



**SPECIAL SESSION AGENDA**  
**December 18, 2018**  
**COMMISSIONERS**  
**FOR SOMERSET COUNTY**  
**11916 Somerset Avenue**  
**Room 111/Meeting Room**  
**Princess Anne, MD 21853**  
**1:00 p.m.**

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**Appointments:**

- 1:00 p.m. - 2019 Legislative Session  
- Senator Mary Beth Carozza and Delegate Charles Otto
- 1:30 p.m. - Mr. Gene Adkins, Ms. Sharon Muir, Ms. Erica Yeager  
- Nationwide 457B Plan Changes

**Correspondence:**

Received

Somerset County Board on Homelessness re: Dissolving of Board  
Mr. Gary Pusey, DTCS re: Agricultural Reconciliation Board Reappointment

Sent

Joe Howard, Chairman Ethics Commission re: Reappointment  
William Benson, Ethics Commission re: Reappointment  
Ernest Satchell, Ethics Commission re: Reappointment  
Elmer Barkley, Ethics Commission re: Reappointment  
Roselyn D. Leatherbury re: Request for Assistance

**Discussion:**

- \* 1. Social Service Advisory Board Vacancy (1)
- \* 2. Somerset County Ethics Commission Vacancy (1)
- \* 3. Workforce Development Board Vacancy (3)
- \* 4. Agricultural Reconciliation Board Vacancy (1)
- \* 5. Adult Guardianship Review Board Vacancy (2)
- \* 6. Eastern Shore Area Health Ed. Center BOD Vacancy (1)

**2:00 p.m. - CLOSED SESSION- Ralph D. Taylor**

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 (a) (7) Consult with counsel to obtain legal advice.

**2:30 p.m. - ROADS BOARD SPECIAL SESSION**

- \* Denotes action item

BOARD OF COUNTY COMMISSIONERS  
FOR SOMERSET COUNTY  
**SPECIAL SESSION**  
TUESDAY DECEMBER 18, 2018

At 1:00 p.m., the Board of Somerset County Commissioners met in Special Session with Commissioner President Craig Mathies, Sr., Commissioner Vice President Charles Laird, Commissioner Rex Simpkins, Commissioner Randy Laird, and Commissioner Eldon Willing.

Also in attendance were County Administrator-Clerk Ralph D. Taylor and Executive Secretary Kimberly Lopez.

**Closed Session Summary Report for December 18, 2018**

On December 18, 2018, from 2:05 p.m. until 2:55 p.m., at 11916 Somerset Avenue, Room 111, upon a motion made by Commissioner Simpkins and seconded by Commissioner Laird, it carried 5-0 to enter into Closed Session by Authority of State Government Article of the Annotated Code of Maryland, 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 §3-305 (a) (7) consult with counsel to obtain legal advice.

Present for the Closed Session Meeting were President Craig Mathies, Sr., Vice President Charles Laird, Commissioner Rex Simpkins, Commissioner Randy Laird, and Commissioner Eldon Willing. Also present were County Administrator Ralph D. Taylor, and Executive Secretary Kimberly Lopez. Topics discussed were: (1) Personnel, and (2) Legal. Actions taken: (1) Hiring of Correctional Officer II.

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President Mathies asked Commissioner Willing to lead those present in repeating the Lord's Prayer and the Pledge of Allegiance. Commission Willing first read a passage from the Bible, after which the Lord's Prayer and Pledge of Allegiance was recited

Minutes from the Special Session and Closed Session held on December 11, 2018 were presented for the board's approval. Upon a motion made by Commissioner Simpkins and seconded by Vice President Laird, the board voted 5-0 to approve the minutes.

The meeting began with Mr. Taylor welcoming Senator-Elect Mary Beth Carozza and Delegate Charles Otto to today's meeting for our annual local legislation discussion. A handout

was provided for those in attendance with the proposed legislation for 2019, which reads as follows:

- I. Title 2. County Commissioners – Local Code 2-102. Districts**
  - a. Effective 10/1/19 – Revision to language in local code to require commissioners to reside in the election district he or she represents.
    - i. Districts. The County is divided into 5 commissioner districts.
- II. Change to Alcoholic Beverage Article 29-310**
  - a. Effective 10/1/19 – Revise the Somerset County Liquor Board reserve fund from \$150,000 to \$300,000 and increase the distribution amount from the reserve fund from \$50,000 to \$100,000. These changes are a request of increased sales at the dispensary stores and will allow for greater inventory.
    - i. §29-310 (b)(1) Change the reserve fund to “\$300,000.”
    - ii. §29-310 (b)(2) Change the distribution amount from the reserve fund “to \$100,000 at each dispensary.”
- III. Revision to Maryland Annotated Code Article §29-1601**
  - a. Effective 10/1/19 – New business and/or business owners are unable to open establishments due to the 300’ limitation. This is causing a loss of economic growth as establishments that have a need to sell/serve beverages are limited in location if the property is within 300’ of a place of worship, school, public library or youth center.
    - i. §29-1601 (a)(1) Remove paragraph from statute.  
OR
    - ii. §29-1601 (a)(1) Remove “place of worship” from paragraph.
- IV. Somerset Board of License Commissioners – Salary Increase Maryland Annotated Code Article §29-204**

Revise to alter the annual salary for the Somerset County Board of License Commissioners to increase \$500.00 for each position. The last salary increase was made in 2007. Language revision as follows:

  - (a)(1) The chair of the board shall receive a salary of \$4,000.000 annually.
  - (2) Each other member of the board shall receive a salary of \$3,500.00. annually.
  - (c) The Board:
    - (1) Shall appoint a clerk to the board at a salary of \$4,000.00 annually.
    - (2) May designate an attorney for the board at a salary of \$4,500.00 annually.

<b>Position</b>	<b>Current Salary</b>	<b>Proposed Salary</b>
Chair	\$3,500.00	\$4,000.00
Member	\$3,000.00	\$3,500.00
Clerk	\$3,500.00	\$4,000.00
Attorney	\$4,000.00	\$4,500.00

A discussion was held for each of the listed items with the following outcome from the board:

- I. Title 2. County Commissioners – Local Code 2-102. Districts:** After Mr. Taylor read aloud the current local code, regarding the residency requirements for Commissioners/Councilmen, for Somerset County, St. Mary’s County, Cecil County, Garrett County, Worcester County, Carroll County, Anne Arundel County, Dorchester County, and Prince George’s County, the board gave a Consensus to use wording similar to Anne Arundel County for legislation.
- II. Change to Alcoholic Beverage Article 29-310:** No discussion was necessary for this topic as it had been previously discussed and agreed upon by the board.
- III. Revision to Maryland Annotated Code Article §29-1601:** The board gave a Consensus to reduce the limitation to 200’.
- IV. Somerset Board of License Commissioners – Salary Increase Maryland Annotated Code Article §29-204:** No discussion was needed as a consensus was given for the salaries in a previous meeting.

Following this, a brief discussion was held in regards to oystering in the Manokin River.

With the proposed legislation for 2019 presented, discussed, and agreed upon, President Mathies thanked Senator-Elect Carozza and Delegate Otto for attending today's meeting.

Senator-Elect Carozza and Delegate Otto left the meeting.

Commissioner Simpkins briefly left the meeting.

Now before the board were Director of Finance and Accounting Gene Adkins, Internal Auditor Sharon Muir, and Human Resources Director Erica Yeager to present the Nationwide 457B Plan changes, and presented the board with the following options (per the handout provided):

1. Your contract is amended to lower the Guaranteed Minimum Interest rate annually on the following schedule:

<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
3.5%	3.0%	2.5%	2.0%	1.0%	0.5%

The contract's quarterly Crediting Rate will continue to be set base on Nationwide's normal business practices and may vary depending on market conditions and investment performance.

2. The contract is amended to lower the Guaranteed Minimum Interest Rate annually on the same schedule shown in Option One. Additionally, the per participant exchange and transfer limit is also increased from 20% to 40%. The contract's quarterly Crediting Rate will continue to be set based on Nationwide's normal business practices and may vary depending on market conditions and investment performance. However, because of the increased exchange and transfer limit, the Crediting Rate under this option will be less than under Option One. At the time of this letter, this difference is 0.1% annually, but the variance is not guaranteed to remain at this level.
3. [Default Option] The existing balance in your current Fixed Contract will maintain the current GMIR for these existing balances only, unless otherwise agreed to by Nationwide and the Plan Sponsor. New contributions will no longer be accepted to your current Fixed contract. This includes, but is not limited to, payroll contributions, rollovers, transfers and exchanges. This change will be effective in 2019.

Accordingly, you will need to provide direction for your participants' future allocations to replace their current Fixed allocation. Two options are available. If this option is chosen, you will also need to select a sub-option:

- A. Continue to offer Nationwide Fixed Contract. This contract will be established with an Initial Crediting Rate of 1.2% and a 0.5% GMIR.
- B. Utilize the Plan's existing Default Investment Alternative (DIA). If the Participant does not elect a new investment to replace the Fixed option, it will be treated as if no investment direction has been given and the Default Investment Alternative will be used for future contributions.

The above options were discussed.

Upon a motion made by Commissioner Simpkins and seconded by Vice President Laird, the Board voted 5-0 on option "3a" of the Nationwide 457B Plan changes and approved President Mathies' signature on the contract.

Mr. Adkins, Ms. Muir, and Ms. Yeager left the meeting.

Under Correspondence Received, Mr. Taylor advised that the Somerset County Board on Homelessness has been dissolved, therefore making it impossible for Commissioner Willing to serve on that Board as was voted on during a previous meeting.

Commissioner Laird then rescinded his motion to nominate Commissioner Willing to serve on the Somerset County Board on Homelessness. Vice President Laird rescinded his second. This action carried 5-0.

Mr. Taylor advised of an opening on the Somerset Committee for the Homeless; however this discussion was tabled for a future meeting.

Next, a letter was presented from Mr. Gary Pusey, Director of Technical and Community Services, regarding the reappointment of Ms. Mary Ann Peterman to the Agricultural Reconciliation Board.

Upon a motion made by Vice President Laird, and seconded by Commissioner Simpkins, the Board voted 5-0 to reappointment of Ms. Mary Ann Peterman to the Agricultural Reconciliation Board with her term expiring on January 9, 2023.

A letter was received from Mr. Joel Berger, Esq. in regards to waiving the \$1,000.00 fee assessed to his property for grass cutting and fence removal (due to a nuisance complaint). The Board discussed this and took no action.

Mr. Taylor then reviewed correspondence sent.

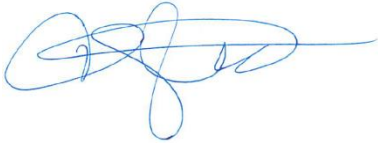
Under discussion items, Mr. Taylor advised of vacancies on the following boards:

- Social Services Advisory Board (1)
- Somerset County Ethics Commission (1)
- Workforce Development Board (3)
- Agricultural Reconciliation Board (1)
- Adult Guardianship Review Board (2)
- Eastern Shore Area Health Ed. Center BOD (1)

The Board will advise of nominees at a later meeting.

With no further Open Session business to discuss, at 2:05 p.m., upon a motion made by Commissioner Simpkins and seconded by Vice President Laird that carried unanimously, the Board of County Commissioners for Somerset County met in Closed Session by Authority of State Government Article of the Annotated Code of Maryland, 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 (7) consult with council to obtain legal.

Approved by:



Board of County Commissioners  
For Somerset County

Respectfully Submitted:



Kimberly Lopez  
Executive Secretary