

BOARD OF COUNTY COMMISSIONERS  
FOR SOMERSET COUNTY  
TUESDAY, MARCH 26, 2013

At 1:30 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.

The meeting began with the presentation of Proclamations to Miss Kayla Corbin, Washington High School Girls Basketball Varsity Player, for reaching the incredible milestone of scoring 1000 points; and to Washington High School Boys Basketball Team for capturing the 1-A East Region title and advancing to the State Semi-Finals.

Mr. Taylor began by reviewing correspondence with the Board.

A letter from Chesapeake Renewable Energy, LLC, was reviewed by the Board, regarding their interest in bringing natural gas to Somerset County. Currently, natural gas pipelines run through Fruitland along Rt. 13 but terminate at Crown Sports Center. As requested, the Commissioners agreed to forward a draft copy of the franchise agreement that was previously provided to Chesapeake Utilities last year during a similar discussion.

Upon motion made by Commissioner Fisher, seconded by Commissioner Boston, it carried 4-0 to provide a draft copy of the natural gas franchise agreement to Chesapeake Renewable Energy, LLC.

Three requests were received and approved for inmate labor assistance from Eastern Correctional Institute:

- 1) Upon motion made by Commissioner Mathies, seconded by Commissioner Fisher, it carried unanimously to approve a request from Mt. Carmel Baptist Church to assist with the clean-up of the church cemetery, as well as, restoration work, removal of debris, and minimal painting.
- 2) Upon motion made by Commissioner Laird, seconded by Commissioner Mathies, it carried unanimously to approve a request from Crisfield Little League to assist with general maintenance work and clean-up of the ballfields and the concession stand.
- 3) Upon motion made by Commissioner Laird, seconded by Commissioner Fisher, it was carried unanimously to approve a request of the Crisfield Area Chamber of

Commerce for use of ECI Annex Inmates to assist with cleaning out storage buildings, restoration work on the "crab track", and painting the food booths that are used for the Crab & Clam Bake.

The Board received a letter from The City of Crisfield, dated March 14, 2013, regarding action taken at a recent meeting of the Crisfield City Council to accept the billing for the electric service at Brick Kiln beach, if the County could provide the connection. Upon motion made by Commissioner Laird, seconded by Commissioner Fisher, it carried unanimously to install the electric service needed at Brick Kiln.

The Board also reviewed a letter from The Town of Princess Anne regarding two properties located within the town limits: 11464 S. Beckford Avenue and 11459 Peters Avenue. The Beckford property is in poor condition and in need of demolition. Once the property has been demolished, Town Officials are proposing a playground and/or a community garden be constructed utilizing grant funds. The Peters Avenue property is suitable for rehabilitation and is being considered for use as a substation. In order to accomplish these goals, the Town Commissioners are asking that all fees and taxes assessed on both properties be waived by the County Commissioners. Mr. Taylor reported on the real property taxes that are past due on both properties:

Beckford Avenue	\$3,142.19 (five years)
Peters Avenue	\$2,289.95 (six years)

The Peters Avenue property was sold back to the County in June of 2012 and the County Attorney has already begun foreclosure proceedings. The Beckford property was sold during a tax sale but a deed was never been presented by the new owner. A motion has now been filed to have the final order voided. After a brief discussion, the following action was taken by the Board:

A motion was made by Commissioner Fisher, seconded by Commissioner Boston, to waive the county property taxes due and relinquish the County's interest in these properties to the Town of Princess Anne, upon the County Attorney's ability to secure the properties. The motion carried 4-0.

Mr. Herb Geary, of TGM Group, LLC, external auditors for Somerset County, was now present before the Board to review the FY2012 audit. Also present for the review was Gene Adkins, Finance Director; Sharon Muir, Internal Auditor; and Vicki Miller, Finance and Accounting Officer. Mr. Geary began by reviewing the Independent Auditor's Report and proceeded with a general overview of the audit which reflected a general fund balance of

\$14,299,388 at the fiscal year ending June 30, 2012; and a total governmental fund balance of \$16,995,401. The County ended the year with total debt obligations of \$24.6 Million, which equals a total debt to total fund balance ratio of 1.45 to 1. Mr. Geary commended the County Commissioners and Staff for this achievement and stated that "Somerset County is in very good shape." The following results of operations were also presented:

- Overall \$854K increase in fund balance
- Actual revenues totaled \$33M (includes \$1.7 of loan proceeds) and were under budget by \$1.3M
- Actual expenditures totaled \$31M and were under budget by \$4.1M

The results of the Roads Board operations for FY2012 showed an overall decrease in fund balance of \$528K; actual revenues totaled \$2M (\$1.2M from the General Fund) and were under budget by \$3.1M; and actual expenditures totaled \$2.6M and were under budget by \$2.8M. Although FY12 proved to be a difficult reporting year for the County due to the implementation of the new software, it will improve our reporting capabilities going forward. Mr. Adkins thanked Mr. Geary and his staff for their cooperation and flexibility during our software transition this past year. In conclusion, the Board expressed their appreciation to Mr. Geary and the Finance Department for their hard work.

At this time, Mr. Taylor reviewed discussion items with the Board.

A letter of support was presented to the Board for their consideration. The letter supports the use of the Crisfield-Somerset County Airport as a possible test site for Unmanned Aerial Systems (UAS) operating in the National Airspace System (NAS), as presented by Matt Scassero, FAA UAS Test Site Lead, during his presentation to the Board March 19, 2013. As joint owners of the Airport, the City of Crisfield has already expressed their support for the proposal being submitted by the University of Maryland, on our behalf.

A motion was made by Commissioner Mathies, seconded by Commissioner Laird, to authorize President Simpkins to sign the Letter of Support. The motion carried 4-0.

The Board was presented with Resolution No. 1060, a Resolution to amend the County's drug and alcohol policy to include testing requirements and physical examinations for all county employees; pre-employment drug screening; random testing procedures for CDL and safety sensitive positions. The Board was presented with draft copies of the new policy on March 19, 2013 for their review. If approved, Mr. Taylor suggested the new substance abuse policy be

implemented with the new fiscal year, July 1, 2013, and become a part of the new County Employee Handbook.

A motion was made by Commissioner Laird, seconded by Commissioner Fisher, to adopt Resolution No. 1060, a substance abuse policy to assure a drug-free workplace for Somerset County Employees, effective July 1, 2013. The motion carried unanimously.

The Board discussed the current annual fee of \$75 for mosquito control spraying for individual property owners. Since the State anticipates no cost increase for the pesticides, Mr. Taylor recommended the fee remain at the same rate.

A motion was made by Commissioner Fisher, seconded by Commissioner Boston, to maintain the mosquito control fee at \$75 for the spraying of individual private properties during the upcoming spring/summer season. The motion carried 4-0.

Two Resolutions were presented to the Board for their consideration and approval:

- 1) Resolution No. 1058 – Solid Waste Fees – Action was taken by the Board to set the solid waste fees on March 12, 2013 and Resolution No. 1058 reflects the newly adopted fees.

Upon motion made by Commissioner Fisher, seconded by Commissioner Boston, it carried 4-0 to adopt Resolution No. 1058.

- 2) Resolution No. 1059 - Authorizing an Enterprise Zone application for the renewal of a designated area that will cover parcels of land in the Town of Princess Anne and in Somerset County. The purpose of such a zone is to focus local and state resources in order to encourage economic growth through the promotion of private capital investment and increased employment opportunities. The designated areas are the same as in the previous Enterprise Zone. A public hearing was held by the County Commissioners on March 12, 2013 to receive public comment. No testimony was presented during the hearing and no written comments were received during the ten-day comment period.

Upon motion made by Commissioner Fisher, seconded by Commissioner Boston, it carried 4-0 to adopt Resolution 1059.

President Simpkins was presented with the FY2014 Grant Agreement between the Maryland Department of Natural Resources Critical Area Commission and Somerset County for the Chesapeake and Atlantic Coastal Bays Grant-In-Aid Program. The grant program provides Somerset County with \$15,000 that will be used towards staff salaries that work with Critical Area program and policies.

A motion was made by Commissioner Fisher, seconded by Commissioner Laird, to authorize President Simpkins to sign the FY14 Grant Agreement. The motion carried 4-0.

The Board was reminded that May 2, 2013 is designated as the National Day of Prayer. For the last several years, a ceremony has been held in front of the County Office Complex in

recognition of the National Day of Prayer. Rev. Jim Duran has inquired if the County will once again allow the ceremony to be held in the same location.

Upon motion made by Commissioner Fisher, seconded by Commissioner Boston, it carried unanimously to observe the National Day of Prayer with a ceremony in front of the County Office Complex.

The Board was reminded of three remaining vacancies on the Social Services Board and took the following action:

Upon motion made by Commissioner Laird, seconded by Commissioner Boston, it was carried 4-0 to appoint Cindy Abbott to serve as member of the Social Services Board for a three-year term.

Upon motion made by Commissioner Mathies, seconded by Commissioner Boston, it was carried 4-0 to appoint Kathy Grant to serve as member of the Social Services Board for a three-year term.

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

The Board was also reminded of one remaining vacancy on the Housing Review Board and took the following action:

A motion was made by Commissioner Fisher, seconded by Commissioner Laird, to appoint Jackie Wheatley to serve as member of the Housing Review Board for a three-year term. The motion carried 4-0.

Mr. Taylor reported on an opportunity to apply for \$50,000 in grant funding through Maryland Energy Administration to reduce energy consumption within a five year period. To qualify for the grant funding, the County will submit a letter of intent to MEA before March 1, 2013, and pursue the following policies:

- a) Energy Efficiency – Establish an electricity consumption baseline and develop a plan with the goal to reduce per-square foot electricity consumption of county owned buildings 15% within 5 years of the baseline year.
- b) Renewable Energy – Reduce conventional centralized electricity generation serving a local government's buildings by meeting 20% of those buildings' electricity demand with distributed, renewable energy generation by 2022.

Upon motion made by Commissioner Laird, seconded by Commissioner Fisher, it carried 4-0 to authorize the County Administrator to sign the application for \$50,000 in grant funding through MEA.

Dr. Marjorie Miles, Superintendent of Somerset County Public Schools, was now present before the Board, accompanied by Mr. William Miles, Chairman of the Board of Education. Dr. Miles began by addressing the list of items requested for Non-Recurring Costs. Dr. Miles advised that the list being presented is in line with the priorities she reviewed during her previous visit, particularly in respect to technology and security. Commissioner Fisher inquired about the possibility of other state/federal funding that may become available. Dr. Miles spoke on the state's plan to distribute \$25 Million based on LEA formulas to address security concerns in each county. For Somerset, \$125,000 will be allocated from the state and require matching funds from the County. An estimate of \$55,000 has been received for cameras and buzzers to be installed at the school entrance. In reviewing the security related equipment on the list of Non-Recurring items, Commissioner Fisher suggested those items, totaling \$55,000, could be removed if we utilized the state funding for security upgrades, versus county money from the general fund. Dr. Miles reminded everyone of the local match that will be required if we utilize the state funding. Commissioner Laird expressed his concern over whether the Board of Education had reviewed and approved this request. Chairman Miles confirmed the Board of Education had reviewed the request and followed up by contacting several members today. Those members that were contacted today agreed with submitting the request for non-recurring costs, except for one member who was opposed, leaving a vote of 4-1. Commissioner Mathies believed that Mr. Jefferson should have been present today to address these issues, and also inquired as to which staff member prepared the estimates. Dr. Miles replied – Nancy Smoker and Paul Jefferson. She also stated that today's information is being presented as requested by County Finance Director Gene Adkins. Commissioner Mathies also inquired as to the Board of Education's Chief Financial Officer. Dr. Miles replied by stating that Ms. Smoker is now acting as the Finance Officer. Commissioner Mathies questioned the transition of Ms. Smoker from I.T. to Finance Officer. Dr. Miles then reported that Ms. Smoker is looking at the details and managing the E-Finance Program, and concluding by stating that they are currently "thin" on staff members. Commissioner Laird commented on the lateness of their budget requests last year, and this year the Commissioners had to request the information. Mr. Miles understood the statement and advised that she is planning to return at the next regular meeting of the Commissioners to present her budget.

Commissioner questioned if the Board of Education was facing a deficit. Dr. Miles reported "we will not have a deficit". Commissioner Boston returned to the list of Non-Recurring cost items and suggested the Board consider items 6-10 and allocate \$60,000 as a local match for \$60,000 in state funding, most of the items would be covered. When questioned about laptops being the #1 priority on the list, Dr. Miles confirmed the existing laptops are seven years old and she hopes to maintain the integrity of technology at Somerset Intermediate School. She believes all items on the list are important, but the ranking of each item does not have to stay the same. It is difficult, however, to eliminate any of the requested items. Commissioner Fisher stated that he believed some of the security related items will soon be mandated by the State. Mr. Adkins was unsure if the State would qualify certain items as Non-Recurring costs, such as the security related items. Dr. Miles will follow up on the qualification requirements of these items and provide additional information later today.

President Simpkins asked for any further questions or comments. There were none.

At 2:53 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 Charles Fisher, 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; and Section 10-508 (a) (7) consult with counsel to obtain legal advice. The motion carried unanimously. Also present for the Closed Session were Commissioner President Rex Simpkins, Commissioner Craig N. Mathies Sr., Commissioner Randy Laird; County Attorney, Kirk Simpkins; Director of Solid Waste, Charles Cavanaugh; County Administrator-Clerk, Ralph D. Taylor; and Executive Aide, Cynthia R. Ward.

At 3:25 p.m., upon motion made by Commissioner Boston, seconded by Commissioner Laird, it was carried unanimously to adjourn the Closed Session and return to Open Session.

A motion was made by Commissioner Boston, seconded by Commissioner Fisher, to approve the Minutes of the meetings held March 12, 2013 (open session and closed session) and approve them as presented. The motion carried unanimously.

At this time, the Board revisited the request of the Superintendent for Non-Recurring Costs. With Dr. Miles and Mr. Paul Jefferson present via telephone conference call, Dr. Miles

was able to confirm the items that qualified as Non-Recurring Costs. Mr. Jefferson also suggested utilizing the state funding for security: \$60,000 in state funding matched by \$60,000 in county funding. After much confusion, Mr. Taylor stated that items 6-10 (security related items) should not be on the list since they are separate from Non-Recurring costs; and items 3, 4 and 5 are the only ones that may qualify. Dr. Miles confirmed that item #3 was the only “new” item. The telephone conference call ended temporarily. After reviewing the amount of last year’s level funding and pension contribution, along with the estimated maintenance of effort and pension contribution for the upcoming year, a motion was made by Commissioner Laird to deny the request for Non-Recurring costs. President Simpkins called for a second. The motion died for lack of a second.

Commissioner Fisher then made a motion to grant \$33,000 in Non-Recurring costs for items 3,4,and 5, pending qualification approval by the State. Before voting on the motion, the telephone conference call with Dr. Miles and Mr. Jefferson was re-established. After researching the issue, Dr. Miles confirmed that security items can be used as Non-Recurring costs, but not the maintenance thereof. Mr. Taylor then stated that Items 1,2 and 11 should be removed from the list. President Simpkins asked for confirmation that an additional \$3Million in school funding was anticipated from the State; and was any portion of the \$3Million targeted for security upgrades. The additional funding from the state was confirmed, but Mr. Jefferson advised that it was not targeted for security. In conclusion, Mr. Jefferson stated that, upon researching the issue, Items 5-9 will qualify for Non-Recurring costs. At the conclusion of this discussion, the telephone conference call ended. Upon receiving this additional information, Commissioner Fisher rescinded his previous motion.

A motion was then made by Commissioner Fisher, seconded by Commissioner Mathies, to approve Items 3-10, totaling \$93,000, for Non-Recurring Costs, as shown below:

	<u>Not To Exceed</u>
Promethean Boards for 2 <sup>nd</sup> grade classrooms	\$25,000
Laptops for second grade teachers	5,000
Document cameras for second grade classrooms	3,000
Video Comm. Security System	27,500 *
Interior Security Doors, PAE	5,000 *
Security Cameras, JMT, MSP, DIS	15,000 *
Security Fencing at PAES	2,500 *
Interior Door Locks	10,000 *
<b>Total</b>	<b><u>\$93,000</u></b>

\* The items denoted by the asterisk, reflect the county’s match for the security related projects




Commissioner Fisher, Commissioner Mathies, and Commissioner Boston voted aye.

Commissioner Laird and Commissioner President Simpkins opposed the motion. The motion passed 3-2.

With no further business, a motion was made by Commissioner Fisher, seconded by Commissioner Boston, to adjourn the meeting. The motion carried unanimously and the meeting adjourned at 4:25 p.m.

Respectfully Submitted:

  
Cynthia R. Ward  
Executive Aide

Approved By:

  
Board of County Commissioners  
For Somerset County