

BOARD OF COUNTY COMMISSIONERS  
FOR SOMERSET COUNTY  
WEDNESDAY, NOVEMBER 5, 2014

At 1:00 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.

Also present was Ralph D. Taylor, County Administrator-Clerk; and Cynthia R. Ward, Executive Aide.

President 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 motion made by Commissioner Boston, seconded by Commissioner Fisher, it carried 4-0 to approve the Minutes from the Open and Closed Sessions held October 21, 2014.

Mr. Mark Konapelsky, Code Enforcement Officer, Somerset County Department of Technical and Community Services, appeared before the Board to review the bids received for the construction of one (1) replacement house under the CDBG – Disaster Recovery Program (26250 Plum Street, Crisfield). Mr. Konapelsky recommended the second lowest bidder be awarded the contract, Ken Build, for his bid of \$138,640. The lowest bidder, RAD Construction, did not attend a mandatory pre-bid meeting on October 14, 2014, and therefore was not recommended for awarding of the contract.

A motion was made by Commissioner Laird, seconded by Commissioner Boston, to award the contract to Ken Build for \$138,640. The motion carried 4-0.

Mr. Rick Nelson was now present before the Board, accompanied by Kathleen Momme, Executive Director of United Way for the Lower Eastern Shore, and Dr. John Gaddis, Superintendent of Somerset County Public Schools, to discuss Somerset County's United Way Campaign. Mr. Nelson advised that United Way supports many organizations that "give back" to the residents of Somerset County, by providing valuable services. In regard to Somerset County's campaign, he asked for the Commissioners approval to allow presentations to be made for county departments. Ms. Momme spoke on several agencies that provide assistance, such as the MAC Center and the Long Term Recovery Committee. Dr. Gaddis concluded by stating that

he has been involved with United Way for twenty three years and actively participated with programs within Worcester and Somerset County Schools.

A motion was made by Commissioner Fisher, seconded by Commissioner Boston, to allow United Way presentations to be conducted for county employees. The motion carried 4-0.

Commissioner Boston also expressed his appreciation to Steve Marshall for his many years of support to United Way.

Mr. Gene Adkins, Finance Director, was now present before the Board to review the financial documents provided by "It Takes A Village to Help Our Children" and Shore Up! Inc. (Head Start). At the conclusion of the review, the following action was taken:

A motion was made by Commissioner Fisher, seconded by Commissioner Boston, to recommend the Somerset County Board of Education (and Shore Up! Inc.) receive \$2 Million for the construction of a new Head Start facility on the Crisfield High School Campus; and "It Takes A Village to Help Our Children" receive \$1 Million of the CDBG – Disaster Recovery Funds, and attempt to secure additional funding to cover the costs of the demolition of the Whittington Building. Commissioner Fisher and Commissioner Boston voted aye.

Commissioner Laird opposed the motion based upon his belief that "It Takes A Village" should receive an equal portion (one-half) of the funding; and Commissioner Mathies abstained from voting since he serves as a member of the Board of Directors for Shore Up! Inc. The motion failed to pass.

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

Mr. Taylor acknowledged the receipt of a letter that was written by the Deputy Secretary of Defense, Robert Work, and submitted to Anthony Foxx, Secretary of the U.S. Department of Transportation, as an official objection to the Great Bay Energy Center Project. Mr. Taylor reminded everyone that an ordinance has not been received from the Planning Commission yet and this letter is presented only as a point of opposition. Commissioner Laird inquired if FAA will concur with the Department of Defense. Mr. Taylor stated that he could not be sure, but would assume that would be the case.

Commissioner Fisher acknowledged the extensive amount of discussion that has been held in regard to wind energy and also acknowledged the Board's responsibility to explore all avenues in regard to bringing revenue to the County; however, due to the need for increased

defense in this Country, he motioned that no further consideration be made for wind energy (turbines) in Somerset County. Commissioner President Simpkins called for a second.

Commissioner Boston acknowledged that many of his constituents were very much against wind energy; however, he has been targeted by a group for a possible violation of the ethics ordinance. Therefore, based upon legal advice, he abstains from the vote. The motion died for lack of a second.

Commissioner Laird made a motion to table the wind energy ordinance until further clarification is received from FAA and the Department of Defense. Commissioner Mathies seconded the motion. President Simpkins called for a vote on the motion. Commissioner Laird and Commissioner Mathies voted aye. Commissioner Fisher and Commissioner President Simpkins opposed the motion and Commissioner Boston abstained. The motion died and no further action was taken.

Mr. Rob Lopez, Director of Information Technology, was now present before the Board, accompanied by Steve Marshall, Director of Emergency Services, to request the Board's approval and signature of a Memorandum of Understanding for installing a fiber connection to emergency services and for use in their back up station. Mr. Marshall reported that grant money received from the State will cover the cost of the new telephone system and back up equipment, but does not cover the need for significant broadband services. The broadband (fiber) costs will be a budgeted expense for the Emergency Services Department for now, but Mr. Marshall hopes to secure some assistance with this expense in the future.

A motion was made by Commissioner Laird, seconded by Commissioner Fisher, to authorize President Simpkins to sign the Memorandum of Understanding between Somerset County Commissioners and the State of Maryland Department of Information Technology. The motion carried 4-0.

Mr. Taylor presented a Lease to the Board for their review and approval. The Lease, between the Board of County Commissioners and "It Takes A Village To Help Our Children", shall commence immediately and terminate on May 5, 2015 for the former Whittington School, for a fee of \$1.00 for the entire term.

A motion was made by Commissioner Fisher, seconded by Commissioner Boston, to approve the six-month lease. The motion carried 4-0.

The Board was presented with a Grant Mortgage Release for approval and signature. The grant mortgage was filed on October 16, 2006 in the amount of \$19,370.00 between Delores Richardson of 8120 Mennonite Church Road in Westover, and the Board of Commissioners for Somerset County for housing rehabilitation. Under the terms of the grant, the debt has been satisfied.

A motion was made by Commissioner Fisher, seconded by Commissioner Boston, to authorize President Simpkins to sign the Grant Mortgage Release as presented. The motion carried 4-0.

After reviewing a letter from FEMA regarding the new floodplain maps, Mr. Gary Pusey reported that his staff (DTCS) is still working towards the appeal process with plans to challenge the new maps, even beyond the February 4, 2015 deadline.

A letter was presented to the Board for their approval and signature, for submittal to the U.S. Environmental Protection Agency, to offer comment on the new proposed rule "Definition of Waters of the United States Under the Clean Water Act", as recently published by the U.S. Environmental Protection Agency and U.S. Army Corps of Engineers. The definition should be revised to explicitly state that roadside and other man-made ditches are excluded from the definition of "Waters of the United States".

A motion was made by Commissioner Fisher, seconded by Commissioner Boston, to authorize President Simpkins to execute the letter as presented. The motion carried 4-0.

With no further agenda items, President Simpkins called on the audience members for any questions or comments.

Ms. Tammy Truitt expressed her disappointment in the Board's action today, after receiving the letter from the Department of Defense. President Simpkins reiterated his earlier prediction that the wind energy project "would never happen".

In a discussion regarding Commissioner Boston's abstention from the vote due to concerns expressed for a possible ethics violation, Ms. E.J. Monheiser stated that the ethics question was intended for all commissioners, not just Commissioner Boston.

Commissioner Fisher was praised by a large number of attendees at today's meeting for his motion to stop the wind energy project.

Mr. Phil Riggin expressed his concern for today's forum in which attendees are allowed to speak on the issue without a formal public hearing process.

Mr. Dan Kuebler commented on the wind energy project, which he believes is a matter of national defense. Mr. Kuebler also expressed his disapproval for the cable franchise survey offered to citizens of the County in an effort to receive public comment.

WBOC News Reporter, Mikea Turner, posed the following questions to the Board:

- “Will they kill the project if FAA determines it is not safe?”

Response: President Simpkins stated that he could not answer on behalf of the other commissioners, but ultimately, it may not be their decision to make if the FAA opposes the project.

- “If approved, how much money will the project bring to the County?”

Response: Mr. Pusey will provide her with this information.

- “How many jobs will the project create?”

Response: It has been reported that 6-8 long term jobs will be created.

- “What if the company files bankruptcy – will the County then be responsible?”

Response: No

With no further business, a motion was made by Commissioner Laird, seconded by Commissioner Mathies, to go into Closed Session by 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 4-0.

Before adjourning, a motion was made by Commissioner Laird, seconded by Commissioner Boston, to return back to Open Session to further discuss an issue. The motion carried 4-0 and the Board resumed in Open Session.

President Simpkins advised that further clarification was needed on the issue regarding a request submitted by “It Takes A Village to Help Our Children” and Shore Up! Inc. (Head Start) for funding through the CDBG - Disaster Recovery Program. At the conclusion of the discussion, the following action was taken:


A motion was made by Commissioner Fisher, seconded by Commissioner Boston, to recommend the Somerset County Board of Education (and Shore Up! Inc.) receive \$2 Million for the construction of a new Head Start facility on the Crisfield High School Campus; and “It Takes A Village to Help Our Children” receive \$1 Million of the CDBG – Disaster Recovery

Funds, and attempt to secure additional funding to cover the costs of the demolition of the Whittington Building. Commissioner Fisher, Commissioner Boston and Commissioner President Simpkins voted aye. Commissioner Laird opposed the motion based upon his belief that "It Takes A Village" should receive an equal portion (one-half) of the funding; and Commissioner Mathies abstained from voting since he serves as a member of the Board of Directors for Shore Up! Inc. The motion carried 3-1 with one abstention.

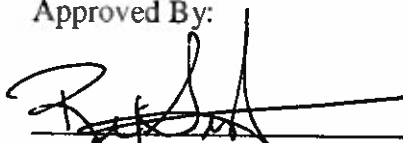
With no further business, a motion was made by Commissioner Laird, seconded by Commissioner Boston, to return to Closed Session. The motion carried 4-0. Also present for the Closed Session were Commissioner President Simpkins, Commissioner Vice-President Fisher, Commissioner Mathies, County Administrator, Ralph D. Taylor; Executive Aide, Cynthia R. Ward; and Director of Technical and Community Services, Gary Pusey.

Upon motion made by Commissioner Fisher, seconded by Commissioner Boston, it carried 4-0 to adjourn the Open and Closed Sessions at 2:35 P.M.

Respectfully Submitted:

  
Cynthia R. Ward  
Executive Aide

Approved By:

  
Board of County Commissioners  
For Somerset County