

BOARD OF COUNTY COMMISSIONERS

FOR SOMERSET COUNTY

MARCH 29, 2011

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, Cynthia R. Ward 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 Boston, second by Commissioner Fisher, it was carried 4-0 to dispense with the reading of the Minutes of the meeting held Tuesday, March 15, 2011, and approve the minutes as presented.

Steve Marshall, Director of Emergency Services, was present to make his recommendations for the awarding of the bid proposal for the replacement of the closed circuit television monitoring system (CCTV) in the Somerset County Office Complex. Director Marshall explained that 15 bids were submitted at the March 15, 2011 meeting, and he distributed a handout that summarized the bids submitted by company, whether or not they met the bid specifications and cost. Assisting him with review of the bid submissions were Director Joe Chelton, IT Department and Mr. Jerry Wilkins. Director Marshall said that all bid submissions were graded for conformity to what was required in the bid specifications. The top three bid submissions were discussed, after which it was recommended that ARK Systems be awarded the bid, with a submission of \$36,884.00. Commissioner Boston inquired as to the funding procurement with regard to this project. Director Marshall explained that funding was being provided by the Emergency Number Systems Board and that the CCTV system will be purchased at no cost to the County.

Upon motion made by Commissioner Boston, second by Commissioner Laird, being contingent on procurement funding, it was carried 4-0 to approve the bid proposal for the replacement of the CCTV monitoring system in the Somerset County Office Complex as submitted by ARK Systems in the amount of \$36,884.00.

While still present, Director Steve Marshall distributed the Memorandum of Agreement between Maryland Emergency Management Agency and Somerset County, Maryland regarding the Planning Grant Legislative Pre Disaster Mitigation Grant Program (PDM). Director Marshall explained that a

meeting was held with Mr. Mark James, State Hazard Mitigation Officer, Ms. Vicky Lloyd, Emergency Services and Mr. Gary Pusey, Director Planning and Zoning. The cost share of this plan is seventy-five percent (75%) federal and twenty-five percent (25%) non-federal. In order to be eligible for the full federal share of the award, an in-kind match in the amount of \$7,597.95 will be required. Director Marshall continued to explain that Maryland Emergency Management Agency (MEMA) withheld funding last year, so therefore the Somerset County Disaster Plan expired in 2010. Director Marshall noted that it is a Federal mandate to have an Emergency Disaster Plan in place, and that both the Town of Princess Anne and The City of Crisfield follow our plan, and that without a plan in place, we may not be eligible for Federal Disaster funding.

Upon a motion by Commissioner Fisher, second by Commissioner Boston, it was carried 4-0 to authorize Commissioner President Simpkins to sign the M.O.U. and move forward with obtaining competitive bids for adopting a Disaster Plan for Somerset County.

Being as there was time available, before the Bid Opening for the Drainage Project scheduled for 2:30 p.m., County Administrator-Clerk Cynthia R. Ward began to present correspondence received since the last meeting. In a letter dated March 2, 2011, addressed to Commissioner President Simpkins, the Maryland Department of Agriculture, Mosquito Control Section, had prepared an estimate of operating expenses for mosquito control in Somerset County during the 2011 season. The proposed mosquito control budget for the 2011 season for Somerset County was reviewed, and included in the FY 2012 budget.

Therefore, upon motion by Commissioner Fisher, second by Commissioner Laird, it was carried 4-0 to accept the proposed Somerset County Mosquito Control budget for FY 2012 as presented by the Maryland Department of Agriculture, Mosquito Control Section. At this time, Cynthia R. Ward, County Administrator-Clerk requested Commissioner President Simpkins sign the proposed mosquito control budget for the 2011 season as submitted in the correspondence letter.

County Administrator-Clerk Ward presented correspondence from the The Maryland Department of Planning/State Clearinghouse-Agency Review Request, with regard to Financial Incentives for Reductions in Cropland Greenhouse Gas. The Interstate Commission on the Potomac River Basin, proposes to deliver financial incentives for Reductions in Crop Land Greenhouse Gas, to reduce N<sup>2</sup>O emissions from agricultural land, establish carbon market, and perform field verification, data modeling, and literature review and to prepare guidelines for farmer's participation. It was noted that the Agency Review Request from Maryland State Clearinghouse has been reviewed by Director Gary Pusey, Planning and Zoning. The form was required to be submitted by March 27, 2011. It was agreed by the

Commissioners to seek input from the Agriculture Extension Agent & Soil Conservation before responding. It was unanimously decided to table the completion of the form until proper review can be made.

Correspondence received from The Maryland Department of Planning, State Clearinghouse, with regard to the Application for Army permit (PN-11-21): proposed oyster aquaculture operation for scientific investigation was outlined by County Administrator - Clerk Ward. The University of Maryland Eastern Shore proposes to establish an oyster aquaculture operation for a 3-year scientific investigation utilizing 4 cages with a maximum total of 800 oysters in a 0.51 acre area of Pocomoke Sound. It was noted that this area was chosen to minimize potential impacts to submerged aquatic vegetation and navigation.

After discussion, on a motion by Commissioner Fisher, second by Commissioner Boston, it was carried 4-0 to have Ms. Ward, County Administrator-Clerk, respond with a C-5 designation.

At this time, Mr. Charles Cavanaugh, Director of Solid Waste and Maintenance, was present for the 2:30 p.m. Bid Opening for the Lead Ditch Drainage Project relating to nineteen hundred feet of Fitzgerald Road. Commission President Simpkins proceeded in opening the sealed bids for the Lead Ditch Drainage Project. Bid information is as follows:

<b><u>Bidder</u></b>	<b><u>Bid Amount</u></b>
Doug Vann	\$4,995.00
Mark Bozman	\$4,750.00
Paul Jones	\$3,895.00
Gerard Dumsha	\$3,950.00

Mr. Charles Cavanaugh, made the recommendation to the Commissioners to award the bid to Mr. Paul Jones, who has the lowest bid. Mr. Cavanaugh also noted that Mr. Jones has completed work for the county previously, and his work has been acceptable.

Therefore, upon a motion by Commissioner Fisher, second by Commissioner Boston, it was carried 4-0 to award the bid submitted to complete the work relating to the Lead Ditch Drainage on Fitzgerald Road Phase # 4 to Mr. Paul Jones in the amount of \$3,895.00.

Mr. Cavanaugh presented to the Commissioners for signature, a right of entry agreement which allows the Maryland Department of Natural Resources a two year right of entry for the purpose of drainage ditch maintenance along Osburn Webster Road within Deal Island Wildlife Management Area.

On motion by Commissioner Fisher, second by Commissioner Boston, it was carried 4-0 to authorize Commissioner President Simpkins to sign the two-year Right of Entry Agreement between the Maryland Department of Natural Resources and the Board of County Commissioners of Somerset County, for the purpose of drainage ditch maintenance along Osburn Webster Road within Deal Island Wildlife Management Area.

Commissioner Laird inquired of Mr. Charles Cavanaugh, Director, regarding the status of the drainage projects in the Crisfield area. Mr. Cavanaugh noted that as funding becomes available, the drainage projects are addressed within a two year period.

Mr. Cavanaugh, Director Maintenance, was asked by Commissioner President Simpkins to provide building specifications for the Westover School Project. As the specifications were reviewed, a discussion was held with regard to proposed occupancy of the building once the renovations were completed. Director Cavanaugh noted that at this time, it is anticipated that Local Management Board, the MAC Center, Child Advocacy and Mosquito Control will occupy the building. Commissioner President Simpkins inquired as to the possibility of the Department of Recreation and Parks utilizing the gym in the evening hours so that there is full utilization of the building. Director Cavanaugh noted that the gym was in need of cleaning and repair, and that heating and air conditioning were not available to the gym. Mr. Cavanaugh's department was complimented on the work that has been completed to the Westover School Project.

County Administrator-Clerk Cynthia R. Ward, continued with her presentation of correspondence received since the last meeting.

The Maryland Department of the Environment, Water Management Administration provided Notice of Applications Received for State Permits. It was duly noted that Somerset County Solid Waste and Drainage Division has applied to repair and maintain an area referred to as The Crisfield Tidal Dike System, that begins at the intersection of Norris Harbor Drive near Somers Cove and extends along the landward edges of the tidal marshes between Little Annemessex River and Ape Hole Creek to a point approximately one mile upstream of Johnson Creek in the southeastern section of Crisfield in Somerset County, Maryland.

County Administrator-Clerk Ward explained a memorandum received from David Lever, State of Maryland Public School Construction Program. The Regulations for the Administration of the Public

School Construction Program require that the county governing body approve the annual capital improvement program submitted by local board of education. The memorandum inquired if there were any alterations in local support that could result in deferral or cancellation of any changes in the local government's ability to fund State approved projects in the FY2012 Capital Improvement Program that it be reported to the State of Maryland Public School Construction Program immediately. It was duly noted that there are no "new" projects or changes, and that Somerset County is committed to this program for FY 2012.

County Administrator-Clerk Ward next presented a request under the Maryland Public Information Act on behalf of the American Civil Liberties Union of Maryland, requesting to obtain copies of all correspondence and documents, both written and electronic, relating to the United States Department of Justice's investigation regarding Somerset County's employment and hiring practices, for the period from January 1, 2010 through the date of Somerset County's response. County-Administrator -Clerk Ward advised that it is anticipated that after review by the County's attorney, the information will promptly be submitted as requested.

Correspondence was reviewed with regard to a letter received from James Kingdon of Greenlight Biofuels Princess Anne, LLC., dated March 11, 2011, requesting relief from the company's personal property tax assessment fee. In light of this recent request by Greenlight Biofuels Princess Anne, LLC., Commissioner Fisher requested that the last request submitted be included with the current request under review. County Administrator-Clerk Ward will research the last agreement and determine what fees are currently due relating to the company's personal property tax assessment fee.

Ms. Ward presented a written request dated March 17, 2011 by the Somerset County EDC Executive Board and Nominating Committee requesting the following nomination recommendations. For the Somerset County EDC Board Member recommendation, three year term, Alex Karavasilis, Rob Maddox and Bob Murphey, all of whom are filling vacancies, with terms expiring June 30, 2013. For the Town of Princess Anne, three year term, re-appointment of Ben Alder, for a term expiring June 30, 2013.

On motion by Commissioner Fisher, second by Commissioner Boston, it was carried 4-0 to fill the vacancies as presented by Somerset County Economic Development Commission.

County Administrator-Clerk Ward requested that the Board refer to the letter addressed to Dr. Karen Brofee, Superintendent Somerset County Public Schools, dated March 23, 2011, regarding non-recurring costs. Commissioner Fisher brought up for discussion, that he has been asked for the Boards

consideration to allow additional non-recurring cost funding support for the Somerset County Public School system to purchase computers. The previous request presented to the Commissioners at the March 22, 2011 meeting, in the amount of \$100, 00.00 under line item #3 was not approved. Mr. Dan Kuebler, present at today's meeting, questioned the need for new computers in addition to the proposed cost to upgrade and/or replace computers in the schools. After discussion, a recommendation was made by Commissioner President Simpkins to table the issue for discussion until further review can be made with regard to the FY2012 budget. The Board concurred to table the discussion pending further review.

County Administrator-Clerk Cynthia R. Ward continued, regarding the EEO Oversight Committee. Ms. Ward noted that there are currently two vacancies as Ms. Lisa Shea from Commissioners Lairds district, and Mr. Kevin Widdowson from Commissioner Mathies district have both vacated their seats on the Committee.

The Board of County Commissioners was presented with Ordinance 1023, which implements the Somerset County Building code, and adopts as replacement the 2009 International Building Codes (IBC), and any subsequent versions as adopted by the State of Maryland, together with local amendments to the Maryland Building Performance standards, also known as the International Building Code and to similarly adopt the 2009 International Residential Code (IRC) as the Building Codes for Somerset County for adoption. On motion by Commissioner Laird, second by Commissioner Fisher, it was carried 4-0, to adopt Ordinance 1023 with an effective date of April 18, 2011, as described above.

Ms. Ward, County Administrator-Clerk, advised the Board of a phone call she received from the Humane Society, inquiring about property the County may own that would possibly be considered as a donation to the Humane Society of Somerset County. Mr. Ron Cole, who was present at today's meeting, explained that he is assisting the Humane Society in finding approximately 1 to 3 acres that would be properly zoned for their use. Mr. Cole also said that he has contacted the Treasurer's Office relating to the upcoming tax sale. County Administrator-Clerk Ward advised Mr. Cole that she will check into the availability of properties currently owned by the County, and their suitability to fulfill the needs required by the Humane Society. Commissioner Boston noted that he will forward the information to Mr. Cole when it becomes available.

Ms. Ward, County Administrator-Clerk, received a request from Mr. Mark Konapelski, Planning and Zoning Department, to obtain permission from the Board of County Commissioners, to allow him to be a guest speaker during work hours, to students at VOTECH relating to building projects. On motion

by Commissioner Boston, second by Commissioner Fisher, it was carried 4-0 to permit Mr. Konapelski, Planning and Zoning, to provide educational information to the students at VOTTECH during his work hours.

Present in the audience at today's meeting, Mr. Dan Kuebler expressed his concern to the Board relating to the brawls in Crisfield that recently appeared on YouTube as well as local media. He advised the Board that ideas were being formulated to be discussed at a meeting that will be held tomorrow. Mr. Kuebler also suggested less paperwork be used at the Somerset County Board of Commissioner meeting's by utilizing electronic means of communication such as emailing documents to the Commissioners for their review, or the use of a projector during the meeting that would project the documents on the wall for all to view.

Ms. Ward, County Administrator-Clerk advised the Board that she had received a citizen complaint in the vicinity of Polks Road, Mt. Vernon, relating to target practice (shooting) occurring at a residence nearby. Ms. Ward will obtain further information and address it at a later date.

At this time, the Board was advised of the need 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, employee, or officials over whom it has jurisdiction; and 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)(8) consult with staff, consultants, or other individuals about pending or potential litigation.

A motion was made by Commissioner Boston, second by Commissioner Fisher, to adjourn the regular session of the Board and 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, employee, or officials over whom it has jurisdiction; and 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)(8) consult with staff, consultants, or other individuals about pending or potential litigation. The motion carried 4-0.

With no further business, the meeting was adjourned at 3:50 p.m.

The amount drawn on the General Fund Checking Account for the week of March 29, 2011, from check no. 85477 through check no. 85515 was \$379,878.86.

The amount drawn on the General Fund Checking Account for the week of April 5, 2011, from check no. 85516 through check no.85547 was \$97,550.66.

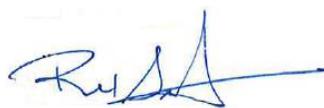
Respectfully Submitted:



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Lory E. Ebron  
Executive Secretary

Approved By:



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Board of County Commissioners  
For Somerset County