

BOARD OF COUNTY COMMISSIONERS
FOR SOMERSET COUNTY
TUESDAY, JULY 28, 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 Craig Mathies, Sr., and Commissioner Rex Simpkins.

Also present was 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 Fisher, it carried unanimously to accept the minutes as written from the Open and Closed Session Meetings held Tuesday, July 14, 2015 and the Special Session Meeting held June 23, 2015.

President Laird called the Public Hearing to order at 2:00 p.m., regarding the request to rezone property located on Tax Map 5, Grid 3, Parcel 56. Mr. Taylor read the notice of Public Hearing into the record as follows:

"The purpose of the hearing is to consider a request to rezone Map 5, Grid 3, Parcel 56 in the West Princess Anne Election District. The lot area is 3.5 acres based on assessment records. The Applicant, Snee Brothers Inc., proposes to rezone the property from High Density Residential R-3 to General Commercial C-2, based on a mistake in the current zoning. The property is located on the westerly side of Merser Road approximately 250 feet northwest of US Route 13.

A public hearing was held by the Somerset County Planning and Zoning Commission on Thursday June 4, 2015; which resulted in a favorable recommendation to the Board of County Commissioners for the rezoning.

All zoning maps, Zoning Ordinance, Comprehensive Plan and files may be inspected at the Department of Technical and Community Services, 11916 Somerset Avenue, Room 211, Princess Anne, MD during regular business hours, 8:30 A.M to 4:30 P.M. Monday thru Friday.

BOARD OF COUNTY COMMISSIONERS FOR SOMERSET COUNTY, Ralph D. Taylor, County Administrator-Clerk."

Mr. Tom Lawton and Mr. Gary Pusey, from the Department of Technical and Community Services, Mr. Joseph Snee and Mr. John Snee, were now present before the Board.

Mr. Lawton began by providing the case report findings regarding the property. He explained the present zoning (High Density Residential R-3) of the property as well as the proposed zoning requested (General Commercial C-2). It was noted that the rezoning request is a result of an error made during the 2001 Comprehensive Rezoning of the County when this

parcel was rezoned. The zoning of surrounding properties was discussed, and Mr. John and Joe Snee both spoke in favor to correct the zoning to revert it back to the way it was before.

President Laird asked if there were any other proponents wanting to testify. There were none.

President Laird asked if there were any opponents wanting to testify. There were none.

Commissioner Simpkins questioned the error made during the 2001 Comprehensive Plan, and asked if property owners are notified when determinations are made and changed. Mr. Pusey noted that rezoning happens frequently when comprehensive rezoning gets done, and generally property owners are unaware of the changes made. He noted it would be quite intensive to provide such notification, adding it is not required by law.

At 2:20 p.m. President Laird declared the Public Hearing closed, advising written comment would be taken for 10 days.

Mr. Gary Pusey remained present to make the award recommendation regarding the Engineering Services Contract for the Crisfield Bulkheading Project. Mr. Pusey explained this project is one of 16 being funded through the Hurricane Sandy Disaster Recovery Disaster Grant. Request for Proposals (RFP) was advertised, and three (3) responses were received. He advised that all three companies attended the pre-bid meeting and site visit. The following bids were received as follows:

Davis, Bowen & Friedel, Inc.	\$20,740.00
Becker Morgan Group	\$45,500.00
George E. Young, III, P.C.	\$78,750.00

Mr. Pusey explained that all three proposals clearly addressed the issues discussed, and all were considered qualified. After review, it was the recommendation of the Review Committee (Mayor Lawson, Mr. Rick Pollitt, Mr. Woody Barnes and Mr. Gary Pusey) to award the contract to Davis, Bowen & Friedel, Inc., the low bidder, in the amount of \$20,740.00. In closing, Mr. Pusey stated all costs will be covered by the grant.

On a motion made by Commissioner Boston, seconded by Commissioner Fisher, it carried unanimously to award the Engineering Services Contract for the Crisfield Bulkheading Project to Davis, Bowen & Friedel, Inc. in the amount of \$20,740.00. Mr. Pusey was excused from the meeting at this time.

Mr. Gene Adkins, Finance Director, was now present before the Board to present the Request for Proposals received for an Actuarial Study, which is a GASB 45 audit requirement. Mr. Adkins explained that the last study was performed in 2007, and involves a calculation potential of the future liability of the health insurance plan, primarily the retiree plan, to the county. This calculation will be included in the county's audited financial statement. Out of seven firms receiving the information, two responded with proposals; CBIZ Benefits in the amount of \$39,000.00 and Bolton Partners in the amount of \$65,900.00. Mr. Adkins advised that the county currently uses CBIZ Benefits, the low bidder. He then made the recommendation to award the bid to CBIZ Benefits as they are familiar with the county, and proposed the lowest cost. He closed in stating that this proposal came in under what was previously paid for the last study, which was \$43,000.00.

Therefore, a motion was made by Commissioner Fisher, and seconded by Commissioner Boston to award the bid to CBIZ Benefits in the amount of \$39,000.00. The motion carried unanimously.

Mr. Taylor next asked Mr. Anthony Stockus, Sanitary District General Manager, to come forward. Mr. Adkins remained present as well. Mr. Stockus presented a Resolution for the Boards consideration that would offer the County's guarantee to authorize the refinancing of a municipal debt to a lower rate not to exceed \$970,000. After a brief explanation of the purpose of the loan for the Crisfield Peripheral Area, he stated that the refinance should save approximately \$80,000 to \$100,000 over the next 10 years. Mr. Stockus requested the Boards permission to move forward with the refinance. President Laird questioned if residents will see a lower payment. Mr. Stockus replied that Crisfield individuals should see a reduced annual debt service payment with this refinance. Mr. Adkins noted he reviewed the document, and found it to be sufficient.

Commissioner Boston made the motion to approve the Resolution as presented and allow the Sanitary District to move forward with the refinancing of the loan as requested. The motion was seconded by Commissioner Fisher, and carried unanimously. Mr. Stockus and Mr. Adkins were excused from the meeting at this time.

Mr. Taylor proceeded with correspondence received at this time.

A letter was received from Mr. Frederick L. Howard advising the Board that he has decided to resign from the Tourism Commission as his schedule is prohibiting his attendance to the meetings.

After acceptance of Mr. Howard's resignation, Commissioner Boston advised that he received an email from Dr. Kerry Palakanis offering to serve on the Tourism Commission. Mr. Taylor also reminded the Board of the list provided from the Safe for Somerset group who offered to serve on county boards and commissions. The current breakdown of the members who are currently serving and the districts they reside in was also discussed.

Commissioner Fisher made the motion to appoint Dr. Kerry Palakanis to serve out Mr. Howard's term on the Tourism Commission. Commissioner Boston seconded the motion, which carried unanimously.

A request for a letter of support was received from UMES for the project entitled "Awareness and Best Marketing Practice Training for Socially Disadvantaged Groups on the Lower Eastern Shore of Delmarva". Mr. Taylor requested the Board's formal approval of the support letter as presented.

Therefore, a motion made by Commissioner Fisher, seconded by Commissioner Boston carried unanimously approving the letter of support as provided to UMES.

Mr. Taylor presented the Crisfield Tidal Dike Cost Share Agreement, and asked the Board's approval authorizing the President's signature on the document. The agreement between the Department of the Army and Somerset County would authorize a hurricane and storm risk management feasibility study for the southeast Crisfield area and is qualified as a Hurricane Sandy project. Mr. Taylor advised that Attorney Kirk Simpkins has reviewed the agreement and found it legally sufficient.

On a motion made by Commissioner Boston seconded by Commissioner Simpkins, it carried unanimously to approve the President's signature on the Crisfield Tidal Dike Cost Share Agreement as presented.

A request was received from Ms. Joanna Emely, Election Director to use the vacant offices across the hallway from the Board of Elections office for early voting.

On a motion made by Commissioner Fisher, seconded by Commissioner Simpkins, it carried 4-0 approving Ms. Emely's request to use the vacant offices for 2016 early voting. President Laird questioned if it is a requirement to have the early voting location "centralized" within the County, and if Princess Anne is considered a centralized location. Mr. Taylor advised that to the best of his knowledge, the statute did not state that the location for early voting is required to be held in this building.

Mr. Taylor continued with discussion items at this time.

A recap of previous meetings that had taken place regarding a location for It Takes A Village to Help Our Children, Inc. was provided. Mr. Taylor explained Ms. Taylor's position, as previously presented, to be a part of the decision making process; and her concerns about location, for students and family members who do not have transportation. Mr. Taylor next explained the matters discussed during the July 9th meeting with Mr. Pusey and two of It Takes A Village Board members. During that meeting, the matter of being on a strict timeline, with limited funds was discussed. Because of the limited funding, it was suggested to Ms. Taylor and her Board Members that it would be in the best interest of the project to build the facility on the Crisfield High School grounds, where there is a projected cost savings regarding engineering, mobilization and structure elevation (which would not be required at Crisfield High School). It was during that meeting that Ms. Taylor requested to personally meet with the Board to discuss her concerns. Ms. Taylor was present to address her concerns to the Board during the July 14, 2015 meeting. The Board took Ms. Taylor's comments under advisement, and the Board requested the matter be placed on the next meeting agenda for further discussion.

Mr. Gary Pusey advised that an Engineering firm has been hired to begin the preliminary design for the Head Start addition at CHS, and would be capable of including the additional space to house It Takes A Village into the plans. Regarding the cost of a new building, Commissioner Mathies reminded the Board that it was Ms. Taylor's belief that a building could be constructed with the funding amount approved. However, it is the Boards understanding that this is not capable. Additionally it was felt that it would be in the best interest for the County (since the building will be county owned) to have the facility at Crisfield High School. It was also noted that Mr. Freddie Mitchell of Head Start, was agreeable to have both entities at the same site.

Therefore, at the conclusion of the discussion, a motion was made by Commissioner Fisher, and seconded by Commissioner Simpkins to have the location for It Takes A Village to be at Crisfield High School. President Laird opposed the motion, and Commissioner Mathies abstained. Therefore the motion carried 3-1-1.

Mr. Taylor asked Mr. Pusey to contact Ms. Taylor to advise her of the decision, and requested she be kept informed regarding the process as it moves forward.

Mr. Taylor presented a letter of support received from Ms. Traci Grangier, Town of Princess Anne for their support and endorsement of the application of the Town of Princess Anne for CDBG funds. This project involves the installation of a 10" PVC water main along a portion of Church St. to loop the existing 10" main on Broad St. to the existing main on Prince William St. In addition to the water system improvements, the Town plans to implement roadway improvements including paving, sidewalks, curb and gutter and storm drain improvements. Mr. Taylor advised that the Sanitary District is also in support of this application for the Town of Princess Anne.

On a motion made by Commissioner Simpkins, seconded by Commissioner Fisher, it carried unanimously to approve the letter of support, requested by Ms. Grangier, for the application of CDBG funded project as described.

Mr. Taylor continued, asking the Board if they had any recommendations with regard to the various board vacancies currently open (Somerset County Homeless Board, Workforce Investment Board, Social Services Board, Adult Guardianship Review Board and the nominees regarding the Property Tax Assessment Appeals Board).

Commissioner Mathies made a motion to nominate Reverend Charles Bagley to serve on the Workforce Investment Board. Commissioner Boston seconded the motion, which carried unanimously.

Commissioner Boston made a motion to nominate Ms. Billie Joe Chandler to serve on the Workforce Investment Board. Commissioner Simpkins seconded the motion, which carried unanimously.

Commissioner Mathies made a motion to nominate Mr. Arnold Ajello as a candidate for appointment to the Somerset County Tax Assessment Appeal Board. Commissioner Simpkins seconded the motion, which carried unanimously.

Lastly, Commissioner Boston inquired if it would be permissible for his daughter-in-law, who is an attorney, to serve on the Adult Guardianship Review Board, filling the vacancy for an attorney. Mr. Taylor advised he would look into the question for Commissioner Boston and let him know.

President Laird asked Mr. Phil Riggin, 4930 Thomas Long Road, Crisfield, to come forward, as he had requested to address the Board.

Mr. Riggin explained the events planned to recognize the almost 5000 volunteers who have been involved with the Hurricane Sandy efforts over the last three years. He personally invited the Commissioners, Mr. Taylor and Ms. Ebron to attend the banquet scheduled for Friday August 14 at 6:00 p.m. at the Civic Center, and the picnic at Somers Cove Marina, scheduled for Saturday, August 15 at noon. He explained that fundraising efforts underway in Crisfield to cover the cost of the events, have collected almost enough to pay for events, and donations from the Princess Anne area are welcomed. He also stated he was hoping to get the Engineering Review process done for the Crisfield bulkheading project, so that the contract can awarded as soon as possible, as several other projects are on hold until the Engineering Review is completed.

Mr. Kevin Miller, Westover, Maryland requested to address the Board. Mr. Miller noted the board appointment nominations made earlier in the meeting, and expressed his concern regarding recommendations that have been made for the Ethics Policy to make the policy more restrictive. He feels the entire investigation was based on a false narrative, and it should be harder to file frivolous ethics complaints. He would like for the county to make it known what costs have been incurred by the county as a result of these complaints. He suggested that those responsible for filing an ethical complaint, when there are no findings, should have to repay the costs incurred to the county. Mr. Miller also expressed his comments regarding his attendance to the Zoning Board meetings. He closed in stating that people should not be permitted to hold projects up based on frivolous ethics charges.

Mr. Mark Konapelsky, Crisfield City Councilman, was now present to address the Board. Mr. Konapelsky, noted that he was speaking as councilman, and not for the Mayor or Council. He has been following the It Takes A Village project from the start, visiting the school many times. Noting that their first main concern was that they would have nowhere to go, he stated the Board did a great job in their decision today, doing what is best for the City of Crisfield to strengthen not only the City but the High School. He stated the decision made today will provide a roof over the heads of those attending It Takes A Village, so that the program will be able to flourish.

With no further business, at 3:04 p.m. on a motion was made by Commissioner Simpkins, and seconded by Commissioner Fisher, 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.

Upon motion made by Commissioner Simpkins, seconded by Commissioner Mathies, it carried unanimously to adjourn the Open and Closed Sessions at 4:08 p.m.

Respectfully Submitted:



Lory E. Ebron
Administrative Aide

Approved By:



Board of County Commissioners
For Somerset County