



AGENDA JUNE 12, 2018
BOARD OF COUNTY COMMISSIONERS
FOR SOMERSET COUNTY
11916 Somerset Avenue
Room 111/Meeting Room
Princess Anne, MD 21853
2:00 p.m.

Appointments:

- 2:00 p.m. - 25 Year Service Award Recognition/Mr. Gregory S. Webster
- 2:05 p.m. - Public Hearing- Mr. Gary Pusey, Ms. Kymberly Kudla DTCS
 - MD Agricultural Land Preservation Foundation (MALPF)
- * 2:10 p.m. - Mr. Gary Pusey, Ms. Donna Laird DTCS
 - Headstart Addition Flood Insurance
- * 2:20 p.m. - Ms. Erica Yeager- Changes to Employee Handbook
 - Resolution Approval

Correspondence:

Received

- Maryland Department of Transportation re: Transportation Priorities (CTP)
- Charter Communications re: Upcoming Changes
- * Mr. Gary Pusey, DTCS re: (2) Building Fee Waiver Requests (Ford and Carey)
- MD State Retirement and Pension System re: Somerset County Compliance Review Audit

Sent

- Mr. Leslie Pruitt, Dept. of Assessments and Taxation re: Official Levy FY19
- Mr. Will Dryden, Somerset County Tax Office re: Official Levy FY19
- Dr. John Gaddis, Somerset County Public Schools re: CHS Tennis Courts
- Ms. Retta Jones, Mt. Zion Historical Society re: Letter of Support
- National Trust for Historic Preservation re: Letter of Support
- Ms. Kelly Hawkins, Somerset County Local Management Board re: Reappointments
- NASA Wallops Flight Facility re: Draft Site-wide PEIS
- Ms. Sarah Tyler re: Property Purchase Request

Discussion:

- * 1. Surplus Property
- * 2. Addendums to (2) MOU/Advance for Funds-Somerset Committee for the Homeless
- * 3. Eastern Shore Area Health Education Center Vacancy (1)
- * 4. Pauper Burial Requests (2)- Gloria A. Holland, Jessie H. Pittman

2:45 p.m. - Closed Session- Ralph D. Taylor, Erica Yeager, Louis Hickman, Charles Cavanaugh, John Redden, Ronnie Howard, Kirk Simpkins, Gene Adkins, Sharon Muir

Authority of the General Provisions Article of the Annotated Code of Maryland § 3-305 (b)(1) the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of an appointee, employee, or official over whom it has jurisdiction; and (b)(3) consider the acquisition of real property for a public purpose and matters directly related thereto; and (b)(7) to consult with counsel to obtain legal advice; and (8) to consult with staff, consultants, or other individuals about pending or potential litigation.

- * Denotes Action Item

BOARD OF COUNTY COMMISSIONERS
FOR SOMERSET COUNTY
TUESDAY JUNE 12, 2018

At 2:00 p.m., the Board of County Commissioners for Somerset County opened in Regular Session. Present for the meeting were Commissioner President Randy Laird, Commissioner Vice President Charles F. Fisher, Commissioner Jerry S. Boston, Commissioner Craig N. Mathies, Sr., and Commissioner Rex Simpkins.

County Administrator-Clerk Ralph D. Taylor and Executive Aide Lory E. Ebron were also present.

President Laird 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.

Closed Session Summary Report June 12, 2018

On June 12, 2018, at 2:57 p.m. until 4:25 p.m. at 11916 Somerset Avenue, Room 111, upon a motion made by Commissioner Mathies and seconded by Commissioner Simpkins, it carried 5-0 to enter into Closed Session by Authority of the General Provisions Article of the Annotated Code of Maryland §3-305 (b)(1) the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of an appointee, employee, or official over whom it has jurisdiction; and (b)(3) consider the acquisition of real property for a public purpose and matters directly related thereto; and (b)(7) to consult with counsel to obtain legal advice; and (8) to consult with staff, consultants, or other individuals about pending or potential litigation.

Present for the Closed Session Meeting were President Randy Laird, Commissioner Vice President Charles F. Fisher, Commissioner Jerry S. Boston, Commissioner Craig Mathies Sr., and Commissioner Rex Simpkins.

Also present were County Administrator Ralph D. Taylor, Executive Aide Lory Ebron, HR Director Ms. Erica Yeager, Director of Solid Waste and Maintenance Mr. Charles Cavanaugh, Public Works Director John Redden, Warden Louis Hickman, Sheriff Ronnie Howard, and Attorney Kirk Simpkins.

Topics discussed were: (1) Potential real estate acquisition (2) Employee termination/resignation (3) Hiring of P/T Transfer Station Attendant (4) Health Officer Interviews (5) Uncollected Personal Property Tax (6) Sheriff Office location. Actions taken

during closed session: (1) Approval to allow employee resignation (2) Approval to hire P/T Transfer Station Attendant (3) Approval to re-advertise Health Officer Vacancy.

Meeting minutes were presented for approval regarding the Commissioner and Closed Session meetings held on May 29, 2018. Commissioner Boston made a motion to accept the minutes as presented. Commissioner Fisher seconded the motion. Commissioner Simpkins abstained; therefore the motion carried 4-0-1.

Mr. Gregory S. Webster was asked to come forward. The Board presented Mr. Webster with a Certificate of Appreciation, and thanked him for his 25 years of dedicated service.

Next, Mr. Gary Pusey and Ms. Kymberly Kudla, Department of Technical and Community Services came forward.

At 2:05 p.m., President Laird called the Public Hearing open with regard to the Maryland Agricultural Land Preservation Foundation Easement (MALPF) Applications. Mr. Taylor read the public hearing notice into record as follows:

“Under the provisions of Maryland Agricultural Land Preservation Foundation, applications have been filed with the Somerset County Commissioners to sell easements to the Maryland Agricultural Land Preservation Foundation on the following properties:

James & Bonnie East – Costen Road – Property located on the Southwesterly side of Costen Road on Map 42, Parcels 149, 20 & 153 consisting of 68 Acres.

Gerard & Donna Dumsha – Old Princess Anne Road – Property located on East side of Old Princess Anne Road on Map 74, Parcels 72 & 49 consisting of 238.8 Acres.

Daniel & Christina Merrill – Perryhawkin Road – Property located on the South side of Perryhawkin Road on Map 16, Parcel 140 consisting of 146.65 Acres.

Crist & Jean Yoder – Boggs Schoolhouse Road – Property located on the North and South sides of Boggs Schoolhouse Road on Map 16, Parcel 140 consisting of 43.5 acres.

Thomas & Lindi Anne Smith – Stone Creek Lane - Property located West of Reading Ferry Road & North and South of Stone Creek Lane on Map 3, Parcel 132, Lots 1, 2, 12, 14, 15, 16, 19, & 28 consisting of 205.59 Acres.

John & Barbara Murray – Whitehaven Ferry Road - Property located on the Northeasterly side of Whitehaven Ferry Road & the Southwest intersection of Whitehaven Ferry Road & Bobtown Road on Map 3, Parcels 19, 38, & 53 consisting of 84.44 Acres.

Gladmar Land Company Inc. – Perryhawkin Road – Property located on the Northeasterly side of Perryhawkin Road on Map 25, Parcel 32 & 33 consisting of 168.219 acres.

A HEARING WILL BE HELD BEFORE THE SOMERSET COUNTY COMMISSIONERS

ON TUESDAY, JUNE 12, 2018 AT 2:05 P.M. in the office of the Board, 11916 Somerset Avenue, Room 111, Princess Anne, MD, to hear comments from the public regarding these applications.

Agricultural Land Preservation Easements may be sold by landowners whose land meets eligibility requirements of the Maryland Agricultural Land Preservation Foundation.

For further information concerning these applications or the Agricultural Land Preservation Program, call the Somerset County Department of Technical and Community Services: Telephone 410-651-1424. Materials related to the public hearing may be found at 11916 Somerset Avenue, Room 211, Princess Anne, MD, 21853. Board of County Commissioners for Somerset County, Ralph D. Taylor, County Administrator.”

Ms. Kudla explained that since 1977, MALPF has purchased agricultural preservation easements that restrict development on prime farmland and woodland. As of June 2017, MALPF has purchased 46 easements on a cumulative total of 5,520 acres in Somerset County. She advised the deadline for FY19 applications is July 2, 2018. Applications must receive approval by the Planning Commission, the Agricultural Land Preservation Board and the County Commissioners. Being presented today for consideration are seven (7) applicants that were recommended for approval by the Planning Commission and the Somerset County Agricultural Board. Ms. Kudla explained that past funding years have been “combined-year” funding cycles where the MALPF program combined the funding from two (2) years to make offers. It was noted that beginning with FY19, the program will go back to single year cycles, and there was no opposition from the Planning Commission. The state will accept 12 applications from each county. Ms. Kudla added that all seven applicants were returning applicants that had applied in previous years and were not accepted. There were no opponents or proponents present to speak. The recommendation was made to approve the seven (7) FY19 applications as submitted to the MALPF.

Upon a motion made by Commissioner Fisher, and seconded by Commissioner Boston, it carried 5-0 to approve the seven applications submitted by Crist and Jean Ann Yoder, John O. Murray, James East, Gladmar Land Company Inc., Gerrard and Donna Dumsha, Thomas H. Smith III and Lindi Anne Smith, and Daniel and Christina Merrill, as presented. Commissioner Boston seconded the motion. The motion carried 5-0.

The public hearing was declared closed at 2:09 p.m.

Ms. Kudla left the meeting, and Ms. Donna Laird, DTCS was asked to come forward.

Mr. Pusey advised that one of the requirements of the Sandy funded project for the Head Start addition at Crisfield High School was the need to have flood insurance after completion. He explained that a problem has arisen in that the project cost the state \$2.8 million, and flood insurance has a maximum coverage amount of \$500,000 for commercial buildings, which will

not cover the investment. Following discussions held with the U.S. Department of Housing and Urban Development (HUD) a compromise was reached in that the state will accept a commitment from the County or sub-recipient of the grant funds to rebuild the portion of the building used by the Head Start Program in the event flooding occurs and causes damage. Mr. Pusey advised that he has spoken with Ms. Haley at the Somerset County Public School system who stated she feels that Somerset County should make the commitment. With this being said, Mr. Taylor offered to call Dr. Gaddis to discuss the matter further. Ms. Laird advised, as a Crisfield resident, she has never seen the Head Start area of the building flood. President Laird questioned if the county makes the commitment, does that commitment make us responsible for the whole building or just the Head Start edition. Mr. Pusey stated the letter could be worded narrowly to state that the county would take responsibility for just the portion of the building related to the grant funding (Head Start addition). The Board was in consensus to table the decision to allow Mr. Taylor time to contact Dr. Gaddis and represent the matter in more at a future meeting. Mr. Pusey and Ms. Laird left the meeting at this time.

Ms. Erica Yeager, HR Director came forward to receive the Boards approval for a resolution updating the Somerset County Employee Handbook. Requested updates were presented during the meeting held on May 29, 2018 and is summarized as follows:

1. Page 28, 27 - language replaced would require the possession of a valid license.
2. Page 43, M.B.- language added that states a Governor declared State of Emergency does not qualify as an emergency certified by the County Commissioners
3. Page 25.Q. New Policy inserted (Children in the Workplace Policy)
4. Page 50.H. New Policy inserted (Sick and Safe Leave Policy)

It was noted that handbooks are being reprinted this year, and approval is needed today in order to have the handbooks ready by July 1. Commissioner Boston requested clarification with regard to the Sick and Safe Leave Policy relating to Section '1. e' as to whether it covers part time or all county employees. Ms. Yeager replied that it only refers to part time employees, and the language used in the entire policy is language that is mandated by the law passed.

Upon a motion made by Commissioner Boston, and seconded by Commissioner Simpkins, it carried 5-0 to approve Resolution #1134 as presented to update the Somerset County Employee Handbook.

Mr. Taylor continued with correspondence and discussion items. Commissioner Vice President Fisher left the meeting at this time.

A letter was received from Secretary Rahn, Maryland Department of Transportation, acknowledging receipt of Somerset County's priority letter regarding the Consolidated Transportation Program (CTP). Additionally, the Board was invited to attend a meeting to be scheduled during the upcoming Summer MACo Conference, scheduled in August to discuss the County's priorities in more detail.

Commissioner Vice President Fisher returned to the meeting at this time.

Mr. Taylor presented a fee waiver request received from Ms. R. Suzanne Ford, 27964 Turpin Road, Marion Station. She advised her above ground swimming pool was destroyed during a recent windstorm and she is having it replaced.

Upon a motion made by Commissioner Boston and seconded by Commissioner Fisher, it carried 5-0 to waive the required fees totaling \$155.00 to replace the above ground swimming pool, destroyed during the wind storm.

A fee waiver request was received from Mr. Mark Carey regarding property located at 8771 Courthouse Hill Road. Mr. Taylor explained that back in 2007, Mr. Carey applied for permits for a borrow pit. Due to inactivity, the permits have expired; and in order to re-apply, \$350.00 in review fees are once again required. Mr. Carey maintains he was unaware of time limits imposed by the county ordinance.

Upon a motion made by Commissioner Simpkins, and seconded by Commissioner Fisher, it carried 5-0 to waive the review fees totaling \$350.00 as requested by Mr. Carey.

Mr. Taylor advised of a letter received from the Maryland State Retirement and Pension System advising that the recently performed compliance audit to review administrative policies relating to enrolling members in the system and the reporting of payroll data to the Maryland State Retirement Agency, has found Somerset County to be in compliance, with no findings found.

Letter advising of the Somerset County Official Levy for fiscal year 2019 to Mr. Leslie Pruitt, Supervisor of Assessments and Mr. Will Dryden, Tax Supervisor were reviewed.

A comment letter was sent to Ms. Shari Miller, NASA Wallops Flight Facility regarding the Draft Site-Wide Programmatic Environmental Impact Statement, advising the proximity of the facility will have no environmental direct impact.

Mr. Taylor next reviewed the current surplus property listing, advising that we have closed on 45 properties, with 52 remaining open.

Next, the Board revisited the request received from Mr. William Gene Swift to purchase two surplus property parcels off Route 413; identified as Account 03-044440 in the amount of \$150.00 and Account 03-044432 for \$250.00. A decision during the May 29, 2018 meeting was tabled to identify the location of the parcels. Mr. Taylor reviewed the location of both parcels, noting state land is adjoined. The Board has the option to sell the parcels to Mr. Swift, or decline the offers.

A motion was made by Commissioner Simpkins to sell the surplus properties to Mr. Swift as identified for the amounts offered plus closing costs. Commissioner Boston seconded the motion. Commissioner Vice President Fisher and President Laird opposed and Commissioner Mathies voted in favor; therefore the motion carried 3-2.

A request was received from Ms. Jennifer McShane to purchase surplus property identified as 06-098096 (26800 Fords Wharf Road) in the amount of \$520.00 plus closing costs.

Upon a motion made by Commissioner Fisher and seconded by Commissioner Boston, it carried 5-0 to approve the sale of Account 06-098096 (26800 Fords Wharf Road) to Ms. Jennifer McShane for \$520.00 plus closing costs.

A request was received from Mr. Dennis Shipman to purchase surplus property identified as Account # 03-047997 (2 acres Tulls Corner Rd) in the amount of \$175.00 plus closing costs.

Upon a motion made by Commissioner Boston, seconded by Commissioner Simpkins, it carried 5-0 to approve the request from Mr. Shipman to purchase Account 03-047997 in the amount of \$175.00 plus closing costs.

Next, Mr. Taylor presented an addendum for a due date extension regarding the Memorandum of Understanding (MOU) for the advance of funds in the amount of \$98,500 relating to the Somerset Committee for the Homeless, Inc., due June 30, 2018. It was explained that an extension to repay the funds has been requested. A meeting was held with the Committee last week, and it was noted that the budget allocation was discussed, as well as changes that have been made to daily operations to reduce costs. It was noted that this MOU will not change any of the terms of the original agreement, it just adds a six (6) month extension. A discussion was held, and Commissioner Vice President Fisher stated he felt 6 months was too long, and recommended the extension be changed to three (3) months.

Therefore, upon a motion made by Commissioner Fisher and seconded by Commissioner Boston, it carried 5-0 to approve a 3 month extension to September 30, 2018.

Mr. Taylor next advised that Ms. Kathleen Harrison, CEO McCready Hospital has agreed to serve as the Somerset County representative on the Eastern Shore Area Health Education Board of Directors.

Upon a motion made by Commissioner Fisher and seconded by Commissioner Boston, it carried 5-0 to approve Ms. Harrison to serve as the Somerset County representative on the Eastern Shore Area Health Education Board of Directors.

A pauper burial request was received from the family of Ms. Gloria Holland to assist the family with funeral expenses.

Upon a motion made by Commissioner Fisher, seconded by Commissioner Boston, it carried to approve \$250.00 in assistance towards Ms. Holland's funeral expenses.

A pauper burial request for assistance was also received from the family of Mr. Jessie H. Pittman to help his family with funeral expenses.

A motion was made by Commissioner Boston and seconded by Commissioner Fisher to approve \$250.00 in assistance towards Mr. Pittman's funeral expenses.

Ms. Ida Wilson and Ms. Annie Rolley, residents of Skipjack Circle, requested to address the Board. Ms. Rolley advised that for the last 2 years there has been an issue of tall grass growing on the vacant lots in the community. She stated she is on disability, and has concerns about an increase of snakes because of the tall grass. She said she feels it is unfair that she pays to have her yard cut, while the empty lots of each side of her is uncut. She said in calling the Planning and Zoning office, she was told that they would have to give the property owner 10 days to mow the grass, but it's been 3 months. She also said when she complained about the tall grass last year, she was told she waited too long, and that the grass was too high to mow. She asked who is responsible to cut the grass, and since everyone else is cutting their grass, it's not fair.

Mr. Taylor advised that he was told that the grass was going to be cut today. He stated he would follow up after the meeting, and would also look into the area of wooded state land, which may be a forest retention area, to inquire if that grass could also be cut as it was supposed to be maintained.

Ms. Ida Wilson then spoke, noting last year the vacant lots were under different names. It's now under Chase Homes. She said being told they can't get up with Austin Cox is not true. She said she has seen him right next door. She also stated her fear of mice and snakes, saying her property has both. Mr. Taylor assured Ms. Wilson and Ms. Rolley that he would follow up on the matter.

With no further business, at 2:50 p.m., the Board was advised of the need of a Closed Session. Upon a motion made by Commissioner Mathies and seconded by Commissioner Simpkins it carried 5-0 to enter into Closed Session by Authority of the General Provisions Article of the Annotated Code of Maryland Section Subtitle 3-305 (b) (1) the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of an appointee, employee, or official over whom it has jurisdiction; and (b)(3) consider the acquisition of real property for a public purpose and matters directly related thereto; and (b)(7) to consult with counsel to obtain legal advice; and (b) (8) to consult with staff, consultants, or other individuals about pending or potential litigation.

At 4:25 p.m., upon a motion made by Commissioner Fisher and seconded by Commissioner Mathies, it carried 5-0 to enter back into Regular Session. Present for the meeting were Commissioner President Randy Laird, Commissioner Vice President Charles F. Fisher, Commissioner Jerry S. Boston, Commissioner Craig N. Mathies, Sr., and Commissioner Rex Simpkins.

County Administrator-Clerk Ralph D. Taylor and Executive Aide Lory E. Ebron were also present. Also present were Public Works Director John Redden, Director of Solid Waste and Maintenance Mr. Charles Cavanaugh and Sheriff Ronnie Howard.

Commissioner Fisher made a motion to move the Sheriff's Office to the Health Department and to start on renovations when the building becomes available.

Commissioner Mathies stated he had a question. He noted the speculation being made with regard to the cost estimates. He stated he has no problem moving the Sheriff's Office to the Health Department location, but does have a concern about the dollars and cents. He stated he you must be able to justify the decision. Will you be able to explain why \$300,000 was budgeted, but more was spent? He asked if a limit can be put on the expenditure, stating if the actual expenses total \$450,000 or even \$500,000, what is the county going to do? Commissioner Mathies stated if the numbers were more reassuring, he would be more comfortable.

Commissioner Fisher asked Mr. Cavanaugh if he feels \$398,000 was a confident number, and can the project be completed for that amount. Mr. Cavanaugh was not comfortable answering that question. Mr. Taylor then questioned Sheriff Howard, asking if he would be willing to reduce the square footage, and make reductions to work with the Board and to stay within budget if required. Sheriff Howard agreed to make revisions to stay within budget. Commissioner Fisher began to make a motion to approve the renovations presented to the current Health Department location for the Sheriff's Office to stay within the allotted budget of \$300,000. Commissioner Mathies said he was going to suggest a maximum of \$350,000. It was decided to allow up to a \$330,000 budget for this fiscal year.

Following the discussion, Commissioner Fisher changed his motion to set a maximum budget the amount of \$330,000 for renovation costs to the Health Department building for the location of the Sheriff's Office in this year's budget. Costs for renovations for additional needed items can be budgeted for in future years. Commissioner Mathies seconded the motion. Commissioner Simpkins abstained, stating that he is not against the move to the Health Department, but could not vote favorably on numbers that are based on speculation. The motion carried 4-0-1.

At 4:33 p.m. upon a motion made by Commissioner Boston, and seconded by Commissioner Fisher, the Open and Closed Session meetings were adjourned. The motion carried 5-0.

Approved by:



Board of County Commissioners
For Somerset County

Respectfully Submitted:



Lory E. Ebron
Executive Aide