

BOARD OF COUNTY COMMISSIONERS
FOR SOMERSET COUNTY
TUESDAY AUGUST 6, 2019

At 2:30 p.m., the Board of Somerset County Commissioners met in Regular Session with Commissioner President Craig Mathies, Sr. Commissioner Vice President Charles Laird, Commissioner Randy Laird, Commissioner Eldon Willing and Commissioner Rex Simpkins.

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

Closed Session Summary Report for August 6, 2019

On August 6, 2019, from 3:46 p.m. until 5:14 p.m., at 11916 Somerset Avenue, Room 111, upon a motion made by Commissioner Willing and seconded by Commissioner Simpkins, 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 (b)(8) consult with staff, consultants, or other individuals about pending or potential litigation; 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 Rex Simpkins, Commissioner Randy Laird, and Commissioner Eldon Willing. Also present were County Administrator Ralph D. Taylor, Executive Secretary Kimberly Lopez, County Attorney Kirk Simpkins, Mr. Jeff Reeves, Sheriff Ronnie Howard, States Attorney Wes Garner, Emergency Services Director Yvette Cross, Emergency Services Assistant Director, Public Works Director John Redden, Solid Waste Director Charles Cavanaugh, and Human Resources Director Erica Yeager. Topics discussed were: (1) Legal Actions taken: None (2) Personnel. Actions taken: (1) Disciplinary Probation, (2) Extension for temporary employee.

Minutes from the July 23, 2019 Regular Session, Work Session, and Closed Session and the July 30, 2019 Work Session were presented for the Board's approval. Upon a motion made by Commission Willing and seconded by Commissioner Simpkins, the Board approved the July 23, 2019 Regular Session, Work Session, and Closed Session and the July 30, 2019 Work Session minutes. This motion carried 5-0.

Mr. Bill Landon was invited to come forward to accept a proclamation in honor of the American Legion Stanley Cochrane Post #16 100th Anniversary. Mr. Taylor thanked Mr. Landon and the members for their service to the Country as well as the County.

Ms. Candy Brinsfield was then invited to come forward to accept a 30 Year Service Award. The Board congratulated Ms. Brinsfield for her achievement and thanked her for her many years of service.

Mr. Charles Cavanaugh was now before the Board to discuss the Marumsco Creek Drainage Project. Integrity of the pipe located in Marumsco Creek (off of Westover/Marion Rd) has been expressed. Mr. Cavanaugh then presented cost estimates for this project received from Doug Vann.

A discussion was held and the Board came to a consensus to use plastic pipe instead of metal and to advertise for the labor of this project (as the pipe will be supplied through Mr. Cavanaugh's department).

Sheriff Ronnie Howard came before the Board to request the Board's authorization to apply for a grant that will fund (38) computer/laptops for the Sheriff's Department (to be used in the cars and the office).

The Board came to a consensus to authorize Sheriff Howard to apply for the grant as stated above.

Next, Ms. Julie Widdowson came before the Board to request the Board's authorization for President Mathies' signature on the Burgess Grant Application (\$500,000).

On a motion made by Commissioner Randy Laird, seconded by Vice President Charles Laird, the Board gave authorization for President Mathies' signature on the Burgess Grant Application. This motion carried 5-0.

Mr. Joe Fehrer was now before the Board to propose the Lower Shore Climate Adaptation Network. Mr. Fehrer advised that the Network will provide an opportunity for community leaders across the Lower Eastern Shore to meet and identify shared challenges in adapting to a changing climate and sea level rise, and to work collectively with local and regional experts to develop holistic solutions that provide the maximum benefit to our communities. Mr. Fehrer concluded his presentation by asking for the Board's consideration to allow Mr. Taylor and Mr. Pusey to participate in the Lower Shore Climate Adaptation Network. The Board thanked Mr. Fehrer for his presentation and advised they will discuss his request.

Mr. Gene Adkins came before the Board to discuss the Liquor Board Inventory Advance. Mr. Adkins advised that as the result of House Bill 291, reserves held at the three County liquor stores have increased from \$50,000 to \$100,000 at each store and he presented options for the Board for ways to fund this increase.

Following a discussion, a motion was made by Vice President Charles Laird and seconded by Commissioner Randy Laird to advance \$75,000 now and advance an additional \$75,000 in January of 2020 in order to fund the increase of the reserves held at the three County liquor stores (per HB 291). This motion carried 5-0.

Mr. Gary Pusey, Ms. Kristen Tremblay, Mr. Adam Gibson, and Ms. Mary Phillips came before the board to discuss the proposed zoning ordinance. Handouts of the proposed ordinance with the recent changes highlighted were provided to the Board for review.

Vice President Charles Laird addressed the acreage limit for travel campers (in regards to hunting) and requested that it be increased from 2 acres to 5 acres.

The Board came to a consensus to approve the change from 2 acres to 5 acres for travel campers used for hunting purposes.

The Board then discussed and requested a security deposit of \$200 to be paid at the time of permit purchase (\$50) to cover the cost of travel camper removal should the camper fail to be removed from the property upon the given deadline (February 10th of every year). This security deposit and permit are required to be purchased yearly (security deposit shall be refunded in March of every year upon purchasers compliance with removing the travel camper from the property upon the given deadline).

Mr. Pusey addressed the Conservation District and advised that right now it is considered a special exception under the current code. A brief discussion was held and the Board requested the Conservation District remain as-is in the ordinance.

Ms. Tremblay then addressed decommissioning for new projects and advised that this shall be completed by a registered Maryland Engineer (either a project engineer or a private engineer hired by the County) that will determine decommissioning cost estimate, look at materials, salvage value, recycling removal, and transportation. This is to be completed at the very beginning of the project and every 10 years (the State completes theirs every 5 years).

Mr. Pusey reiterated that if a developer comes in and says they don't need to put a bond up in the beginning because the salvage value will cover the whole thing, that our ordinance

doesn't allow that. Only 80% of the salvage value can be used for this purpose and the remaining 20% must be another form of financial guarantee.

A discussion was held and the Board came to a consensus to coincide with the State requirements and have a decommissioning cost estimate completed every 5 years.

Mr. Pusey then provided a copy of the ordinance that would adopt the new zoning ordinance for the Board's review and a discussion was held.

Vice President Charles Laird provided a question to County Attorney Kirk Simpkins, who was seated in the audience, regarding the West Post Office Road project and if they would fall under the old ordinance where they withdrew and reapplied. Mr. Simpkins advised that since they reapplied before this new ordinance was enacted they would fall under the old ordinance.

A motion was made by Commissioner Randy Laird and seconded by Vice President Charles Laird to approve the ordinance with the additional changes presented above. This motion carried 5-0.

Mr. Pusey, Ms. Tremblay, Mr. Gibson, and Ms. Phillips left the meeting.

Mr. Taylor advised that Mr. Paul Emely has requested to be reappointed to the Board of Zoning Appeals (his term as alternate expired in May).

Upon a motion made by Commissioner Randy Laird and seconded by Vice President Charles Laird, the Board voted 5-0 to reappoint Paul Emely as alternate to the Board of Zoning Appeals Board.

Mr. Taylor reviewed correspondence received and sent.

Under discussion items, Mr. Taylor advised that a surplus property offer was received from Ms. Tammy Biser for property ID 09-162429 (Earl Webster Rd) in the amount of \$800.

Upon a motion made by Commissioner Randy Laird and seconded by Commissioner Willing, the Board voted 5-0 to approve the sale of property ID 09-162429 (Earl Webster Rd) in the amount of \$800 to Ms. Tammy Biser.

Mr. Taylor advised the Board that the Tax Assessments Appeals Board needed appointments (3 and 1 alternate), and also advised that Mr. John Cullen has expressed an interest in serving.

Mr. Taylor presented a letter of support request from the City of Crisfield for the Capital Improvement Grant they are applying for through DHCD.

A motion was made by Commissioner Randy Laird and seconded by Vice President Charles Laird to authorize President Mathies' signature on the letter of support to the City of Crisfield regarding the Capital Improvement Grant they are applying for through DHCD. This motion carried 5-0.

Mr. Taylor present a pauper burial assistance request from the family of Darryl Merrill.

A motion was made by Vice President Charles Laird and seconded by Commissioner Simpkins to approve the pauper burial assistance request from the family of Darryl Merrill. This motion carried 5-0.

Mr. Taylor then requested a formal approval (to record in the minutes) for the American Legion 100th Anniversary Proclamation presented (approved via a phone poll before the meeting).

A motion was made by Vice President Charles Laird and seconded by Commissioner Randy Laird to formally approve the American Legion 100th Anniversary Proclamation. This motion carried 5-0.

The meeting was then opened for public comment, and Ms. Chris Widdowson of West Post Office Rd addressed the Board. Ms. Widdowson questioned the 1 row of buffer stated in the newly adopted zoning ordinance and what the State will and will not do for the 5 year reassessments.

Commissioner Randy Laird stepped out of the board room.

Ms. Widdowson continued by advising the Board that per her research there is no salvage for solar panels and further advised that the County would be required to pay for the removal of the panels from the properties; however, most of the companies would not take the panels due to the reduced silver content within them (therefore reducing their value).

Commissioner Randy Laird returned to the board room.

Mr. Pusey and Ms. Tremblay returned to the meeting.

Ms. Tremblay advised that the buffer is site specific and the ordinance does state that only one row is required as long as it meets the mandatory specifications.

Mr. Pusey advised that the buffer falls within the floating zone ordinance which requires all plans to go through the Planning Commission and the County Commissioners for approval (giving each board an opportunity to require more rows of buffer). Mr. Pusey continued by

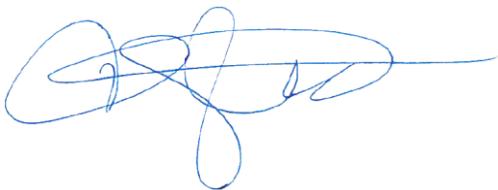
advising that if the Board wished to change the buffer from one row to more, it would have to be presented during a public hearing.

The Board then gave consensus to add this discussion item to the next public hearing.

The board was then advised for the need of a Closed Session.

Therefore, at 3:46 pm, on a motion made by Commissioner Willing and seconded by Commissioner Simpkins that carried 5-0, the Board of County Commissioners for Somerset County entered 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; (b) (3) consider the acquisition of real property for a public purpose matter; and (b) (7) consult with counsel to obtain legal advice.

Approved by:



Board of County Commissioners
For Somerset County

Respectfully Submitted:



Kimberly Lopez
Executive Secretary