

BOARD OF COUNTY COMMISSIONERS
FOR SOMERSET COUNTY
TUESDAY, JULY 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.

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

President 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 Fisher, it carried 4-0 to dispense with the reading of the Minutes of the meetings (open session and closed sessions) held on July 17, 2012 and approve them as presented.

Mr. Charles Cavanaugh, Director of Solid Waste and Maintenance, was now present before the Board to review the bid information received and read aloud during the meeting of July 17, 2012 for the architectural and engineering services for the renovation of the MAC Senior Center in Westover, Maryland. An information sheet was provided to the Board which outlined each company; their bid amount; estimated days to complete drawings/specs. and construction; and previous projects. The low bidder was MAD Engineering, Inc., with a bid amount of \$43,817, however, there was concern for their previous work experience and their estimated time of completion for this project. At the conclusion of the review, the Board took the following action:

A motion was made by Commissioner Fisher, seconded by Commissioner Boston, to award the contract for the architectural/engineering services for MAC Senior Center Renovation Project to the second lowest bidder, Design Atlantic, for their bid of \$64,195. The motion carried unanimously.

Mr. Gary Pusey, Director of the Department of Technical and Community Services, was now present before the Board to discuss the requirements outlined in Senate Bill 236 pertaining to septic tanks. According to Mr. Pusey, the County must adopt a series of four land-use tiers for septic tank usage within residential subdivisions. If a County chooses not to adopt the tiers, it is

limited to subdivisions on public sewer or minor subdivisions on septic systems. The tiers would be designated as shown below:

Tier 1 – on municipal water/sewer system

Tier 2 – plans for municipal water/sewer system within 10 yrs.

Tier 3 – within a growth area or rural village or areas zoned for development

Tier 4 – other rural area

Mr. Pusey noted that the majority of Somerset County is located within Tier 4, and under our current subdivision ordinance, only minor subdivisions of five lots or less could be developed in Tier 4 areas, regardless of the acreage of each lot. In lieu of this requirement, Mr. Pusey suggested a text amendment be made to the County's existing subdivision ordinance which would increase the number of lots allowable in a minor subdivision. This amendment would be presented to the Planning Commission first and upon their approval, then proceed through the public hearing process, for adoption of the text amendments and tier maps by the end of 2012. Mr. Pusey noted that the tier mapping and proposed text amendments would not be affected by the regulations that relate to BAT (Best Available Technology) septic systems, which are separate from this Bill and are currently being reviewed by MDE.

A motion was made by Commissioner Fisher, seconded by Commissioner Boston, to consider a text amendment to the subdivision ordinance, pertaining to minor subdivision requirements, and to proceed with the public hearing process. The motion carried unanimously.

In other business, Mr. Pusey reviewed a letter received from the Maryland Department of Housing and Community Development regarding housing bond allocations. In the letter, DHCD invites Somerset County to transfer its 2012 housing bond allocation to their office. In doing so, the DHCD utilizes local government housing bond allocations to issue bonds that will fund various housing programs in the state. The amount allocated for Somerset County for 2012 is \$888,472.

Therefore, on a motion by Commissioner Fisher, seconded by Commissioner Laird, it carried unanimously to transfer Somerset County's housing bond allocation in the amount of \$888,472 to the DHCD for use in the Maryland Mortgage Program.

Ms. Jenny Roser, of the Somerset County Department of Social Services, was now present before the Board to request their consideration to support their application for the Emergency Solutions Grant for 2012. Ms. Roser explained that the grant has been utilized for several years to help fund the maintenance and operation costs of the Wood Home, a transitional

homeless shelter in the County. Additionally, funding would be allocated to the Seton Center for their homeless prevention efforts. Funding allocations are as shown below:

\$35,392	Somerset Committee for the Homeless, Inc.:
	➤ \$10,084 Maintenance & Operations of the Wood Home
	➤ \$24,965 Shelter Essential Services
	➤ \$343 Administrative Costs
\$39,608	Catholic Charities/Seton Center (Homeless Prevention):
	➤ \$31,608 Back Rent and Utilities
	➤ \$8,000 Rapid Re-Housing (case management & 1 st month rent)
\$75,000	Total Grant Application

Upon motion made by Commissioner Mathies, seconded by Commissioner Boston, it was carried 4-0 to authorize President Simpkins to sign the Emergency Solutions Grant Application for 2012, in the amount of \$75,000. Commissioner Fisher abstained from the vote due to his membership on the Homeless Board.

The County Administrator reviewed correspondence at this time.

Chief Deputy Ronnie Howard was now before the Board to present a grant application for funding through the Governor's Office on Crime Control and Prevention, administered through the Somerset County Local Management Board. The grant, in the amount of \$4,000, would be utilized for alcohol patrols conducted by the Somerset County Sheriff's Office.

A motion was made by Commissioner Laird, seconded by Commissioner Mathies, to authorize the submittal of a grant application, as described above, in the amount of \$4,000 for alcohol patrol. The motion carried unanimously.

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

Mr. Taylor presented a Price Proposal from URS (Crisfield Airport Consultant) to provide professional Planning, Environmental, and Engineering Services. The Scope of Services includes the following: 1) Obstruction Identification; 2) Environmental Agency Coordination; 3) Land Use Compatibility; 4) ALP Drawings; and 5) Development of Cost Estimates. The price proposal totaled \$80,882.00. An application for federal funding, through the Federal Aviation Administration, would also be submitted to cover 90% of the consultant's fee. Historically, airport project costs have been shared utilizing the following formula:

Federal Aviation Administration	90%
Maryland Aviation Administration	5%
Somerset County	2.5%
The City of Crisfield	<u>2.5%</u>
	100%

In this case, the County would be responsible for \$2,147.25 of the estimated cost for engineering services.

A motion was made by Commissioner Laird, seconded by Commissioner Boston, to authorize the County Administrator to approve the proposals submitted by URS and execute the documents required for engineering services and for the submittal of a grant application for federal funding through FAA. The motion carried unanimously.

Mr. Taylor revisited a proposal, presented during their July 17th meeting, as submitted by Frederick County Commissioner President, Blaine Young, and Allegany County Commissioner President Mike McKay, regarding Maryland Rural Counties Coalition. Since meeting with Somerset County Officials, it was reported that Dorchester County has joined the Coalition. Upon motion made by Commissioner Fisher, seconded by Commissioner Laird, it was carried unanimously to table the issue until after the MACo Conference, in August.

The Board was reminded of a board member vacancy on the Seafood Reconciliation Board. Upon motion made by Commissioner Fisher, seconded by Commissioner Boston, it carried unanimously to appoint David Horseman to serve as member of the Seafood Reconciliation Board for a term of four years.

The Board also revisited a discussion (from their July 17th meeting) regarding the renewal of the golf cart lease at Great Hope Golf Course. As reported by Mr. Brittingham during that meeting, the County would yield a savings if we accept delivery of the new fleet before October 2012, with no interest or payments until May 2013. For a slight increase, there was an option for a battery watering system. After a brief discussion, the Board voted to approve the lease renewal:

A motion was made by Commissioner Fisher, seconded by Commissioner Laird, to authorize the renewal of the golf cart lease, as presented by Mr. Brittingham on July 17, 2012, including the battery watering system. The motion carried 4-0.

Mr. Charles L. Muir, Somerset County Treasurer, was now before the Board, accompanied by Mr. Robin Street, Manager of Somerset County Sanitary District, to discuss the Bay Restoration Fee. Pursuant to the passage of House Bill 446 and the authority contained in the Environment Article, Section 9-1605.2 of the Annotated Code of Maryland, "a local government or a billing authority for a water or wastewater facility shall establish a program to exempt from the requirements of this section a residential dwelling able to demonstrate

substantial financial hardship as a result of the restoration fee.” Mr. Muir reported that he has prepared an application form that is similar in nature to a program established in Carroll County. In order to qualify for the hardship exemption, the applicant must meet the following criteria:

- 1) Must be owner occupied residential property.
- 2) Property owner must be receiving the Homeowners’ Property Tax Credit.
- 3) The Applicant must also meet one additional condition:
 - a) Receiving energy assistance subsidy; or
 - b) Receiving public assistance-supplemental security income (SSI) or food stamps; or
 - c) Receiving veterans or social security disability benefits.

The Treasurer, as the tax-collecting agent for Somerset County, would determine the eligibility of those applying for the Hardship Exemption that live outside of a municipal water and sewer system. The Sanitary District Office would accept applications from qualifying residents that receive water and sewer services through their office and would determine their eligibility for the exemption. Mr. Muir stated that the Homeowner’s Tax Credit requirement would prevent some residents from receiving the exemption, as there were only 131 residents that received the credit last year. Mr. Street reiterated that we must establish a policy and it must be adopted by the highest government entity. Commissioner Mathies inquired as to how many residents this program would give assistance to. Mr. Muir believed it would provide assistance to approximately 5% of the County’s population. A Resolution was presented to the Board which, upon approval, would authorize the County to establish the Hardship Exemption Program.

A motion was made by Commissioner Fisher, seconded by Commissioner Laird, to adopt Resolution No. 1044, which establishes the Bay Restoration Fee – Hardship Exemption Program. The motion carried unanimously.

In other business, Mr. Street and Mrs. Barbara Outten, Administrative Aide for the Sanitary District, reported on the upcoming bond closing for the Princess Anne Water and Sewer Improvements Project, funded by USDA-Rural Development. The total project cost is \$1,670,468 and is funded with a 40 year loan of \$1,655,368 at 3.5% interest and grant of \$15,100. The Sanitary District is requesting the Board of County Commissioners guarantee the loan with USDA-Rural Development. They will return at a later date with the loan documents for approval and signature by the Board.


At the conclusion of the agenda, President Simpkins asked if there was anyone wishing to speak.

Mr. Klaus Trepczyk, of Marion, expressed his concern and frustration with the new BAT (Best Available Technology) septic systems, that are being utilized to replace older, non-functioning septic systems in areas that are in close proximity to the Chesapeake Bay Watershed. According to Mr. Trepczyk, his trees were killed and the drain lines were pushed into wetlands that resulted in being cited by MDE. He recommended the Health Department regulate the installation process. President Simpkins agreed with his concerns for MDE and the new BAT systems, however, the County does not have any control over the state agencies.

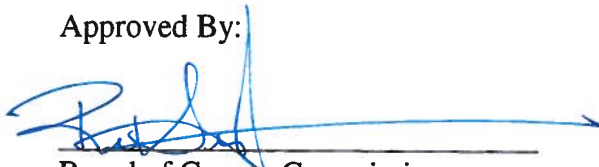
Mr. Phil Riggin, of Crisfield, requested further information on the environmental coordination of the Airport Project, as it pertains to the obstruction identification and environmental assessment process. Mr. Riggin stated that little coordination was provided during the initial phase of the project. Additionally, he expressed his support for the Maryland Rural Counties Coalition proposal. Mr. Riggin believes it is a worthwhile effort and encouraged the Board to consider their invitation to join.

With no further business, a motion was made by Commissioner Boston, seconded by Commissioner Fisher, to adjourn the Open Session and go into Closed Session authority of State Government Article of the Annotated Code of Maryland, Section 10-508 (a)(1)(i) – the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction. The motion carried unanimously and the Board went into Closed Session at 3:20 p.m.

Respectfully Submitted:


Cynthia R. Ward
Executive Aide

Approved By:


Board of County Commissioners
For Somerset County