

BOARD OF COUNTY COMMISSIONERS
FOR SOMERSET COUNTY
TUESDAY, MARCH 12, 2013

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 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 lead those attending the meeting in the Lord's Prayer and the Pledge of Allegiance.

The meeting began with the presentation of a Proclamation to Scott Keller, Chief of Police for the Town of Princess Anne. Chief Keller was recognized for his support in opposing legislation that threatens the loss of our Second Amendment Rights and for his dedication to the protection and safety of our citizens.

President Simpkins declared a public hearing open relating to the following matter:

"The purpose of the hearing is to receive public comment regarding a proposed application for the renewal of the Princess Anne "Enterprise Zone" in accordance with Article 83A, Section 5-402, of the Annotated Code of Maryland."

Mr. Danny Thompson, Executive Director of the Economic Development Commission for Somerset County, reported on the submittal of an application to renew the Princess Anne Enterprise Zone. Businesses locating in a Maryland Enterprise Zone may be eligible for income tax and real property tax credits in return for job creation and investments. Somerset County has two established Enterprise Zone's - one in the City of Crisfield and the other in the Town of Princess Anne. Enterprise Zone designations are renewed or re-designated every ten years. A summary of the credits are as follows:

- Real property tax credits are a ten-year credit against local real property taxes on a portion of real property improvements. Credit is 80% the first five years, and decreases 10% annually to 30 percent in the tenth and final year.
- Income tax credits are a one-time \$1,000 credit per new worker. For economically disadvantaged employees, the credit is \$6,000 per employee over three years.

A map of the designated area was presented to the Board. Mr. Thompson advised that no additions or deletions of property are included in the new application. The deadline for the application period is April 15, 2013. As required, the Commissioners for The Town of Princess

Anne also held a public hearing on March 4, 2013 to obtain public comment on the proposed application.

President Simpkins called for any proponents wishing to testify on the renewal of the Princess Anne Enterprise Zone. There were none.

President Simpkins then called on any opponents wishing to testify. There were none.

With no further questions or comments, the public hearing was declared closed at 2:08 p.m. Written comments will be accepted until March 22, 2013. The Board will take action on the application submittal at their next regular meeting on March 26, 2013.

Mr. Gary Pusey, Director of Technical and Community Services, was now present before the Board, accompanied by fellow staff members: Audrey Cornelius, Debbie Lawson, Tom Lawton, and Bob Cadwallader. Mr. Pusey addressed the Floodplain Ordinance and maps, which were last updated March 2, 2011 to allow homeowners in the County to continue to purchase flood insurance. According to Mr. Pusey, information was received shortly thereafter that another study was looking at coastal Maryland and another update may be forthcoming once again. On February 21, 2013, a meeting was held with FEMA officials and work maps were reviewed which show additional land mass that was not previously considered to be in the 100 year floodplain, but are now included. Preliminary maps may be available from FEMA by March 21st. Public hearings and informational meetings are anticipated at a later date. Mr. Pusey also reported on the "Biggert-Waters Flood Insurance Reform Act of 2012" which will provide long-term changes to the National Flood Insurance Program. Under the new law, rates are likely to increase overall to reflect the true flood risk. Premium rates are projected to increase 25% initially and continue to increase until premiums reflect full risk rates for owners of business properties, beginning August 1, 2013. Other property owners, including non-subsidized policyholders, affected by map changes, will see full-risk rates phased in over five years at a rate of 20% per year to reach full risk rates, effective May of 2014. Mrs. Cornelius displayed the new work maps which show the newly affected areas that are now designated in the 100 year floodplain. For comparison purposes, the current floodplain maps were also displayed. Mrs. Lawson noted that flood insurance policyholders will have an opportunity to appeal their premium increase.

President Simpkins inquired if the County would be required to increase the freeboard level. Mr. Pusey was unable to advise if this would become a requirement at a later date.

Commissioner Boston inquired about the procedure in which the public will be advised of this information. Mr. Pusey assured the Board that the same procedure will be followed that was utilized in 2011, which included public informational meetings, newspaper articles, and public hearings.

Mr. Lawton stated that the proposed premium increases will greatly affect those citizens who are barely able to meet their mortgage responsibilities. Mr. Konapelsky also believes it will dramatically increase his own monthly mortgage payment.

The Board thanked Mr. Pusey and his staff for providing them with this important information.

Dr. Marjorie Miles, Superintendent of Somerset County Public Schools, was now present before the Board, accompanied by staff members: Mr. Paul Jefferson, and Nancy Smoker. Dr. Miles began by reviewing a Summary of Priorities:

- Technology (aging equipment)
- Curriculum & Instruction
- Special Education
- Maintaining Staff & Support Programs
- Facilities (School Resource Officers & Safety Program Needed)
- E-Finance (corrections needed to finance program)

Mr. Jefferson reported that \$25 Million was allocated statewide for security programs in schools. Based upon square footage, Somerset County will receive \$120,000 for safety improvements, which would include a door locking system with monitor and camera system. A local match is required from the County. Mr. Jefferson also advised that state funding will now provide 90% of the total funds needed to complete the Greenwood HVAC and roof project. Assessments of school buildings will be performed during the next few weeks in order to submit a request for aging school funding.

Ms. Smoker addressed the new "E-Finance" system that was implemented this year and the challenges that occur with a new finance-based software system. Corrections have now been made to budget codes and they have corrected how fringe costs were calculated. Categories are now correctly reflected in how services are charged out.

Commissioner Fisher inquired if any further funding options were available at the state level. Mr. Jefferson stated that state level appropriations were still being reviewed. The next hearing date is April 18, 2013. Commissioner Fisher also inquired if Somerset County Schools qualified for funding under the air conditioning improvements category. Mr. Jefferson replied

no – that funding is restricted to schools that still utilize window unit air conditioners and are attempting to upgrade to HVAC systems.

Commissioner Laird inquired about some of the discrepancies in the E-Finance system and if services were charged from the wrong category. Commissioner Laird was advised there were only two or three minor discrepancies and they have been corrected.

Mr. Gene Adkins, Finance Director, was also present for today's meeting. Mr. Adkins inquired if any information was available regarding their maintenance of effort or non-recurring costs request for budget purposes. Dr. Miles advised that an additional \$3 Million in state funding is anticipated, however, maintenance of effort is still unknown.

Dr. Miles will return at a later date in regard to their request for non-recurring costs and maintenance of effort.

Mr. Charles Cavanaugh, Director of Solid Waste and Maintenance, was now before the Board to revisit a discussion regarding the Transfer Station Permit Fees and the Landfill Tipping Fees. During the February 26, 2013 meeting of the County Commissioners, Mr. Cavanaugh reviewed projected expenses and revenues for FY14. Fees currently charged in Worcester and Wicomico Counties were also discussed for comparison purposes.

(Commissioner Mathies was now in attendance.)

After a brief review, the following action was taken to set the fees for the new fiscal year:

A motion was made by Commissioner Laird, seconded by Commissioner Fisher, to keep the Landfill Tipping Fees at the same rate of \$62 per ton for Fiscal Year 2014. The motion carried 4-0.

A motion was made by Commissioner Boston, seconded by Commissioner Fisher, to increase the fee for Transfer Station Permits from the current rate of \$52 to \$56 for Fiscal Year 2014, with the cost remaining the same for second and third issued permits. The motion carried 4-0.

Mr. Robin Street, Manager for the Somerset County Sanitary District, was now present before the Board to present a Resolution authorizing the issuance and sale of \$2,525,900 Somerset County Sanitary District, Inc. Water and Wastewater Systems Bonds for the Princess Anne Water and Sewer Expansion, upon which the Board of County Commissioners have agreed to guarantee. Mr. Street reported that the Sanitary Commission has met and approved the Bond Closing. The Princess Anne Water and Sewer Expansion will not only provide the needed water

allocations, it will provide the infrastructure necessary (except sewer) for Wal-Mart, or any other business that plans to locate in the Princess Anne area. A bid opening is scheduled for March 21, 2013 for the construction of the wells and water tower. The estimated completion date for the project is May of 2014.

Upon motion made by Commissioner Fisher, seconded by Commissioner Boston, it carried 4-0 to authorize the signature of the Resolution (as named above).

Upon motion made by Commissioner Fisher, seconded by Commissioner Boston, it carried 4-0 to authorize the signature of the "Somerset County Sanitary District, Inc. Water and Wastewater Systems Bond of 2013 (Princess Anne Water and Sewer Expansion)" in the principal amount of \$2,525,900.

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

The Board was presented with Resolution No. 1056, a Resolution which authorizes the Director of Somerset County Commission on Aging to file an application with the Maryland Transit Administration of the Maryland Department of Transportation for Sections 5303, 5304, 5307, 5209, 5310, 5311, 5316 and/or 5317 grants under the Federal Transit Act. The Resolution will support their FY13 funding application, which was submitted on October 10, 2012.

Upon motion made by Commissioner Boston, seconded by Commissioner Fisher, it was carried 4-0 to adopt Resolution No. 1056 to support the FY13 funding application submitted by Somerset County Commission on Aging.

The Board was also presented with Ordinance 1055 for their approval and signature. This Ordinance is intended to correct an omission in the previously adopted Ordinance No. 962, an amended version of the Subdivision Ordinance. At the time Ordinance 962 was presented, public hearings were held, as required by law, giving proponents and opponents an opportunity to present testimony, followed by a ten-day comment period. Ordinance 962 was adopted on October 16, 2007, however it was filed erroneously without the attachments which describe the amended sections. The Ordinance proposed today, will simply allow the previously approved amendments to be attached and filed correctly. No changes were made to the text.

A motion was made by Commissioner Laird, seconded by Commissioner Boston, to adopt Ordinance 1055, which is comprised of the information contained in Ordinance 962 in its entirety, including the full description of the approved amendments. The motion carried 4-0.

Mr. Taylor advised the Board of the results of the Annual Public Drainage Association (PDA) meetings, held January 12, 2013. The following action was taken by the Board authorizing the Treasurer to levy the Drainage Tax Assessment for each PDA:

Upon motion made by Commissioner Fisher, seconded by Commissioner Boston, it was carried 4-0 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 2014 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. Tom Pinto to serve as Manager for another three-year term, with Mr. Jerry Bozman and Mr. Robert Powell continuing on from a previous appointment.

Upon motion made by Commissioner Boston, seconded by Commissioner Fisher, it was carried 4-0 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 2014 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. Walter West for another three-year term as Manager, with Gary Rathcamp and Tommy Smith continuing on from a previous appointment.

Upon motion made by Commissioner Fisher, seconded by Commissioner Boston, it was carried 4-0 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 2014 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 re-appoint Mr. Robert Finney for another three-year term as Manager, with Ms. Remonia Finney continuing on from a previous appointment. Mr. Paul Wiles, former Manager, has moved from the area.

Upon motion made by Commissioner Boston, seconded by Commissioner Fisher, it was carried 4-0 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 2014 Drainage Tax Assessment for the Handy Church PWA as follows:

Minimum Billing \$50.00

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

The Board was presented with a proposal as submitted by Carolyn Marquis for a Promotional Director for Somerset County. The Board will review the information and discuss it further at a later date.

Mr. Taylor reminded the Board of vacancies that exist on the Somerset County Social Services Board and the Housing Review Board. The following action was taken by the Board to fill the existing vacancies:

Upon motion made by Commissioner Fisher, seconded by Commissioner Boston, it carried 4-0 to appoint Mervin Mister to serve as member of the Social Services Board for a term of three years.

Upon motion made by Commissioner Laird, seconded by Commissioner Boston, it carried 4-0 to appoint Billie Jo Chandler to serve as member of the Housing Review Board for a term of three years.

Upon motion made by Commissioner Mathies, seconded by Commissioner Laird, it carried 4-0 to appoint Marshall Corbin to serve as member of the Housing Review Board for a term of three years.

The Board reviewed a project notification from the Maryland Department of Planning, State Clearinghouse, regarding the transfer of ownership of the Crisfield Armory from the Maryland Military Department to the City of Crisfield. Mr. Taylor recommended a response of C-5 be submitted, indicating that the project is consistent with our plans, programs, and objectives.

Upon motion made by Commissioner Laird, seconded by Commissioner Boston, it carried 4-0 to respond to project notification with a C-5 designation.

A written request was received from Mr. Larry L. Shanks, of Bowie, Maryland, to transfer ownership of Hangar 4 at the Crisfield Airport to Lloyd H. Stevens, of Marion. In his letter, Mr. Shanks indicates that he has entered into an agreement with Dr. Stevens to sell the property, identified in the Tax Records of Somerset County as Map 64, Grid 5, Parcel 468, District 8, Account Number 165327.

A motion was made by Commissioner Boston, seconded by Commissioner Laird, to approve the transfer of ownership of Hangar 4 at the Crisfield Airport from Larry L. Shanks to Lloyd H. Stevens. The motion carried 4-0.

The Board reviewed a memorandum from Gary Pusey, Director of the Department of Technical and Community Services, advising of the term expiration of Andrew Baines and David Marquis on the Board of Zoning Appeals. Mr. Baines is a regular member and Mr. Marquis serves as an alternate member, and both terms will expire on March 30, 2013. Mr. Taylor also advised that Mr. Ryan Taylor, of Kingston, has expressed interest in serving on the Board of Zoning Appeals or the Planning Commission.

Since Mr. Baines and Mr. Marquis have indicated they would like to continue their service on the Board of Zoning Appeals, a motion was made by Commissioner Boston, seconded by Commissioner Fisher, to re-appoint Mr. Andrew Baines to serve another three-year term on the BZA. The motion carried 4-0.

A motion was made by Commissioner Laird, seconded by Commissioner Fisher, to re-appoint Mr. David Marquis to serve another three-year term on the BZA. The motion carried 4-0.

In a separate letter, Mr. Pusey also advised that Mrs. Dorothy Murray had indicated that she does not wish to be re-appointed to the Agricultural Preservation Advisory Board when her term expires April 1, 2013. The Board will consider the appointment of a new member and take action at a later date.

At 3:50 p.m., the County Administrator advised the Board of the need for a Closed Session. A motion was made by Commissioner Jerry Boston, seconded by Commissioner Randy Laird, to 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. Also present for the Closed Session were Commissioner President Rex Simpkins, Commissioner Craig N. Mathies Sr., Commissioner Vice-President Charles Fisher; County Administrator-Clerk, Ralph D. Taylor; and Executive Aide, Cynthia R. Ward.

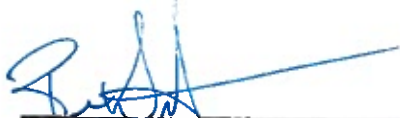
Upon motion made by Commissioner Laird, seconded by Commissioner Fisher, it was carried unanimously to adjourn the Open and Closed Sessions at 4:20 p.m.

Respectfully Submitted:



Cynthia R. Ward
Executive Aide

Approved By:



Board of County Commissioners
For Somerset County