



AGENDA
October 29, 2019
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. - Attorney Kirk Simpkins
 - Transfer of Property
 - Property Purchase
- * 2:10 p.m. - Choptank Electric Cooperative- Rural Broadband Initiative
 - o Jeff Rathell- Board of Directors, Chairman
 - o Donna West- Board of Director
 - o Val Connelly- VP of Government Affairs and Public Relations
 - o Matt Tefteau, Manager, Government Affairs
- * 2:30 p.m. - Mr. Gary Pusey, Department of Technical and Community Services
 - MD DHCD/New Projects MD-15-DR-1

Correspondence:

Received

- * Crisfield Heritage Foundation, Inc. re: Request for 2019 Tax Exemption
- * Maryland Department of Commerce re: Re-allocation of Maryland State Ceiling
- * MAA re: Proposed Grant Agreement (Obstruction Removal) MAA-GR-20-014
- * Comcast re: Changes to Starz/Encore and Epix Programming

Sent

The Honorable Lawrence Hogan, Jr. re: Aircraft Hangars/Crisfield-Somerset County Airport
Ms. Rebecca Thur, DNR re: Withdraw Request for Public Informational Meeting/Kraft Lease
Mr. Ed Goyda, Library Director re: Reappointment
Mr. George Sackett re: Surplus Property Purchase

Discussion:

- * 1. Surplus Property Offer (1)
- * 2. Harris Corporation Invoice
- * 3. Agricultural Preservation Advisory Board Vacancy (1)
- * 4. Planning Commission Reappointment (1)
- * 5. Somers Cove Marina Appointment (1)

Public Comments (5-minute time limit to speak)

- * **2:45 p.m. - Closed Session-** Ralph Taylor, Charles Cavanaugh, 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) consult with counsel to obtain legal advice.

- * Denotes Action Item

BOARD OF COUNTY COMMISSIONERS
FOR SOMERSET COUNTY
October 29, 2019

At 2:00 p.m., President Craig Mathies, Sr., called the Board of County Commissioners for Somerset County to open in Regular Session. Also, present for the meeting were Commissioner Vice President Charles Laird, Commissioner Randy Laird, Commissioner Eldon Willing. Commissioner Rex Simpkins was not present at this time.

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

President Mathies asked Commissioner Willing to lead those present in Devotion and the Pledge of Allegiance.

Closed Session Summary Report October 29, 2019

On October 29, 2019, at 2:46 p.m. until 3:12 p.m., at 11916 Somerset Avenue, Room 111, upon a motion made by Commissioner Rex Simpkins, seconded by Vice President Charles Laird, it carried unanimously 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) consult with counsel to obtain legal advice.

Present for the Closed Session Meeting were President Craig Mathies Sr., Vice President Charles Laird, Commissioner Randy Laird, Commissioner Eldon Willing and Commissioner Rex Simpkins.

Also present were County Administrator Ralph D. Taylor, Executive Aide Lory Ebron, HR Director Erica Yeager, Director of Solid Waste/Maintenance Charles Cavanaugh, and Attorney Kirk Simpkins. Topics discussed were: (1) Pending Litigation (2) Transfer Station Attendant I vacancy (3) Consult with Counsel to obtain legal advice. Actions taken during closed session: (1) Hiring of Transfer Station Attendant I.

Minutes from the Commissioner and Closed Session meetings held on October 15, 2019 were approved as presented upon a motion made by Vice President Charles Laird and seconded by Commissioner Eldon Willing. The motion carried 4-0 (Commissioner Simpkins was not present).

Commissioner Rex Simpkins arrived to the meeting and Attorney Kirk Simpkins was asked to come forward.

Mr. Taylor presented a request received from the City of Crisfield for the transfer of county owned property described as a 50' long right of way, conveyed by Delmarva Power and Light to Somerset County in March 1968 (Route 413 and Silver Lane). The City would like to put a new Pump Station on that location that will be constructed as part of the City's Wastewater Facilities Infrastructure Project. It was noted that per Mr. Clint Sterling, Recreation and Parks Director, the transfer of this strip of land will have no impact on the Bike Trail Project currently underway.

Upon a motion made by Commissioner Randy Laird and seconded by Vice President Charles Laird, it carried unanimously to transfer the 50' strip of property as described to the City of Crisfield.

Next, Attorney Simpkins advised that following discussions held, he presented the final offer received from Bill and Anne Gee in the amount of \$178,000 to purchase the Princess Anne Dispensary building (11752 Somerset Avenue) for the Boards approval. Recent improvements have been made to the property, and it was noted that the purchase would be "as-is". President Mathies asked if the list of improvements had been provided. Attorney Simpkins advised that they can provide that list, and a second appraisal has been performed following those improvements.

A motion was made by Vice President Charles Laird to purchase 11752 Somerset Avenue for \$178,000 plus closing costs. Commissioner Eldon reluctantly seconded the motion, noting there wasn't much choice. Commissioner Randy Laird and President Mathies abstained; therefore, the motion carried 3-0-2. Attorney Simpkins left the meeting at this time.

Mr. Taylor asked the representatives presenting the Choptank Electric Cooperative Broadband Initiative to come forward. Attending the meeting today were Mr. Jeff Rathell, Board of Directors, Chairman, Ms. Donna West, Board of Director, Ms. Val Connelly, VP of Government Affairs and Public Relations and Mr. Matt Tefteau, Manager, Government Affairs.

Mr. Rathell began with introductions, advising their visit to Somerset today was the 5th county counsel they have gone to. He explained that Choptank would like to give Broadband to the rural members in the county, noting the process begins with Annapolis (to seek legislation).

Mr. Tefteau thanked the Board for the opportunity to meet, and provided an overview of Choptank Electric Cooperative. He noted there are 54,150 Coop members, with 2,880 in Somerset County, noting the miles of power lines and fiber to provide service.

Ms. Connelly continued, providing a PowerPoint presentation which summarized the following:

- A historical summary of Choptank Electric Cooperative (governed by a Board of Directors who are members of the co-op and elected by their fellow members) and the desire of the co-op members to bring high speed, fiber internet service to their homes
- The fact that in Maryland, 36% of residents lack internet service that meets FCC standards
- A map of Somerset County, depicting 2010 broadband service available, and areas of the county with unserved/underserved internet service
- Reasons for the need of broadband internet service and why Choptank Electric Co-op has the availability to deliver the service
- The next of the process allowing Member Regulation and what that means

Ms. Connelly advised that Member Regulation for Choptank will allow member leaders to roll out Broadband services faster and more comprehensively than any other entity currently out there. In closing, Ms. Connelly also asked the Boards consideration to write a Letter of Support in the FY20 General Assembly Session to help Choptank achieve Member Regulation. After answering a few questions, the Board thanked the representatives attending today for the information provided. Mr. Taylor requested that the County be made aware when the legislative bills are submitted to committee.

Next, Mr. Gary Pusey and Ms. Kristen Tremblay, Department of Technical and Community Services came forward to discuss a letter received from Ms. Cindy Stone regarding new projects under the Maryland Community Development Block Grant Program (MD-15-DR-1). The Board was advised that the County is in receipt of \$462,289.32 in funding, returned by the U.S. Army Corps of Engineers after the decision was made to not proceed with two projects involving them. Mr. Pusey explained that previously \$300,000 had been approved for three projects. Grant funding has already been signed off for the Rhodes Point dredging project, and two Generator projects, leaving a balance of \$162,289.32. Additionally, it was explained that there is a CDBG Program Income balance of \$37,710.68 (a combined total of \$200,000) which will be added to fund the two projects now being proposed: (1) City of Crisfield Drainage Study/\$100,000 and (2) Community Rating System Project/\$100,000.

Mr. Pusey then requested the Boards approval to have President Mathies sign the acknowledgement accepting the use of CDBG Disaster funds to be used for these two new projects.

Vice President Charles Laird made a motion to authorize President Mathies to sign the acknowledgement as requested. Commissioner Randy Laird seconded the motion. The motion carried unanimously.

Mr. Taylor continued with correspondence and discussion items.

A letter was received from the Maryland Department of Commerce advising of the availability of the FY19 Private Activity Bond allocation in the amount of \$175,456,249. All unused allocation reverts back to the Department where it is pooled and available for re-allocation until December 31st. Re-allocation has never been requested in the past.

A request was received from Mr. John W. Tawes, Chairman, Crisfield Heritage Foundation, Inc., requesting tax exemption for 2019-2020 taxes (Pursuant of the Annotated Code of Maryland, Tax Property, Subsection 9-321) for properties owned by the foundation.

Upon a motion made by Commissioner Randy Laird and seconded by Vice President Charles Laird, it carried unanimously to approve the tax exemption for FY19-20 as requested.

The Board was presented with a Maryland Department of Transportation, Maryland Aviation Administration grant agreement (MAA-GR-20-014) for review and signature in the amount of \$37,226 to assist with obstruction removal at the Crisfield-Somerset County Airport.

A motion was made by Vice President Charles Laird to authorize President Mathies to sign grant agreement MAA-GR-20-014 as presented. Commissioner Randy Laird seconded the motion. The motion carried unanimously.

A letter from Comcast advising of changes to Starz/Encore and Epix programming was presented. Commissioner Randy Laird stated he has received customer complaints about the last rate increase from Charter imposed on Crisfield residents. He asked for clarification that the county has no authority over rate increases. Mr. Taylor advised that it is correct, the county does not have authority, however our office can forward complaints to the government account representative via email to share their concerns/complaints.

Mr. Taylor advised that Ms. Jennifer McShane has submitted an offer of \$500.00 plus closing costs to purchase surplus property 12-009151-Sackertown Road (Map 0072 Parcel 0750). The listed price was \$1,120.50.

A motion was made by Vice President Charles Laird to accept Ms. McShane's offer of \$500.00, plus closing costs, for surplus property account 12-009151. Commissioner Randy Laird seconded the motion. The motion carried unanimously.

Mr. Taylor presented the revised invoice, received from Harris Corporation, which was originally presented for \$18,495.50 during our previous meeting, for work deemed necessary and performed (ice bridge), without county approval. After discussing the matter with Harris, a revised invoice for the services performed in the amount of \$14,848.50 has been received.

Vice President Charles Laird made a motion to pay the revised invoice for \$14,848.50. Commissioner Simpkins, with much reluctance, seconded the motion. The matter was discussed in further detail, with concern expressed by the Board regarding the way the work was done/invoiced. At the conclusion of the discussion, the motion carried unanimously.

Commissioner Simpkins advised that Mr. Mark McCready expressed his interest to serve on the Agricultural Preservation Advisory Board.

A motion was made by Commissioner Simpkins to appoint Mr. Mark McCready to serve on the Agricultural Preservation Advisory Board. Vice President Charles Laird seconded the motion. The motion carried unanimously.

The Board was advised that Mr. James Mullen's term has expired as a member of the Planning Commission and he has expressed his interest to continue serving. No action was taken.

Commissioner Randy Laird advised the Board that Mr. Kevin Wooster expressed his interest to serve on the Somers Cove Marina Commission, and he made a motion to appoint Mr. Wooster to serve on the Commission. Commissioner Simpkins seconded the motion. The motion carried unanimously.

At 2:46 p.m., the Board entered into Closed Session upon a motion made by Commissioner Rex Simpkins and seconded by Vice President Charles Laird, 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) consult with counsel to obtain legal advice. The motion carried unanimously.

With no further business, the meeting was adjourned at 3:12 p.m., upon a motion made by Commissioner Randy Laird and seconded by Vice President Charles Laird. The motion carried unanimously.

Approved by:



Board of County Commissioners
For Somerset County

Respectfully Submitted:



Lory E. Ebron
Executive Aide