

AGENDA
September 3, 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. - Proclamation Presentation/Mr. Kevin D. Jones
- 2:05 p.m. - Public Hearing/Hurricane Sandy Update Report
 - Mr. Gary Pusey, Ms. Kristen Tremblay, Adam Gibson/ Department of Technical and Community Services
 - * Zoning Code Text Amendments/Biological Energy Production and Solar Buffer
 - * ISA Gold Leaf Award/Outstanding Arbor Day Activities/Tree City USA Application
 - * Mr. Joseph H. Pinto re: MEMA Hazard Mitigation Grant Program
- * 2:20 p.m. - Mr. Charles Cavanaugh, Solid Waste and Maintenance Director
 - Bid Opening/Marumsco Creek Drainage Pipe Replacement
- * 2:25 p.m. - Ms. Yvette Cross, Emergency Services Director
 - Bid Opening/Uninterrupted Power Supply Replacements
- * 2:30 p.m. - Mr. John Redden, Public Works
 - KCI and Hillis-Carnes Contracts

Correspondence:

Received

- * MD State Clearinghouse Review re: Princess Anne WWTP ENR Upgrade MD20190807-0668
- Charter Communications re: ESPN Classic and Programming Fee Monthly Pricing Changes

Sent

Ms. Jeannie Haddaway-Riccio, Secretary re: Chesapeake Forest Hunting Lease Program
Mr. Chris Cavey, Secretary of Appointments re: Somerset County Property Tax Assessment Appeal Board

Discussion:

- * 1. Cooperative Reimbursement Agreement
- * 2. Surplus Property Offers (5)
- * 3. Proclamation Approvals (2)

Public Comments (5-minute time limit to speak)

- * **2:45 p.m. – Closed Session, Ralph 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; and (b)(8) consult with staff, consultants, or other individuals about pending or potential litigation.

- * Denotes Action Item

BOARD OF COUNTY COMMISSIONERS
FOR SOMERSET COUNTY
September 3, 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 Commissioner Vice President Charles Laird, Commissioner Randy Laird, Commissioner Eldon Willing, and Commissioner Simpkins.

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 Prayer and the Pledge of Allegiance.

Closed Session Summary Report September 3, 2019

On September 3, 2019, at 3:27 p.m. until 4:23 p.m., at 11916 Somerset Avenue, Room 111, upon a motion made by Commissioner Rex Simpkins and 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 (8) consult with staff, consultants, or other individuals about pending or potential litigation.

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 and Attorney Kirk Simpkins.

Topics discussed were: (1) Legal document (2) Hiring of Dog Control Supervisor. Actions taken during closed session: (1) Approval of legal document (2) Approval to hire Dog Control Supervisor.

Meeting minutes from the Commissioner and Closed Session meetings held on August 20, 2019 were approved as presented upon a motion made by Commissioner Simpkins and seconded by Vice President Charles Laird. The motion carried unanimously.

The family of Mr. Kevin Jones came forward at this time to accept a proclamation in recognition of Mr. Jones' many years of service and commitment to Somerset County.

At 2:05 p.m., President Mathies called a Public Hearing open to provide citizens with a status report of the Housing Rehabilitation Grant and Hurricane Sandy Disaster Recovery Grants. Mr. Gary Pusey, Ms. Kristen Tremblay, Ms. Annette Cottman and Mr. Adam Gibson came forward at this time. Mr. Taylor proceeded to read the notice of public hearing into record as follows:

“Somerset County will conduct a Public Hearing to provide citizens with a status report of activities undertaken by the County through its implementation of a Housing Rehabilitation Grant and four Hurricane Sandy Disaster Recovery Grants at the above-referenced time and location.

The County Commissioners entered into grant agreements with the Maryland Department of Housing & Community Development (DHCD) to use Community Development Block Grant (CDBG) funds for a Housing Rehabilitation Program in November 2018, and for Hurricane Sandy recovery efforts (1) in November 2015 for Housing and Economic Recovery; (2) in April 2016 for Infrastructure projects at Rhodes Point; (3) in March 2017 for funding for engineering to decommission the Fairmount WWTP project; and (4) in August 2017 for construction funding to decommission the Fairmount WWTP and prepare a structural feasibility study of the Crisfield Armory.

A summary of funding allocated and spent on each of these grants will be provided at the Public Hearing.

Efforts will be made to accommodate the disabled and non-English speaking residents with five day's advance notice to Gary Pusey at 410-651-1424.

Board of County Commissioners for Somerset County, Craig N. Mathies, Sr., President”

First, Mr. Pusey explained that as recipient of federal funds through the Community Development Block Grant (CDBG) Program, the County is required to hold public hearings at certain times in order to inform the public as to how the funding is being spent. For “regular” CDBG grant funding, a public hearing is required during the 2nd year of the 2-year grant. Regarding Hurricane Sandy Disaster grant funding, a public hearing is required every 6-months.

FY19 Housing Rehabilitation - \$335,000 (MD-19-CDE-26)

Mr. Pusey advised that the County is beginning its second year of FY19 funds awarded for this long-running Housing Rehabilitation Program, awarded for \$335,000 on August 14, 2018. This grant funding is used to repair eligible owner-occupied homes and provide emergency grants such as new wells and septic systems. The grant end date is August 31, 2020. This past year, \$140,000 has been committed on thirteen eligible projects. Five additional projects totaling \$165,000 have already been identified for funding, with no issues remaining to spend the

remaining \$30,000 before the grant end date. The county will apply for another grant to continue this program next year.

Hurricane Sandy Disaster Grant (4 Phases)

- Housing and Economic Recovery - \$2.94 Million (MD-14-DR Phase 3)

This grant is a continuation of the first Disaster Grant the County received, and included new home replacement of houses damaged during Sandy, business loans, and new activities of job training, broadband extension and the development of a Strategic Economic Opportunities Analysis for the County that included a preliminary structural analysis of commercial building affected by flooding in Crisfield. To date, approximately \$2.6 Million has been spent on this phase, leaving about \$300,000 to be spent. Job training and new home replacements activity have been completed, and the business loan activity is almost complete. Activities remaining to be completed are the Broadband analysis and the Strategic Economic Opportunities Analysis. This grant is scheduled to expire September 30, 2022.

- Infrastructure- \$4.872 Million (MD-15-DR-1 Phase 3)

This phase of the grant covers additional funding for the Homeless Shelter Project (\$120,000), funding for the Fairmount Wastewater Plant (WWTP) Decommission Engineering Study (\$225,000) and funding for Project Administration (\$200,000). The start date on this grant was March 31, 2017. The Homeless Shelter Project's additional funding in this phase has been spent, and the Homeless Shelter is completed. The Fairmount WWTP Decommission Engineering Study has been completed and a Request for Proposal has been prepared and advertised for the construction phase. All funding in this phase will be spent by the September 30, 2022 end date.

- Infrastructure - \$545,000 (MD-15-DR-1 Phase 4)

This grant phase covers additional funding for the Homeless Shelter Project (\$120,000), funding for the Fairmount Wastewater Plant (WWTP) Decommission Engineering Study (\$225,000), and funding for Project Administration (\$200,000). The start date of this grant was March 31, 2017, and the end date is September 30, 2022. All funding in this phase will be spent by the end date.

- Infrastructure- \$4,155,000 (MD-15-DR-1 Phase 5)

This phase of the grant covers additional funding for the Fairmount Wastewater Decommissioning Project (construction \$3,905,000), funding for the Crisfield Armory Feasibility Study (\$57,000) and funding for Project Administration (\$193,000). This phase began on August 11, 2017 and has an end date of September 30, 2022.

- Infrastructure- \$300,000 (MD-15-DR-1)

Regarding this phase, two of the original Infrastructure projects (the Crisfield Tidal Dike Feasibility Study and the Crisfield Great Point Design) were not completed after the U.S. Army Corps of Engineers, a partner with the County on this project, decided to not proceed, primarily due to financial reasons. A portion of the funds contributed by the County were returned. The \$300,000 was reallocated by the Board of County Commissioners for these three projects: (1) Sheep Pen Gut Dredging (2) Maryland Avenue Well Generator and (3) Deal Island Volunteer Fire Department Generator. These projects must be completed by June 30, 2022.

In summary, Mr. Pusey explained that the County is currently in the process of administering six (6) grants utilizing CDBG funds. Five of these are related to the Hurricane Sandy Disaster Recovery efforts totaling approximately \$13 Million and one "regular" CDBG funding of \$335,000 for the County's housing rehabilitation program. Each grant is on scheduled to be

completed before their end date and all funds will be spent in accordance with the requirements for each grant. Mr. Pusey then asked if there were any questions.

President Mathies asked if there was anyone present wishing to speak. Mr. Timothy Howlett, Crisfield, Maryland came forward.

Mr. Howlett introduced himself, and explained his previous work history, noting he has businesses in Crisfield. He has economic concerns, noting the empty businesses in Crisfield. He questioned the use of Sandy funding, and why it was all not being used in Crisfield. He discussed Senator Mikulski's involvement in getting \$23 Million disaster funding (for Crisfield), admitting there were other areas were impacted, but Crisfield "took the hit" being under seven feet of water, and he feels the funding should have primarily benefited Crisfield, based on information he found. He began to read off a prepared statement of questions he had with regard to Hurricane Sandy Funding. President Mathies asked if the list of questions could be given to Mr. Taylor as the questions will not be able to be answered today. The documentation and list of questions Mr. Howlett provided will be included with public hearing documents. He discussed issues of concern regarding Housing Authority in Crisfield, and noted that Hurricane Sandy was a wake-up call stating there are 5 major ways to prevent flooding. He expressed concern that first, nothing was done to prevent Crisfield from getting flooded again and second, the fact the Armory Feasibility study does not address that everything needs to be removed from the building completely. Mr. Howlett closed his comments by stating that he loves Crisfield and he is trying to help, noting the City that desperately needs help with their economic engine and they will entertain any help that can be given. Mr. Howlett offered to help in any way he can as well.

President Mathies declared the Public Hearing meeting closed at 2:30 p.m.

Next, Mr. Pusey presented a request his office received from Mr. Ryan D. Showalter, Attorney for CleanBay with regard to a Zoning Code text amendment relating to Biological Energy Production. CleanBay is considering property in Westover for an additional Biological Energy operation similar to what was approved on Old Princess Anne Road. The request presented is to amend the Zoning Ordinance text to allow Biological Energy Production as a Permitted Use, subject to restrictions. If approved as a use in the C-2 District, then the use would be allowed in the O-C Overlay Commercial District, which has several locations on U.S. Route 13 at the intersections with Peggy Neck Road, Allen Road/Loretto Road, Mennonite Church Road, Walter Johnson Road and Rehobeth Road. Mr. Pusey advised that direction from the County

Commissioners is being requested, and any proposed amendment(s) shall be referred by the Commissioners to the Planning Commission for review and recommendation. Mr. Pusey added that amendments to landscape buffering can also be considered at the same time. A brief discussion was held regarding the number and type of buffering rows, which was decided to be three evergreen rows. The Board was in consensus to forward the Zoning Code Text amendment and the landscape buffering matter to the Planning Commission's review and recommendation.

Mr. Pusey next advised the Board that in recognition of the Arbor Day planting of over 9000 trees last April at Somerset Intermediate, in partnership with the Board of Education and the Maryland Forestry Service, for the Hiker Biker Trail, Airport and VoTech projects, Mr. Gibson has prepared an application to submit to acknowledge Somerset County as a "Tree City USA". This designation would be first county recognition on the Eastern Shore.

Additionally, Mr. Pusey advised the Board that Ms. Marion Honecny, from the Forestry Service, nominated Somerset County for the ISA Gold Leaf Award for Outstanding Arbor Day Activities. He was happy to advise that Somerset County won the award! Mr. Adam Gibson was recognized for his efforts in our County to achieve this award. Mr. Pusey then requested the Board's approval for the President's signature on the Tree City USA application.

Upon a motion made by Commissioner Randy Laird, and seconded by Vice President Charles Laird, it carried unanimously authorize President Mathies to sign the Tree City USA application.

Mr. Pusey next discussed a letter received from Mr. Joseph Pinto, Chairman, Somerset County Long Term Recovery Committee (SCLTRC) which explains that SCLTRC is the subrecipient relating to the MEMA Hazard Mitigation Assistance Program and was approved for funding to elevate three home projects in Somerset County. However, SCLTRC is unable to manage these projects as there is no staff for funds to hire staff. Mr. Pinto asks if the county would be interested in taking on this project as subrecipient. The three locations have been chosen, and the homeowners are aware they must contribute 25%. Mr. Pusey advised the Board that he has no problem with his department taking over management of these projects.

Upon a motion made by Commissioner Randy Laird and seconded by Vice President Charles Laird, it was approved to provide staffing assistance as requested to manage the three home elevation projects in Somerset County. The motion carried unanimously. Mr. Pusey and his staff left the meeting at this time.

Mr. Charles Cavanaugh came forward at this time to accept sealed bids received regarding the Marumsco Creek Pipe Installation project. President Mathies proceeded to open the following bids received:

<u>Bidder:</u>	<u>Amount:</u>
Doug Vann Excavating	\$10,381.00
Bozman Sand & Gravel	\$13,200.00

Vice President Charles Laird advised that he was asked to request that the project begin after September 16, 2019 as access will be needed to the property. Mr. Cavanaugh advised that he has requested that the project be completed in one day so that the property owner is not inconvenienced. It was Mr. Cavanaugh's recommendation to award the bid to the low bidder.

Upon a motion made by Vice President Charles Laird, and seconded by Commissioner Willing, it carried unanimously to award the Marumsco Creek Pipe Installation project to Doug Vann Excavating for \$10,381.00.

Ms. Yvette Cross, Emergency Services Director, came forward at this time to accept sealed bids received regarding the Uninterrupted Power Supply Replacements. President Mathies proceeded to open the sealed bids as follows:

<u>Bidder:</u>	<u>Amount:</u>
Weissco Power	\$39,717.00
Ward-Boland Associates	\$61,205.00
United Power Systems Inc.	\$49,691.47
Carber Power Technologies Inc.	\$90,523.43

Commissioner Randy Laird stepped out of the meeting after the second bid was opened. Ms. Cross requested to review the bid submissions, and return with a recommendation.

Mr. John Redden, Public Works Director, came forward at this time to present the KCI and Hill-Carnes Contracts (relating to the Hiker/Biker Trail project) for the Boards approval. After advising that Bramble was awarded the Hiker/Biker Trail project, Hillis-Carnes has submitted a proposal to provide construction materials testing and inspection services for the Hiker/Biker project. Attorney Simpkins has reviewed the contract submitted and found it legally sufficient. Additionally, Mr. Redden presented an agreement for approval between Somerset County and KCI Technologies Inc., for construction support services relating to the Hiker/Biker Trail project from south of Hinman Lane to south of Davis Lane. KCI designed the path, and will be used for shop drawings, project meetings and change orders. Both contracts will be paid using grant funding and will be at no cost to the county.

A motion was made by Vice President Charles Laird to accept the Hillis-Carnes proposal to provide construction materials testing and inspection services for the Hiker/Biker Trail project. Commissioner Simpkins seconded the motion. Commissioner Randy Laird remained absent from the meeting; therefore the motion carried 4-0.

A motion was made by Commissioner Willing to approve the agreement between Somerset County and KCI Technologies, Inc., to provide construction support services for the Hiker/Biker Trail project. Commissioner Randy Laird returned to the meeting at this time. Vice President Charles Laird seconded the motion. The motion carried unanimously.

Mr. Taylor continued with correspondence and discussion items at this time.

A Clearinghouse Review project was presented for the Princess Anne Wastewater Treatment Plan Enhanced Nutrient Removal Upgrade, Planning, Design and Construction. The application was filed by the Maryland Department of the Environment (MDE) and Somerset County Sanitary District (MD20190807-0668). The cost estimate for this project is \$12 Million, with half paid by the State through the Bay Restoration Funds and the other half local share. Upon completion, this upgrade will result in a 55% reduction in nitrogen discharge into the Manokin. Mr. Stockus, Somerset County Sanitary District, advised that this is an extremely rough estimate, and the figure will most likely change. Engineers will be performing a study to determine the best way to meet the ENR upgrade and determine the final cost of the project. The anticipated completion date for the project is December 2023, and Mr. Stockus believes that MDE has put the project into process to begin to secure state funding. Mr. Taylor recommended a C-5 designation (it is consistent with our plans, programs and objectives).

A motion was made by Commissioner Simpkins to code the Clearinghouse Review project MD20190807-0668 as C-5. Commissioner Willing seconded the motion. The motion carried unanimously.

Mr. Taylor presented the State of Maryland Department of Human Services Child Support Administration Cooperative Reimbursement Agreement for the Boards approval. This agreement reimburses the Somerset County Sheriff's Office for expenses incurred regarding child support enforcement services.

A motion was made by Commissioner Randy Laird to authorize President Mathies to sign the Cooperative Reimbursement Agreement as presented. Vice President Charles Laird seconded the motion. The motion carried unanimously.

Next, Mr. Taylor presented the following surplus property offers for the Board's consideration and approval:

Account 06-095666- 27179 Fairmount Road

	<u>Offer Received:</u>	<u>Date/Time:</u>
Ms. Latoya Johnson	\$666.00	8/27/19 6:55 AM
Ms. Shelley Johnson	\$666.00	8/27/19 8:56 AM
Ms. Jennifer McShane	\$300.00	8/30/19 11:46 AM

A motion was made by Vice President Charles Laird and seconded by Commissioner Randy Laird the Board to approve the sale of Account 06-095666 to Ms. Latoya Johnson for \$666.00 plus closing costs. The motion carried unanimously.

Account 03-037045 – 30970 Old Rehobeth Road

	<u>Offer Received:</u>	<u>Date/Time:</u>
Ms. Shelley Johnson	\$930.00	8/27/19 8:56 AM
Ms. Jennifer McShane	\$500.00	8/30/19 11:44 AM

A motion was made by Vice President Charles Laird and seconded by Commissioner Willing to approve the sale of Account 03-037045 to Ms. Shelley Johnson for \$930.00 plus closing costs. The motion carried unanimously.

Account 15-008075 – Loretto Road

	<u>Offer Received:</u>	<u>Date/Time:</u>
Ms. Shelley Johnson	\$1,147.00	8/27/19 8:56 AM

A motion was made by Commissioner Simpkins and seconded by Vice President Charles Laird to approve the sale of Account 15-008075 to Ms. Shelley Johnson for \$1,147.00 plus closing costs. The motion carried unanimously.

Account 12-002610 – Calvary Road .50 Acres

	<u>Offer Received:</u>	<u>Date/Time:</u>
Ms. Jennifer McShane	\$100.00	8/30/19 9:55 AM

Ms. McShane's offer of \$100.00 for Account 12-002610 was not approved.

Account 12-003730 – 3146 Calvary Road

	<u>Offer Received:</u>	<u>Date/Time:</u>
Ms. Jennifer McShane	\$900.00	8/30/19 9:55 AM

A motion was made by Commissioner Randy Laird to approve the sale of Account 12-003730 to Ms. Jennifer McShane for \$900.00 plus closing costs. Vice President Charles Laird seconded the motion. The motion carried unanimously.

The proclamation for Mr. Kevin Jones in appreciation for his many dedicated years of service to Somerset County was approved upon a motion made by Commissioner Simpkins and seconded by Commissioner Willing. The motion carried unanimously.

A proclamation in recognition of Constitution Week 2019 was approved upon a motion made by Commissioner Willing and seconded by Vice President Charles Laird. The motion carried unanimously.

President Mathies then asked Ms. Chris Widdowson to come forward to address the Board.

Ms. Widdowson of West Post Office Road, Princess Anne discussed the following:

- The section of the new ordinance states cost estimates should be made by a “Maryland Engineer”. She recommends that the changed to “3rd Party Maryland Licensed Engineer”.
- The section of the new ordinance that covers salvage value costs of decommissioning solar panels was discussed. Information received from contacting various salvage facilities was provided. It was noted that some facilities will not accept solar panels. Estimated decommissioning disposal costs Ms. Widdowson has calculated was also provided.

Ms. Tammy Truitt, District 4, Whittington Road came forward. Ms. Truitt discussed the following:

- The flood zone revisions made to the county following Hurricane Sandy and how harmful the revisions have been to homeowners in that district. She described how she lost the sale of a home she owns because of the quoted cost to maintain flood insurance on the property. She requested the County Commissioners seek help to see how/if the flood plain map revisions implemented can be reduced. Ms. Truitt was advised that the county is working towards flood insurance premium discounts for our county residents.
- Regarding Biomass companies, Ms. Truitt noted the county has experience with Biomass when a company was in the Industrial Park. There were many residential complaints (smell, film on windows, dumping into ditches) and the resulting death of a contractor, when the building blew up, and the place high tailed it. She discussed the dryness of poultry litter, and the need to moisten it, feeling they will use human waste. She feels serious studies should be made.

Mr. Ron Declement, Princess Anne, came forward at this time and discussed the following:

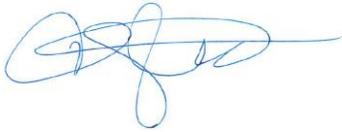
- He mentioned reading a book about Holland Island. He distributed pictures he has taken regarding buffers planted. He stated we need Eastern Red Cedar’s to be planted at 4-6 feet. He feels the Great Bay Phase II buffer is inadequate. Tri-angulated rows should be considered. Growth rates of various types of trees were discussed.
- He agreed with Ms. Widdowson’s comment regarding decommissioning value determination. Developer should be required to put up a bond as was done for the Hagerstown project (\$88,000 per mw) to protect ourselves.

- He discussed the proposed plants for the GB Phase II project and asked that it be re-visited.

With no further business, the Board was advised for the need of a Closed Session. At 3:25 p.m., the Board entered into Closed Session upon a motion made by Commissioner 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) (8) consult with staff, consultants, or other individuals about pending or potential litigation.

The Commissioner, Closed and Roads Board Special Session meetings adjourned at 4:39 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