

BOARD OF COUNTY COMMISSIONERS  
FOR SOMERSET COUNTY  
TUESDAY, JANUARY 28, 2014

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., 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.

Dr. John Gaddis, Superintendent of Somerset County Public Schools, appeared before the Board to present two funding requests. Also present was Mr. Ed Barber, Facilities Planner/Consultant, which addressed the Greenwood Elementary School roof and HVAC replacement project. The work will begin this summer and be performed in two phases. The estimated cost for the project has increased, however, and additional costs have exceeded initial estimates. State funding has been approved, however, it will not be available until after July 1, 2014. Therefore, the Board of Education is asking the County Commissioners to forward fund the project in an effort to allow the work to begin in early summer. Dr. Gaddis stated that 75% of the project cost will be assumed during the first phase, which further demonstrated the need for forward funding. The Board expressed their support for the Superintendent's request and took the following action:

A motion was made by Commissioner Fisher, seconded by Commissioner Laird, to approve the request for forward funding (up to \$1 Million) for the Greenwood School roof and HVAC replacement project. The motion carried 4-0.

Dr. Gaddis also presented the County Commissioners with a list of various building and technology needs and requested a portion of the WHS recovered funding, be returned to them after July 1<sup>st</sup> in an effort to make the repairs/improvements. Dr. Gaddis will provide the Board with an updated list in the near future that will prioritize the projects and include an estimated cost for each. The Board will give further consideration to the request when the updated list is received. Dr. Gaddis and staff expressed their appreciation to the Commissioners for their support.

Maryland Comptroller Peter Franchot appeared before the Board to present the “William Donald Schaefer Helping People Award” to the Crisfield Lions and Lionness Clubs for the volunteer work they provided during Hurricane Sandy to help those in need. Mr. George Tawes and Mrs. Beth Whitelock were present to receive the award on behalf of the clubs.

(Commissioner Fisher left the meeting temporarily)

Mr. Herb Geary, of TGM Group, LLC, was now present before the Board to review the Fiscal Year 2013 audit report. Mr. Gene Adkins, Finance Director for Somerset County, was also present, accompanied by Ms. Sharon Muir, Internal Auditor. 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 \$13.7 Million at the fiscal year ending June 30, 2013; and a total government fund balance of \$16.2 Million. The County ended the year with total debt obligations of \$23.9 Million, which equals a total debt to total fund balance ratio of 1.48 to 1. Mr. Geary commended the County Commissioners and Staff for this achievement and stated that “Somerset County is very stable, particularly in comparison to other counties.” The following results of operations were also presented:

- Overall \$592K decrease in General Fund
- Actual revenues totaled \$31.5 Million and were under budget by \$1.3 Million
- Actual expenditures totaled \$32 Million and were under budget by \$3.8 Million

The results of the Roads Board operations for FY13 showed an overall decrease in fund balance of \$226K; actual revenues totaled \$2.8 Million (\$1.6 Million from the General Fund) and were under budget by \$2.6 Million; and actual expenditures totaled \$3 Million and were under budget by \$2.7 Million. In conclusion, Mr. Geary stated that Somerset County had an “outstanding year” and thanked the county staff members for their assistance with performing the audit.

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

The following project notifications were received from the Maryland Department of Planning, State Clearinghouse, requiring a response from the Board:

- 1) **Somerset Broadband – Phase I: Broadband Connecting to McCready Hospital and Crisfield Library.**

Upon motion made by Commissioner Laird, seconded by Commissioner Mathies, it carried unanimously by all present to respond to the notice with a C-5 response, indicating that the project is consistent with our plans, programs, and objectives.

**2) Somerset Broadband – Phase II: Broadband Connecting to Somerset County Roads Department.**

Upon motion made by Commissioner Mathies, seconded by Commissioner Laird, it carried unanimously by all present to respond to the notice with a C-5 response.

**3) Somerset Broadband – Phase III: Broadband Connecting to Princess Anne Industrial Park.**

Upon motion made by Commissioner Laird, seconded by Commissioner Mathies, it carried unanimously by all present to respond to the notice with a C-5 response.

**4) Land Acquisition and Construction Program FY14: Monie Bay Field Center Construction Renovation.**

Upon motion made by Commissioner Mathies, seconded by Commissioner Laird, it carried unanimously by all present to respond to the notice with a C-5 response.

Mr. Clint Sterling, Director of Recreation and Parks, was now present before the Board to request approval to submit a request for Program Open Space funding. If approved, the funding would cover the installation of a new Sport Court Flooring System in the Behavioral Health Building in Westover, and expand recreational programs with the additional gym space. According to Mr. Sterling, this project was included in his 2014 Open Space Plan that was submitted to the State. The total cost of the project, estimated at \$25,000, would be covered by Program Open Space funds (90%) and Somerset County Health Department (10%). No local funding will be required.

A motion was made by Commissioner Laird, seconded by Commissioner Mathies, to authorize Mr. Sterling to proceed with the P.O.S. grant application. The motion carried unanimously by all present.

Mr. Charles Cavanaugh, Director of Solid Waste and Maintenance, appeared before the Board to review the bid information received on January 14, 2014 for the purchase of a 2015 Roll-Off Container Truck. After review, Mr. Cavanaugh recommended the bid be awarded to the low bidder, Western Star, for a purchase price of \$151,351.00.

A motion was made by Commissioner Mathies, seconded by Commissioner Laird, to award the bid to the low bidder, Western Star, for \$151,351.00. The motion carried unanimously by all present.

Mr. Cavanaugh was now joined by Ms. Gail Sheldon, Director of Somerset County Library System, to discuss the new Crisfield Library building site on Collins Street in Crisfield. According to Steve Dawson, of Maryland Department of the Environment, 15,331 sq. ft. of the site are considered non-tidal wetlands. A consultant has been brought in to address the issue. Several options were discussed to resolve the issue, such as reducing the impact on wetlands to 5,000 sq. ft. which would be allowable for a permit and mitigation would not be required; eliminate the paved parking area under the building; and eliminate the entrance ramp and replace with steps. Mayor Purnell suggested the paved parking remain in the plan and the City of Crisfield would be responsible for the mitigation process and resolving any issues regarding parking restrictions that are set by the City's Code. The Board will discuss the issue further when additional information is available.

The County Administrator reviewed discussion items at this time.

The Board was presented with Ordinance No. 1071, a proposed Ordinance to update the County's Critical Area Program, pursuant to state law. The Ordinance would also separate the Critical Area Program from the current Zoning Ordinance. A public hearing was held on Tuesday, January 14, 2014, to receive public comment. No testimony was offered during the hearing and no written comments have been received following the hearing.

A motion was made by Commissioner Mathies, seconded by Commissioner Laird, to adopt Ordinance No. 1071. The motion carried unanimously by all present.

A Land Lease Agreement was presented to the Board for their consideration. Cellco Partnership, d/b/a Verizon Wireless, proposes to lease a portion of county property, located at 11916 Somerset Avenue, directly behind the County Office Complex, for the construction of (and access to) a (monopole) tower, shelter, and the installation of a diesel generator. If approved, the County will receive \$18,000 per year, to be paid in \$1,500 monthly installments. The initial term is five (5) years with four (4) five-year automatic extensions, including an annual escalation of 3%. Additionally, Cellco Partnership will remove the existing tower at their expense. An interference study was performed showing that Somerset County Emergency

Services and Verizon Wireless will not interfere with each other. The County Attorney has also reviewed the Lease Agreement and finds it to be legally sufficient.

A motion was made by Commissioner Laird, seconded by Commissioner Mathies, to approve the Land Lease Agreement with Cellco Partnership, as proposed. The motion carried 3-0.

Mr. Taylor reported on a request for a letter of support for House Bill 293 – Minimum Wage – Establishment by Counties. No action was taken on the request due to the absence of two commissioners.

Mr. Taylor also reported on a citizen request to submit a letter to U.S. Fish and Wildlife Service recommending an extension of the comment period in the issuance of a Bald Eagle Programmatic Take Permit and Implementation of the Associated Eagle Conservation Plan for the Great Bay Wind Energy Project; and to request an Environmental Impact Study vs. Environmental Assessment. Mr. Taylor plans to hold a teleconference with USFWS to obtain further information before making a recommendation to the Board.

(Commissioner Fisher returned to the meeting)

The Board was advised of a request from Horn Point Laboratory to support a study of sea level rise and coastal flooding in Somerset County. A motion was made by Commissioner Fisher to support the study. President Simpkins called for a second. The motion died for lack of a second.

Mr. Gary Pusey, Director of Technical and Community Services, appeared before the Board to advise of \$2.6 Million that is proposed for the State's Rural Legacy Program in FY15. If approved by the Board, five (5) properties that are located within the Dividing Creek Rural Legacy can be funded through this conservation program. The Commissioners agreed to move forward with the application process.

Mr. Pusey also reminded the Board that his Department has been waiving building permit fees, as instructed, for Hurricane Sandy victims that are attempting to make repairs to their damaged homes. A time limit on the exemptions was not established when the directive was issued by the Commissioners. Also, the cost of building permits are now covered under the Disaster Recovery Funding from the State. Before taking any action to remove the fee waiver, the Board asked for information regarding the amount of fees that have been waived during the previous year.

With no further agenda items, President Simpkins asked for any questions or comments from the audience.

Ms. E.J. Montheiser recommended an Environmental Impact Study, which is a more in-depth study, be performed by the U.S. Fish and Wildlife Service before the issuance of a Bald Eagle Take Permit.

Mr. Phil Riggin expressed concern for the findings of the Maryland Department of Environment in regard to the Crisfield Library building site, after the project has started and funds have been committed.


Mr. Terry Pehan also addressed the MDE findings by stating that whoever submitted the initial permits were responsible for obtaining this information.

Mr. Paul Harris, of Great Bay Wind Energy, spoke on the differences between the two studies proposed by the U.S. Fish and Wildlife Service for the Bald Eagle Take Permit.

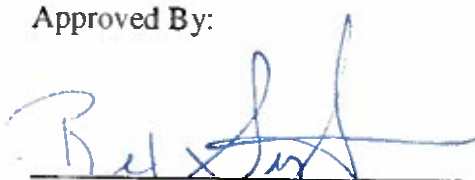
At this time, the County Administrator advised the Board of the need for a Closed Session. A motion was made by Commissioner Laird, seconded by Commissioner Mathies, to go into Closed Session authority of State Government Article of the Annotated Code of Maryland, Section 10-508 (a)(1)(i) the appointment, 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 by all present. Also present for the Closed Session were Commissioner President Rex Simpkins; Commissioner Randy Laird; Commissioner Craig Mathies; County Administrator, Ralph D. Taylor; and Executive Aide, Cynthia R. Ward.

Upon motion made by Commissioner Fisher, seconded by Commissioner Laird, it carried 4-0 to adjourn the Open and Closed Sessions at 3:43 p.m.

Respectfully Submitted:

  
Cynthia R. Ward  
Executive Aide

Approved By:

  
Board of County Commissioners  
For Somerset County