

BOARD OF COUNTY COMMISSIONERS  
FOR SOMERSET COUNTY  
TUESDAY, MAY 22, 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.

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 Fisher, seconded by Commissioner Boston, it carried unanimously to dispense with the reading of the Minutes of the meeting held on Tuesday, May 8, 2012, and the Closed Session Minutes of the meeting held May 15, 2012 and approve them as presented.

President Simpkins opened sealed bids for the following projects:

- Drainage Ditch Maintenance – Country Club Road
- Drainage Ditch Maintenance – Bryan Hall Road
- Crisfield Airport Mowing

Bid Information is shown below:

<u>Contractor</u>	<u>Country Club Rd.</u>	<u>Bryan Hall Rd.</u>	<u>Airport Mowing</u>
Doug Vann	\$2,150	\$1,850	(no bid)
Mark Bozman	\$2,425	\$1,775	(no bid)
Rick Jones	\$1,595	\$1,925	(no bid)
Gerard Dumsha	\$2,500	\$3,500	\$3,100
Terry Nelson	(no bid)	(no bid)	\$3,200
Ryan Miller	(no bid)	(no bid)	\$3,585

At the conclusion of the bid review with Charles Cavanaugh, Director of Solid Waste and Drainage, the Board took the following action on the awarding of the contracts:

A motion was made by Commissioner Fisher, seconded by Commissioner Boston, to award the airport mowing contract to the low bidder, Gerard Dumsha, for his bid of \$3,100 (for two cuttings). The motion carried unanimously.

A motion was made by Commissioner Boston, seconded by Commissioner Fisher, to award the Country Club Road-Drainage Ditch Maintenance Project to Doug Vann, based upon the recommendation of Charles Cavanaugh, for his bid of \$2,150. The motion carried unanimously.

A motion was made by Commissioner Laird, seconded by Commissioner Boston, to award the Bryan Hall Road-Drainage Ditch Maintenance Project to the low bidder, Mark Bozman, for his bid of \$1,775. The motion carried unanimously.

At this time, Deputy Ray Johns and Chief Deputy Ronnie Howard, Somerset County Sheriff's Office, appeared before the Board to present a request to approve the submittal of a grant application to the Governor's Office on Crime Control and Prevention (GOCCP). The Byrne Memorial Justice Grant is funded through the Department of Justice and requires no local match. If approved, the funding, which totals \$16,937.73, would be utilized to purchase a Livescan Guardian Fingerprint Scanner that would replace the outdated fingerprint card system.

A motion was made by Commissioner Fisher, seconded by Commissioner Boston, to authorize the Somerset County Sheriff's Office to submit an application for a Byrne Memorial Justice Grant for the purchase of the Livescan Guardian Fingerprint Scanner. The motion carried unanimously.

The County Administrator reviewed correspondence and discussion items.

The Board was presented with a Grant Agreement for approval and signature. The Community Development Block Grant, MD-12-CD-33, will provide \$600,000 in funding for the planned renovations of the Senior Center in Westover.

A motion was made by Commissioner Fisher, seconded by Commissioner Boston, to authorize President Simpkins to sign the CDBG Agreement. The motion carried unanimously.

The Board revisited a discussion regarding the nomination of candidates for appointment to the Property Tax Assessment Appeal Board. During their May 8<sup>th</sup> session, the Board voted to recommend the re-appointment of Eddie Brimer, and submit two additional names for the Governor's consideration: Keith Muir and Asher Daisey. However, Mr. Daisey has declined the nomination and a replacement is now needed.

A motion was made by Commissioner Fisher, seconded by Commissioner Boston, to nominate Harry Gemmell for consideration by the Governor to serve on the Property Tax Assessment Appeal Board. The motion carried unanimously.

Upon motion made by Commissioner Boston, seconded by Commissioner Fisher, it was carried unanimously to adopt a Proclamation in observance of the 40<sup>th</sup> Anniversary of MAC, Inc.

Ms. Sharon Muir, Internal Auditor, was now present before the Board for approval and signature of the Integra Contract for Retiree Health Insurance.

Upon motion made by Commissioner Boston, seconded by Commissioner Fisher, it was carried unanimously to authorize President Simpkins to sign the Integra Contract.

A request was received from The Oriole Historical Society for a letter of support from the Board of County Commissioners for their application for an African American Heritage Preservation Grant to finish the restoration of the historic St. James Church in Oriole.

Upon motion made by Commissioner Fisher, seconded by Commissioner Laird, it was carried unanimously to submit a letter of support as requested by The Oriole Historical Society.

In a letter submitted by the Tri-County Council for the Lower Eastern Shore of Maryland, the Board was advised that a Shore Transit bus (2000 International 3400 Series Bus) will be returning to Somerset County since it is no longer in operation. After a brief discussion regarding the condition of the vehicle, the Board agreed to post the information on GovDeals for the sale of the vehicle.

Two project notifications were received from Maryland Department of Planning, State Clearinghouse:

- 1) MD. Department of Environment has applied for funding through the Bay Restoration Fee (BRF) for the upgrade of on-site septic systems using best available technologies for nitrogen removal. If approved, Somerset County would receive \$294,592 for failing septic systems.

A motion was made by Commissioner Laird, seconded by Commissioner Fisher, to respond to the notification with a C-5 designation (it is consistent with our plans, programs, and objectives). The motion carried unanimously.

- 2) Draft Environmental Assessment: Janes Island Wetlands Restoration Project – proposed wetlands restoration and construction of nature trail to improve public access.

A motion was made by Commissioner Fisher, seconded by Commissioner Boston, to respond to the notification with a C-5 designation (it is consistent with our plans, programs, and objectives). The motion carried unanimously.

At 2:30 p.m., President Simpkins declared a public hearing open relating to the following matter:

“In accordance with the Public Safety Article of the Annotated Code of Maryland, Title 12, Subtitle 5, known as the Maryland Building Performance Standards, which requires all counties in the State of Maryland to adopt the International Building Codes (IBC), with or without amendments, the Somerset County Commissioners will conduct a Public Hearing to consider adoption of the 2012 IBC with local amendments.

#### **Fair Summary**

The proposed Building Code Ordinance regulates all construction occurring within the unincorporated areas of Somerset County. The State of Maryland has recently adopted the 2012 IBC, and Somerset County is considering its adoption also, but with local amendments. Included in the 2012 State-adopted Code that the County may or may not amend is a requirement that new single-family and two-family homes must contain a residential fire sprinkler system. Among other requirements that the County has exempted in prior years include the issuance of building permits and inspections for agricultural buildings and accessory buildings of a certain minimum size.”

Mr. Gary Pusey, Director of Somerset County Department of Technical and Community Services, now present before the Board, reported on the process of the new building codes that are adopted by the State every three years, and then are passed to the county level for adoption. The County’s current Building Code Ordinance (Ordinance #1023) was adopted by the County Commissioners in March of 2011. At that time, the County adopted the 2009 International Building Code (IBC) with local exemptions (or revisions), and the International Residential Code (IRC), also with certain exemptions. The State of Maryland has adopted the 2012 IBC now, and counties have until July 1<sup>st</sup> to adopt the new code if they also want to exempt certain requirements due to local conditions. As done in 2009, the County is proposing two local exemptions:

1. **Agricultural Buildings** – Bona fide agricultural buildings would be exempt from the Building Code. This is not a change from the current practice. A zoning certificate would still be required, but no building permit or building code inspections would occur.
2. **Residential Sprinkler Systems** – Although the County exempted this requirement in the 2009 IRC, legislation has recently been adopted by the Maryland General Assembly which will no longer allow the County to exempt the sprinkler requirement. The legislative bill will take effect October 1, 2012. The County will only be able to opt out of this requirement from July 1, 2012 to October 1, 2012.

In a discussion regarding the new sprinkler requirement and building permits that are issued prior to the October 1<sup>st</sup> cutoff date, Mr. Mark Konapelsky, Building Code Inspector, advised that building permits are good for one year upon issuance, provided construction work has commenced on the building project within that time period.

President Simpkins asked for anyone wishing to testify as a proponent? There were none.

President Simpkins then asked for anyone wishing to testify as an opponent?

Ms. Joan Strang, of Coastal Association of Realtors, appeared before the Board to encourage the Board to opt out of the sprinkler requirement. The costs to implement the system are extensive, and coupled with the new septic regulations, it will be extremely detrimental to development. In researching the issue, there are only two exceptions from the regulation: 1) if the structure does not have electrical wiring; or 2) if public water/sewer lines are less than one inch diameter. In conclusion, Ms. Strang encouraged the Board to opt out of the sprinkler requirement.

President Simpkins asked for any further testimony or questions. There was none.

At 2:43 p.m., President Simpkins declared the public hearing closed. Written comments will be accepted for ten days.

At this time, Mr. Steve Marshall, Director of Emergency Services, was now present before the Board, accompanied by Ms. Victoria Lloyd, Emergency Planner, to ask for the Board's approval and support of the Hazard Mitigation Plan for Somerset County. Mr. Marshall reported that "S & S Consulting" revised the existing plan and approval of the completed plan has been received from FEMA. Ms. Lloyd spoke on the revision process and advised the Board that meetings were held with emergency planning staff to address the necessary revisions. Once approval is received, the County would be in compliance with FEMA regulations and be able to request federal reimbursements in the event of a disaster.

A motion was made by Commissioner Fisher, seconded by Commissioner Boston, to approve the Hazard Mitigation Plan for Somerset County. The motion carried unanimously.

At the conclusion of today's agenda, President Simpkins asked for any comments or questions from the audience.

Mr. Phil Riggin invited everyone to attend the Memorial Day Ceremony in Crisfield, May 28, 2012 at 11:00 a.m.

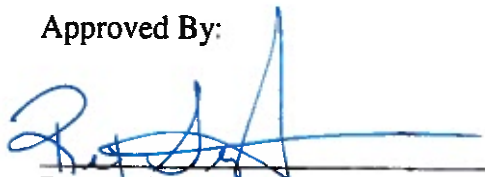
Before concluding the meeting, Commissioner Boston inquired about the status of the Caddyshack repairs. Mr. Taylor reported on the full replacement of kitchen equipment. Completion of the project is expected soon.

With no further business, 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