

BOARD OF COUNTY COMMISSIONERS  
FOR SOMERSET COUNTY  
TUESDAY, SEPTEMBER 22, 2015

At 2:00 P.M., The Board of County Commissioners for Somerset County met in regular session with Commissioner President Randy Laird, Commissioner Vice-President Charles F. Fisher, Commissioner Jerry S. Boston, Commissioner Rex Simpkins and Commissioner Craig Mathies, Sr.

Also present were Ralph D. Taylor, County Administrator-Clerk and Lory E. Ebron, Administrative Aide.

President Laird 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 Simpkins, it carried unanimously to approve the Minutes as written from the Open and Closed Session Meetings held Tuesday, September 8, 2015.

Mr. Taylor called Mr. Mark Konapelsky and Ms. Carlene Wells forward regarding the bid openings for requests for proposals relating to projects for the Crisfield Housing Authority. President Laird then proceeded to open and read aloud the following sealed bids received:

Two Double Furnace Rooms and Two Single Furnace Rooms

<b>Bidder</b>	<b>Amount</b>
Ken Build	\$83,700.00
Eastern Shore Construction	\$78,000.00
CLJ Inc. (Clayton Johnson)	\$53,200.00

Mr. Konapelsky advised the Board that he would review the submissions and provide a recommendation at the next scheduled commissioner meeting.

Sixteen Transformers and Sixteen Raised Transformer Pads

Before the opening of the bids, Mr. Taylor explained that during the required pre-bid meeting held on September 9, 2015, contractors were advised that the Housing Authority did not recognize that six of the units had already been replaced; therefore the request for proposals number of transformers and pads was changed to ten.

<b>Bidder</b>	<b>Amount</b>
Dvorak Electric	\$235,200.00

Mr. Konapelsky requested to review the bid submission and report his recommendation at the next scheduled commissioner meeting. Mr. Konapelsky and Ms. Wells left the meeting at this time.

Mr. Taylor continued the meeting with discussion items at this time.

Mr. Daryl Webster has advised of two requests his office has received regarding the use of inmate labor. First, a request was received from Brant R. Wilson for the Crisfield Outdoor Expo event being held on Saturday October 3, 2015 for use of inmate labor to setup on Friday October 2, 2015, and tear down on Monday October 5, 2015.

Upon a motion made by Commissioner Simpkins, and seconded by Commissioner Fisher, it carried unanimously to approve the request for the Crisfield Outdoor Expo as requested.

Next, a request was received from Ms. Lana Jones, Treasurer of St. John's United Methodist Church for the use of inmate labor the week of October 12-16, 2015 to clean the bathroom and kitchen at the church.

Upon a motion made by Commissioner Simpkins, and seconded by Commissioner Boston, it carried unanimously to approve the use of inmate labor requested by St. John's United Methodist Church as requested.

Current board and committee vacancies were reviewed with the Board.

The Board discussed the upcoming retirement of Ms. Patricia Mannion, Director of Social Services, and upon a motion made by Commissioner Fisher, and seconded by Commissioner Boston, it carried unanimously to approve a Proclamation in honor of Ms. Mannion's retirement.

President Laird called the Public Hearing open at 2:15 p.m. in the meeting room of the Board of County Commissioners to review the past performance of the cable operators and to identify the County's future cable related needs. Additionally the public hearing would provide the opportunity for our citizens to express their comments and suggestions. Mr. Taylor read the public hearing notice into record as follows:

"Notice of Public Hearing. Public Hearing Regarding Cable Franchise Renewal for Somerset County. Notice is hereby given that Somerset County Maryland will hold a public hearing regarding cable franchise renewals with Comcast of Delmarva, L.L.C., and Charter Communications. The public hearing will take place on September 22, 2015 at 2:15 p.m. at the Board of County Commissioners Meeting Room, 11916 Somerset Avenue, Room 111, Princess Anne, MD 21853. Citizens are invited to testify. The purpose of the public hearing is to review the past performance of the cable operators and to identify the County's future cable related needs. Questions may be directed to Lory E. Ebron, Administrative Aide, 410-651-0320. Board of Commissioners for Somerset County. Ralph D. Taylor County Administrator."

Mr. Taylor then advised that “this is a public hearing regarding cable franchise renewal for Somerset County. The hearing is held pursuant to Section 626 of the Federal Cable Act, which sets forth the process for franchise renewal. Our current franchise agreements with Comcast and Charter have expired and we have begun the process of negotiating new franchise agreements. This public hearing is an important part of franchise negotiations, in which the County seeks public comment on the cable operator’s past performance and our community’s future cable-related needs.

The purpose of this public hearing is to hear from citizens regarding the following:

1. The past performance of the cable operator; and
2. The County’s future cable-related needs.

Franchise renewal is the best opportunity for local franchising authorities to assert their rights with respect to their cable operators and to obtain important benefits in return for granting the cable operators the right to use the public rights-of-way. These benefits include, but are not limited to the following:

1. Strong and enforceable customer service standards;
2. A state-of-the-art cable system;
3. Protections of the public rights-of-way;
4. Franchise fees for the cable operator’s use of the public rights-of-way and improved franchise fee accountability;
5. Reporting requirements on the cable operator;
6. Legal protections for the County; and
7. Better mechanisms to enforce the franchise agreement.

These are just some of the potential benefits available through franchise renewal. Citizens may address these items or any other cable-related items that are important to them. We will now open the hearing up to citizen comments”.

President Laird asked for comments pertaining to Comcast.

Mr. Dan Kuebler, Crisfield, Maryland requested to address the Board. Mr. Kuebler began by stating his comments are related to both Comcast and Charter and are summarized as follows:

- There has been little change in cable service in the last two years in Somerset County:
  - o No expansion of “cable feeds” to residences
  - o The southern end of the county only has standard definition
  - o Internet service is plagued with slow speed, outages and throttling which results in loss of potential businesses to the area, as well as new residents
  - o Fiber optic is not an option to the county due to the small customer base
- Suggestions made to be included with a new franchise agreement:
  - o System should be more insensitive to minor fluctuations such as weather and be more self-repairing
  - o All cable channels should provide video and audio at a 99.9% operational rate
  - o There should be an immediate upgrade from standard definition to high definition
  - o Internet should be upgraded to high speed (15-30 Meg vs. <5 Meg)
  - o Expansion of services across the county to facilitate student achievement
  - o Greatly improved service to our infrastructure will greatly improve business and residential growth within the county
- TV signal and internet quality were compared to that of a 3rd world country
- The franchise renewal contract must provide for a 21st century, state of the art, reliable and rapidly repairable information highway

Mr. Kuebler closed his comments by requesting to have the opportunity to review the proposed franchise agreement.

President Laird asked if there was anyone else present wishing to speak about Comcast.

There was no one else present wishing to speak about Comcast.

President Laird asked if there were anyone present today wishing to speak about Charter.

Mr. Phil Riggin, 4930 Thomas Long Road, Crisfield was now present before the Board.

Mr. Riggin made the following summarized comments:

- Performance measures should be built into the agreement and be enforceable
- High speed internet is a huge factor for economic development
- The State of Maryland announced 18 months ago that the entire state has ready access to high speed internet service-this is not a true fact in Somerset County

Mr. Riggin thanked the Boards efforts, and commended them for holding this public hearing to get to the heart of the issue.

Ms. Pat Somers, 4917 Jacksonville Road, was now present before the Board and provided the following comments:

- Charter staff at the Crisfield office are friendly and helpful
- It’s appreciated that Charter offers WBAL and WTTG and is preferred over having HD channels
- The same level of service should be offered on both ends of the county

Mr. Terry Pehan, 5095 Old Auger Road, was now present before the Board, and made the following comments:

- Criticism was made of Charter who sent out blanket letters to all customers about receiving HD channels, in areas where HD is not available
- DVR's are not available with Charter
- Inconsistent IT speeds and consistency of high volume download service needs to be resolved. Home base services are essential
- Complaints can only go to a 1-800 number which is a recording, and no feedback is ever received
- Charter IT service has improved the last several months
- Charter does not offer HD TV or DVR service and should be resolved
- A performance based contract should be made with Charter to insure the means to get what is needed in the south end of the county

Ms. Bess Herbeck, 27073 Hearts Drive, was now present before the Board, and made the following comments:

- It was requested that Charter customers be "grandfathered" in if they chose to go with Comcast
- Charter service was poor initially, but has improved over the years
- Customer service at the Crisfield office was complimented. Staff is personable and kind

Ms. Frances Martinez Myers, 5003 Joshua Thomas Road, was now present before the Board, and made the following comments:

- Comcast should be extended to the southern portion of the county, as customers would gladly sign on with them if service was available

Mr. Joe Pinto, 204 W Main Street, was now present before the Board and made the following comments:

- He was in agreement with what everyone said before him
- High speed internet has deteriorated the last 6-7 months
- He works from home and has found internet service inconsistent
- Suggests that if all issues raised are not included within the agreement, the county should not enter into a 10 year contract, but go month to month instead

President Laird then asked if there were anyone else present to speak. No one requested to speak. He then stated that the Board has been consistently told by the consultants that this franchise agreement is a 'Cable TV' franchise agreement; and not an 'Internet' franchise agreement. He also advised that the consultants have said they are trying to put in the means to have Charter upgrade their internet system. President Laird closed his comments by stating he is not going to vote for any franchise agreement with Charter if it is not in the best interest for his district, and will try to get internet upgrades if at all possible. President Laird then declared the Public Hearing closed at 2:40 p.m.

Mr. Gary Pusey was now present before the Board. He began by advising the Board that Maryland Department of Planning has informed his office of grant funding available from Department of Natural Resources to help update our Zoning Ordinance as well as the City of

Crisfield's ordinance. The current ordinance was adopted in 2000, and there have been a number of amendments throughout the years, however it has been determined that portions are outdated, and need to be revised. This grant would provide the opportunity to complete the updates with the assistance of a consultant, at minimal cost to the county. The grant totaling \$75,000 would allocate \$50,000 to the county, and \$25,000 to the City. Mr. Pusey noted county funding would go directly to the DNR chosen consultant. Mr. Pusey then asked for the Boards endorsement to apply for this grant funding.

Upon a motion made by Commissioner Fisher, and seconded by Commissioner Boston, it carried unanimously to allow the Department of Technical and Community Services to apply for the grant funding as described.

Mr. Pusey next presented a request for a letter of support received from Smith Island United in support of their application to conduct a Risk Assessment. He explained that the assessment would include a high water mark mapping activity, an assessment of building structure conditions and flood risk, and community outreach to identify measures that can be taken by residents to qualify for flood insurance at a reduced rate. He closed by saying his staff supports the application, and the letter of support as presented.

Upon a motion made by Commissioner Simpkins, and seconded by Commissioner Fisher, it carried unanimously to authorize the President's signature on the letter of support for Smith Island United as presented.

Lastly, Mr. Pusey presented the need to amend the Forest Conservation Ordinance (FCO). After providing the history of the FCO, Mr. Pusey explained that currently the FCO exempts land within the Airport zoning district from having to comply with its requirements. This proposed amendment would extend the FCO exemption to properties determined by the FAA to have trees that are creating a hazard to navigable airspace, and would also bring the ordinance into compliance with the State's FCO. Mr. Pusey closed in saying that the Planning Commission forwarded a favorable recommendation to the County Commissioners, and the next step in the process would be for the Commissioner's Office to schedule an advertised Public Hearing on the request before the FCO can be amended. The Board stated its consensus to schedule a public hearing with regard to the Forest Conservation Ordinance as requested.

Mr. Terry Pehan and Mr. Donald Ford, representing the VSAP Advisory Board were now present to discuss the Somerset County Maryland Volunteer Service Award Program (VSAP). A final copy of the drafted plan, as well as the proposed Resolution to adopt the plan were presented for the Boards consideration. Mr. Taylor provided a brief historical summary of how the VSAP has gotten to where it is today. The final version of the plan being presented today for the Boards approval has been reviewed by County Attorney Kirk Simpkins, with a few minor corrections, and found to be legally sufficient. Mr. Taylor advised that one significant change made to the plan was to change the 5 member "Advisory Board" to the "VSAP Oversight Committee", which will consist of 7 members. Commissioner Boston questioned what other changes had been made. Mr. Pehan advised that there were no "dramatic" changes made, mainly changes for clarification purposes. He also added that he has received informal feedback from the Crisfield community, having three individuals who stated their appreciation and support for the plan. It was also noted that it is understood that the plan is dependent of the county's financial ability to continue. He closed in saying that it is not the dollar amount that is important to these individuals, but the acknowledgement of their service.

Mr. Taylor expressed his gratitude to the Advisory Board members for all of their hard work and dedication for going above and beyond to bring the VSAP plan to completion.

A motion was then made by Commissioner Simpkins, and seconded by Commissioner Mathies, to approve the Somerset County Maryland, Volunteer Service Award Program; and Resolution #1098 authorizing the enactment of the Somerset County Maryland Volunteer Service Award Program as presented. Commissioner Vice President Fisher and Commissioner President Laird abstained; therefore the motion carried 3-0-2.

Mr. Pehan also thanked Ms. Vicki Miller for the stellar job she has done as well.

While in attendance during the Public Hearing held earlier, Mr. Erik Emely had volunteered his services to fill any board or committee vacancy. Commissioner Simpkins made the motion to appoint Mr. Erik Emely to the Workforce Investment Board. Commissioner Boston seconded the motion, which carried unanimously.

With no further business, Mr. Taylor advised the Board of the need to enter into closed session. Therefore, at 3:07 p.m. on a motion was made by Commissioner Simpkins, and

seconded by Commissioner Boston, it carried unanimously 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; and Section 10-508 (a) (7) consult with counsel to obtain legal advice; and Section 10-508 (a)(3) consider the acquisition of real property for a public purpose and matters directly related thereto.

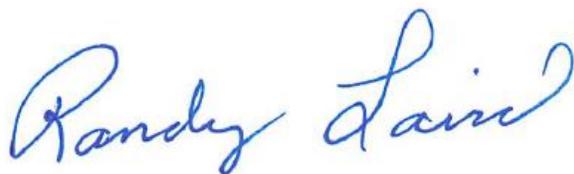
Upon motion made by Commissioner Boston, seconded by Commissioner Mathies, it carried unanimously to adjourn the Open and Closed Sessions at 5:08 p.m.

Respectfully Submitted:



Lory E. Ebron  
Administrative Aide

Approved By:



Board of County Commissioners  
For Somerset County