

BOARD OF COUNTY COMMISSIONERS
FOR SOMERSET COUNTY
TUESDAY, JUNE 19, 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 4-0 to dispense with the reading of the Minutes of the meeting held on Tuesday, June 5, 2012, and the Closed Session Minutes of the meeting held June 5, 2012 and approve them as presented.

On behalf of the Board, President Simpkins presented a Certificate of Appreciation to Sergeant Roselyn Ball for being named "Officer of the Year" at the Somerset County Detention Center. Sergeant Ball was also presented with a Certificate from the Office of Congressman Andrew Harris.

Ms. Jennifer Ranck, Director of Somerset County Library System, was now present before the Board to advise of an opportunity to apply for FY2014 funding for the proposed construction of the new Crisfield Library. Ms. Ranck proposes to proceed with the project and funding requests in phases over the next several years. To date the County has contributed \$40,000 towards the purchase of property, followed by a funding commitment of \$250,000 towards the local match for the project design. The next step would be to apply for FY14 funding, in the amount of \$910,000, which would require a local match of \$455,000, for site preparation. Ms. Ranck reported on the formation of a foundation with a 501c3 status to pursue funding options. The foundation has submitted funding applications in excess of \$1 million with plans for another \$500,000 in the near future. In 2015, several funding options may be available through MSDE, which may include changes in the formula for matching amounts, however, legislation will be required to amend the formula. In regard to the design phase, the conceptual

plan is complete and a budget has been established. However, the proposed 15,000 sq. ft. building may require downsizing. Commissioner Mathies inquired how the County would be affected if the grant is not awarded. Ms. Ranck advised that the County would not be responsible, but the project would be delayed. Commissioner Fisher expressed his concern for making a commitment on behalf of the county without knowing what the local match will be or what size the building will be. Currently, Ms. Ranck is asking for the Board's support for providing the local match of \$455,000 next year - July of 2014. She advised that another letter of commitment would be needed the following fiscal year, but hopefully legislation will have been adopted that would alter the formula for the local match.

A motion was made by Commissioner Laird, seconded by Commissioner Fisher, to submit a letter of commitment for the local match of \$455,000 for FY14, provided the state's match is secured. The motion carried 4-0.

At this time, President Simpkins declared a public hearing open relating to the following matter:

"Pursuant to the recommendations of the Somerset County Planning and Zoning Commission and the Somerset County Agricultural Preservation Advisory Board, the Board of County Commissioners for Somerset County will consider recommending eight (8) Agricultural Preservation Easement sale candidates to the Maryland Agricultural Land Preservation Foundation.

- 1) The creation of an Agricultural Preservation Easement on 77.54 acres of property owned by India Rebecca Simpkins Boston. The property is located in the Dublin Election District and can be found on County Tax Map 24, Grid 24, Parcel 21 and is located on the northeast corner of Dublin Road and Charles Boston Road.
- 2) The creation of an Agricultural Preservation Easement on 105.00 acres of property owned by James R., Jr. and Linda Brummit. The property is located in the Dublin Election District and can be found on County Tax Map 25, Grid 20, Parcel 16 and is located on the northeasterly side of Dublin Road, approximately 3,400 feet northwest of Follow Ditch Road.
- 3) The creation of an Agricultural Preservation Easement on 168.35 acres of property owned by George C. Butler, Sr. & Joyce G. L/E & George C. Butler, Jr. & Etal. The property is located in the Dublin Election District and can be found on County Tax Map 50, Grid 24, Parcel 29 and is located on the easterly side of Powell Wharf Road, approximately 900 feet south of MD Rt. 667.
- 4) The creation of an Agricultural Preservation Easement on 10.22 acres of property owned by Edgewater Farms, LLC. The property is located in the West Princess Anne Election District and can be found on County Tax Map 8, Grid 21, Parcel 360 and is located on the northwesterly side of Eby Road, approximately 5,100 feet north of Drawbridge Road.
- 5) The creation of an Agricultural Preservation Easement on 45.38 acres of property owned by Linda Edwina Hancock. The property is located in the West Princess Anne Election District and can be found on County Tax Map 8, Grid 21, Parcel 357 and is located on the northwesterly side of Eby Road approximately 3,700 feet north of Drawbridge Road.
- 6) The creation of an Agricultural Preservation Easement on 58.01 acres of property owned by Thomas Edward, Jr. Latimer & Pamela G. Latimer.. The property is located in the West Princess Anne Election District and can be found on County Tax Map 8,

Grid 21, Parcels 358 & 359 and is located on the northwesterly side of Eby Road, approximately 4,000 feet north of Drawbridge Road.

- 7) The creation of an Agricultural Preservation Easement on 35.15 acres of property owned by Roy J. McIntyre Etal & Nancy Y. McIntyre. The property is located in the Dublin Election District and can be found on County Tax Map 34, Grid 24, Parcel 52 and is located on the easterly side of Courthouse Hill Road, approximately 1,000 feet south of Wallace Taylor Road.
- 8) The creation of an Agricultural Preservation Easement on 65.406 acres of property owned by George E. & Brenda L. Young. The property is located in the Dublin Election District and can be found on County Tax Map 50, Grid 23, Parcel 27 and is located on the southerly side of MD Rt. 667, approximately 1,100 feet west of Powell Wharf Road.”

After reading the public hearing notice into the record, Mr. Tom Lawton, Planner for the Somerset County Department of Technical and Community Services, reviewed the information for the eight (8) easements which will be submitted to the State. The easements have been reviewed and approved by the County’s Agriculture Preservation Board and the Planning Commission. Mr. Lawton reported that all of the easements are located within Agriculture Residential Zones, and all meet the fifty (50) acre minimum requirement. Agriculture Easements less than fifty acres may qualify if they are adjacent to an existing easement. There are currently a total of forty (40) agricultural preservation easements in the County.

President Simpkins asked for any proponents or opponents that wished to comment on the proposed agricultural preservation easements. There were none.

A motion was made by Commissioner Fisher, seconded by Commissioner Laird, to approve the submittal of the agricultural preservation easements to the State of Maryland, pending legal authority to submit the request without a public comment period. The motion carried 4-0.

Mr. Gary Pusey, Director of Technical and Community Services, appeared before the Board to provide an update on Phase II of the Watershed Implementation Plan. Phase I of the Plan was submitted by the State of Maryland to the EPA and accepted in December of 2010. As part of Phase II, a team is formed in each county and instructed to develop strategies to identify how each county would reduce nitrogen and phosphorus at a local level, and the county strategies would be included as part of the statewide WIP. Somerset County provided a draft of local strategies on November 18, 2011, and this effort seeks to further refine that original draft. Mr. Pusey outlined the five sectors affected (agriculture, forest, urban, septic, and wastewater) and their target dates. Included in Somerset County’s Phase II submittal, will be a

recommendation to replace septic systems with BAT (Best Available Technology) systems.

This will represent a cost of \$50 million to meet the septic goal by 2025.

Mr. Pusey also reported on the previous submittal of a "Technical Assistance Grant" in the amount of \$40,000. The grant, however, was approved for a reduced amount of \$20,000, and will be used for technical assistance with identifying specific projects to meet the 2025 targets.

With Mr. Pusey still present, Mr. Taylor addressed the public hearing held on Tuesday, May 22, 2012, to receive public comment on the proposed adoption of the International Building Code (IBC) with amendments; and the International Residential Code (IRC), also with certain exemptions. Based upon a written comment received from Joan Strang, Government Affairs Representative for The Coastal Association of Realtors, a change has been proposed to Section R313.2 of the IRC, entitled "Automatic Fire Sprinkler Systems". The sentence would read as follows: "An automatic residential fire sprinkler system shall not be required in one- and two-family dwellings unless superseded by State Law."

President Simpkins asked if there were any further questions or comments regarding the proposed Ordinance. There were none.

A motion was made by Commissioner Laird, seconded by Commissioner Mathies, to adopt the International Building Code (IBC) with amendments; and the International Residential Code (IRC), with changes as presented. The motion carried unanimously.

Mr. Charles Cavanaugh, Director of Solid Waste and Maintenance, was now present before the Board to review the bid information received during the meeting of June 5, 2012 for the architect/engineering services for the (MAC) Senior Center Renovation Project in Westover. Mr. Cavanaugh expressed his concern for the low bid submitted by MAD Engineering, in the amount of \$35,012.00, since no information on the company was provided, nor has the County had any experience with them in the past. A discussion was also held regarding the number of progress meetings and how that number of meetings was reflected, or not reflected in each bid. Mr. Cavanaugh confirmed that progress meetings, and the number of, were not specified in the bid package. In an effort to ensure a fair bidding process, the Board suggested the architectural/engineering services be re-bid. President Simpkins suggested each bidder provide a history of three previous projects completed by their company. Commissioner Laird suggested the number of required progress meetings be included in the bid specifications. At the conclusion of the discussion, the following action was taken:

A motion was made by Commissioner Fisher, seconded by Commissioner Laird, to re-bid the architectural/engineering services for the (MAC) Senior Center Renovation Project. The motion carried unanimously.

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

Mr. Taylor addressed the Land Preservation, Parks and Recreation Five-Year Plan presented by Clive Graham, of Environmental Resources Management (ERM), during the meeting of June 5, 2012. The Board agreed to table any further discussion until they have adequate time to review the Plan.

The Board was presented with a Deed for signature to transfer properties located around the Small Boat Harbor from county ownership to The City of Crisfield, pursuant to the passage of Senate Bill 767. The parcels are described as:

- 1) The property located at County Tax Map 101, Grid 8, Parcel 335, Account #07-113854 and described as 50 feet in width and approximates 200 feet in depth on the west side of Brick Kiln Road, also known as Collins Road, leading to the Small Boat Harbor.
- 2) The portion of the roadway known as Wellington Road located in the Crisfield Election District beginning at the intersection of Collins Street and Wellington Road in a westerly direction 317 feet, more or less, a uniform width of 16 feet, more or less.
- 3) The property known as the County Boat Ramp located at the Small Boat Harbor in the City of Crisfield, described as the land located in the Crisfield Election District being known as the County Boat Ramp property fronting 36 feet on Brick Kiln Road extending to the Harbor 53 feet.

Upon motion made by Commissioner Laird, seconded by Commissioner Boston, it was carried unanimously to sign the Deed.

Mr. Taylor presented the Board with two Resolutions for approval and signature. Both Resolutions have been reviewed and approved by the U.S. Department of Justice:

- Equal Employment Opportunity and Anti-Discrimination Policy
- Somerset County Hiring Procedure

Upon reading the Resolutions aloud, a motion was made by Commissioner Fisher, seconded by Commissioner Boston, to approve and adopt the Equal Employment Opportunity and Anti-Discrimination Policy as presented. The motion carried unanimously.

A motion was made by Commissioner Boston, seconded by Commissioner Fisher, to approve and adopt the Somerset County Hiring Procedure as presented. The motion carried unanimously.

Commissioner Laird inquired as to the inclusion of a nepotism clause. Mr. Taylor advised that nepotism will be included in the new Employee Handbook, which is currently under revision, and is also addressed in the recently adopted Ethics Ordinance.

The County Administrator reminded the Board of the need for appointments on the Citizen's Review/Grievancy Committee and the Tourism Commission.

A motion was made by Commissioner Fisher, seconded by Commissioner Laird, to re-appoint Keith Muir to serve another term as member of the Citizen's Review/Grievancy Committee. The motion carried unanimously.

A motion was made by Commissioner Laird, seconded by Commissioner Boston, to appoint Greg Cain to serve as representative of The City of Crisfield on the Somerset County Tourism Commission. The motion carried unanimously.

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

Mr. Taylor reviewed two project notifications from the Maryland Department of Planning, State Clearinghouse:

- 1) Draft E.I.S./Overseas E.I.S. for Atlantic Fleet Training and Testing (Naval Training) Mr. Taylor recommended a response be submitted which indicates "No Comment". A motion was made by Commissioner Fisher, seconded by Commissioner Laird, to submit a "No Comment" response to the Clearinghouse notification. The motion carried unanimously.
- 2) Coastal Zone Management Program – reduce coastal non-point source pollution, increase communities that undertake restoration projects; increase habitat quality and quantity. Mr. Taylor recommended a C-5 response be submitted which indicates the project is consistent with the plans, programs, and objectives of the County. A motion was made by Commissioner Fisher, seconded by Commissioner Boston, to submit a "C-5" response to the Clearinghouse notification. The motion carried unanimously.

The Board reviewed the Cooperative Agreement between the Maryland Department of Agriculture and Somerset County that provides for cooperation in the control and eradication of specific noxious weeds (johnsongrass, shattercane, thistles, multiflora rose) for the period of July 1, 2012 through June 30, 2013. A motion was made by Commissioner Fisher, seconded by Commissioner Boston, to sign the Weed Control Agreement. The motion carried unanimously.

The Board reviewed several Memorandums from Mr. Gary Pusey, Director of Technical and Community Services, regarding the expiration of terms for various boards and commissions. As the result, the following appointments were made:

A motion was made by Commissioner Laird, seconded by Commissioner Boston, to re-appoint Mr. Dickie Ward and Mr. Bruce Wooster to serve as members of the Building and Plumbing Code Appeals Board for another three –year term. The motion carried unanimously.

A motion was made by Commissioner Fisher, seconded by Commissioner Boston, to re-appoint Mr. Steve Eccleston and Mr. Thomas Pinto to serve as members of the Agricultural Reconciliation Board for another four-year term. The motion carried unanimously.

A motion was made by Commissioner Laird, seconded by Commissioner Boston, to re-appoint Ms. Sue Heath to serve as member of the Seafood Reconciliation Board for another four-year term. The motion carried unanimously.

Mr. Charles Horner has declined the offer to be re-appointed to the Seafood Reconciliation Board. The County Commissioners will attempt to fill the vacancy on the Board in the near future.

A written request was received from Tom Shores (via DTCS) to waive the permit fees for renovations being made to Rock Creek Methodist Church. The permit fees total \$241.

A motion was made by Commissioner Fisher, seconded by Commissioner Boston, to waive the permit fees, totaling \$241, as requested by Tom Shores for the renovation work at Rock Creek Methodist Church. The motion carried unanimously.

The Board received a Release of Grant Mortgage request for Mrs. Gertrude Maddox, of 6015 Crisfield Highway, Marion, Maryland. Ms. Maddox received a grant in 1998 in the amount of \$13,827 to rehabilitate her house through the CDBG Program. Since that time, Mrs. Maddox' house has deteriorated to the point that it must be replaced. She has an application with the state for the Special Loan Program/Home Replacement. In order for them to process this loan for her new home, state officials have requested that this grant mortgage be released. Since it has been over five years since the original grant (\$13,827), the debt is considered satisfied and the lien may be released.

A motion was made by Commissioner Laird, seconded by Commissioner Mathies, to authorize President Simpkins to sign the Release of Grant Mortgage for Ms. Gertrude Maddox. The motion carried unanimously.

Mr. Taylor addressed the Board of Educations' plan to construct a new storage building at their Office in Westover, and relinquish the use of the existing storage building located behind the County Office Complex. According to the Board of Education, they can award a construction contract through emergency measures in lieu of the bidding process. Dr. Miles has indicated that she may want to utilize the newly planned building for other uses. The County Commissioners did not oppose her plan, provided their existing storage building is vacated - and provided the cost for the new construction does not exceed the allocated amount.

At the conclusion of Mr. Taylor's agenda items, President Simpkins asked if there was anyone present today wishing to speak.

Mr. Dan Kuebler, of Crisfield, encouraged the Board to require all R.F.P.'s include a metric value. Through research, the County should be able to get within 5% of the estimated cost of the project before seeking bids. He also suggested more public input be received on the design of the new Crisfield Library.

Mr. Phil Riggin, also of Crisfield, thanked the Board for voting to submit a letter of intent to support the Crisfield Library Project. Mr. Riggin expressed his support for this project and was concerned for the question and answer dialogue that took place today. He did agree, however, that a fundraising coordinator is needed. Mr. Riggin concluded by stating that the project needs organization and a timeline in order to move forward.

With no further business, a motion was made by Commissioner Laird, seconded by Commissioner Boston, to adjourn the meeting. The motion carried and the meeting adjourned at 3:45 p.m.

Respectfully Submitted:



Cynthia R. Ward
Executive Aide

Approved By:



Board of County Commissioners
For Somerset County