



AGENDA JULY 24, 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. - Proclamation Presentation- "Raining Purple" Opioid Prevention
 - Ms. Shannon Frey, SCOUT
- * 2:05 p.m. - Judge Dan Powell, Judge Danny Long, Warden Louis Hickman
 - Pre-Trial Release Program/ LOS Request
- * 2:20 p.m. - Ms. Angela Assadi, Mr. Abdy Hajir, Princess Anne Enterprises
 - Request for Manufacturing Exemption
- * 2:30 p.m. - Mr. Gary Pusey, Ms. Annette Cottman, DTCS
 - Lien Release

Correspondence:

Received

Mr. Charles Horner, Clerk re: July 2018 Term Grand Jury Inspection Reports
Ms. Jaclyn D. Hartman, Director, MDOT re: County Transportation Revenue Bonds
Mr. Timothy S. Ailsworth, LGIT re: Letter of Appreciation

Sent

Ms. Cindy Stone, DHCD re: Flood Insurance Head Start Addition
Dr. John Gaddis, SCPS re: Inter-Category Budget Transfers and Budget Amendment FY18
Mr. John W. Tawes, Chairman re: Crisfield Heritage Foundation Tax Exemption FY18
Mr. Clint Sterling, Director re: Recreation and Parks Reappointment/Appointments
Mr. Gary Pusey, DTCS re: Fee Waiver Request/Deal Island-Chance VFD

Discussion:

- * 1. Resolution Approval – Somerset County Sanitary District Service Areas
- * 2. Somerset County Sanitary Commission Vacancy (1)
- * 3. Library Board of Trustee Appointment

2:45 p.m. - Closed Session- Ralph D. Taylor, Erica Yeager, Julie Widdowson, Kyle Brinson, Kirk Simpkins

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)(7) to consult with counsel to obtain legal advice.

- * Denotes Action Item

BOARD OF COUNTY COMMISSIONERS
FOR SOMERSET COUNTY
TUESDAY JULY 24, 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. Commissioner Rex Simpkins was not in attendance at this time.

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

Closed Session Summary Report July 24, 2018

On July 24, 2018, at 2:40 p.m. until 4:32 p.m. at 11916 Somerset Avenue, Room 111, upon a motion made by Commissioner Simpkins and seconded by Commissioner Fisher, 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)(7) to consult with counsel to obtain legal advice.

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, Agricultural Inspector Supervisor Kyle Brinson, Tourism Director Julie Widdowson and Attorney Kirk Simpkins.

Topics discussed were: (1) Hiring of Part-time Tourism Assistant (2) Hiring of P/T Mosquito Control Technician (3) Potential Litigation (4) Pending Litigation. Actions taken during closed session: (1) Approval to hire P/T Mosquito Control Technician (2) Approval to hire P/T Tourism Assistant (3) Statement for the record regarding Pending Litigation.

Meeting minutes were presented for approval regarding the Commissioner and Closed Session meetings held on July 10, 2018; and the Closed Session meeting held on July 17, 2018. Commissioner Fisher made a motion to accept the minutes as presented. Commissioner Boston seconded the motion. The motion carried 4-0.

Ms. Shannon Frey was asked to come forward to accept the Proclamation “**Raining Purple**” Opioid Prevention. Mr. Taylor read the proclamation into the record and Ms. Frey was thanked for coming to the meeting on behalf of SCOUT (Somerset County Opioid United Team) to accept the proclamation.

Commissioner Simpkins joined the meeting at this time.

Judge Daniel Powell, Judge Danny Long, States Attorney Wess Garner and Warden Louis Hickman were asked to come forward to present a grant opportunity and also request a letter of support.

Judge Powell explained that this grant opportunity for the startup of a Pre-Release Program would be through Crime Patrol and Prevention and has a deadline of this Friday July 27, 2018. He explained the trip to Annapolis for a summit regarding the program, noting that most counties are running the program through their Detention Centers. He explained that the cash bond system is coming to an end, and offenders are either being held without bond or being released on their own recognizance. The implementation of this program will reduce medical expenses as well as urinalysis fees incurred, which currently falls on the county for those who are being held. Judge Powell advised that he believes this program eventually will be put on the county, and stated it can be implemented now, being proactive, or the county can wait until Annapolis mandates it.

Judge Long explained the difficulties in deciding when and how to handle offenders, and explained what is beneficial with this Pre-Trial Program. He noted the opportunity for Somerset County to receive the grant funding being provided (total grant \$1 million Statewide), and the importance to the public safety component with the implementation of this program. He also discussed the long term savings potential (meal and medical costs) to the county.

Warden Hickman then explained the process that will be used to create the program for Somerset County, and how he intends to train current personnel to complete the reports using a point system that will be submitted to the Judge for his decision. Warden Hickman also elaborated regarding the high cost of medical expenses that are currently being incurred; and the cost savings this program will provide directly related to those expenses. Commissioner Mathies questioned if the amount of the grant has been determined that will be requested. Warden Hickman advised that Worcester is requesting \$100,000; but they are currently writing the

application and are in the process of determining the amount to be requested by Somerset County. Warden Hickman did note that he is anticipating asking for more than \$100,000.

Commissioner Boston made a motion to approve the submission of the grant application as well as a letter of support regarding the Pre-Trial Release Program. Commissioner Fisher seconded the motion. The motion carried 5-0.

Next, Ms. Angela B. Assadi, CPA, EA and Mr. Hajir, Princess Anne LLC came forward to present their request for a manufacturing tax exemption. Also coming forward was Mr. Gene Adkins, Finance Director.

Ms. Assadi explained they were present today to show the reasons of why they are eligible for the tax exemption. She advised that the State of Maryland has approved their state tax exemption, and provided a copy of the letter dated February 23, 2018. She explained the hardships Mr. Hajir is experiencing and she questioned the reasoning for the denial of their request last year. It was Ms. Assadi's opinion that due to the fact that they have now received state exemption approval, and hardship, they should be allowed the county manufacturer exemption. Information provided to the Board included a letter from the Maryland Department of Assessments and Taxation which advised that Princess Anne Enterprises LLC is exempt under Section 7-225 of the Tax Property Article of the Annotated Code of Maryland, effective January 1, 2017; a copy of the letter from the Somerset County Economic Development Commission which informed that the location of the business is within the designated Enterprise Zone, and therefore may be eligible to receive incentives. Also provided was a handout describing the processing of the live poultry from raw material to the final product. Ms. Assadi went through each point of Title 11. Tax Exemptions Subtitle 1. 11-101. Manufacturers to state the reasons why Mr. Hajir qualifies for the exemption. She then requested the exemption be retroactive to FY 16; similar to what the state has approved.

Next, Mr. Hajir spoke, describing the nature of his start up business (established 5-6 years ago, but started 2 years ago), and the high costs he incurred to establish and run this start up business, and that reason he was asking for this help is to be able to stand on their own feet and keep and create new jobs.

In summary, it was stated they are asking today for both the FY16 and FY17 county manufacturer exemption.

Mr. Adkins advised that he would need to look into whether the exemption can be back dated and if exemptions for both years would be allowed. Therefore, it was the decision of the Board to allow Mr. Adkins to further investigate the request to see if a FY16 and FY17 exemption can be granted, and report his findings at the next scheduled meeting.

Next, Mr. Gary Pusey and Ms. Annette Cottman, Department of Technical and Community Services came forward to present a request for a release of lien, under the Housing Rehabilitation Grant. Mr. Pusey explained that there are two liens under this program filed on the property address 28209 Crisfield Marion Road, Marion (Norman and Mary Adkins). In January 2015, a grant was used in the amount of \$7,131.00 to fund a septic system; and the second in January 2016 in the amount of \$3,050.00 to purchase a furnace. Both grants have a five (5) year lien, reduced proportionally each year, whereby no re-payment is required after the five year period (2020 and 2021 respectively). Mr. and Mrs. Adkins are 91 and 89 years old, and have applied for a line of credit (LOC) to help with basic living expenses. The lender will only approve the LOC if the two housing rehab liens are released by the County. Ms. Cottman, Program Administrator, has advised that the DHCD has no objection to the releases, and it was noted that such a request has been approved in the past due to hardship. Mr. Pusey then requested the Boards approval of the request to have President Laird sign the releases as requested.

Therefore, upon a motion made by Commissioner Simpkins, and seconded by Commissioner Fisher, it carried 5-0 to authorize President Laird to sign the two lien releases as requested for Mr. and Mrs. Adkins.

Mr. Taylor continued the meeting with correspondence and discussion items.

Commissioner Fisher left the meeting at this time.

A letter received from Mr. Charles Horner, Clerk of Court, provided a copy of the July 2018 Term Grand Jury Inspection Reports for the State's Attorney, Detention Center, Circuit Court, Health Department, the County Complex building and ECI that were performed on Friday July 13, 2018. The complete report is available upon request.

Ms. Jaelyn D. Hartman, Director, Office of Finance, Maryland Department of Transportation advised in her letter of the county's opportunity to participate in an issue of County Transportation Revenue Bonds. It was noted that the county has not participated in previous years.

A letter was received from Mr. Timothy Ailsworth, Executive Director, Local Government Insurance Trust congratulating Somerset County on its Thirty-First Year Anniversary as a member.

A letter was sent to Ms. Cindy Stone, DHCD advising that the Somerset County Commissioners and Board of Education are committed to rebuild the portion of the portion of the Crisfield High School building used by the Head Start program in the event that flooding occurs and causes damage.

Dr. John Gaddis was advised in a letter dated July 11, 2018 that his request for Inter-Category Budget Transfers and Budget Amendment for FY18 was approved as presented.

Mr. John Tawes, Chairman, Crisfield Heritage Foundation was advised that the Ida Ward Linton property and the Calvary Road Property requests for FY18 tax exemptions were approved.

Next, Mr. Taylor presented Resolution No. 1136 to clarify and/or change the boundaries of the Somerset County Sanitary District existing service areas of Princess Anne, Smith Island, Fairmount and Jacksonville, as well as dissolving the subarea of Rumbley-Frenchtown and creating a new service area in Westover. Mr. Anthony Stockus and Ms. Starr Mister, Somerset County Sanitary District, and Mr. Adam Riggan, Chairman, Somerset County Sanitary Commission came forward.

Commissioner Fisher returned to the meeting at this time.

Mr. Taylor first reminded those present that the public hearing was held by the Commissioners for Somerset County on July 10, 2018 during which no comments were received. A ten (10) day period following the hearing was allowed for written comments. It was noted that one comment had been received from Ms. Barbara Outten on July 20, 2018. Ms. Outten's written comments and Mr. Stockus' written response are attached as part of the meeting record as discussed during the meeting.

Also, Mr. Taylor advised in closing that he has spoken to Commission member Ms. Janet McIntyre, and she has expressed her full support to revise the Sanitary Sub-district Boundaries.

A motion was made by Commissioner Simpkins to approve Resolution No. 1136 to clarify and/or change the boundaries of the Somerset County Sanitary District existing service areas of Princess Anne, Smith Island, Fairmount and Jacksonville, as well as dissolving the subarea of Rumbley-Frenchtown and creating a new service area in Westover. Commissioner

Mathies seconded the motion. The motion carried 4-0. (President Laird did not participate in the vote).

Next, Mr. Taylor presented for discussion the vacancy on the Sanitary District Commission to fill the vacant seat of Mr. Charles Northam which had been received in May, 2018. Reverend Charles Bagley has agreed to serve a member for the Princess Anne/Westover District to complete the term remaining (2021) upon Mr. Northam's resignation. It was noted that Reverend Bagley lives in the Westover area, and effective January 1, 2019, Reverend Bagley would represent the Westover District.

Upon a motion made by Commissioner Mathies and seconded by Commissioner Boston, it carried to appoint Reverend Charles Bagley to serve on the Somerset County Sanitary Commission to complete the remaining term of Mr. Charles Northam (2021). The motion carried 5-0.

Next, Mr. Taylor discussed the Library Board appointment made during the regular session meeting held on Tuesday, July 10, 2018, to appoint Ms. Jana Tawes to serve as member of the Somerset County Library Board of Trustees, replacing Ms. Heather Hurst, whose term expired in May 2018. It has since come to the Board's attention that Ms. Tawes is not a Somerset County resident, and therefore is not permitted to serve on the Library Board of Trustees.

Commissioner Boston made the motion to rescind his motion made to appoint Ms. Jana Tawes to the Library Board of Trustees. Commissioner Simpkins rescinded his second of the motion. The motion to rescind carried 5-0.

The Board of County Commissioners discussed the vacancy and by consensus, requested that a letter be sent to the Library Board of Trustees requesting their submission for recommendations of residents residing within the southern portion of the county, specifically the Crisfield area if possible, as concern was expressed that representation is needed on this Board for the southern end of the county.

With no further business, at 2:40 p.m., the Board was advised of the need of a Closed Session. Upon a motion made by Commissioner Simpkins and seconded by Commissioner Boston 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)(7) to consult with counsel to obtain legal advice.

At 4:32 p.m. upon a motion made by Commissioner Simpkins, and seconded by Commissioner Boston, the Commissioner Open and Closed Session meetings were adjourned.

The motion carried 4-0.

Approved by:



Board of County Commissioners
For Somerset County

Respectfully Submitted:



Lory E. Ebron
Executive Aide

Comments on Revision to Sanitary Subdistrict Boundaries 7-11-18

Memo

To: Board of County Commissioners for Somerset County
From: Barbara Outten
Re: Revision of Sanitary District Sub-District Boundaries
Date: July 20, 2018

I respectfully submit the following comments for consideration by the Board on the revision to the Sanitary District's Sub-District Boundaries.

1. Currently the Sanitary Commission is made up of 5 members - one from each service area plus an at-large member - Mrs. McIntyre. If the proposed changes are approved, there will be 2 new members (1 to fill the vacancy created by the resignation of Mr. Northam in Princess Anne and 1 new commissioner from Westover). Mrs. McIntyre's position would be eliminated because she is not a resident of the service area. I feel Mrs. McIntyre is an asset to the Sanitary Commission and would urge the Board to take no action on the creation of a separate Sub-District for the Westover area.

2. I recommend appointing an alternate member, similar to the Board of Zoning Appeals. This would prevent meetings being cancelled and frequent phone polls due to the lack of a quorum. Two meetings were cancelled or rescheduled this year and this has occurred frequently in previous years. In 2016 the Chairman did not attend a single meeting prior to being asked to resign.

3. Section § 9-683 of the Annotated Code - Limitation on total of outstanding bonds. This section states a district may not issue for a service area any bonds that, when added to the outstanding and unpaid bonds already issued for that service area, would result in a total bond issuance that exceeds 25 percent of the total value of property in the service area, as assessed for county taxation. Has anyone checked to insure the outstanding bonds in the Princess Anne and Westover service areas do not exceed 25% of the total property value in each area?

4. The new maps are parcel-based and include water and sewer designations recommended by the Maryland Department of Planning. This has been suggested by MDP for years but was not a priority until recently when Sanitary District staff were unable to locate the maps when Mr. Northam retired in December 2017. Keeping accurate records of Sanitary Commissioners' terms and service areas was part of my responsibilities when I was employed at the Sanitary District. I would have come in to help locate the maps and resolutions if anyone had contacted me. As a rate payer, I would like to know how much was spent on legal and engineering fees that could have been put off if the maps were located.

5. The Rumbley-Frenchtown Water District is already included in the Fairmount Subdistrict. This would have occurred when the Sanitary District took over the operation of the privately owned Rumbley-Frenchtown Water Company in 1980. With the decommissioning of the Fairmount Wastewater Treatment Plant in 2019, it may not be necessary to have separate service areas for Fairmount or Westover (Both areas pump their sewage into the Princess Anne WWTP). The Westover area was considered part of the Princess Anne Subdistrict when the bond closing for the sewer loan was held in 2009, which is documented in the minutes of the Sanitary Commission.

6. In summary, I urge the Board to take no action on the proposed changes at this time.

Thank you for your consideration.

1) The discussion and recommendation to make Westover into its own service area had to do with several reasons:

- Princess Anne and Westover encompass physically different locations, several miles apart.
- Princess Anne and Westover have differing development potential and goals.
- Princess Anne and Westover have different utility service types (Water & Sewer v. Sewer only).
- Princess Anne and Westover have different socio-economic and cultural conditions and therefore differing desires when it comes to utility service.
- There has been a perception, historically, that Westover lacks representation with the SCSD.

On May 24th 2018 in an open session of the Somerset County Sanitary District on a motion by the Vice Chair Mrs. Bush and second by Mrs. McIntyre Resolution 052418 was passed unanimously.

2) **The Annotated Code of Maryland 9-622** specifically outlines the Membership of the Sanitary Commission and makes no provisions for an alternate member so one would have to assume that unless the codes was changed an alternate member would be disallowed. Also in 9-622 (e) which deals with the appointment of successors, it specifically states that at least 1 month before the term of a Sanitary commissioner expires the governing body of the member county shall appoint a successor. There has been a vacancy on the Sanitary Commission since December of 2017.

Cancellation of Meetings, in 2018 there had been only one meeting canceled due to a member having an emergency and one rescheduled due to illness. In addition, the decision to cancel and reschedule meetings are left to the Commission Chairman.

Phone polls are a necessary instrument to insure that we are able to benefit from discounts offered by our vendors. We also use phone polls to schedule special meetings as well as to respond immediately to requests for absolution of fees from the County on tax sale properties in an effort to encourage economic development. It is less expensive to conduct a phone poll then to assemble the Commission which includes a member traveling from Smith Island. All phone polls are ratified at the next regularly scheduled meeting in open session. Also, I can see no rational reason to go back almost 2 years to criticize the previous chairman.

3) **We are aware of the provisions of 9-683** which specifically states that "A district may not issue for a service area any bonds that when added to the outstanding and unpaid bonds already issued for that service area, would result in a total bond issuance that exceeds 25% of the total value of the property in the service area, as assessed for county taxation." All properties in the County are assessed, and the code does not differentiate between those properties upon which taxes are actually levied and those exempt. As it relates to the Westover service area resolution, upon implementation the EDU assessment plan the Westover debt burden will be spread across the entire County, this will actually result in a decrease in the annual payments associated with the debt burden placed on the property owners in the Westover service area.

Currently the existing debt associated with the Princess Anne and Westover service areas individually does not exceed the 25% limitation. In the case of Princess Anne, the outstanding Debt is \$7,935,890.00 with the assessed value of UMES alone being \$72,523,000.00, with 25% of that value equaling \$18,130,750.00 the Princess Anne service area is well under the 25% threshold in fact rounded up it only represents approximately 11% of the assessed value of that one facility. If we exclude County and or exempt properties, the debt associated with the Princess Anne service Area is still well below the 25% threshold.

In the case of Westover, the total debt is \$3,822,305.00 with the assessed value of the Board of Education alone being \$18,654,900.00 with 25% representing \$4,663,725.00 the Westover service area is under the 25% threshold in fact rounded up Westover debt only represents approximately 20% of the assessed value of that one facility. However, using the data associated with the Westover rate study provided by DBF which lists the properties served in the Westover service area and assessment data from the Maryland Department of Assessments and Taxation and, excluding any county owned or exempt properties the assessments total \$15,526,200.00, 25% of which equals \$3,881,550.00 this figure falls below the 25% by \$59,425.00 this does not include the August 2018 payment of approximately \$100,000.00 which has yet to be made which will reduce the Westover debt even further below the 25% threshold.

4) The new parcel based maps were created in August of 2015 by Teresa Wong of MDE. Parcel based mapping is a requirement of MDE for the Master Water and Sewer Plan update made at that time, this is evidenced by the following Emails.

Upon the retirement of Mr. Northam it became necessary for the district to add overlays to these maps for the convenience of the County, at which point Davis Bowen and Friedel was asked to create overlays to the maps created by MDP. The fees associated with the mapping updates were \$4,900.00, flat rate. Prior to the creation of the new maps modifications to the service area maps were made in pencil, this method of updating maps was found to be unprofessional and noncompliant for MDE purposes. There was an exhaustive search for the paper and pencil maps made with the assistance of Mr. Taylor as well as Sanitary District Staff, the paper and pencil maps could not be located. Having been a Commissioner myself I have no recollection of voting on changes in mapping during the eight years I served on the Board. Had anyone wished to contribute their knowledge they could easily have emailed the location of the maps to the staff, no such calls or mails were received.

5) Effective January 1st, 1979 the Rumbley Frenchtown Water Company through resolution became incorporated into the Somerset County Sanitary District Fairmount District as the Rumbley Frenchtown Water District. It is upon the advice of counsel that a resolution dissolving the Rumbley Frenchtown Water District be required so as to comply with the new EDU method of debt assessment. The Fairmount Service Area is a distinctive in the service provided it and as such should remain its own service area because of these features.