



AGENDA
March 5, 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. - Public Hearing-Borrowing Intent Resolution/County Landfill Bulldozer Project
- * 2:10 p.m. - Dr. John Gaddis, Ms. Linda R. Johnson, Somerset County Public Schools
 - Budget Transfer Request
- * 2:15 p.m. - Mr. Gary Pusey, Ms. Kristen Tremblay DTCS
 - Bid Opening -Deal Island Drainage System Assessment
 - Bid Opening- Broadband Study
 - MD State Clearinghouse Review re: Adverse Comment Letter/Easement Great Bay Solar II
 - Federal Emergency Management Agency re: Removal of Coastal Barriers Boundaries (Case19-03-0349P)
 - United States Department of the Interior/Fish and Wildlife re: Drafted Revised Boundaries
- * 2:30 p.m. - Ms. Yvette Cross, Emergency Services Director
 - Bid Award/Public Safety Radio Tower Reinforcements

Correspondence:

Received

- * Maryland State Clearinghouse Review re: Environmental Review Ph.II/The Reserve at Somerset Commons
- * Department of the Navy re: Environmental Impact Statement Patuxent River Complex Study
- Bioenergy DevCo re: Renewable Landfills/Request for Appointment

Sent

The Honorable Dereck E. Davis/Delores G. Kelley re: HB166/SB280 Labor and Employment
The Honorable Maggie McIntosh/Nancy J. King re: HB534/SB519 Public Schools-State Aide
The Honorable Kumar P. Barve/Paul G. Pinsky re: HB298/SB448 Oysters-Tributary
The Honorable Luke Clippinger/Bobby A. Zirkin re: HB786 SB737 Public Safety-Rifles and Shotguns
The Honorable Luke Clippinger re: HB612 Public Safety-Regulated Firearms
Ms. Karen Kitching re: Appointment/Social Services Advisory Board
Mr. Anthony Savoni re: Surplus Property Purchase
Mr. Robert Gunter, Jr. re: Surplus Property Purchase
Mr. Edward Schuurman, Jr. re: Withdrawal of Surplus Property Purchase

Discussion:

- * 1. Appointment of County Attorney
- * 2. Smith Island Tipping Fee Increase
- * 3. Surplus Property
- * 4. Proclamation Approval
- * 5. Workforce Development Board Appointment (1)

Public Comments (5 minute time limit to speak)

- * **3:00 p.m. – Closed Session, Ralph 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 (8) consult with staff, consultants, or other individuals about pending or potential litigation.

* Denotes Action Item

BOARD OF COUNTY COMMISSIONERS
FOR SOMERSET COUNTY
March 5, 2019

At 2:00 p.m., President Mathies called the Board of County Commissioners for Somerset County to open in Regular Session. Present for the meeting were Commissioner President Craig N. Mathies, Sr., Commissioner Vice President Charles Laird, Commissioner Randy Laird, Commissioner Eldon Willing and Commissioner Rex Simpkins.

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

President Mathies asked Commissioner Willing offer a Devotional, and to lead those present in Prayer and the Pledge of Allegiance.

Closed Session Summary Report March 5, 2019

On March 5, 2019, at 3:09 p.m. until 3:12 p.m., at 11916 Somerset Avenue, Room 111, upon a motion made by Commissioner 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 N. 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 Aide Lory Ebron. Topics discussed were: (1) Probationary to Permanent Employee status for two employees (2) Pending Litigation. Actions taken during closed session: (1) Approval to move two employees from probationary to permanent employee status.

Meeting minutes were presented for approval regarding the Commissioner and Closed Session meetings held on February 19, 2019. Commissioner Randy Laird made a motion to approve the minutes as presented. Vice President Charles Laird seconded the motion. The motion carried unanimously.

Mr. Gene Adkins, Finance Director was asked to come forward at this time.

President Mathies called the Public Hearing open at 2:00 p.m. regarding the County Landfill Bulldozer Project and Borrowing Intent Resolution. Mr. Taylor read the notice of public hearing into record as follows:

NOTICE OF PUBLIC HEARING

The Board of County Commissioners for Somerset County will hold a Public Hearing on:

Tuesday, March 5, 2019 at 2:00 P.M.

Room 111, Somerset County Office Complex
11916 Somerset Avenue
Princess Anne, Maryland 21853

to consider passage of a borrowing resolution pursuant to the authority of Chapter 445 of the Laws of Maryland 2004:

1. A Resolution of the County Commissioners for Somerset County authorizing the issuance and sale, upon the full faith and credit of the County, of a general obligation installment note in the principal amount not exceeding \$400,000 to provide financing for the County Landfill Bulldozer Project.

The County will not issue debt greater than \$10,000,000 in any fiscal year. Interested persons are invited to attend the Public Hearing and will have a reasonable opportunity to express their views both orally and in writing. Written comments submitted prior to the hearing and up to 10 days following the hearing, through March 15, 2019, should be mailed to the following address: Somerset County Commissioners, Somerset County Office Complex, 11916 Somerset Avenue, Princess Anne, Maryland 21853.

Board of County Commissioners
Ralph D. Taylor
County Administrator

Mr. Adkins explained that during the FY19 budget deliberations, it was approved to replace the 2005 bulldozer at the landfill. Director Charles Cavanaugh has estimated the cost of the bulldozer to be \$309,700 (including trade in of the 2005 bulldozer) to be financed over a six year period with quarterly payments. Notice of public hearing ran twice in the local papers, and Mr. Adkins explained he was present to answer any questions there may be regarding the project. President Mathies asked if there were any questions for Mr. Adkins from the Board or anyone attending in the audience. There were none. Mr. Adkins advised that written comments would be taken for 10 days, and the start of the Request for Proposals process would begin. Mr. Adkins will return at the next scheduled meeting to present loan proposals received for the Boards consideration.

Next, Mr. Adkins discussed an Intent Resolution with respect to the bulldozer project. He explained that the approval of this Intent Resolution will allow payment of expenses incurred,

if needed, before obtaining the permanent financing (settlement is scheduled for April 23, 2019), at which time the county will be reimbursed for any expenses paid for the project.

Commissioner Simpkins made a motion to sign/approve the Intent Resolution regarding the Landfill Bulldozer Project as presented. Vice President Charles Laird seconded the motion. The motion carried unanimously. The public hearing was declared closed at 2:07 p.m.

Dr. John Gaddis, Superintendent and Ms. Linda R. Johnson, Chief Financial Officer, Somerset County Public Schools, came forward at this time to present a request for FY19 budgetary transfers. Dr. Gaddis first explained that it is a State requirement to have requests for changes of categories presented for approval to both the Board of Education and the County Commissioners; noting that they will be returning with additional requests before year end. He also explained that this is not a request for funding, it is merely transfers made within categories.

Ms. Johnson then explained the Inter-Category Transfers being requested today to Administration, Instructional Salaries, Special Education and Student Personnel Services as follows, approved by the Board of Education during their February 19, 2019 meeting:

<u>Category:</u>	<u>Amount of Transfer:</u>
Administration	\$ 17,000
Instructional Salaries	(77,000)
Special Education	40,000
<u>Student Personnel Services</u>	<u>20,000</u>
	\$0.00

A motion was made by Commissioner Randy Laird and seconded by Vice President Charles Laird to approve the FY19 Inter-Category Budgetary Transfers as requested. The motion carried unanimously.

Dr. Gaddis asked to make general comment before leaving the meeting. He first thanked the Commissioners for their support, noting the letter of supports sent regarding education bills. He also advised that the Kirwan Commission has “dropped” legislation today (SB0130/HB1413-The Blueprint for Maryland's Future). He advised he will be testifying on the bill tomorrow, and he is very pleased with the improvements this bill offers and the tremendous benefits it will bring to the county monetarily (as much as \$283,000 additional funding per school).

Mr. Taylor questioned non-recurring costs with the upcoming budget session upon us. Mr. Gaddis replied that there may be some non-recurring costs regarding maintenance efforts. Dr. Gaddis and Ms. Johnson left the meeting at this time.

Mr. Gary Pusey and Ms. Kristen Tremblay came forward at this time to accept sealed bids for the following projects:

Deal Island Drainage Assessment

Bidder:	Amount:
GMB Architectural Engineers	\$72,520.00
Soltész LLC	\$60,000.00 (Noted as a projected cost)
Davis, Bowen and Friedel	\$113,000.00
Bio Habitants	\$74,846.00
AMT Associates	\$73,970.00
BAI	\$59,992.00

Mr. Pusey advised that this project will be paid for by the Department of Natural Resources, at no cost to the County (other than funding for staff time used). The project focuses on the Dames Quarter/Oriole Area. Mr. Pusey requested to have the Review Committee assess the bids, and report their recommendation at the next scheduled meeting.

Broadband Study

Bidder:	Amount:
Magellan	\$131,500
Wide Open Networks	\$49,700
CCG Consultants	\$56,500
CTC Technology Images	\$60,000

Mr. Pusey also requested to return with a recommendation for the Broadband project following a review of the bids submitted by the Review Committee.

Next, the Board was advised of a State Clearinghouse Review-Adverse Comment letter received that acknowledged Somerset County's 'P7' comment response made during the last meeting held regarding the Great Bay Solar Phase II easement request. Mr. Pusey reported that he has been out to the project sites, noting that additional buffering plants have been planted; but requirements have not been entirely completed. Specifically it was noted that there is one very wet area that is not done (approximately 150 feet), that will be planted by Wednesday at the latest. Additionally, road repairs have not been completed to date. The Board was advised that discussions with Great Bay Solar with regard to road repairs go back to August 30, and have been discussed as recently as of last week. Mr. Taylor also confirmed that legal counsel agrees that legally, the appeal is not prohibiting road repairs to be made. The Board was therefore in consensus to not revise the 'P7' response code at this time as requirements for Phase I have not been fully met.

Correspondence was received from the Federal Emergency Management Agency to remove the lined areas noted as Coastal Barrier Resources System (CBRS) unit boundaries from the Flood Insurance Rate Maps (FIRM). Mr. Pusey explained that nine counties (including

Somerset) as well as other States may have these lined boundaries that will no longer show the FIRMs as of 2/15/19. It was explained that these boundaries are generally undevelopable lands, such as wetlands, that were intended to increase conservation of hurricane-prone, environmentally sensitive coastal areas, and prohibits most new federal expenditures that encourage development in these areas. It was noted that development is not prohibited and can be funded privately; however, flood insurance is not available in these areas. This notice is therefore advising that certain communities will no longer be on the FIRMs but will be provided on FEMA's website and the USFWS website.

Similar to the correspondence just reviewed, notice was also received from the Fish and Wildlife Service stating that the boundaries of the John H. Chafee Coastal Barrier Resources System are proposed to be revised. This revision would affect some areas in Somerset County (approximately 15 areas). Some of these affected area's may include uplands, and if implemented would prohibit federal expenditures and financial assistance, as well as prohibit the ability to obtain flood insurance. The Fish and Wildlife Service is currently accepting public comments on these proposed changes until April 17, 2019. Mr. Pusey advised he would like his department to do a complete review of the areas subject to change and provide a summary prior to the deadline date for public comment. Mr. Pusey left the meeting at this time.

Ms. Yvette Cross, Emergency Services Director, came forward at this time to present the recommendation made with regard to the bid award for the Public Safety Radio Tower Reinforcements. Ms. Cross reviewed the four bids, received during the last meeting held on February 19, 2019, with Heather Taylor of Harris Corporation. The low bid received was from J.G. Contracting Company for \$259,715.00. However, after review, it was found that the J.G. Contracting proposal did not include temporary bracing (estimated additional cost of \$30,000), or a completion date. Overtime estimates, as mentioned by the contractor in order to meet the stringent timeline required for completion were also not provided; therefore a final proposed cost was not known. Ms. Cross then advised that the second lowest bid received from Armor Tower, at \$316,950.00, who provided a 30 day completion timeline. The recommendation was made to award the bid to Armor Tower for \$316,950.00.

Following a brief discussion, Commissioner Simpkins made the motion to award the Public Safety Radio Tower Reinforcement project to Armor Tower Inc., the recommendation submitted. Commissioner Willing seconded the motion. The motion carried unanimously.

Mr. Taylor presented a Maryland Department of Planning Clearinghouse Review (MD20190131-0055) for a project located on Hickory Road in the Town of Princess Anne. The project consists of an additional 54 units to be added with the construction of two 3-story buildings. The town has no issues with the project, and the project will not adversely affect any county land. The recommendation was made to code this project as C-5 (It is consistent with our plans, programs, and objectives).

Upon a motion made by Commissioner Randy Laird and seconded by Vice President Charles Laird, it carried unanimously to code project MD20190131-0055 as C-5.

A letter was received from the Department of the Navy advising they are in the beginning stages of preparing an Environmental Impact Statement to address the continued conduct of military research, development, test and evaluation and training operations within the Patuxent River Complex Study Area. Comments were encouraged, and it was noted that a Scoping Meeting has been scheduled for Wednesday March 6, 2019, at 4 pm at the Henson Center, UMES.

A letter was received from Mr. Peter Ettinger of Bioenergy DevCo requesting a meeting with the Board to discuss renewable landfills, and the diversion of organic waste for use in the production of sustainable natural gas as well as high nutrient soil amendment. The Board was in consensus to having the company attend a meeting at a future date to further discuss their services.

Commissioner Randy Laird left the meeting at this time.

Mr. Taylor continued with review of sent correspondence.

A brief discussion was held with regard to the appointment of County Attorney. It was the Interview Committee's recommendation to award the position to Attorney Kirk Simpkins.

Commissioner Randy Laird returned to the meeting at this time.

A motion was made Commissioner Willing to re-appoint Mr. Kirk Simpkins as County Attorney. Vice President Charles Laird seconded the motion. Commissioner Rex Simpkins abstained; therefore the motion carried 4-0-1.

Next, Mr. Taylor re-addressed the vote taken during the previous meeting held on February 19, 2019 to increase the Smith Island Tipping Waste Fee to \$60.00 by resolution authority. It was found after the meeting that the increase requires passage by ordinance, and a public hearing must be held. Therefore, a request was made to rescind the motion made during the February 19, 2019 meeting to increase the Smith Island Tipping Waste Fee.

Vice President Laird rescinded his motion to raise the Smith Island Tipping Waste Fee to \$60.00 to be in line with the rest of the County. Commissioner Simpkins seconded the motion. The motion to rescind carried unanimously. A public hearing has been scheduled for the March 19, 2019 meeting.

A request to purchase surplus property received from Ms. Magda Cruz was presented for consideration. Ms. Cruz offered to purchase Account 07-123760 (Map 0103 Parcel 1371) 21 W Main Street, Crisfield, MD for \$6,465.00 plus closing costs.

Upon a motion made by Commissioner Randy Laird and seconded by Vice President Charles Laird, it carried unanimously to approve the offer received from Ms. Cruz in the amount of \$6,465.00 plus closing costs to purchase account 07-123760 (Map 0103 Parcel 1371).

A request was received from Ms. Latoya Johnson to purchase account 06-094236, Waters Lane, Upper Hill (Map 0039 Parcel 0089) for \$624.00 plus closing costs.

Upon a motion made by Commissioner Willing and seconded by Commissioner Simpkins, it carried unanimously to approve the offer received from Ms. Johnson to purchase account 06-094236 (Map 0039 Parcel 0089) for \$624.00 plus closing costs.

A request was received from Mr. Wayne Langston to purchase the following surplus properties:

<u>Account:</u>	<u>Property Description:</u>	<u>Offer:</u>
03-037045	30970 OLD REHOBETH	\$100.00
03-047547	5730 WARD RD	\$100.00
04-063651	32767 COSTEN RD	\$100.00
06-094236	WATERS LN	\$100.00
06-095666	27179 FAIRMOUNT RD	\$100.00
06-099971	LOWER HILL RD	\$100.00
07-111495	COLLINS ST	\$100.00
07-120109	303 MYRTLE ST	\$100.00
07-120710	319 BROADWAY	\$100.00
07-121393	3 S FIRST ST	\$50.00
07-123183	1 S FIRST ST	\$50.00
07-123760	21 W MAIN ST	\$100.00
07-128711	318 LOCUST ST	\$100.00
08-151121	JOE LEWIS LN	\$100.00
09-161872	FISHHOOK LN	\$100.00
09-161961	10842 TODDVILLE RD	\$100.00
09-162429	EARL WEBSTER RD	\$100.00
11-000088	RILEY ROBERTS RD	\$100.00
11-002730	11006 RILEY ROBERTS RD	\$100.00
12-002610	CALVARY RD	\$100.00
12-007078	APE HOLE RD	\$100.00
12-008600	BOONE RD	\$100.00
12-009151	SACKERTOWN RD	\$100.00
12-010044	ASBURY AVE	\$100.00
12-012977	S SOMERSET AVE	\$100.00
15-008075	LORETTO RD	\$100.00

A brief discussion was held. Commissioner Randy Laird made a motion to not accept Mr. Langston's offers as presented. Commissioner Simpkins seconded the motion. The motion carried unanimously.

A request for a proclamation was received to recognize the completion of construction work for an addition that has been completed to Mt. Hope A.M.E. Zion Church. The dedication ceremony was held on March 3, 2019.

Upon a motion made by Commissioner Simpkins, and seconded by Vice President Laird, it carried unanimously to approve the proclamation for Mt. Hope A.M.E. Zion Church.

Commissioner Mathies thanked staff for preparing the proclamation on such short notice, and expressed his appreciation to Commissioner Willing for attending the event with him.

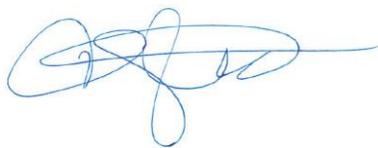
Commissioner Laird advised that Mr. Tim Howlett has agreed to serve as a member on the Lower Shore Workforce Alliance. It was noted however, that there are still two vacancies remaining on this commission.

A motion was made by Vice President Laird to appoint Mr. Tim Howlett to serve on the Lower Shore Workforce Alliance. Commissioner Simpkins seconded the motion. The motion carried unanimously.

With no further business, at 3:09 p.m. the Board was advised of the need to enter 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 (8) consult with staff, consultants, or other individuals about pending or potential litigation.

The Commissioner and Closed Session meetings adjourned at 3:12 p.m. upon a motion made by Commissioner Simpkins and seconded by Commissioner Randy Laird. The motion carried unanimously.

Approved by:



Board of County Commissioners
For Somerset County

Respectfully Submitted:



Lory E. Ebron
Executive Aide