

BOARD OF COUNTY COMMISSIONERS
FOR SOMERSET COUNTY
TUESDAY, SEPTEMBER 25, 2012

At 2:05 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, September 11, 2012 and approve them as presented.

Mr. Gary Pusey, Director of Technical and Community Services, was now present before the Board, accompanied by Ms. Audrey Cornelius, G.I.S. Technician/Zoning Specialist, to provide an update on the Septic Tank Legislative Bill and the tier mapping of the county, as required by the State Department of Planning. According to Mr. Pusey, the county will be mapped into tiers, and all land must fall into one of the four tiers. Two meetings have been held by the Planning Commission resulting in their approval of the maps. The County Commissioners will be required to give the final approval. However, Mr. Pusey recommended the maps be submitted to the Maryland Department of Planning first to receive comment. President Simpkins inquired as to what would be the result of not adopting the maps. Mr. Pusey advised that the County would be unable to allow a parcel to be subdivided into more than five lots. The County can, however, amend our minor subdivision regulations to increase the number from five to seven lots. A map showing the entire county divided into the four tiers was displayed for the Board:

- 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

As reflected in the map, most of the county is in Tier 4, which is the most restrictive. Commissioner Boston expressed his concern for the direction taken by the state – further

penalizing the farmers by regulating how they can use their land. President Simpkins also expressed his frustration with this mapping requirement, further penalizing citizens and the County. At the conclusion, the Board agreed to submit the tier maps to the State Department of Planning for their comments, then to the County Commissioners for approval.

At this time, Mr. Taylor reviewed correspondence.

A grant agreement was presented to the Board for signature. The Agreement provides \$50,000 in federal grant funding, through USDA Rural Development, for HVAC renovations to the Princess Anne Library. Ms. Jennifer Ranck, Library Director, was present for today's meeting and reported that an additional \$100,000 was received from the State, in addition to \$50,000 from the County.

Upon motion made by Commissioner Boston, seconded by Commissioner Laird, it was carried unanimously to authorize President Simpkins to sign the Grant Agreement.

Mr. Marvin Blye, Financial Officer for the Board of Education, was now present to discuss a request to transfer funds among major categories. In a letter submitted to the County Commissioners, Dr. Miles, Superintendent of Schools, requested the County's approval for the following transfers:

<u>AMOUNT</u>	<u>FROM</u>	<u>TO</u>
\$36,451.00	Administration	Mid-Level Administration
\$76,746.00	Textbooks & Instr. Supp.	Fixed Charges
\$35,667.00	Other Instr. Costs	Mid-level Administration
\$43,573.00	Other Instr. Costs	Instructional Salaries/Wages
\$ 2,851.00	Other Instr. Costs	Fixed Charges
\$12,066.00	Student Personal Serv.	Instructional Salaries/Wages
\$10,722.00	Health Services	Instructional Salaries/Wages
\$115,092.00	Student Transportation	Fixed Charges
\$101,096.00	Operation of Plant & Equip.	Fixed Charges
\$11,597.00	Maintenance of Plant	Instructional Salaries/Wages
\$33,950.00	Special Education	Instructional Salaries/Wages
\$109,731.00	Capital Outlay	Fixed Charges

Mr. Blye reported that the 2011 audit has just been completed and this request is the result of the close out to zero out those categories and make the proper adjustments. This process is normally done in August, however, due to the transition of personnel, the request is being submitted later than usual. Commissioner Fisher inquired about the "Fixed Charges". Mr. Blye advised that fixed charges pertain to fringe benefits, healthcare costs, etc. President Simpkins also questioned the large amount of fixed charges and why it was not anticipated. Mr.

Blye predicted these costs will be watched closer throughout the year in an attempt to avoid a similar situation next year. President Simpkins also questioned the "Capital Outlay" category amount and inquired what project this relates to. Mr. Blye responded by stating that this amount was a carryover and did not know what project it related to. He will ascertain further information and report back later. Commissioner Laird questioned the large amount taken from instructional supplies, particularly when complaints have been voiced that adequate funding is not available for supplies. He also inquired about the transportation category amount being transferred. Mr. Blye will look into that as well. Commissioner Fisher noted that a portion of the increased transportation budget was due to the projected fuel costs. Mr. Blye concluded by stating that the salaries and fringe benefits of all full time employees are accounted for in the 2013 budget. His goal is to attach the salaries to the actual positions in the budget process and track any changes that take may take place. A new system has been implemented in their office that should assist with this process and avoid these budgetary shortfalls. At the conclusion of the discussion, the following action was taken:

A motion was made by Commissioner Boston, seconded by Commissioner Mathies, to approve the request to transfer funds among major categories, as outlined above, for the Board of Education. The motion carried 4-0.

The Board reviewed a memo from Gary Pusey, Director of the Department of Technical and Community Services, regarding the availability of state funding through the Maryland Housing Rehabilitation Program for FY13. This is a state program that allocates funds to each county to be used for housing rehabilitation and to assist potential recipients with the application process. For FY13, Somerset County is being allocated \$32,822.

Upon motion made by Commissioner Fisher, seconded by Commissioner Boston, it was carried unanimously to authorize President Simpkins to sign the Letter of Intent to participate in the Maryland Housing Rehabilitation Program, and to designate Gary Pusey as the local administrator.

The Board reviewed a letter from Rehobeth Presbyterian Church requesting assistance from ECI Annex for inmate labor. The Church requested assistance with the completion of general repairs, landscaping and painting.

A motion was made by Commissioner Boston, seconded by Commissioner Fisher, to allow an inmate work crew from ECI Annex to provide assistance to Rehobeth Presbyterian Church. The motion carried unanimously.

Mr. Taylor reviewed discussion items with the Board.

President Simpkins was presented with the SSTAP Grant Agreement for signature. The funding, totaling \$117,447 provides transportation services for elderly and disabled citizens in Somerset County. Mrs. Sherree Marshall, Director of Somerset County Commission on Aging, appeared before the Board on September 11, 2012 to obtain permission to apply to the Maryland Department of Transportation for the funding.

Upon motion made by Commissioner Fisher, seconded by Commissioner Laird, it carried unanimously to authorize President Simpkins to sign the Grant Agreement.

President Simpkins was also presented with an agreement between the Maryland Department of Human Resources and the Somerset County Commissioners on behalf of the State's Attorney's Office with regard to the Child Support Enforcement Administration/Cooperative Reimbursement Agreement which assists in funding the cost (salaries, equipment, supplies, genetic testing) of the Child Support Program in the amount of \$201,008.00. Mr. Taylor noted that 66% of the cost of the program is returned to Somerset County.

A motion was made by Commissioner Laird, seconded by Commissioner Boston, to authorize President Simpkins to sign the Child Support Enforcement Administration/Cooperative Reimbursement Agreement. The motion carried 4-0.

At 3:00 P.M., President Rex Simpkins declared a public hearing open relating to the following matter:

"In accordance with the Annotated Code of Maryland, Article 24, §11-504(o)(1), the Somerset County Commissioners will consider the adoption of an Ordinance that will permit the County to provide a comprehensive system for the regulation of cats within the County.

FAIR SUMMARY

The proposed Cat Ordinance empowers the Somerset County Animal Control to enforce Licensing, Rabies Vaccinations and standards of care for cats owned by residents of Somerset County. The proposed Ordinance shall also authorize the impounding and disposition of stray, injured, and diseased cats; establish the redemption and adoption procedures; and supports the TNR (trap, neuter, return) program managed by the local Humane Society volunteers and animal rescue organizations. The Board of County Commissioners deems it necessary to consider such an ordinance in order to safeguard the health, safety and

public welfare of county residents. The revised ordinance is a cooperative effort between Somerset County and the local Humane Society organization.”

County Administrator, Ralph D. Taylor read aloud the Notice of Public Hearing into the record. President Simpkins thanked everyone for attending today’s hearing and gave instructions for any proponents and opponents that wish to offer testimony. At this time, President Simpkins called for any proponents wishing to testify.

Ms. Carol Beck, of 26837 Waller Lane, Princess Anne, appeared before the Board in support of the proposed cat ordinance. Ms. Beck stated that her neighbor feeds approximately 30-40 cats that are unhealthy. The neighbor does not properly care for the cats nor her property which is not mowed. Ms. Beck concluded by stating that she only wants the cats to be vaccinated and healthy.

President Simpkins called for any other proponents wishing to testify.

Mr. Jack Mills, of 5099 Annemessex Road ,Crisfield, appeared before the Board as the President of the Somerset County Humane Society and in support of the proposed cat ordinance. Mr. Mills advised the Board of several suggested changes to the proposed ordinance which were mostly minor language changes. He reviewed the changes, which have been submitted to the County Commissioners Office already, are as shown below:

Item 1: On page 2, Article II, Section 2. Definitions. (G) Cat Colony – delete “five (5) or more feral cats living in a specific area.” Revised sentence would read “A group of feral cats that congregate, more or less, together as a unit and share a common food source.”

Item 2: On page 3, Article II. Section 2. Definitions. Add (K) “FERAL CAT CAREGIVER – any person who, in accordance with a good faith effort to Trap-Neuter-Return the feral cat, provides care to a feral cat. A feral cat caregiver shall not be considered to be the owner of the feral cat.

Item 3: On page 4, Article II. Section 7. TO BE HELD FOR SEVEN DAYS; EXCEPTIONS. Delete the last sentence and replace it with the following: “Stray cats and kittens will be made available for adoption”.

Item 4: On page 5, Article II. Section 11. CATS WITH RABIES NOT TO BE RELEASED: QUARANTINE. Delete “NOT TO BE RELEASED” from the title.

Item 5: On page 5, Article II. Section 13. INJURED OR DISEASED CATS GENERALLY; RELINQUISHED CATS. Add the word “promptly” in the first sentence after the word “assessed” and again in the second paragraph, first sentence, after the word “scanned”.

Item 6: On page 6, Article II. Section 15. ABANDONMENT. Delete the word “managed”.

Item 7: On page 6, Article II. Section 16. INJURING, KILLING OR TRAPPING PROHIBITED. In Item (b) add “cat owners, and feral cat caregivers” after the word “agents”.

Item 8: On page 7, Article II. Section 22. COUNTY APPROVED TRAP, NEUTER AND RETURN (TNR) AND VACCINATION PROGRAMS. In the first sentence, after the word “organizations” add the phrase “and feral cat caregivers”.

Item 9: On page 8, Article IV, Section 1: In the first sentence, delete the following “be guilty of a misdemeanor and upon conviction thereof shall be”. And add the following sentence at the end of the paragraph: “However, anyone who violates Section 14, Section 15, or Section 16 (a) shall be guilty of a misdemeanor punishable in accordance with state law penalties”.

Mr. Mills concluded by stating that financial assistance is needed for their TNR (Trap, Neuter, Return) Program. They have successfully trapped , sterilized, vaccinated, and released over 650 cats to date, but they still have a long way to go to resolve the problem. The Humane Society is still interested in establishing a cat sanctuary for problem cats, but need approximately 10-20 acres in order to create a safe and healthy haven for these cats.

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

Ms. Jane Hawkins, of 11619 Somerset Avenue, Princess Anne, appeared before the Board in opposition, stating that “killing is back on the table” with this proposed ordinance. She also offered the following points of interest to support her opposition:

- TNR is the answer to controlling the cat population, although more time is needed.
- Why limit the TNR activities to only certain “approved groups”? Other groups, such as “Spay A Stray” would like to be recognized as a participant in the TNR program.
- The proposed ordinance still allows for the destruction of unredeemed cats.
- Ear tipped feral cats will be the only cats not picked up by Animal Control. There are other feral cats that are being cared for but have not been ear tipped. These feral cats may still be picked up for further disposition.
- Under this ordinance, up to 500 cats could be surrendered – too many cats to care for and get adopted. (statistics presented in writing by Ms. Hawkins – submitted as part of testimony)
- Opposed to relocating feral cats, as these cats will not become socialized within the colony and will not survive.
- The proposed ordinance is not a true TNR ordinance. It should require revaccination requirements and should define “nuisance” .
- Tax dollars should not be spent on a “kill shelter”.
- Questioned the inclusion of a cat scratch in the transmission of rabies.
- Cats are not in the top five animals determined to carry rabies. Rabies pellets are effective in preventing rabies in wild animals but is very expensive.
- Proposed adoption period of seven days is not long enough.
- In conclusion, Ms. Hawkins encourage the Board to give TNR a chance to work and research other ordinances that are better suited for this county.

President Simpkins asked for any other opponents wishing to testify.

Mr. Gury, of 3010 St. James Way, Princess Anne, appeared before the Board to express his appreciation to Ms. Hawkins for assisting him with a stray cat that was later neutered and treated by a veterinarian. He advised that he believes in "her plan".


President Simpkins asked for any other opponents wishing to testify.

Ms. Connie Green, of Salisbury, stated that she travels to her brother's property in Somerset County where she feeds 10-14 cats, and asked why there was not an agency that could assist her with the costs of sterilizing these cats. President Simpkins suggested she contact Jack Mills (Humane Society) which was present for today's hearing.

President Simpkins asked for any further testimony. There was none. The public hearing was closed at 3:40 p.m. Written comments will be accepted until October 5, 2012.

With no further business, the meeting was adjourned.

Respectfully Submitted:


Cynthia R. Ward
Executive Aide

Approved By:


Board of County Commissioners
For Somerset County