



**AGENDA SEPTEMBER 4, 2018**  
**BOARD OF COUNTY COMMISSIONERS**  
**FOR SOMERSET COUNTY**  
11916 Somerset Avenue  
Room 111/Meeting Room  
Princess Anne, MD 21853  
2:00 p.m.

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**Appointments:**

- 2:00 p.m. - 25 Year Service Award Recognition- Lieutenant Lorenzo Miles
- 2:05 p.m. - Dr. John Gaddis, Ms. Linda R Johnson, SCPS
  - FY18 Final Budget Transfers
- \* 2:10 p.m. - Mr. John Redden, Mr. Gary Pusey, Mr. Clint Sterling, Ms. Kym Kudla
  - Mitigation Easement Agreement/Hiker Biker Trail
- \* 2:20 p.m. - Mr. Gary Pusey, DTCS
  - Request for Lien Release- Housing Rehabilitation Grant
  - Hurricane Sandy Transitional Housing

**Correspondence:**

**Received**

MD State Retirement and Pension System re: Compliance Audit Review  
State of MD Commission on Civil Rights re: MD Equity & Inclusion Leadership Program Applications  
Mr. Ashish J. Solanki, MDOT/MAA re: Governor's Proclamation  
Mr. Jacob F. Frego, Eastern Shore Area Health Education Center re: Appointment

**Sent**

Mr. Mike Pennington, Tri County Council Lower Eastern Shore re: Reallocation Request  
Ms. Lori Brewster, Acting Health Officer re: Renaming of Behavioral Health Building  
Delmarva Water Transport Committee, Inc. re: Membership  
Mr. Floyd Pugh re: Surplus Property Purchase  
Mr. Raymond Pearson re: Surplus Property Purchase  
Mr. William Hall re: Surplus Property Purchase  
Mr. Thomas Fontaine re: Surplus Property Purchase

**Discussion:**

- \* 1. Surplus Property (1)
- \* 2. Princess Anne Enterprise LLC – Manufacturing Exemption
- \* 3. Anderson vs Great Bay vs Somerset County
- \* 4. Agricultural Preservation Advisory Board Vacancy (1)
- \* 5. Agricultural Reconciliation Board Vacancy (1)
- \* 6. Adult Guardianship Review Board Vacancy (2)
- \* 7. Lower Shore Workforce Alliance Vacancy (2) Reappointment (1)
- \* 8. Eastern Shore Area Health Education BOD Vacancy (1)

**3:00 p.m. - Closed Session- Ralph D. Taylor, Erica Yeager, Louis Hickman**

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.

- \* Denotes Action Item

BOARD OF COUNTY COMMISSIONERS  
FOR SOMERSET COUNTY  
TUESDAY SEPTEMBER 4, 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 September 4, 2018**

On September 4, 2018, at 3:07 p.m. until 3:17 p.m. at 11916 Somerset Avenue, Room 111, upon a motion made by Commissioner Fisher 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 §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.

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 and Warden Louis Hickman.

Topics discussed were: (1) Letter of Resignation (2) Correctional Officer I hire. Actions taken during closed session: (1) Approval to hire Correctional Officer I.

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Meeting minutes were presented for approval regarding the Commissioner and Closed Session meetings held on August 21, 2018; and the Work Session meeting held on August 28, 2018. Commissioner Boston made a motion to accept the minutes as presented. Commissioner Fisher seconded the motion. The motion carried 5-0.

Lieutenant Lorenzo (Rennie) Miles and Sheriff Ronnie Howard came forward at this time. Mr. Taylor read into the record, the Years of Service Award being presented today to Lieutenant Miles in appreciation of his 25 years of dedicated service to the county. The Board

congratulated Mr. Miles for the achievement and personally thanked him for his years of service. President Laird stated he looked forward to seeing him again in five years for his 30<sup>th</sup> anniversary.

Ms. Linda R. Johnson, Somerset County Public Schools, came forward to present FY18 revised inter-category budget transfers. Ms. Johnson reviewed the transfer requests as follows:

<u>Category:</u>	<u>Amount of Transfer:</u>
Mid-Level Administration	\$ 22,000
Text Books and Supplies	(124,000)
Special Education	22,000
Student Personnel Services	2,000
Maintenance of Plant	18,000
Capital Outlay	60,000
	<hr/>
	\$0.00

Upon a motion made by Commissioner Fisher and seconded by Commissioner Boston, the inter-category budget transfers, as presented, were approved. The motion carried 5-0.

Next, Mr. John Redden, Public Works Director, Mr. Gary Pusey, Department of Technical and Community Services Director, Mr. Clint Sterling, Recreation and Parks Director and Ms. Kymberly Kudla, Planner, came forward at this time to present the Mitigation Easement Agreement with regard to the application process for the Route 413 Hiker/Biker Trail which includes mitigation requirements pursuant to the County's Critical Area and Forest Conservation Ordinances. The agreement, requested by the Somerset County Planning Department to the Board of Education, for the offsite planting of 5.55 acres (1.22 acres for Critical Area and 4.33 acres for Forest Conservation) to be located at 7982 Tawes Campus Drive, had previously been presented and approved by the Board of Education during their meeting held on July 17, 2018.

Noting that the property belongs to the Board of Education (BOE), and the fact that the BOE approved the planting request, Commissioner Fisher made the motion to approve the President's signature on the Mitigation Easement Agreement as presented. Commissioner Boston seconded the motion. The motion carried 5-0.

Next, Mr. Gary Pusey presented a lien release request, for a grant made through the Housing Rehabilitation Grant Program. Ms. Ramona Henderson, 30219 John Somers Road, Princess Anne used \$3,750.00 to replace windows on the property. The grant, made in November 2011, expired in November 2016, therefore no repayment is required. Mr. Pusey then requested approval for the President's signature on the release presented.

A motion was made by Commissioner Simpkins and seconded by Commissioner Mathies to approve the President's signature on the lien release for Ms. Henderson as requested. The motion carried 5-0.

Next, Mr. Taylor asked to revisit the matter involving the three homes purchased as temporary housing for those having replacement homes built following Hurricane Sandy. With there no longer being a need for the temporary housing, two options were presented during the Commissioner meeting held on August 7, 2018 regarding Project Amendments, which included donating the homes to 501C3 organizations, or selling the homes with the funds returning back into the program.

A motion was made by Commissioner Fisher to sell the three homes, to get them back on the tax rolls, and return the funds collected back into the Hurricane Sandy Program. Commissioner Boston seconded the motion. The motion carried 5-0.

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

Mr. Taylor advised the Board that we have received a request from Ms. Sara Tyler, who had expressed an interest to purchase surplus property noted as Account Number 11-002161, 10782 Riley Roberts Road, that she wishes to withdraw her offer. Mr. Taylor advised that there was a secondary offer received on this property. A letter will be sent to the secondary buyer to ask if they are still interested.

Mr. Gene Adkins, Finance Director and Mr. Willis Dryden, Tax Supervisor came forward at this time. Mr. Taylor reminded the Board that Ms. Assadi, CPA, representing Princess Anne Enterprise LLC was before the Board to request a manufacturing exemption during the July 24, 2018 meeting. At that time, Mr. Adkins was asked to investigate the allowance of the request presented to receive a tax exemption for FY16 and FY17.

Mr. Adkins first explained the process of applying, noting that the request presented by Mr. Hajir last year for the exemption was declined for the reason that tax returns had not yet been filed and a detailed listing of equipment was requested; and therefore the amount of personal property tax owed was not known. Since that meeting last year, Mr. Adkins advised that \$26,838 was the amount assessed for personal property tax for FY17-18, of which \$15,000 has been paid. This leaves a balance of \$11,838. The assessed figure owed for current year 2018-2019 is \$23,490. Mr. Adkins stated that Mr. Hajir has asked if he could meet with the Tax Office to make payment schedule arrangements for the amount past due. Mr. Hajir was told that payment arrangements can be made. Mr. Adkins recommended that personal property

exemptions be granted for current years going forward; which for the year 2018-2019 year, the possible allowable exemption amount would be \$23,278 if approved. Mr. Adkins also reminded the Board of the county's fund balance shortage of \$2.6 million for this year. Mr. Taylor then advised the Board of a constituent concern received from Mr. Joseph Bednar, received on August 1, 2018, who stated that by law, the county should not be permitted "to grant such actions as tax exemptions to anyone without a balanced budget or running surplus and that all tax exemption requests should be automatically declined due to this". (It was noted that the county does have a balanced budget, as funds from the general fund were used to balance the budget). Additionally, Town Commissioner Dennis Williams, who was present in the audience, stated that it has not been officially stated; but the Town will not be making an adjustment due to their unbalanced budget. The discussion continued regarding the noted growth of the business and the number of county employees working for the business, estimated to be 20.

Commissioner Simpkins noted that the exemption declined for last year was for good reason. However, Mr. Hajir has come again this year, has a growing company, and employs Somerset County employees. Being they have come again this year requesting a current year exemption, he wishes to encourage businesses to come to the county.

Commissioner Simpkins then made the motion to approve the tax exemption request for Princess Anne Enterprise LLC for this year. Commissioner Mathies noted that this being a minority business in the county, and the fact that the county has approved exemptions for others, he therefore seconded the motion. Commissioners Fisher and Boston opposed. President Laird abstained; the vote was 2-2-1 and therefore did not carry.

Next, Mr. Taylor advised the Board that Judge Newton Jackson III has rendered his Opinion and Declaratory Judgment ruling regarding the William Anderson (Plaintiff) et al. vs. Great Bay Solar I, LLC et al. Case No. C-19-CV-17-000128. The Judge has ordered the following:

- That the Plaintiffs' request for Permanent Injunction requiring Great Bay to remove its installed collection systems and refill the trenches in which the collection systems are installed is DENIED and,
- That the Plaintiffs' request for Permanent Injunction preventing Great Bay from additional installations of collection systems in the roadbeds of Old Princess Anne Road and Dublin Road is DENIED, and
- That this Court's Order entering a Preliminary Injunction against Great Bay on 8 August 2017 is dissolved and vacated and of no force or effect" and therefore he has ruled in favor of Great Bay Solar/Somerset County.

It was noted that the Plaintiffs, Mr. William Anderson and Mr. Kevin Anderson, do have 30 days to file an appeal.

A discussion was then held regarding the repairs to Dublin Road and Old Princess Anne Road, and if repairs should begin immediately, or if the needed repairs should be delayed. Following the discussion, it was decided to authorize Mr. Barnes to move forward with road repairs as needed.

Commissioner Mathies has advised that Mr. Mike King is willing to serve on the Agricultural Preservation Advisory Board.

A motion was made by Commissioner Mathies to appoint Mr. King to serve as a member of the Agricultural Preservation Advisory Board. Commissioner Fisher seconded the motion. The motion carried 5-0.

A request was received from Mr. Michael Pennington, Executive Director, Tri-County Council for the Lower Eastern Shore of Maryland to re-appoint Mr. Joey Gardner to serve another 4-year term as a member of the Workforce Development Board.

A motion was made by Commissioner Boston and seconded by Commissioner Fisher to reappoint Mr. Gardner to serve on the Workforce Development Board. The motion carried 5-0.

Vice President Fisher left the meeting briefly.

Mr. Taylor requested the Boards approval to sublease Slip #3, Webster's Cove, from Mr. Kirk Simpkins from now until December 1, 2018.

Upon a motion made by Commissioner Boston, seconded by Commissioner Simpkins, it carried 4-0 to approve the sublease request for Slip #3, Webster's Cove Marina, to Mr. Taylor until December 1, 2018.

Vice President Fisher returned to the meeting.

At 2:34 p.m. a motion was made to adjourn the meeting for a brief recess. Upon a motion made by Commissioner Fisher, seconded by Commissioner Boston, a recess was taken. The motion carried 5-0.

At 2:58 p.m., the Board resumed in open session upon a motion made by Commissioner Boston, and seconded by Commissioner Fisher. The motion carried 5-0.

With no further business, at 2:58 p.m., the Board was advised of the need of a Closed Session.

Upon a motion made by Commissioner Fisher 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.

With no further business, at 3:17 p.m. upon a motion made by Commissioner Boston, and seconded by Commissioner Fisher, the Commissioner Open and Closed Session meetings were adjourned. The motion carried 5-0.

Approved by:



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Board of County Commissioners  
For Somerset County

Respectfully Submitted:



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Lory E. Ebron  
Executive Aide