

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/](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.



**SPECIAL SESSION AGENDA**  
**August 11, 2020**  
**BOARD OF COUNTY COMMISSIONERS**  
**FOR SOMERSET COUNTY**  
**11916 Somerset Avenue**  
**Room 111/Meeting Room**  
**Princess Anne, MD 21853**  
**2:30 p.m.**

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**Appointments:**

- \* 2:30 p.m. - Ms. Sherree Marshall, Commission on Aging
  - Senior Care Grant
- \* 2:35 p.m. - Mr. Clint Sterling, Director of Recreation & Parks, and John Redden, County Engineer
  - Bike Trail Grant
- \* 2:40 p.m. - Mr. Charles Cavanaugh, Director of Solid Waste & Maintenance
  - Landfill Compactor
- \* 2:45 p.m. - Ms. Julie Widdowson, Director of Tourism
  - Burgess Museum Update
- \* 2:50 p.m. - Ms. Kristen Tremblay, Department of Technical and Community Services
  - Proposed Rezoning Solar Project adjacent to Great Hope Golf Course
  - Proposed Rezoning Revells Neck Road adjacent to ECI

**Correspondence:**

**Received**

- \* Maryland Department of the Environment re: Clearinghouse Review-Crisfield Tide Gates, Culvert Modification, Pumping Stations MD20200722-0631
- Attorney General Brian E. Frosh re: Civil Legal Aid
- Kent County Commissioner Ron Fithian re: Manokin River

**Sent**

Maryland Rural Council re: Letter of Support/Smith Island Projects  
Governors Office of Crime Prevention, Youth and Victim Services re: Letter of Support/Police Departments  
Ms. Charlotte Davis, RMC re: Letter of Support/Armory  
Ms. Jolletta Whaley re: Surplus Property Purchase  
Ms. Magda Cruz re: Surplus Property Purchase

**Discussion:**

- \* 1. Surplus Property Offers (2)
- \* 2. Board of Zoning Appeals Reappointments (2)
- \* 3. TS Isaias Debris – Landfill Fee Waiver/Formal Approval

**Public Comments: Five Minute Time Limit**

- \* **3:15 p.m. - Closed Session-** Mr. Ralph Taylor, Mr. Kirk Simpkins, Ms. Morena Corbin, Gene Adkins, Sheriff Ronnie Howard

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 (b)(7) to consult with counsel to obtain legal advice.

- \* Denotes Action Item

BOARD OF COUNTY COMMISSIONERS  
FOR SOMERSET COUNTY  
SPECIAL SESSION  
August 11, 2020

At 2:30 p.m., President Craig N. Mathies, Sr., called the Board of County Commissioners for Somerset County to open in Special Session. Also present for the meeting were Commissioner Eldon Willing, Commissioner Randy Laird and Commissioner Rex Simpkins. Vice President Charles Laird was absent from today's meeting.

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

**Closed Session Summary Report**

On August 11, 2020, from 3:24 p.m. (brief recess taken) until 4:29 p.m., at 11916 Somerset Avenue, Room 111, Princess Anne, Maryland, upon a motion made by Commissioner Eldon Willing, and seconded by Commissioner Randy 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 (7) consult with counsel to obtain legal advice.

Present for the Closed Session Meeting were President Craig N. Mathies, Sr., Commissioner Eldon Willing, Commissioner Randy Laird and Commissioner Rex Simpkins. Vice President Charles Laird was absent from today's meeting.

Also present were County Administrator Ralph D. Taylor, Executive Aide Lory Ebron, Ms. Morena Corbin, HR Director, Mr. Gene Adkins, Finance Director and Attorney Kirk Simpkins. Topics discussed: (1) Consult with Counsel (various matters) (2) Employee handbook policy. Actions taken during closed session: (1) Approval to accept property survey.

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Meeting minutes were presented for approval. Upon a motion made by Commissioner Willing and seconded by Commissioner Simpkins, it carried 4-0 to approve the following meeting minutes as presented:

Work Session, Commissioner Special Session and Closed Session July 28, 2020  
Commissioner and Closed Session July 21, 2020

Ms. Sherree Marshall, Commission on Aging, came forward at this time to present the Maryland Department of Aging Senior Care Program Annual Plan Grant. This grant, for approximately \$115,000 will be used towards the Senior Care Program.

A motion was made by Commissioner Simpkins to approve the Senior Care Grant as presented. Commissioner Randy Laird seconded the motion. The motion carried 4-0.

Mr. Clint Sterling, Director Recreation and Parks and Mr. John Redden, County Engineer, came forward at this time to request approval to amend the application to request the next phase of funding for the Bike Trail project. He explained that as a result of the current budgetary climate, State Highway Administration (SHA) will not be able to fund the design phase of the next stage of the Rt. 413 Hiker/Biker Trail. Therefore, Somerset County will amend the application to request funding for design instead of construction. New funds requested will be as follows:

\$442,812.15	TAP
\$110,703.04	Bikeways
<u>\$ 30,000.00</u>	SHA Review
\$553,515.19	Total Estimate for design

A motion was made by Commissioner Randy Laird to approve the amendment (for Design) to the Rt. 43 Hiker/Biker Trail project. Commissioner Simpkins seconded the motion. The motion carried 4-0.

Mr. Charles Cavanaugh, Director Solid Waste and Maintenance, and Mr. Gene Adkins, Finance Director, came forward at this time to present a lease purchase proposal for a Landfill Compactor. He explained the need for a new compactor, advising that the current compactor is old and in need of regular repairs. Current needed repairs are expected to cost approximately \$20,000. The proposal for a new 816 Caterpillar Compactor was shared with the Board. The final cost for a new machine is estimated to be \$514,189.00. Current financing rates, including monthly payment scheduled amounts were reviewed. Mr. Adkins expressed his concern to finance at this time, noting the remaining county loan cap as well as the machine not being budgeted for this fiscal year, resulting in a significant overage. It was Mr. Adkins recommendation to finance after January 2021. Various funding options were also discussed. President Mathies also questioned making minimal payments on loans, questioning if extra payments could be made to reduce the finance charge paid. He stated this should be something for the county to look into if it can afford it to reduce interest paid.

At the conclusion of the discussion, a motion was made by Commissioner Randy Laird to move forward with the lease purchase of the new compactor now, and request delivery after

January 1, 2021. Commissioner Simpkins seconded the motion. The motion carried 4-0. Mr. Cavanaugh noted he will make the needed repairs to the current compactor to keep it functioning.

Ms. Julie Widdowson, Tourism Director, came forward at this time to provide the Board with an update regarding the Burgess Museum. She advised that 99% of the exhibit items have been moved to a temporary county storage location and have been fumigated and cleaned. She discussed the new museum location, advising there was approximately 1000 square feet of space. She requested the Board's guidance regarding remaining unwanted items, and if they should be loaned out or given away. She explained the process that will be involved for both. The Board advised they would take the matter under consideration, and provide their recommendation within the next few weeks.

Ms. Kristen Tremblay, DTCS, came forward at this time regarding two rezoning requests that have been received for the Boards consideration, as now required by the zoning ordinance, before the request is presented to the Planning Commission for their consideration.

First, Ms. Tremblay presented a request from HB Solutions for a proposed Solar Project adjacent to the Great Hope Golf Course involving 22 acres in Westover directly off Route 413. She stated this would be a less than 2 MW proposed facility, comparing it to the size of the Coston Road project. Ms. Tremblay provided a brief review of the proposed area, currently zoned residential. Future land use is also recommended as residential, and a complete assessment would be completed by the P & Z office before it is presented to the Planning Commission. Ms. Tremblay made the recommendation to move the request forward for review by the Planning Commission, who would hold a Public Hearing to obtain public comment. If approved by the Planning Commission, the request would then come back to the Board of County Commissioners for their final approval.

A motion was made by Commissioner Randy Laird to forward the rezoning request to the Planning Commission. Commissioner Simpkins seconded the motion. President Mathies abstained; therefore, the motion carried 3-0-1.

Next, Ms. Tremblay presented a proposed rezoning request from Mr. Mitchell Bonneville, for 153 acres on Revells Neck Road (known as the former Walmart property) currently zoned Light Industrial. Mr. Bonneville has requested the zoning be changed back to Agricultural Residential. Noting she is not very familiar with this request, she briefly explained the current status and history of the property as provided by Mr. Pusey. Ms. Tremblay advised she didn't have

a recommendation regarding this request, however Mr. Bonneville stated he didn't see a problem going back to commercial in the future. She also stated she is unsure of the reason why Mr. Bonneville is asking for the property to be rezoned to AR.

A motion was made by Commissioner Simpkins to table the request until staff can make a recommendation. Commissioner Randy Laird seconded the motion. The motion carried 4-0.

Mr. Taylor continued with correspondence and discussion items.

Commissioner Simpkins stepped away from the meeting at this time.

A Maryland Department of Planning Clearinghouse Review (MD20200722-0631) was presented regarding Crisfield Tide Gates, Culvert Modification and Pumping Stations and entails drainage improvements for the City of Crisfield. Mr. Taylor recommended this project be coded C-5 (it is consistent with our plans, programs, and objectives).

A motion was made by Commissioner Randy Laird to code Clearinghouse Review project MD20200722-0631 as C5. Commissioner Willing seconded the motion. The motion carried 3-0-1 (abstention due to Commissioner Simpkins not being present).

Mr. Taylor advised of a letter from Kent County Commissioner Ronald H. Fithian sent to Governor Hogan regarding his disapproval of the movement to spend \$30,000,000.00 on a man-made oyster sanctuary in the Manokin River.

A letter was received from Attorney General Brian E. Frosh regarding the availability of civil legal aid due to devastating consequences resulting from the pandemic.

Commissioner Simpkins returned to the meeting at this time.

Mr. Taylor presented a Surplus Property purchase request received from Ms. Elsie Robinson to purchase Account No. 12-008279 (2877 Byrdtown Road) for \$4,616.00 plus closing costs. The 10% deposit for \$461.60 was made.

A motion was made by Commissioner Randy Laird to approve the sale of Account No. 12-008279 to Ms. Elsie Robinson for \$4,616.00 plus closing costs. Commissioner Willing seconded the motion. The motion carried 4-0.

Mr. Lee Brown has requested to purchase Surplus Property Account No. 10-004640 for \$4,037.00 plus closing costs. The 10% deposit for \$403.70 was received.

A motion was made by Commissioner Randy Laird to approve the sale of Account No. 10-004640 to Mr. Lee Brown for \$4,037.00 plus closing costs. Commissioner Simpkins seconded the motion. The motion carried 4-0.

Next, Mr. Taylor advised of two Board of Zoning Appeals board member term expirations. Mr. Brian Laird and Mr. Isaac Ballard have both indicated they would like to continue to serve. If approved, their new term will expire in August 2023.

Upon a motion made by Commissioner Willing, and seconded by Commissioner Simpkins, it carried 4-0 to approve the reappointments of Mr. Laird and Mr. Ballard to the Board of Zoning Appeals.

Lastly, Mr. Taylor requested the Board's formal approval to waive the landfill tipping fee regarding TS Isaias debris until Monday August 17, 2020. The waiver was approved by phone poll on August 6, 2020.

A motion was made by Commissioner Simpkins to waive landfill tipping fees for TS Isaias debris until August 17, 2020. Commissioner Willing seconded the motion. The motion carried 4-0.

President Mathies then opened the meeting for public comment.

Mr. Robert McIntyre, 28101 Mt. Vernon Road, Princess Anne, Maryland was present by phone to address the Board. Mr. McIntyre comments are summarized as follows:

- Regarding the consideration to purchase a new landfill compactor cost per month at \$9,329 for 60 months, he feels it better to fix the current 15-year old compactor for \$20,000, and wait to purchase new, feeling rates will be lower, and the price of the machine lower. He stated Caterpillar is not selling anything at this point in time
- The acreage for solar panels, he understands everyone's concern, about solar panels on Route 413. Other than the 1500' are there any other problems with having solar there, and would that be up to Planning and Zoning
- Regarding Mr. Bonneville's property by ECI, he stated if it was agricultural before, why can't it be agricultural again. People will not be building \$250,000 homes next to a jail, especially with today's environment so revert it back

Next, Mr. Ron DeClement, 11179 Princess Anne Road, requested to address the Board.

Mr. DeClement's comments are summarized as follows:

- In April 2019 upon his testimony before the PSC when in the attorney's office he was told the PSC won't override a local jurisdiction decision, and will work to make amendments and won't trump a decision. That's exactly what happened last Wednesday
- We have five good Commissioners making excellent decision, a good County Attorney, a good Zoning Board, a good P & Z Director
- The county came up with figures (\$16 million) that Great Bay Solar themselves calculated
- He reviewed previous Great Bay offers
- PSC went back to the \$1.2 million and only adding another \$200,000 at \$1.4 million
- He asks the county to appeal the decision-2 options via circuit court or another hearing and feels it should be appealed here in circuit court so the county is not trumped by the state

- Shocked with PSC decision. If the county doesn't want to appeal Safe for Somerset will. Asks for assistance from Attorney Simpkins. Must be appealed within 30 days, and a week has already passed
- Asked again that the county strongly consider making the decision to appeal this week and let them know so Safe for Somerset can appeal, and ask for what was originally asked for so State will respect Somerset County

Commissioner Randy Laird made a motion to go into closed session. However, it was noted there was a citizen in the audience wishing to speak who had forgotten to sign in. Commissioner Randy Laird withdrew his motion.

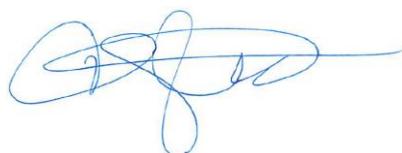
Ms. Tammy Truitt, 5144 Whittington Road, Marion Station, addressed the Board. Her comments are summarized as follows:

- She asked the county to appeal the decision the PSC made on decommissioning
- PSC defied their own condition in that any financial guarantee is credit worthy and evidence has been provided it is not
- It was found afterward in information provided that no salvage is to be allowed for panels, however, \$8.8 million is being allotted for panels (false value because panels are 4 years old)
- We have grounds we can win this case and we should appeal the decommissioning bond
- No one will give the company bonding in later years and we are setting ourselves up for a man-made disaster

At 3:20 pm, the Board was advised of the need for a closed session. Therefore, upon a motion made by Commissioner Randy Laird and seconded by Commissioner Rex Simpkins, 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 (7) to consult with counsel to obtain legal advice.

The Commissioner and Closed Session meetings were adjourned at 4:29 p.m., upon a motion made by Commissioner Randy Laird and seconded by Commissioner Rex Simpkins. The motion carried 4-0.

Approved by:




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Board of County Commissioners  
For Somerset County

Respectfully Submitted:




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Lory E. Ebron  
Executive Aide