

BOARD OF COUNTY COMMISSIONERS
FOR SOMERSET COUNTY

JUNE 18, 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 Craig N. Mathies, Sr., Commissioner Jerry S. Boston and Commissioner Randy Laird.

County Administrator-Clerk, Ralph D. Taylor and Executive Secretary Lory E. Ebron were also present.

President Rex Simpkins called the meeting to order, and asked Commissioner Mathies to lead those attending the meeting in repeating the Lord's Prayer and the Pledge of Allegiance.

Upon a motion made by Commissioner Fisher, second by Commissioner Boston, it carried 4-0 to dispense with the reading of the Board of County Commissioner Minutes of the Special Meeting held Tuesday, May 28, 2013, and the Closed Meeting Minutes held May 28, 2013 and approve the minutes as presented.

The Honorable Rick Pollitt, Wicomico County Executive/MACo President and Mr. Michael Sanderson, MACo Executive Director, were now present before the Board to discuss the results of the 2013 Legislative Session. Mr. Pollitt began by saying it was a privilege to be in Somerset County, the first stop of their visits this year. Noting that Commissioner Charles Fisher, and Commissioner President Rex Simpkins both serve on the Legislative Committee, Mr. Pollitt noted that he wants to hear what the county is working towards as well as share information with regard to the county association. Mr. Pollitt then introduced Mr. Sanderson.

Mr. Sanderson stated that it was good to see everyone, and provided a handout which provided the MACo highlights for the 2013 Legislative Session. Mr. Sanderson noted that there has been a modest bounce back this year, with the economy being more stable and calm this year as compared to previous years. Bills passed this year with some value included; secured additional funding for counties, counties winning a seat on the Board of Trustees of the Maryland State Retirement and Pension System, and a tax change amendment that would have expanded loopholes and reduced local tax revenues. Legislation was also passed that simplified county government processes associated with personal property tax collections. Mr. Sanderson

noted that MACo has a good track record, with many proposed bills being changed, amended or defeated because of MACo's efforts.

Additionally, it was noted that legislation that would have created new and costly employee liabilities for counties was successfully resisted. Mr. Sanderson noted the case that the State of Maryland lost with regard to the withholding of local income tax for income that is earned out of state. However, he advised the Board of a new credit on counties that may be an upcoming issue on the horizon. Also, new environmental mandates and penalties were avoided with regard to the states proposed Watershed initiative. Mr. Sanderson acknowledged that Mr. Tom Lawton and Mr. Robert Street have been very valuable with regard to assistance in Annapolis with these matters. Mr. Sanderson discussed the 'Solid Waste Issues' battle, which he described as gathering steam, noting there is a big push to do something "big and bold" with solid waste. Mr. Sanderson stated that Somerset County is getting a "bad-rep" with regard to curb-side recycling because it is not a compact a city as Baltimore or Annapolis and the county can't count in ECI and their recycling. Mr. Sanderson then asked if the Board for any comments or questions they may have.

Commissioner President Simpkins began by addressing the issue of the reduction of Highway User Funding to the county. President Simpkins noted that the state has had the funding to address access roads in Somerset County, while the county has not been able to anything at all on local county roads for the past three years.

Mr. Taylor noted that the problem may be the increases in gas taxes going towards mass-transit which does not assist Somerset County needs. Mr. Taylor also noted that funding has gone from \$3 million to \$200,000 and is a huge issue for Somerset County and an issue the county could use help with.

Mr. Pollitt advised that Highway User Funding has been in front of Delegate Norman Conway and he would like to see the counties get back to full compensation. Mr. Pollitt noted that Wicomico County has had the same issue, with their funding dropping from \$7 million to \$200,000 as well. Mr. Pollitt said that MACo is looking at forming a committee to look at new transportation funding alternatives. Mr. Taylor asked if anything in the bill was put into place for the Transportation Trust Fund to keep the Board of Public Works from raiding it to balance the state's budget again. Mr. Sanderson replied it is not a true "lock box" and will require a super majority vote in the Senate to pass.

Commissioner Fisher asked what percentage of the States Teacher's Pension System the State pays. Mr. Sanderson replied a little more than half. Commissioner Fisher noted that there is only one seat at the table on the Pension Board. Mr. Sanderson explained that it is all done at the State Legislature level, but is exclusive to the folks that are voted in. President Simpkins asked how MACo will appoint the representative for the county. Mr. Sanderson replied that MACo submits a list to the Governor who may or may not make the appointment from the list submitted.

Commissioner Laird asked about past legislation that failed requiring insurance companies to provide treatment for autism. Mr. Sanderson replied he was not familiar with the specific bill in detail, but knows there are many of those types of medical battles out there, which MACo does not usually get involved with. It was also noted that a session is coming up that has been planned for the August conference to address the "Affordable Care Act". Commissioner Laird commented that although his grandchild is covered, many are not and he has been working with Senator Mathias on the issue as well. Commissioner Laird stated perhaps this is an issue that MACo should become more involved with.

Lastly, Mr. Sanderson noted that annually the MACo staff has an 'Adopt a Family Campaign' during the holiday's and he thanked the Board for the Commissioner's office staff that assisted the MACo staff in finding a family in need who were from Crisfield.

Mr. Pollitt and Mr. Sanderson were thanked for their presentation, and excused from the meeting at this time.

At 2:30 p.m. Commissioner President Simpkins declared a Public Hearing open relating to the following matter:

"In accordance with Section 13 of the Somerset County Zoning Ordinance, Somerset County is considering an amendment to Section 16 of the Zoning Ordinance, entitled "Definitions" to add a definition of "commercial;" and to amend Section 5.2 to clarify that "Target Range for Firearms" does not pertain to private ranges. The Planning Commission forwarded a favorable recommendation to the County Commissioners on this proposed amendment. The County Commissioners will hold a public hearing prior to making a decision".

Mr. Gary Pusey was now present before the Board and requested that his Memo to the Commissioners dated June 14, 2013 be placed into the records for the Public Hearing. Mr.

Pusey explained the process and results of meetings that have been held to date with regard to the ordinance. At the request of the County Commissioners, the Planning Commission held a work session and Public Hearing on May 2, 2013 to attempt to clarify the Zoning Code as it pertains to "target ranges" in how zoning addresses private vs. commercial target ranges. Mr. Pusey advised that in order to change the code, a text amendment needed to occur, advertised as a Public Hearing by both the Planning Commission and the Commissioner's office. At this time, Mr. Pusey explained the text changes being proposed to the ordinance as follows:

Amendment #1 - Section 5.2.d.38: Target Range for Firearms, (add): **not including a range operated by an individual and used exclusively by such individual and his guests.**

b) (Change) ~~Other~~ **Outside**, provided the use is setback a minimum of 1,000 feet from any lot occupied by a school, place of worship, institution for human care or any dwelling not located on the same lot. and;

Amendment #2 - add definition of "Commercial" to section 16.2:

Commercial. Any activity conducted where goods or services are sold or traded with the expectation of profit or gain.

President Simpkins noted that all 23 counties in the state had been contacted and verified that 16 responded. Mr. Pusey stated that was correct and the overwhelming majority (14) do not address private ranges by zoning, similar to what Somerset County is proposing.

President Simpkins asked if there were any proponents present wishing to testify. There were none.

President Simpkins then asked if there were any opponents present wishing to testify. There were none.

President Simpkins asked Mr. Pusey for any final comments. Mr. Pusey stated that based on the Planning Commission recommendations, he recommends the above noted changes be made to the ordinance.

President Simpkins declared the Public Hearing closed. Written comments will be accepted for ten days, ending on June 28, 2013.

Ms. Jenny Roser, Department of Social Services was now present before the Board. Ms. Roser was present to discuss the Emergency Solutions Grant (ESG) and to request the President's signature on the grant. Ms. Roser advised that the county applies for the grant every year. The grant provides funding assistance to the Seton Center (50%) and Somerset Committee

for the Homeless – Woods Home (50%). Ms. Roser explained that \$60,000 is expected from the Federal Emergency Solutions Grant, and \$75,000 in state match for a total potential funding amount of \$135,000. With regard to the Seton Center, funding will go towards homeless prevention and case management. Regarding the Woods Home, funding would assist with needed mold repair issues. Ms. Roser noted a change for this year. The application must go to the Homeless Alliance of the Lower Shore Continuance of Care which is a Tri-County organization for approval as well as the DHCD. The DHCD is requesting the Homeless Alliance of the Lower Shore Continuance of Care monitor the grant. Ms. Roser was asked about if the group was distributing the funds. Ms. Roser said that the organization will act as an oversight group for the lower shore counties and funding will not be routing through the organization.

On a motion by Commissioner Boston, seconded by Commissioner Fisher, it carried unanimously to authorize President Simpkins to sign the Emergency Solutions Grant as presented by Ms. Roser.

Mr. Taylor next reviewed discussion items with the Board.

The Franchise Agreement with regard to Natural Gas Distribution Services was presented for signature. Mr. Taylor noted that a presentation was made a couple of weeks ago. The agreement is a non-exclusive 25 year franchise agreement with renewal provisions. A \$10,000 franchise fee will be paid to the county per year. Mr. Taylor noted that representatives from Somerset Utilities LLC were present at the meeting today as well.

On a motion by Commissioner Fisher, seconded by Commissioner, it carried 4-0 to authorize President Simpkins to sign the Franchise Agreement with regard to Natural Gas Distribution Services.

Commissioner Mathies advised that he had a recommendation to submit with regard to the vacancy on Social Services Board. Reverend Charles Bagley has advised Commissioner Mathies that he would volunteer to serve on the Board.

Therefore, on a motion made by Commissioner Mathies, seconded by Commissioner Laird, it carried 4-0 to appoint Reverend Bagley to serve on the Social Services Board.

A pauper burial request has been submitted by Anthony Ward Funeral Home on behalf of Valarie Roy. Ms. Roy's daughter, Shaniki Roy, passed away on July 11, 2013. Ms. Roy has requested any assistance possible to assist the family with providing a funeral service for her daughter who did not have any life insurance.

A motion was made by Commissioner Laird and seconded by Commissioner Mathies approving a payment of \$250.00 payable to Anthony Ward Funeral Home to assist with funeral arrangements for Shaniki Roy as requested. The motion carried 4-0.

A request was received from President Larry Rettig for the use of inmate labor at the Lower Somerset County Ambulance Squad. Mr. Rettig explained that there were "odds and ends" type work needing to be done.

On a motion made by Commissioner Laird, and seconded by Commissioner Boston, it carried 4-0 to approve the request made for use of inmate labor at the Lower Somerset County Ambulance Squad.

Next, Mr. Taylor reviewed correspondence received since the last meeting.

The Maryland Department of Agriculture (MDA) has submitted the Cooperative Weed Control Agreement between the MDA and Somerset County that provides for cooperation in the control and eradication of specific noxious weeds (Johnsongrass, shattercane, thistles and multiflora rose) for the period of July 1, 2013 through June 30, 2014.

On a motion by Commissioner Fisher, seconded by Commissioner Boston, it carried 4-0 to authorize President Simpkins to sign the Weed Control Agreement as presented.

Delmarva Power has advised that they will be performing Integrated Vegetation Management (IVM) work in the county near Route 413, Tull Corner Road and Bivens Road.

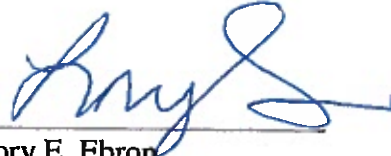
Correspondence was received from the Federal Emergency Management Agency (FEMA) that the Coordination and Outreach Meeting was held on May 22, 2013 in Somerset County to outline the follow-up steps and informational contacts for the community with regard to continued participation in the National Flood Insurance Program. Mr. Taylor noted that Mr. Gary Pusey, Director of Planning and Zoning will review the information, and will advertise the program to citizens affected by the changes next year.

A letter was received from Senator Barbara A. Mikulski with regard to Smith Island concerns.

With no further business, on a motion made by Commissioner Boston and seconded by Commissioner Fisher it was approved to go into Closed Session by Authority of State Government Article of the Annotated Code of Maryland, Section 10-508 (a) (3) consider the acquisition of real property for a public purpose and matters directly related thereto; and Section 10-508 (a) (7) consult with counsel to obtain legal advice; and Section 10-508 (a) (1) (i) the

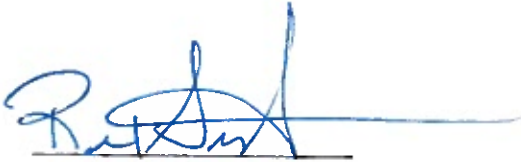
appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction. The meeting was adjourned at 2:55 p.m.

Respectfully Submitted:



Lory E. Ebron
Executive Secretary

Approved By:



Board of County Commissioners
For Somerset County