

Due to State regulations with COVID-19, no more than 10 people will be permitted in the County Commissioners meeting room during public meetings. Live audio of the meeting will be available by clicking on the link provided on the County's website, or by entering this web address in your internet address bar: http://mixlr.com/somerset_county_commissioners/ Public comments will be accepted by phone or email. Minutes will be made available to the public via the County's website upon approval. We thank you for your cooperation during this time.



AGENDA
May 12, 2020
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. - Ms. Sherree Marshall, Commission on Aging
 - Senior Services Center Grant Agreement
- * 2:05 p.m. - Mr. John Redden, County Engineer
 - Obstruction Removal Amendment/Crisfield-Somerset County Airport
- * 2:10 p.m. - Mr. Gary Pusey, Kristen Tremblay, Mark Konapelsky, DTCS
 - Great Bay Solar Decommissioning Plan
 - Middle Department Inspection Agency, Inc./Intention to Terminate Agreement
- * 2:20 p.m. - Mr. Charles Cavanaugh, Solid Waste & Maintenance
 - Construction Change Order for Burgess Museum

Correspondence:

Received

- * Maryland Department of Budget and Management re: CARES/Request for Distribution of Funds
 - CARES Act Funding Agreement
- * Maryland DHCD re: FY20 Housing Bond Allocation
- * Somerset County Department of Social Services – Advisory Board Appointment (Mr. Cary Knopp)
- Maryland Environmental Trust – Perpetual Conservation Easements (2)
- Comcast re: Update Regarding Price Changes

Sent

Ms. Jackie Wheatley DeMoss re: Social Services Advisory Board Appointment
Mr. William E. Tyler re: Surplus Property Purchase Approvals
Chesapeake Utilities- Letter of Support

Discussion:

- * 1. Surplus Property Purchase Request- (2)
- * 2. Tipping Fee Waiver Request – Economy Tree /Airport Obstruction Removal Project
- * 3. LOS- Habitat for Humanity of Wicomico County, Inc.

Public Comments: As always, the County Commissioners encourage comments from the public; however, due to COVID-19 we are requesting comments be made by phone and/or email during this time. Thank you for your cooperation and understanding.

- * **2:45 p.m. - Closed Session-** Mr. Ralph Taylor, Charles Cavanaugh, Yvette Cross, John Redden

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
May 12, 2020

At 2:00 p.m., President Craig N. Mathies, Sr., called the Board of County Commissioners for Somerset County to open in Regular Session. Also present for the meeting were Vice President Charles Laird, Commissioner Eldon Willing and Commissioner Randy Laird. Commissioner Simpkins was absent from today's meeting.

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

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

Closed Session Summary Report May 12, 2020

On May 12, 2020, from 2:56 p.m. until 3:12 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 4-0 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 (2) protect the privacy or reputation of an individual with respect to a matter that is not directly related to public business; 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 Eldon Willing and Commissioner Randy Laird. Commissioner Rex Simpkins was absent from today's meeting.

Also present were County Administrator Ralph D. Taylor, Executive Aide Lory Ebron, Emergency Services Director Yvette Cross, HR Director Erica Yeager, Director of Solid Waste and Maintenance Charles Cavanaugh, County Engineer John Redden, and Recreation and Parks Director Gregory "Clint" Sterling. Topics discussed: (1) Hiring of Emergency Communication Specialist (2) Emergency Services Shift Supervisor (3) Hiring of a Transfer Station Attendant I (4) Requests for Proclamations (5) Crisfield-Somerset County Airport Obstruction and Removal Project. Actions taken during closed session: (1) Approval to hire Emergency Services

Communication Specialist (2) Approval to promote employee to Emergency Services Shift Supervisor (3) Approval to hire Transfer Station Attendant I (4) Proclamation requests approved.

Minutes from the Commissioner Regular Session and Closed Session meetings held on April 28, 2020 as well as the Commissioner Special Session, Work and Closed Session meetings held on March 10, 2020, were approved as presented upon a motion made by Vice President Charles Laird, seconded by Commissioner Eldon Willing. The motion carried 4-0.

Ms. Sherree Marshall, Director, Commission on Aging, came forward at this time to present the Somerset County Senior Citizen Activities Center Operating Fund Application for approval. The grant, in the amount of \$38,120, will be used to provide services to attendees of the Somerset County Commission on Aging Senior Services Center.

A motion was made by Commissioner Randy Laird to approve the submission of the Senior Citizen Activities Center Operating Grant Application in the amount of \$38,120. Vice President Charles Laird seconded the motion. The motion carried 4-0.

Mr. John Redden, County Engineer, came forward at this time to discuss an Obstruction Removal Amendment regarding the Crisfield-Somerset County Airport, proposed by AECOM in the amount of \$9,709.00 to proceed with the design and removal of trees involving two properties. Mr. Redden advised the amendment can piggy-back off Economy Tree's current contract. FAA/MAA share is 90%/5%.

A motion was made by Vice President Charles Laird to approve the amendment in the amount of \$9,709.00. Commissioner Randy Laird seconded the motion. The motion carried 4-0.

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

Mr. Pusey first presented for informational purposes, the proposed Great Bay Solar Decommissioning Plan after notification was received from the State Power Plan Research Program. He noted that the plan is required, and has been scheduled to be reviewed by the Public Service Commission (PSC) on June 3, 2020. PSC has requested the County review the Plan, and submit comments for its consideration. Mr. Pusey explained that this plant will encompass both Phases I and II. Noting that Phase I had not been reviewed by the County, this Phase 2 Plan was reviewed by the County, in detail, and a condition was stated by the PSC that a NEW Decommissioning Plan should be submitted to the PSC for review that would cover BOTH phases

of the project. This is an opportunity to get a better Decommissioning Plan for Phase I. The County Attorney has been asked to review the document, as well as department staff. Mr. Pusey advised they will return in a couple of weeks to provide a complete report, share citizen concerns expressed and provide a recommendation. In comparing the Phase I and Phase II Decommissioning Plans submitted, Ms. Tremblay then shared some of the differences she observed, and outlined concerns that staff has at this time as follows:

1. Much of the language is identical, with some changes made to tense (from 'will' to 'has been').
2. Language regarding access road construction was removed.
3. Language was changed as to when decommissioning would occur, but there was not fundamental difference in functionality.
4. Timeframe language was changed to remove 'expected to take less than six months. An explanation for the removal of this language will be requested.
5. There were financial sections concerns, where financial guarantees were changed. This is felt to be a major concern to be addressed.
6. Projected cost of the financial guarantee was stated as 125%, and the language change in the PSC version does not allude to this figure, which lowers the decommissioning cost estimate. This concern must also be addressed.

Ms. Tremblay advised she has discussed some of these concerns, which she finds unacceptable, with the county attorney, and he does concur.

Mr. Pusey closed his comments by stating they will return in 2 weeks with their final recommendations. President Mathies questioned the great concern regarding the financial aspects of the document. He clarified that they will be returning in two weeks to provide a recommendation. Mr. Pusey stated they would. Commissioner Randy Laird asked if the county can 'insist' or 'request' the recommended changes to the PSC. Mr. Pusey stated that this may be a "gray" area, and he is conferring with the county attorney on that issue. The plan covers what had been approved by the Planning Commission, so Mr. Pusey feels the county may have a lot of say on the matter. Ms. Tremblay stated her agreement with Mr. Pusey. President Mathies expressed that the county should be looking out for the best interests of the county and its residents. Additionally, Mr. Taylor requested that the county be represented at the June 3, 2020 PSC meeting. President Mathies agreed, stating their participation to be the voice of the county would be appreciated. Ms. Tremblay left the meeting at this time.

Joining Mr. Pusey at this time was Mr. Mark Konapelsky to discuss the letter received from the Middle Department Inspection Agency, Inc. (MDIA). The letter informed the county that MDIA will no longer be performing certain inspections as a third-party inspection agency, an agreement in place since 1991, effective July 21, 2020. It was explained that MDIA performs all

plumbing, HVAC and gas inspections for the county. They also perform electrical inspections, which they will continue to do.

Mr. Konapelsky then explained that he has contacted Wicomico and Worcester counties and was told that both have in-house plumbing, gas and HVAC inspectors. He presented the following options to address the matter:

1. Hire an in-house Inspector for plumbing, gas and HVAC Inspections.
Concern: Salary and availability of licensed personnel due to lack qualified Inspectors.
2. Outsource.
Concern: Companies contacted have not been willing to take on inspections.
3. Utilize the Health Department to perform inspections as done in Wicomico.
Concern: Employee was moved to the Wicomico Health Department/Not available in Somerset.
4. Use our current inspectors and institute regulations.

Mr. Konapelsky noted Option 4 is his recommendation and he explained that currently Somerset County has two inspectors that are certified and could perform parts of the plumbing and HVAC inspections, utilizing registered plumbers to perform the pressure test which is Mr. Konapelsky's only concern regarding plumbing inspections. Changes to the current process for plumbing as it occurs would need to be made with this solution. No changes are needed for electrical (including HVAC). Mr. Konapelsky asked for the Boards approval to allow him to present the unique solution to the State for their approval. Mr. Konapelsky stated that the department can easily transition into this new process, starting as early as tomorrow. He also stated this process will not be a burden on the county.

A motion was made by Vice President Charles Laird to approve the Option 4 process, and to follow through with the State contingent on their approval. Commissioner Randy Laird seconded the motion. The motion carried 4-0.

Mr. Charles Cavanaugh and Mr. John Redden came forward at this time to present a change order request regarding the Burgess Museum project for \$19,627.22. Mr. Cavanaugh explained the details of the change order request as follows:

- A secondary power line issue that will consolidate the electric meters at the Tourism Center. Cost is \$624.88
- Verizon communication line phase wire relocation. Cost is \$8,437.68
- Foundation changes at the underground electrical service. Cost \$10,564.66

Mr. Cavanaugh advised that a \$30,000 contingency was reserved for this project and can be used.

A motion was made by Vice President Charles Laird to accept the change order request in the amount of \$19,627.22 as presented for the Burgess Museum project. Commissioner Willing seconded the motion. The motion carried 4-0.

Mr. Cavanaugh next presented a Notice to Proceed for the Burgess Museum project, and requested the approval for the Presidents signature.

Vice President Charles Laird made a motion to authorize President Mathies to sign the 'Notice to Proceed' letter regarding the Burgess Museum project. Commissioner Randy Laird seconded the motion. The motion carried 4-0.

Mr. Taylor continued with correspondence and discussion items.

A letter was received from the Maryland Department of Budget and Management acknowledging receipt of Somerset County's letter requesting a distribution of funds from the Coronavirus Relief Fund, established under the CARES Act. Mr. Taylor then presented the Federal Funding Certification and Agreement for the second 50% allocation in the amount of \$2,234,897 to be paid directly to the county. Attorney Kirk Simpkins has reviewed the document and recommends execution.

A motion was made by Commissioner Randy Laird to approve the CARES Act funding agreement. Vice President Charles Laird seconded the motion. The motion carried 4-0.

The Maryland Department of Housing and Community Development advised of the 2020 Annual Housing Bond Allocation for Somerset County. The allocation, (noted to be \$943,556) is historically transferred to the State because we do not have the capacity to administer a county-run housing program at this time. It was noted that Somerset County residents still benefit because the programs offered by the State are available to Somerset County residents.

Upon a motion made by Vice President Charles Laird and seconded by Commissioner Willing, it carried 4-0 to authorize President Mathies to sign the letter authorizing the transfer of bond allocation to the DHCD.

A letter was received from Ms. Claudia Nelson recommending the reappointment of Mr. Cary Knopp for a three-year term as a member of the Social Services Advisory Board.

Upon a motion made by Vice President Charles Laird and seconded by Commissioner Willing, it carried 4-0 to reappoint Mr. Knopp to the Somerset County Social Services Advisory Board for a three-year term expiring June 30, 2023.

A letter was received from Ms. Claudia Nelson recommending the reappointment of Ms. Elizabeth (Betsy) Thomas for a three-year term as a member of the Social Services Advisory Board.

Upon a motion made by Commissioner Randy Laird and seconded by Commissioner Willing, it carried 4-0 to reappoint Ms. Thomas to the Somerset County Social Services Advisory Board for a three-year term expiring June 30, 2023.

Mr. Taylor presented two letters received from the Maryland Environmental Trust advising that land owners Daryl Insley/Terissa J. Layfield and Larry Lease propose to convey a perpetual conservation easement on their properties. Notification is required to be sent to the governing body. Commissioner Randy Laird questioned if the properties are taken off the tax rolls when approved. Mr. Taylor advised he will inquire.

Mr. Taylor next presented surplus property offers received from Ms. Shelley Johnson who has submitted offers to purchase two surplus properties:

Account 08-153396/ Biven Road (Map 0057 Parcel 0315) for \$431.00 plus closing costs was approved upon a motion made by Commissioner Randy Laird, seconded by Vice President Charles Laird. The motion carried 4-0.

Account 15-002875 (Map 0151 Parcel 0083) for \$478.00 plus closing costs was approved upon a motion made by Vice President Charles Laird, seconded by Commissioner Willing. The motion carried 4-0.

Next, Mr. Taylor presented the tipping fee waiver, for \$6,713.34, requested by Economy Tree during the last meeting held, but had been tabled. He explained that Economy Tree found debris while performing work relating to the airport obstruction removal project. County representatives instructed the company to remove the debris. The fee waiver will not be at loss to the county, and it was noted that the debris was a county project. It was noted that the matter was tabled because Commissioner Simpkins had questions. Mr. Taylor advised he had addressed the matter with Commissioner Simpkins personally.

A motion was made by Vice President Charles Laird to waive the tipping fee for Economy Tree in the amount of \$6,713.34. Commissioner Randy Laird seconded the motion. The motion carried 4-0.

A letter of support request was presented for consideration, received from Ms. Molly Hilligoss, Habitat for Humanity of Wicomico County, Inc., for their grant funding efforts to serve low income homeowners in both Wicomico and Somerset counties.

A motion was made by Vice President Charles Laird to approve the letter of support request to apply for grants in the Tri-County area. Commissioner Willing seconded the motion. The motion carried 4-0.

Mr. Ron DeClement, Old Princess Anne Road, (who was in attendance at the meeting), requested to address the Board. Although the agenda advised public comment would be accepted by phone or email, the Board gave consensus to allow Mr. DeClement to come forward.

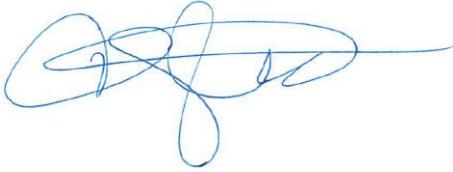
Mr. DeClement asked to go through the figures on the Decommissioning Plan. He discussed Stage 1, where there was no decommissioning plan (metal framing and wiring from the panels), versus Stage 2 where he advised an engineering firm presented the figure of \$141,000, but now, the new proposal by Great Bay reduced it to \$4,963 per mw and we'd be throwing out \$5 million already approved for Stage 2. He advised the entire proposal is therefore \$567,000 for Stage 1 and Stage 2, so all efforts regarding Stage 2 would be out the window. He stated what should happen is Stage 2 figures should be approved for Stage 1, which would result in \$16 million for the entire project in keeping with the state guidelines. In closing, Mr. DeClement advised that regarding PSC comments, he was there in April, and sat with a PSC Commissioner. He stated that he asked about the PSC having the ability to override local county mandates, he said the PSC Commissioner told him that they have the ability and authority to come in and change, but have not done that anywhere in the state. They have only made recommendations. Therefore, Mr. DeClement feels the Great Bay proposal is in the county's hands. Mr. DeClement closed in offering to send his information to the Board if they would like.

With no further business, at 2:56 p.m., the Board was advised of the need to enter into Closed Session. Therefore, upon a motion made by Commissioner Randy Laird and seconded by Vice President Charles Laird, the Board entered 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 (2) protect the privacy or reputation of an individual with respect to a matter that is not directly

related to public business; and (3) consider the acquisition of real property for a public purpose and matters directly related to the acquisition. The motion carried 4-0.

The Commissioner, Closed Session and Public Hearing meetings were adjourned at 7:25 p.m.

Approved by:



Board of County Commissioners
For Somerset County

Respectfully Submitted:



Lory E. Ebron
Executive Aide