

BOARD OF COUNTY COMMISSIONERS
FOR SOMERSET COUNTY
TUESDAY, SEPTEMBER 24, 2013

At 2:10 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.

Upon motion made by Commissioner Boston, seconded by Commissioner Laird, it carried 4-0 to approve the Minutes of the meetings held September 10, 2013 (Open and Closed Sessions) as presented.

Mr. Gary Pusey, Director of Technical & Community Services, was now present before the Board to discuss the updating of the Critical Area Ordinance. He began by introducing the Consultant, Mr. Mark Gradecak, whom has been contracted to perform the work, through funding of the Maryland Department of Natural Resources. Mr. Pusey reminded the Board that when the Critical Area regulations were originally adopted, they were included as part of the County's Zoning Ordinance. Once the Critical Area Ordinance has been revised, it will become separate from the Zoning Ordinance, which will make it easier to update and keep current in the future. The proposed revision is now under review by the Planning Commission. Once they have completed their review, it will come before the County Commissioners for a public hearing.

Mr. Tom Lawton, Senior Planner, concurred on the proposal to separate the Critical Area Ordinance from the County Zoning Ordinance.

At the conclusion of the discussion regarding the Critical Area Ordinance, Mr. Lawton presented a Rural Legacy Grant Agreement for 2014, totaling \$1 Million, to the Board for their approval and signature.

Upon motion made by Commissioner Boston, seconded by Commissioner Fisher, it carried 4-0 to authorize President Simpkins to sign the 2014 Rural Legacy Grant Agreement.

Mr. Charles Cavanaugh, Director of Solid Waste and Maintenance, was now before the Board to present a Contract Change Order for the Westover Senior Center Renovation Project.

According to Mr. Cavanaugh, the Fire Marshal has requested that closers be installed on the two mechanical room doors. The closers are estimated to cost \$487.00

Upon motion made by Commissioner Fisher, seconded by Commissioner Boston, it carried 4-0 to approve the Contract Change Order in the amount of \$487.00 for the Westover Senior Center Renovation Project.

While still present, Mr. Cavanaugh reported on grant funding received by Judge Long from the Administrative Office of Courts, in the amount of \$59,655.93. The grant funding will be used to purchase additional security equipment, as recommended in a security assessment of the courthouse that was performed in February of 2010, and will include additional cameras; monitors; software; and the installation of bullet proof material in certain areas of the courthouse. Commissioner Fisher inquired if the County would be required to seek sealed bids for this purchase. Mr. Cavanaugh replied "no", bids would not be required since this is part of an ongoing contract with Reed Security. The County would, however, purchase the equipment up front, and be reimbursed by the Administrative Office of Courts, at the completion of the project.

Upon motion made by Commissioner Fisher, seconded by Commissioner Laird, it carried 4-0 to approve the expenditure for the security upgrades, with reimbursement made at a later date from the AOC grant funding.

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

The Board reviewed a memorandum from Gary Pusey, Director of Technical and Community Services, regarding a request received to waive the permit fees for the Somerset County Sanitary District, totaling \$437.08, for the following projects:

- 1) Princess Anne Expansion Project Well Building
- 2) Princess Anne Expansion Project Water Tower

Upon motion made by Commissioner Fisher, seconded by Commissioner Boston, it carried 4-0 to waive the permit fees as requested by the Sanitary District, totaling \$437.08.

The Board reviewed a letter from Senator J.B. Jennings, 7th Legislative District, regarding a new Trauma Prevention Program that was created by the Center for Injury Prevention and Policy and R. Adams Cowley Shock Trauma Center. In his letter, Senator Jennings encourages high school principals to utilize these resources to help prevent injuries related to automobile collisions. The County Administrator suggested the information be

forwarded to Interim Superintendent, Dr. John Gaddis, for distribution to the high schools in the County. The Board agreed.

A letter to Charter Communications was presented to the County Commissioners for their signature, as requested during their September 10th meeting. The letter outlines the concerns of the Board in regard to cable and internet services in the Marion and Crisfield areas.

A motion was made by Commissioner Laird, seconded by Commissioner Boston, to sign the letter addressed to Charter Communications, attention Thomas Rutledge, President and CEO. The motion carried unanimously.

Mr. Taylor reminded the Board of a request received during their September 10, 2013 meeting from Dr. Karl Binns from the University of Maryland Eastern Shore, Hotel/Restaurant Management Department, for sponsorship of their competition and cash award; and to designate an official to serve as a judge on the panel; and evaluator for the mid-term evaluation grade. Commissioner Fisher expressed concern that awarding a cash prize to students, in addition to their class credits, was not the direction we should be taking. It also sets a precedence for future requests. The Board will discuss it further at a later date.

The Board was also reminded of the need to submit a list of nominees to the Governor's Office for consideration of two membership positions on the Tax Assessment Appeal Board. In addition to the recommendation that John W. King and Christine Allen be re-appointed as members, the following nominees will also be submitted:

A motion was made by Commissioner Fisher, seconded by Commissioner Boston, to nominate Harry Gemell as a candidate for appointment to the Somerset County Tax Assessment Appeal Board. The motion carried 4-0.

A motion was made by Commissioner Mathies, seconded by Commissioner Laird, to nominate Kirkwood Cottman as a candidate for appointment to the Somerset County Tax Assessment Appeal Board. The motion carried 4-0.

A motion was made by Commissioner Fisher, seconded by Commissioner Boston, to nominate Katie Nurmi as a candidate for appointment to the Somerset County Tax Assessment Appeal Board. The motion carried 4-0.

During their September 10, 2013 meeting, the Board voted to nominate Carolyn Marquis as a candidate for appointment to the Tax Assessment Appeal Board.

A proclamation was presented to the Board for their approval and signature. The Proclamation, requested by Somerset County Economic Development Commission, observes September 30 – October 4 as Economic Development Week. A motion was made by Commissioner Laird, seconded by Commissioner Fisher, to approve the Proclamation. The motion carried unanimously.

Mr. Tom Hehman, Interim Director of the Somerset County Library System, appeared before the Board, accompanied by Library Board Members, Deborah Parker (President) and Christine Boyer. After a brief introduction, Mr. Hehman stated that he was very excited to be a part of the construction of the new Crisfield Library Project. Immediately upon being appointed Interim Director, he began reviewing the building project, and quickly noticed that fund raising was proceeding very slowly. Mr. Spicer Bell, former Director of the Community Foundation, has now been brought on board to address this and seek alternate sources of funding. During a recent meeting of the Library Board, it was projected that there would be a shortfall in state funding next year – funds that would be needed to complete the Library construction. Therefore, the Library Board is now facing the dilemma of whether to continue with the Fall groundbreaking or delay it until Spring of 2014. The following facts were presented by Mr. Hehman to support both sides of the issue:

Reasons to Continue with Fall Groundbreaking:

1. Would silence those who are negative to the project;
2. Majority of the construction funds are locked in;
3. Contractors are ready to proceed;
4. Delays result in additional costs;
5. Allows an advocacy program for fundraising to begin.

Reasons to Delay Groundbreaking until Spring:

1. Phase 1 construction money will only keep the project going until May or June. The Governor's Budget in January will indicate the level of funding we can anticipate for Phase II, which may be less than originally thought; and not enough to complete the project.
2. The delay would give us more time to fine tune the project costs and locate funding sources.

President Simpkins inquired if the County was at fault for the possible loss in state funding. Mr. Hehman replied “absolutely not”. He believed the County is to be commended that our county, as well as other counties, were able to access more money due to the change in the funding formula. Mr. Hehman went on to discuss how the funding formula has changed in recent years, and how they can be reduced, but not increased.

Commissioner Laird inquired about the consensus of the Library Board on this issue. Ms. Parker believed the overall consensus was split 50-50.

Mr. Taylor reported that the project could be forward funded by the County, but the State would not reimburse the County for these costs.

Commissioner Boston asked about the status of the bids. Mr. Hehman reported that bids should be received by October 9th.

President Simpkins stated that it was not prudent to begin the project without knowing what funding will be received from the State next year.

Commissioner Laird asked for clarification on the State’s position regarding this issue. Mr. Hehman addressed the \$5 Million cap in state funding for all library projects throughout the State. Of the total \$5 Million available, Somerset County was awarded \$3 Million last year. Since many other counties also have funding requests, the State may not approve another large allocation to Somerset next year.

Commissioner Mathies inquired about the possibility of downsizing the project in order to cover the construction costs. Mr. Hehman confirmed that the project could be redrawn and downsized. President Simpkins stated that the County Commissioners originally asked Ms. Ranck (former Library Director) to downsize the project. She disregarded the request when the funding formula was changed.

The Board was advised that the current size of the proposed building is 15,000 sq. ft.

Commissioner Laird suggested the County Commissioners contact their legislators to ascertain information regarding next year’s state funding availability and the funding cap.

Mr. Taylor offered another option to the funding shortfall – to implement a Phase III, which may delay the project, but create an opportunity to locate additional funding. Mr. Taylor also confirmed that CDBG funding (related to Hurricane Sandy recovery) cannot be used for this project.

Mr. Hehman believes we may be underestimating the availability of funding from foundations. They will, however, continue to look at all options available to get the project completed. Ms. Parker concluded the discussion by suggesting the County Commissioners contact our legislators to address the library funding and the cap on state funds. The next meeting of the Library Board is October 9, 2013.

At the conclusion of the agenda items for today's meeting, President Simpkins asked for any comments or questions from the audience.

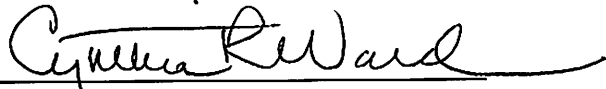
Mr. Phil Riggan, of Crisfield, expressed his support for moving forward with the Fall groundbreaking and stated that he did not believe the funding cap was a reason to delay the project. Mr. Riggan went on to speak for the need to further explore donations and questioned the restriction for the use of DHCD funding. The proposed Library project offers very attractive features, and Mr. Riggan felt there are opportunities out there to support the project.

On another issue, Mr. Riggan is hopeful the County Commissioners will be meeting with the new CEO of McCready Hospital, Ms. Joy Strand. She is already working hard to create a good public working relationship with the community and he is optimistic the Commissioners will be pleased with the appointment.

At 3:25 p.m., the County Administrator advised the Board of the need for a Closed Session. A motion was made by Commissioner Fisher, seconded by Commissioner Boston, 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 Mathies, Commissioner Randy Laird, County Administrator-Clerk, Ralph D. Taylor; Executive Aide, Cynthia R. Ward; State's Attorney, Daniel Powell; and Assistant State's Attorney, Philip Widdowson.

At 3:50 p.m., upon motion made by Commissioner Fisher, seconded by Commissioner Boston, it was carried unanimously to adjourn the Closed and Open Sessions.

Respectfully Submitted:



Cynthia R. Ward
Executive Aide

Approved By:



Board of County Commissioners
For Somerset County