cat ordinance back onto the agenda so that a decision can be formulated. Additionally, Commissioner Boston advised the Board that the TNR group is currently operating out of a 8 x 30 trailer with very limited funding, and they advised Commissioner Boston that they would like to find a better place. Commissioner Laird suggested that a work session be scheduled to discuss the issue. The Board was in agreement with Commissioner Laird's suggestion to schedule a work session so that the matter can come to resolution.

Commissioner Mathies next addressed the Board, to update them of the meeting he attended at Chesapeake College on Monday January 30, 2012, regarding large scale wind energy and the effects that adopting an ordinance will have on NAS Patuxent River. During the meeting, Commissioner Mathies noted there was a clear objection stated by the Southern Maryland Delegation as well as the Department of Defense to the turbines. Commissioner Mathies noted that he questioned what actual studies have been performed that can prove wind turbines would cause interference, to which no clear answer was provided. Commissioner Mathies also noted that Gary Pusey, Director of Planning and Zoning, as well as Economic Development Executive Director, Danny Thompson also attended the meeting. Commissioner Laird stated that he feels we need to do what is best for Somerset County.


Mr. Phil Riggin was now present before the Board. Mr. Riggin stated that he believes PAX River and the Department of Defense are using St. Mary's County and the Tri-County as a political cover to express their views at the meeting. Mr. Riggin stated that he feels that until a study is done, no information will oppose the matter. Next, Mr. Riggin discussed the Humane Society, noting that his

step daughter is a veterinarian who volunteers her time to spay cats. Mr. Riggin stated that there are many parts to the Humane Society, and what they can do. Mr. Riggin also suggested the Board converse with Jack Mills, and persons living in Crisfield on the matter. Lastly, Mr. Riggin asked if he could be briefed on the conversation regarding Crisfield Airport, as he was absent when the matter was discussed. Ms. Ward provided a summary of the discussion held for Mr. Riggin.

Mr. Dan Kuebler was now present before the Board. Mr. Kuebler stated that PAX River is the singular flight naval test center, dedicated to develop flight testing. Mr. Kuebler then shared his knowledge of suggested wind mill heights that he feels would not have an impact on PAX River concerns, noting that 350' would probably have to be the maximum height for a wind turbine in our area. Mr. Kuebler stated that at a 350' maximum height, that would keep the turbine below the site of radar, and everyone's goals would be met, making it feasible in obtaining adequate energy from that height. Commissioner Mathies advised Mr. Kuebler that during the meeting he attended yesterday, it was stated that any elevation beyond 50 feet would be a hindrance to PAX radar systems within a 40 mile radius of the Naval Station. Mr. Riggin interjected that the numbers seem to keep changing. Mr. Kuebler then thanked the Board for their concern and action on the Board of Education's plans with regard to Crisfield and Washington High Schools. Mr. Kuebler noted that Crisfield is strongly fighting against the consolidation, and suggested the Commissioners just ask any constituent living in Districts 1, 2 or 3 and ask their opinion.

With no further business, on a motion by Commissioner Mathies, seconded by Commissioner Laird, it was carried to adjourn the meeting at 3:30 p.m.

Respectfully Submitted:


Lory E. Ebron
Executive Secretary

Approved by:


Board of County Commissioners
For Somerset County