

Due to State regulations with COVID-19, social distancing will be observed during the meeting and members of the public in attendance must wear a face mask. 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/ 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
September 1, 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. Vicki Lloyd, Emergency Services/National Recovery Month Proclamation

2:00 p.m. - **Public Hearing**/Adoption of Ordinance to repeal Ordinance # 1033/Stormwater Management

2:10 p.m. - **Public Hearing**/Americans with Disabilities Act Proposed Plan

2:15 p.m. - Mr. John Redden, County Engineer

* - Delmarva Power & Light Company/Easement and Right of Way Agreement-Charging Stations

2:20 p.m. – Ms. Linda R. Johnson, SCPS

* - FY20 End of Year Budget Transfers

2:25 p.m. - - Ms. Alice Bromley, Child Support Office

* - Cooperative Reimbursement Grant

2:30 p.m. - Mr. Gary Pusey, Ms. Kristen Tremblay, DTCS

* - Proposed Rezoning Request/Mitchell Bonneville

* - FY21 Critical Area Grant Agreement

* - Request for Release of Lien/30775 W. Post Office Road, Princess Anne, MD

* - Housing Board of Review/1 Reappointment-2 New Appointments

Correspondence:

Received

* MD Department of Planning Clearinghouse Review re: Princess Anne Townhomes Project
MD20200817-713

MD Department of Natural Resources re: Support of Rt. 413 Hiker/Biker Trail

Comcast re: Changes to Xfinity TV

Mr. Lee Brown re: Request to Withdraw Offer for Surplus Property

Sent

Mr. James W. Riley, President/Board of Elections re: Smith Island In-Person Voting

- Mr. Riley's response

Discussion:

- * 1. Letter of Support – Institute of Maritime History
- * 2. Easement – Sanitary District Smith Island Clean Water Management Project
- * 3. Request to waive landfill fees- City of Crisfield

Public Comments: Five Minute Time Limit

* **3:00 p.m. - Closed Session-** Mr. 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 (3) consider the acquisition of real property for a public purpose and matters directly related to the acquisition; and (7) consult with counsel to obtain legal advice.

* Denotes Action Item

BOARD OF COUNTY COMMISSIONERS
FOR SOMERSET COUNTY
September 1, 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, Commissioner Randy Laird, and Commissioner Rex 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 Devotion and the Pledge of Allegiance.

Closed Session Summary Report

On September 1, 2020, from 2:53 p.m. (following a brief recess) until 4:10 p.m., at 11916 Somerset Avenue, Room 111, upon a motion made by Commissioner Rex Simpkins, and seconded by Commissioner Eldon Willing, 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; and (7) consult with counsel to obtain legal advice.

Present for the Closed Session Meeting were President Craig N. Mathies Sr., Vice President Charles Laird, Commissioner Eldon Willing, Commissioner Randy Laird, and Commissioner Rex Simpkins.

Also present were County Administrator Mr. Ralph D. Taylor, Executive Aide Ms. Lory Ebron, Internal Auditor Ms. Sharon Muir, Attorney Kirk Simpkins, HR Director, Ms. Morena Corbin, Recreation and Parks Director Mr. Clint Sterling, and DTCS Director Mr. Gary Pusey. Topics discussed: (1) Retirement contribution (2) Hiring of Contractual Employee (3) Department restructuring. Actions taken during closed session: (1) Withdrawal of previous motion (2) Approval hire contractual employee (3) Approval to restructure department.

Minutes from the Commissioner and Closed Session meetings held on August 18, 2020, and Special, Work and Closed Session meetings held on August 25, 2020, were approved as presented upon a motion made by Commissioner Eldon Willing and seconded by Commissioner

Rex Simpkins. The motion carried 5-0. Commissioner Simpkins left the meeting briefly and returned.

Ms. Vicki Lloyd, Emergency Services, came forward to accept a Proclamation recognizing September 2020 as National Recovery Month, and to aspire to make Somerset County a stronger, healthier, drug resistant community.

Mr. John Redden came forward at this time.

President Mathies called the Public Hearing open at 2:03 p.m. to present the adoption of an Ordinance to repeal Ordinance No: 1033 entitled Stormwater Management Ordinance and adopt an amended Ordinance. Mr. Taylor read the notice of Public Hearing into record:

NOTICE OF A PUBLIC HEARING

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

Tuesday, September 1, 2020 at 2:00 P.M.
Somerset County Commissioners Meeting Room
Room 111
Somerset County Office Complex
11916 Somerset Avenue
Princess Anne, MD 21853

In accordance with the Annotated Code of Maryland, Environmental Article, Title 4, Subtitle 2, COMAR 26.17.02, the Somerset County Commissioners will consider the adoption of an Ordinance to repeal Ordinance 1033 entitled Stormwater Management Ordinance and adopt an amended Ordinance.

FAIR SUMMARY

The proposed Ordinance will clarify that the program is administered by the County Engineer, eliminate waiving of the surety bond, increase the bond amount and extend the expiration.

The public is invited to attend and offer comments on the proposed Ordinance. For a copy of the proposed Ordinance, please contact the Somerset County Office of County Engineer at 410-621-9188 during regular business hours, 8:30 am – 4:30 pm, Monday through Friday, except legal holidays; or visit the county website at: www.somersetmd.us

**BOARD OF COUNTY COMMISSIONERS
FOR SOMERSET COUNTY
Ralph D. Taylor
County Administrator**

After distributing a draft of the proposed amended ordinance, Mr. Redden summarized that the amended ordinance that includes four amended items:

- Clarification that the program is administered by the County Engineer
- The elimination to waive the surety bond
- To increase the surety bond amount to from 110% to 150%
- Extend the expiration of the surety bond from two years to three years

Commissioner Randy Laird questioned reason to increase the surety bond to 150%. Mr. Redden explained his previous experience showed that due to the length of time, costs were found to increase and the higher percentage will insure funds are there to cover the costs.

With the Board having no further questions, President Mathies asked if there were any proponents present wishing to speak. There were none.

President Mathies then asked if there were any opponents present wishing to speak. There were none.

Public comments will be taken for 10 days, until September 11, 2020. The public hearing was declared closed at 2:08 p.m.

Next, President Mathies called a Public Hearing to open at 2:10 p.m. to consider the approval of a Resolution to establish an Americans with Disabilities Act Transition Plan (ADA) regarding pedestrian facilities and public right-of-way. Mr. Taylor read the notice of public hearing into record as follows:

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

Tuesday, September 1, 2020 at 2:10 P.M.
Somerset County Commissioners Meeting Room
Room 111
Somerset County Office Complex
11916 Somerset Avenue
Princess Anne, MD 21853

In accordance with Title II, Article 8 of the Americans with Disabilities Act, enacted on July 26, 1990, the Somerset County Commissioners will consider the approval of a Resolution to establish an Americans with Disabilities Act Transition Plan: Pedestrian Facilities in the Public Right-of-Way.

FAIR SUMMARY

The purpose of this plan is to ensure that Somerset County creates reasonable, accessible paths of travel in the public right-of-way for everyone, including people with disabilities. Somerset County has made a significant and long-term commitment to improving the accessibility of their pedestrian facilities. The Transition Plan identifies physical barriers and prioritizes improvements that should be made throughout Somerset County. This Transition Plan describes the existing policies and programs to enhance the overall pedestrian accessibility.

The public is invited to attend and offer comments on the proposed plan. For a copy of the proposed plan, please contact the Somerset County Office of County Engineer at 410-621-9188 during regular business hours, 8:30 am – 4:30 pm, Monday through Friday, except legal holidays; or visit the county website at: www.somersetmd.us

BOARD OF COUNTY COMMISSIONERS FOR SOMERSET COUNTY

Ralph D. Taylor
County Administrator

Mr. Redden explained this ADA Transition Plan will allow reasonable travel access. A county wide facility audit was performed, and most barriers found have been removed. Of those not removed, the remaining barriers will be prioritized and removed within ten years. A public comment and response form is available and Mr. Redden encouraged citizens to share input.

President Mathies asked if there were any proponents present wishing to speak.

Mr. Robert J. McIntyre, 28101 Mt. Vernon Road requested to address the Board. Mr. McIntyre asked why the removal of barriers is taking 10 years.

Mr. Redden explained that the county has done the majority of the improvements, with the last four remaining to be the most expensive, and will be budgeted over the next ten years, unless funding is found to hasten the improvements.

Mr. McIntyre then asked what types of places does the county have a disability problem. Mr. Redden advised the locations are the Solid Waste Complex bathroom and lack of ramp, Princess Anne Dispensary bathroom, Ruritan facility bathroom, the Cat Shelter location, as it is on county owned property and also parking issues located at various locations.

With there being no other proponents, President Mathies asked if there were any opponents present wishing to speak. There were none.

Public comments will be taken for 30 (thirty) days until October 1, 2020. President Mathies declared the public hearing closed at 2:15 p.m.

Next, Mr. Redden presented the Delmarva Power & Light Company (DPL) Easement and Right of Way Agreement for EV Charging Station Facilities for the Boards consideration. Mr. Redden explained DPL would like to install three (3) two-station locations at the County Complex Building, the Athletic Complex in Westover and the Crisfield Library. DPL will maintain the charging stations, with this agreement allowing them use of the property. The agreement has been reviewed and approved by the county attorney and will be for a 5 (five) year term with the option for DPL to extend an additional 5 (five) years. Mr. McIntyre, present in the audience, asked a question regarding the type of charging station to be installed, which was answered by Mr. Redden.

Commissioner Randy Laird made a motion to authorize President Mathies to sign the DPL Easement and Right of Way Agreement as presented. Vice President Charles Laird seconded the motion. The motion carried 5-0.

Ms. Linda R. Johnson, SCPS, came forward at this time to present the final inter-category FY20 budget transfers as follows:

<u>Category:</u>	<u>Transfer Requested:</u>
Mid-Level Administration	20,000
Student Health Services	27,000
Operation of Plant	30,000
<u>Fixed Charges</u>	<u>(77,000)</u>
Total	\$0.00

Upon a motion made by Commissioner Randy Laird, and seconded by Vice President Charles Laird, it carried 5-0 to approve the transfers as presented for the FY20 Operating Budget totaling \$19,984,756.

Before leaving, Ms. Johnson expressed the gratitude on behalf of her Board regarding the CARES Act grant funding allocation, awarded to the Board of Education. She advised not all counties did that for their districts, and they are very appreciative.

Next, Ms. Alice Bromley, Child Support Office, came forward to present the annual CSEA/CRA/21-023 Contract for the Somerset County State's Attorney Office/Child Support Division. The contract, totaling \$290,870.00, was increased this year by \$18,485.00 for additional health insurance costs and the purchase of locking file cabinets, which is a requirement. The county is reimbursed 66% of the cost of the program.

Commissioner Rex Simpkins made a motion to authorize President Mathies to sign the CSEA/CRA/21-023 Contract for the Somerset County State's Attorney Office/Child Support Division totaling \$290,870.00. Commissioner Eldon Willing seconded the motion. The motion carried 5-0. Ms. Bromley thanked the Board, and left the meeting.

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

Mr. Pusey first revisited the proposed rezoning request received from applicant Mitchell Bonneville for his property located on Revells Neck Road. The request was initially presented during the Commissioner meeting held on August 11, 2020. He advised that the original memo may have been unclear, and he clarified that that the request actually involves 2 parcels, one for 152.57 acres and the second for 15 acres. Mr. Bonneville has requested both parcels (also known as the Walmart property), be included in his rezoning request back to Agricultural Residential. Public investment made to the commercial property was discussed, which included \$7.7 million by the Sanitary District for water and sewer, and \$1 million for State Highway road improvements, which included the installation of the stop light at Revells Neck Road. Mr. Pusey also explained, that per Zoning Code, any requests for rezoning are presented to the Board of Commissioners, who shall refer the request to the Planning Commission. The County Attorney confirmed that in his opinion, the County Commissioners should refer the request to the Planning Commission to comply with the Zoning Code. This allows the Board of Commissioners to see requests submitted prior to submission to the Planning Commission. After the Planning Commission reviews and makes their recommendation, the request is then sent back down to the Board of Commissioners

for their final consideration. It was noted that this procedure can be changed in the future with an amendment to our Zoning Code.

Commissioner Simpkins made a motion to forward the rezoning request presented by Mr. Bonneville to the Planning Commission. Vice President Charles Laird seconded the motion. The motion carried 5-0.

Next, Mr. Pusey presented the Critical Area FY21 Grant Agreement for \$10,000.00. Slightly lower than last year's grant for \$11,000 (all counties had decreased allocations), these funds are used to help cover staff time associated with implementing Critical Area requirements. Mr. Pusey then requested approval for the Presidents signature, and Mr. Taylor to serve as witness.

A motion was made by Commissioner Simpkins to authorize signature and enter into the agreement as presented. Commissioner Randy Laird seconded the motion. The motion carried 5-0.

Mr. Pusey next presented a request for lien release, under the Housing Rehabilitation Grant program for 30775 W. Post Office Road, Princess Anne, MD. He explained that the grant for \$5,690.00 was used to fund a new roof with gutters. The five-year lien, dated April 24, 2012, expired April 24, 2017, and no-repayment is required. The Board of Commissioners must approve the removal of the lien.

A motion was made by Commissioner Randy Laird to authorize President Mathies to sign the lien release regarding 30775 W. Post Office Road. Vice President Charles Laird seconded the motion. The motion carried 5-0.

Last, Mr. Pusey presented a reappointment request for the Housing Board of Review. He advised that Ms. Jackie Wheatley would like to continue serving. If reappointed, her 3-year term will expire in 2023. He noted that there are two other members terms have also expired, however they have indicated they do not wish to be reappointed; therefore, two new members will need to be appointed to serve.

A motion was made by Commissioner Rex Simpkins to reappoint Ms. Jackie Wheatley to serve on the Housing Review Board. Commissioner Willing seconded the motion. The motion carried 5-0.

Mr. Taylor continued with correspondence and discussion items.

A Maryland Department of Planning Clearinghouse Review for project MD20200817-0713 was received. The project, submitted by the Town of Princess Anne will allow for renovations to 120 units. Mr. Taylor recommended a C-5 designation (it is consistent with our plans, programs, and objectives).

Commissioner Simpkins made a motion to designate a C-5 review for Clearinghouse Review project MD20200817-0713. Commissioner Willing seconded the motion. The motion carried 5-0.

A letter was received from Maryland Department of Natural Resources Secretary Ms. Jeannie Haddaway-Ricco expressing her support for the 413 Hiker-Biker Trail.

Comcast has sent notification that changes Xfinity are being communicated to customers.

Mr. Lee Brown has advised the Board by letter of his request to withdraw his offer made to purchase surplus property Account No. 10-004640, 20931 Somers Road. He understands his deposit made is forfeited. The property will be added back to the list of available property's for purchase.

The letter sent to Mr. James W. Riley, President, Somerset County Board of Elections regarding the boards recent decision to not hold in-person voting on Smith Island was reviewed. Additionally, Mr. Riley's response to our letter was also presented. Mr. Taylor advised that Congressman Harris, Senator Carozza and Delegate Otto have all submitted letters in favor of in-person voting on Smith Island as well. A meeting was held by the Somerset County Board of Elections yesterday; however, our office is not been made aware of any decisions made regarding the matter.

A letter of support request was received from the Institute of Maritime History regarding their application for a non-capital grant so they may continue underwater reconnaissance for submerged historic sites.

Commissioner Simpkins made a motion to approve a letter of support for the non-capital grant application as requested by the Institute of Maritime History. Commissioner Willing seconded the motion. The motion carried 5-0.

The Somerset County Sanitary District has requested approval for a Deed of Easement between the Board of County Commissioners and the Sanitary District relating to the Smith Island Clean Water Management Project for project sites located in Ewell, Rhodes Point and Tylerton. Mr. Taylor requested approval contingent on County Attorney Kirk Simpkins review.

A motion was made by Commissioner Randy Laird to approve the Deed of Easement as presented, contingent on the county attorney's review. Vice President Charles Laird seconded the motion. The motion carried 5-0.

Lastly, Mr. Taylor presented a request received from the City of Crisfield to waive landfill tipping fee's regarding the removal of debris regarding buildings at 333 (329-331) W Main Street,

which partially collapsed on August 4, 2020 during Tropical Storm Isaias. It was noted that brick, block and concrete collected will be utilized by the county.

A motion was made by Commissioner Randy Laird to waive tipping fees as requested by the City of Crisfield. Vice President Charles Laird seconded the motion. The motion carried 5-0.

President Mathies asked if Mr. Bob McIntyre would like to come forward as he signed in to address the Board.

Mr. Robert J. McIntyre, 28101 Mt. Vernon Road, Princess Anne, Maryland, 21853 first discussed the format of the meeting, noting that people present for the first part of the meeting are no longer available later in the meeting, no longer available for discussion or comments (noting he had questions for Mr. Redden). He questioned how that works if you can't question people in the first part of the meeting to answer a question. He also noted there are no night time meetings with constituents from the five Commissioners. He asked it be addressed. President Mathies replied that the format has been in place long before he arrived, and consideration will be given, and should change be needed, the matter will be discussed with the other commissioners and changes implemented if the majority agrees. Regarding COVID-19, he stated it is attacking the Feds, State and Citizens of the County. He asked what the five Commissioners plan to do to counter act these lower amounts from the Feds, State and local citizens for tax revenue to make Somerset still viable. He discussed costs for Great Hope Golf Course, and Eastern Shore Forest Products and feels the county will be in dire straits within 18 months if the county continues to let this happen. He asked to be educated on how the County plans to navigate through this problem. It was noted that one item is in litigation, and the Golf Course is discussed during budget deliberations, and decisions made at that time to curtail deficits as they may occur. Mr. McIntyre closed his comment by saying the utmost speed on these problems will be helpful to the citizens of Somerset County.

Mr. Ron DeClement, 11159 Old Princess Anne Road stated a few weeks ago he asked to appeal the Public Service Commission (PSC) ruling, and now we have until Friday to do it. He stated that they have all of the information to do that, completing the research, and are organized and ready to go to appeal. He feels the PSC pre-determined the decision with no facts or figures presented to support their decision. He asks the county to appeal to have the case heard in Circuit Court stating he doesn't see how we can lose. He feels a precedence in the future so that the PSC can't just say we're doing it this way whether you like it or not in our county. He closed in asking for an appeal or have a decision in a day or two so they will know what they need to do.

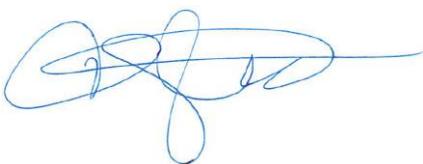
Ms. Tammy Truitt, District 4, 5144 Whittington Road, Marion Station, Maryland, advising she has the same request as Mr. DeClement. She feels they have evidence that the PSC decision was in opposition to their own position. Evidence was not credible. She also feels the ruling was pre-determined and they used a Queen Anne's County decommission plan, which is not even constructed yet, and panels won't be in the ground till 2021. She discussed the decommissioning bond amounts and the numbers Great Bay used as offsets. She stated that the PPRP guy admitted to her during the hearing, there is no value to solar panels, which the PSC allowed, and the PSC is not supposed to be using salvage value on the other components allowed. She feels the PSC is supposed to protect us, and they are doing the opposite and she strongly encouraged the county to appeal, believing we will have a winning case in our Circuit Court.

President Mathies asked Ms. Truitt if the information she and Mr. DeClement shared is the same information presented to the PSC. Ms. Truitt said some of it was, however, she was not given complete instructions and shut off from the meeting, and they didn't acknowledge the information at all which she found very disturbing.

With no further business, at 2:48 p.m., the Board was advised of the need to enter into Closed Session. Therefore, upon a motion made by Commissioner Rex Simpkins and seconded by Commissioner Willing, 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 (3) consider the acquisition of real property for a public purpose and matters directly related to the acquisition; and (7) consult with counsel to obtain legal advice. The motion carried 5-0.

The Commissioner and Closed Session meetings were adjourned at 4:10 p.m., upon a motion made by Commissioner Simpkins and seconded by Commissioner Eldon Willing. The motion carried 5-0.

Approved by:



Board of County Commissioners
For Somerset County

Respectfully Submitted:



Lory E. Ebron
Executive Aide