



AGENDA
April 16, 2019
BOARD OF COUNTY COMMISSIONERS
FOR SOMERSET COUNTY
11916 Somerset Avenue
Room 111/Meeting Room
Princess Anne, MD 21853
1:00 p.m.

Appointments:

- 1:00 p.m. - Mr. Gregory Padgham and Ms. Rebecca Webster, Tri County Council for the Lower Eastern Shore
 - Lower Shore Workforce Alliance Board
- * 1:15 p.m. - Ms. Sheila Warner, Local Management Board
 - Notice of Funding Availability
- 1:25 p.m. - Mr. John Redden, Public Works and Mr. Clint Sterling, Recreation and Parks
 - Bid Opening/Hiker Biker Trail
- * 1:40 p.m. - Mr. John Redden
 - Bid Award/Airport Obstruction Removal
- * 1:45 p.m. - Mr. Charles Cavanaugh, Solid Waste and Maintenance
 - Bid Awards: Former Courthouse Annex Demolition, Scrap Metal
- * 1:50 p.m. - Mr. Gene Adkins, Finance Director
 - Bulldozer Loan Award
- * 1:55 p.m. - Mr. Gary Pusey, Ms. Kristen Tremblay, DTCS
 - Proposed Zoning Ordinance
 - Generator Bid Award

Correspondence:

Received

- * MD Dept of Planning Clearinghouse Review re: MD20190318-0134/Demo of Students Radio Station (UMES)
- * Ms. Maddy Ciulu, DHCD re: Housing Bond Transfer **REVISED**
Maryland DHCD re: Release of Funds MD-15-DR-2 Phase 2
Charter Communications re: Corporate Reorganization
Akira Spiker re: School Project

Sent

Ms. Mindy Lee, FAA re: 2019 Airport Capital Improvement Plan

Discussion:

- * 1. MOU – Courts and Somerset County
- * 2. Dental & Vision Plan Amendment No. 4
- * 3. Proclamation/Teacher of the Year

Public Comments (5 minute time limit to speak)

- * **2:20 p.m. – Closed Session, Ralph Taylor, Ms. Yvette Cross**
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 (3) consider the acquisition of real property for a public purpose and matters directly related to the acquisition.

* Denotes Action Item

BOARD OF COUNTY COMMISSIONERS
FOR SOMERSET COUNTY
April 16, 2019

At 1:00 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, and Commissioner Rex Simpkins. Commissioner Eldon Willing 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 Laird to lead those present in Prayer and the Pledge of Allegiance. Commissioner Willing joined the meeting at this time.

Closed Session Summary Report April 16, 2019

On April 16, 2019, at 1:59 p.m. until 2:12 p.m., at 11916 Somerset Avenue, Room 111, upon a motion made by Commissioner Randy Laird 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 (3) consider the acquisition of real property for a public purpose and matters directly related to the acquisition.

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, Executive Aide Lory Ebron, HR Director, Erica Yeager and Emergency Services Director Yvette Sterling. Topics discussed were: (1) Hiring of PT GIS Coordinator (2) advisement of the consideration regarding the acquisition of real property. Actions taken during closed session: (1) Approval to Part time GIS Coordinator.

Meeting minutes were presented for approval regarding the Commissioner and Closed Session meetings held on April 2, 2019 and the Work Session meeting held on April 9, 2019.

Vice President Charles Laird made a motion to approve the minutes as presented. Commissioner Randy Laird seconded the motion. The motion carried unanimously.

Mr. Gregory Padgham and Ms. Rebecca Webster, Tri-County Council for the Lower Eastern Shore came forward at this time.

Mr. Padgham expressed his thanks to the Commissioners, Administration and Staff and introduced Ms. Webster, Workforce Director to explain the Lower Shore Workforce Alliance and the Workforce Innovation and Opportunity Act (WIOA).

Ms. Webster first explained that the WIOA replaces the Workforce Investment Act of 1998 as the primary federal workforce development legislation to bring increased coordination among federal workforce development and related programs. The WIOA also changes what can be done with funding. The structure of the Workforce Alliance consists of five members each from Somerset, Wicomico and Worcester counties, as well as members representing Tri-County Council. Ms. Webster explained that the majority of members need to be business members meeting four criteria requirements which she explained. Commitment requirements were also reviewed, and Ms. Webster noted that Somerset currently has one vacancy and one upcoming vacancy. Concern was expressed by Ms. Webster regarding vacancies on this committee, as they may cause a sanction by state government when recertification is performed this summer. Meetings are held during the workday on a quarterly basis. Commissioner Randy Laird advised that the meeting time may be an issue. Ms. Webster noted that the other half of the Board are public employees, and the workday meeting time is beneficial to them. She added she will address the meeting time issue at their upcoming Executive Steering Committee meeting scheduled for Thursday.

Mr. Padgham offered assistance to any specific questions there may be and to help in finding appointments, after which Mr. Padgham and Ms. Webster left the meeting.

Ms. Sheila Warner, Local Management Board (LMB) Chair and Ms. Claudia Nelson, Director, Somerset County Social Services came forward at this time.

After providing a summary as to current activities involving the LMB, Ms. Warner proceeded to present the FY20 Annual Notice of Funding Availability (NOFA) grant application in the amount of \$288,755 for the Boards consideration that will focus on two areas chosen by the LMB Committee (Healthy Children and Families are Safe and Economically Stable). She reviewed the programs that will receive funding that include Safeguarding Children of Arrested Parents, Sustainable Somerset, Somerset CARES and Parenting Skills Development. At the

conclusion of Ms. Warner's review of the application, Vice President Charles Laird complimented Ms. Warner and the LMB for the good job they are doing, noting that he sees the results with the younger children himself.

Commissioner Randy Laird then made a motion to authorize President Mathies to sign the NOFA FY20 grant application. Vice President Charles Laird seconded the motion. President Mathies abstained; therefore the motion carried 4-0-1.

Mr. John Redden, Public Works Director and Mr. Clint Sterling, Recreation and Parks Director, came forward at this time to accept sealed bids received for the Maryland 413 Bike Path. President Mathies proceeded to open the sealed bids received as follows:

<u>Bidder:</u>	<u>Amount:</u>
Chesapeake Turf, LLC	\$4,499,759.50
George & Lynch	\$5,694,075.96
David Bramble	\$3,956,002.25

Mr. Redden requested to review the bids received and return with a recommendation.

Mr. Charles Cavanaugh came forward at the time to present the recommendation regarding bids received for Scrap Metal and the Court House Demolition Project.

Mr. Cavanaugh began with the bids received for Scrap Metal. The high bid received was \$90.00 per ton from Fitzgerald's Auto Salvage. The recommendation was made to award the bid to the high bidder.

A motion was made by Commissioner Randy Laird to award the scrap metal bid submission of \$90.00 to Fitzgerald's Auto Salvage. Vice President Charles Laird seconded the motion. The motion carried unanimously.

Next, Mr. Cavanaugh discussed the bids received for the Court House Demolition Project, received two weeks ago. He advised the Board that he met with the low bidder, Ryan Miller, and discussed the issue of fill dirt for the project and how it will be addressed. Mr. Miller advised Mr. Cavanaugh that fill dirt is included within his bid submission, and he will not request a change order.

Therefore, Vice President Charles Laird made a motion to accept the bid submission received from Ryan Miller in the amount of \$12,875.00 for the Court House Annex Demolition Project. Commissioner Randy Laird seconded the motion. The motion carried unanimously. Mr. Cavanaugh advised that discussions will be held with the Town and Mr. Miller regarding the

timing of the demolition, expected to occur on a Saturday so that the Courthouse and Town area are disrupted as little as possible.

Mr. Gene Adkins came forward at this time to present the loan proposals received regarding the Landfill Bulldozer purchase. He explained that no comments had been received following the Public Hearing held on March 5, 2019. Requests for Proposals (RFP's) were sent out to six banks (due by April 12, 2019). A summary of the three RFP's received is as follows:

<u>Bank:</u>	<u>Rate:</u>	<u>Term:</u>	<u>Bond Counsel Review:</u>
B B & T Bank	2.83%	6 years	Somerset
M & T Bank	3.42%	6 years	Somerset and Bank's attorney
Hebron Bank	3.99%	6 years	Somerset and Bank's attorney

After reviewing of each solicitation, Mr. Adkins explained that B B & T offered the lowest rate, with no separate charge for bond counsel. He also noted both Somerset County and Bond Counsel have used B B & T before with good results. The quarterly payment for the B B & T quote would be \$18,180.44. Mr. Adkins therefore made the recommendation to award the RFP to B B & T Bank.

Upon a motion made by Commissioner Willing, and seconded by Vice President Charles Laird, it carried unanimously to accept the RFP received from B B & T Bank for the Landfill Bulldozer loan for 2.83%/ 6 year term.

Mr. Gary Pusey and Ms. Kristen Tremblay, Department of Technical and Community Services came forward at this time.

First, the Board received a draft copy of the Comprehensive Zoning Ordinance Amendment which included highlighted changes and memo's describing the amendments. Mr. Pusey noted that the adoption of the County's zoning ordinance occurred in 2001, having several amendments since that time. Financial assistance from Maryland Department of Natural Resources was provided last year, and consultant Peter Johnston was contracted to prepare this draft. Provided today is the version composed of housekeeping grammatical changes, numbering consistency and significant provisions. It was noted that the Planning Commission has spent 12 (12) meetings preparing these documents and held a Public Hearing on February 7, 2019, recommending approval of the proposed changes to be forwarded to the County Commissioners during their meeting held on February 21, 2019. Mr. Pusey recommended that Works Sessions be scheduled with the Board of Commissioners to go through the amendments more thoroughly.

Public comments received during the Planning Commission Public Hearing were mostly solar related as currently the county has no standards for solar projects. It was explained that being proposed under the new ordinance, Solar Projects would no longer go to the Board of Zoning Appeals, and instead would first go to the Planning Commission with a required Public Hearing. The Planning Commissioner would then make a recommendation to the County Commissioners who would also hold a Public Hearing before approving or denying the Solar Project. He stated that what is being proposed contains standards that must be met now that currently don't exist. He feels that this proposed ordinance amendment is very good, and comparable to what other counties have.

Vice President Charles Laird first thanked Mr. Pusey and Ms. Tremblay for their hard work. In summary, he stated he is hearing concerns from certain districts and stated that elected Commissioner's and the Planning Office work for the tax payers; and requested that as much transparency and guidance be given to help individuals as much as we can. He also briefly discussed ag/residential zoning, noting he feels solar is commercial, not ag/residential. He advised that these were his personal comments stated as a friendly reminder. Vice President Charles Laird closed his comments by asking that our departments work closely together so that one hand knows what the other hand is doing.

Mr. Pusey stated that this drafted ordinance will be made available to the public on our website tomorrow.

President Mathies clarified that in essence of what Vice President Charles Laird alluded opinions expressed to him during the wind, and especially solar projects, from what he has observed, is that citizens felt that the solar companies had more rights and easier access to properties located in Somerset County; and that we weren't looking out for the best interests for the county, but looking at generating revenue without oversight of projects. He added that with these recommendations he is sure that some of the pressure will be taken off the Commissioners, and he looks forward to it benefiting our citizens and giving some clarity to regulations. He thanked Mr. Pusey and Ms. Tremblay for their efforts, time and diligent work.

Mr. Pusey thanked President Mathies, mentioning the work by the Planning Commission and Ms. Tremblay, and noted that probably the biggest issue was that there were not standards in

place before, and he would put this amended ordinance up against any ordinance in place in any county within the state.

Commissioner Simpkins questioned the comments recorded during the public hearing held by the Planning Commission that requested the process for the new ordinance amendments be “slowed down”, but no explanation given. Mr. Pusey stated he did not know the reason for that opinion.

Next, Mr. Pusey discussed the sealed bids received for the Generator Contract (Relocation and Installation) that will be funded through the Hurricane Sandy Disaster Grant. Mr. Pusey advised that upon review of the grant submissions, it was found that the proposal submitted by Carter’s Electrical Services was actually for \$57,000.00 and not \$32,510.00; however it remained the low bid submitted. Following review by the Committee, the recommendation was made to award the bid to the low bidder Carter’s Electrical for \$57,000.00.

A motion was made by Commissioner Randy Laird to award the Generator Contract to Carter’s Electrical Service, Inc. for \$57,000.00. Vice President Charles Laird seconded the motion. The motion carried unanimously.

Mr. Taylor continued with correspondence and discussion items.

A Clearinghouse Review (MD20190318-0134) was received for the proposed demolition of a student radio station building to accommodate new construction of a School of Pharmacy and Health Professions at UMES. Mr. Taylor recommended a C5 designation (It is consistent with our plans, programs and objectives).

Commissioner Simpkins made a motion to code Clearinghouse Review Project MD20190318-0134 as C5. Vice President Charles Laird seconded the motion. The motion carried unanimously.

Mr. Taylor next advised of a *revised* letter received from the DHCD regarding the tax-exempt housing bond transfer. The corrected amount for Somerset County is \$922,700.00. The original amount incorrectly stated \$3,956,813.00.

Vice President Charles Laird rescinded his motion made during the March 19, 2019 meeting to authorize the President’s signature on the letter authorizing the transfer of the FY19

Housing Bond Allocation for \$3,956,873.00. Commissioner Simpkins seconded the motion. The motion carried unanimously.

Commissioner Randy Laird made a motion to approve the President's signature on the *revised* letter to transfer \$922,700.00 tax-exempt housing bond allocation to the Community Development Administration. Commissioner Simpkins seconded the motion. The motion carried unanimously.

A letter was reviewed that was received from Ms. Akira Spiker, a fourth grader from Oakland Maryland. Ms. Spiker is working on a school project called "Be the Change". Her project entails helping the local dog park in town, and convincing other counties in Maryland to have at least a dog friendly park, if they do not have a dog park.

Vice President Charles Laird made a motion to table discussion. Commissioner Simpkins seconded the motion. The motion carried unanimously.

A Memorandum of Understanding was presented for security goods and services up to \$100,000 between the Administrative Courts of the Courts and Somerset County Commissioners. The funding request will be used for a new camera system at our Circuit Court building in the amount of \$68,999.84.

Commissioner Simpkins made a motion to authorize President Mathies to sign the MOU between the Administrative Office of the Courts and the Somerset County Commissioners. Vice President Charles Laird seconded the motion. The motion carried unanimously.

Mr. Taylor presented Amendment No. 4, effective July 1, 2019 regarding the Dental & Vision Plan of Somerset County Commissioners, Inc. The amendment removes the \$25.00 deductible for vision materials.

A motion was made by Vice President Charles Laird to authorize President Mathies to sign Amendment No. 4 regarding the Dental & Vision Plan of Somerset County Commissioners. Commissioner Simpkins seconded the motion. The motion carried unanimously.

A proclamation was presented for approval in recognition of Ms. Christina South being named 2019 Teacher of the Year. The proclamation will be presented at a later date.

Vice President Charles Laird made a motion to approve the proclamation for Ms. South as 2019 Teacher of the Year. Commissioner Randy Laird seconded the motion. The motion carried unanimously.

Mr. Taylor advised the Board of the need for Closed Session. With no further business, at 1:59 p.m. the Board entered into Closed Session upon a motion made by Commissioner Randy Laird 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 (3) consider the acquisition of real property for a public purpose and matters directly related to the acquisition.

The Commissioner and Closed Session meetings adjourned at 2:52 p.m. upon a motion made by Commissioner Willing 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