



AGENDA AUGUST 21, 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. - Captain Les Tyler/ 25 Year Service Award Presentation
- * 2:05 p.m. - Mr. John Redden, Director Public Works
 - Sourcewell
 - T-Mobile Lease Agreement
- * 2:20 p.m. - Mr. Charles Cavanaugh, Director Solid Waste & Maintenance/ Bid Recommendations
 - Sheriff's Office/Fence and Installation
 - Sheriff's Office/Generator Installation
- * 2:35 p.m. - Mr. Michael P. Pennington, Executive Director
 - Request to change allocation of Capital Funds
- * 2:45 p.m. - Mr. Gene Adkins, Mr. Willis Dryden
 - Uncollected Personal Property Tax
 - Princess Anne Enterprise LLC – Manufacturing Exemption

Correspondence:

Received

Governor Lawrence J. Hogan, Jr. re: Somerset County Liquor Control Board Appointment
Maryland Department of the Environment re: 2010-2020 Solid Waste Management Plan
Delmarva Water Transport Committee, Inc. re: Membership renewal

Sent

Ms. Cindy Stone, DHCD re: Grant Agreement MD-15-DR-1 Phase 3 Disaster Recovery
Mr. Leon Bivens, Westover Congregation of Jehovah's Witness re: Tipping Fee Waiver Request
Ms. Julie Widdowson, Tourism re: Tourism Commission Re-appointment
Mr. Doug Green re: Reappointment/Agricultural Reconciliation Board
Mr. Danny Thompson, Executive Director re: EDC Commission appointments FY2019
Skipjack Museum & Heritage Center re: Tipping Fee Waiver Request

Discussion:

- * 1. Surplus Property (4)
- * 2. Annual CSEA/CRA/19-023 Contract- Child Support Division
- * 3. Renaming of the Behavioral Health Building

3:15 p.m. - Closed Session- Ralph D. Taylor, 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; (b)(8) consult with staff, consultants or other individuals about pending or potential litigation.

- * Denotes Action Item

BOARD OF COUNTY COMMISSIONERS
FOR SOMERSET COUNTY
TUESDAY AUGUST 21, 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 August 21, 2018

On August 21, 2018, at 3:04 p.m. until 3:47 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)(8) 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, and HR Director Ms. Erica Yeager.

Topics discussed were: (1) Disciplinary Grievance Appeal (2) Probation Extension Request (3) Roads Department Vacancy Highway Worker I (4) Potential Litigation. Actions taken during closed session: (1) Disciplinary decision upheld (2) Three-month probationary extension approved (3) Consensus to re-advertise for Highway Worker I.

Meeting minutes were presented for approval regarding the Commissioner and Closed Session meetings held on August 7, 2018; and the Special and Closed Session meetings held on August 14, 2018. Commissioner Fisher made a motion to accept the minutes as presented. Commissioner Boston seconded the motion. The motion carried 5-0.

Captain Les Tyler and Sheriff Ronnie Howard came forward at this time. Mr. Taylor read into the record, the Years of Service Award being presented today to Captain Tyler in appreciation of his 25 years of dedicated service to the county. The Board congratulated Mr. Tyler for the achievement and personally thanked him for his years of service.

Next, Mr. John Redden, Public Works Director, came forward. Mr. Redden first explained that he would like to make the recommendation to the Commissioner's to allow the county to use Sourcewell, formally MGPA, as a contract purchaser. He advised they are a public agency out of Minnesota, used by other Maryland counties allowing the opportunity to purchase off of nationally competitively solicited contract bid solicitations. Attorney Kirk Simpkins has reviewed membership with the company and following research performed, he felt they may be able to comply with our county ordinance regarding procurement. Mr. Redden advised that use of this vendor will save the county time and money in that they will put the items to purchase out to bid nationally. We would continue to use our current bidding process, and the addition of this vendor is just an additional tool for the county to use. There is no cost to the county to participate.

Upon a motion made by Commissioner Boston and seconded by Commissioner Simpkins, it carried 5-0 to approve the use of Sourcewell as a part of the bidding process.

Next, Mr. Redden presented the T-Mobile lease agreement for the Boards consideration. Mr. Redden explained that T-Mobile would share the tower currently in place with Verizon, the owner of the tower. They would have their own equipment and generator, and therefore would only need to extend off of the current Verizon building by the tower using an additional 4 x 10 area. Mr. Redden advised there is no effect, as there is plenty of room. Furthermore, Mr. Redden stated this T-Mobile agreement would be an additional revenue source for the county. Attorney Simpkins has reviewed the agreement and recommended execution, with LGIT's concurrence. Mr. Redden explained the lease would be a five (5) year term, with an auto renew clause for 5 consecutive terms with a 30-year max. Rent for use of the area would be \$1,000 per month. Concern was expressed with regard to the impact of this added construction to the parking lot. Mr. Redden advised that T-Mobile has been made aware that any damages must be repaired if damaged, and that "patch-jobs" are not permitted.

Upon a motion made by Commissioner Fisher and seconded by Commissioner Boston, it carried 5-0 to authorize President Laird to sign the T-Mobile lease agreement as presented. The motion carried 5-0.

Mr. Charles Cavanaugh came forward and presented his recommendation with regard to the fence purchase and installation at the new Sheriff's Office location in Westover. He reviewed the bids received for the project during the August 7, 2018 meeting. The low bidder was Long Fence out of Capital Heights, Maryland (\$31,085), however there was no warranty, certificate of insurance or additional information provided. The seconded lowest bid submitted was from Anderson Fence, Marion, Maryland (\$39,725). Mr. Cavanaugh advised that a 2-year warranty on the gate opener was provided as well as a 1-year warranty on the fence. Information regarding the gate and opener, installation time frame as well as cut/patch information was also provided. The third bid submitted was from Fox Fence, Clifton, New Jersey (\$60,200). It was noted that a lifetime warranty on products and services was provided, as well as the Certificate of Insurance. Following a brief discussion, it was Mr. Cavanaugh's recommendation to award the bid to Anderson Fence.

A motion was made by Commissioner Fisher to award the Fence and Installation project for the Sheriff's Office to Anderson Fence for \$39,725. Commissioner Mathies seconded the motion. Commissioner Simpkins opposed, and President Laird abstained; therefore, the motion carried 3-1-1 to award the contract to Anderson Fence.

Next, Mr. Cavanaugh presented for the Board's approval his recommendation with regard to the generator installation project, also for the new Sheriff's Office location. Mr. Cavanaugh reviewed the two bids received during the August 7, 2018 meeting from Carter Electric (\$57,800) and Barnes Electric (\$20,650). Both bids submitted contained issues causing concern, which he explained to the Board. Mr. Cavanaugh stated that he has spoken with both vendors, with Barnes Electric offering to "re-work" the numbers, and Carter said they would adjust their proposal by deducting fuel (which was not specified) and reducing their profit margin. It was noted that there is time allowed to rebid the project, due to the variance of the bids received and delivery of the generator is not expected until November.

A motion was made by Commissioner Fisher to rebid the project to install the generator at the new Sheriff's office location. Commissioner Simpkins seconded the motion. The motion carried 5-0.

Next, Mr. Mike Pennington, Mr. Padgham and Mr. Bellacicco from Tri-County Council for the Lower Eastern Shore of Maryland, came forward to present a request for a reallocation of fiscal year 2018 Capital Match Funds.

Mr. Pennington first thanked the Board for their time today, and explained that several months ago the request was made to reallocate funding regarding the FY18 Capital Match Funds.

He explained that since that time, it has been found that not as much funding is needed in Operational, and therefore they are here today to request that \$100,000 be moved from the balance of Capital Equipment to Capital Construction match to cover the funding needed to procure and install the bus wash equipment this fall. It was noted that currently, it is costing anywhere from \$3,000- \$5,000 for a private company monthly to come on site and wash the buses.

A motion was made by Commissioner Boston and seconded by Commissioner Fisher to approve the request presented to transfer \$100,000 from the balance of Capital Equipment Match (\$166,946.85 balance) for Capital Construction Match funds to procure the bus wash. The motion carried 5-0.

Mr. Pennington then introduced Mr. Gregory Padgham, the new Executive Director for Tri-County Council for the Lower Eastern Shore, who will be starting in January. Mr. Pennington noted that 4 of the 5 Commissioners present today have been Chair of Tri-County Council, and a good relationship exists with Somerset County.

Mr. Padgham noted that most of the Board were already familiar with him. He advised that the transition is going well, and he has been spending his time talking to people, studying reports and planning for the future. He stated he is certainly enjoying his time there, noting it is a good challenge, and he looks forward to the future.

Next, Mr. Gene Adkins and Mr. Will Dryden came forward at this time to present their recommendation with regard to Uncollected Personal Property Tax for years 2000-2011. Mr. Adkins advised that it has been several years since the last request, made in 2011 by Treasurer Charles Muir to write-off uncollected personal property tax. Upon final review of the uncollected accounts, the recommendation was made to write off the proposed active accounts as noted on the spreadsheet provided. Going forward, review of uncollected personal property tax will be completed on an annual basis, and the finance department will return yearly to submit a recommendation following our fiscal year end. It was noted that the amount being presented today for write-off was \$116,538.33. Mr. Dryden stated his agreement with Mr. Adkins' recommendation.

A motion was then made by Commissioner Simpkins and seconded by Commissioner Fisher to approve the recommendation to write off \$116,538.33 of uncollected personal property tax as presented and authorize President Laird to sign the form. The motion carried 5-0.

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

A letter was received from Governor Hogan appointing Mr. John S. French, II as a member of the Somerset County Liquor Control Board for the term remaining following the resignation of Mr. Tawes. Mr. French's term will expire in 2019.

The Maryland Department of the Environment (MDE) advised they have completed the review of the Somerset County May 31, 2018 progress report regarding the County's review of the 2010-2020 Solid Waste Management Plan. It was found however that the report did not address the status on the development of the County's new solid waste management plan that covers the 10-year period following adoption by the commissioners. The MDE has recommended that the county submit a draft Solid Waste Management Plan in accordance with the requirement of Sections 9-503(a), 9-505 and 9-1703 (b) of the Maryland Annotated Code. The draft is due March 1, 2020, with final Board approval due December 31, 2020.

A letter received from Ms. Becky Robinson, Executive Director, Delmarva Water Transport Committee, Inc. (DWTC), requested reconsideration by the county to support DWTC by again becoming a member this year. Cost for membership is \$700.00.

A motion was made by Commissioner Boston and seconded by Commissioner Fisher to become a member of DWTC this year. The motion carried 5-0.

Mr. Taylor next presented surplus property purchase offers received as follows:

Mr. Thomas Fontaine has requested to purchase Account 03-037793 (Map 0057 Grid 0016 Parcel 0087) on Crisfield Highway for \$457.50 plus closing costs.

A motion was made by Commissioner Simpkins and seconded by Commissioner Boston to accept the offer made by Thomas Fontaine in the amount of \$457.50 plus closing costs for Account 03-037793. The motion carried 5-0.

Mr. William Hall has requested to purchase Account 12-004117 (Map 0072 Grid 0023 Parcel 0660) at 2970 Ape Hole Road for \$1,877.50 plus closing costs.

A motion was made by Commissioner Boston and seconded by Commissioner Simpkins to accept the offer made by William Hall in the amount of \$1,877.50 plus closing costs. The motion carried 5-0.

Mr. Raymond Pearson has requested to purchase Account 07-122330 (Map 0101 Grid 0023 Parcel 1351) at 18 Main Street for \$7,500.00 plus closing costs.

On a motion was made by Commissioner Boston and seconded by Commissioner Fisher, it carried 5-0 to approve the sale of Account 07-122330 to Raymond Pearson for \$7,500.00 plus closing costs.

Mr. Floyd Pugh has requested to purchase Account 07-119755 (Map 0101 Grid 0021 Parcel 815) 308 Locust Street for \$1,000.00 plus closing costs.

A motion was made by Commissioner Boston and seconded by Commissioner Fisher to approve the sale of Account 07-119755 to Floyd Pugh for \$1,000.00 plus closing costs. The motion carried 5-0.

Next, Mr. Taylor presented the annual CSEA/CRA/19-023 Contract for the Somerset County States Attorney Office/Child Support Division. It was noted that the maximum amount paid by Department of Human Services is \$167,393 and the total local program cost to the County is \$91,468.00 which is for salary and office expenses. A motion to authorize President Laird to sign the contract was then requested.

Upon a motion made by Commissioner Fisher and seconded by Commissioner Boston, it carried 5-0 to authorize President Laird to sign the annual contract for the Somerset County States Attorney/Child Support Division as presented.

Last, Mr. Taylor presented the request to rename the Behavioral Health Building to the Robert H. Johnson Health Center, as it was felt that it was appropriate to have the name of the building remain the same in honor of Dr. Johnson with the Health Departments move to the new location. It was noted that all involved parties are agreeable to the renaming of the building.

Therefore, upon a motion made by Commissioner Simpkins and seconded by Commissioner Boston, it carried 5-0 to approve name change of the Behavioral Health Building to the Robert H. Johnson Health Center.

Mr. Leonard Ward, Elmo Dryden Road requested to address the Board.

Mr. Ward stated he was here to voice his concerns with regard to the four chicken houses going to be constructed. He stated he knows he can't stop this construction and the farmers right to do what they want to their land, but homeowners have the right to know. He said this construction is going to lower property values and air quality and he also stated he has well concerns. He advised that if you were to take an aerial picture, that within a ½ mile radius you would find 10-12 chicken houses, which he feels is too much. He expressed his concern about

Elmo Dryden Road, and its capability to handle the traffic that will be generated from these farms. He discussed the increase of turkey buzzards in the area, noting that more chicken houses will increase the birds in the area. He stated the area needs more people and not chicken houses, and he and his wife are at the point that they are considering moving. He feels homeowners have the same rights as farmers. Mr. Ward also stated he was not made aware that it was happening, and homeowners should be allowed to voice their opinions. Commissioner Simpkins asked Mr. Ward if he attended any of the public hearings regarding the Poultry House Ordinance- which tightened restrictions. Mr. Ward replied he had not. Mr. Ward then suggested the county look at bringing more businesses in noting establishments such as Lions Clubs and American Legions are seeing declines in memberships. He mentioned declines in the municipalities with both residents and businesses, and suggested the development of a technical school for adults to bring more jobs to the county. He closed his comments by inviting the commissioners to come out and talk to the people they represent. He thanked the board for their time, stating he would be in touch with the Roads Department to discuss his concerns regarding his road.

With no further business, at 3:04 p.m., the Board was advised of the need of a Closed Session. Upon a motion made by Commissioner Boston 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 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)(8) consult with staff, consultants or other individuals about pending or potential litigation.

At 3:47 p.m. upon a motion made by Commissioner Simpkins, and seconded by Commissioner Mathies, the Commissioner 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