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AGENDA
November 10, 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. - **Public Hearing** – Landfill Compactor Borrowing
 - Mr. Gene Adkins, Mr. Charles Cavanaugh
- * 2:10 p.m. - Mr. Gary Pusey, Mr. Adam Gibson, Ms. Mary Phillips, DTCS
 - J & J Agriculture LLC/Rezoning Request 305.5 acres/MRC to AR
 - Rural Legacy FY21 Grant Agreement
 - MYCOAST Pilot County
- * 2:35 p.m. - Ms. Daniele Haley, Mr. Tom Davis, SCPS
 - FY22 Capital Improvement Plan
- * 2:50 p.m. - Mr. Gene Adkins, Finance Director
 - Tawes School Funding
- * 2:55 p.m. - Ms. Julie Widdowson, Tourism
 - Hometown Tourism Grant
- 3:00 p.m. - Ms. Ashley Webster, Ms. Kira Evans
 - United Way Kickoff
- * 3:10 p.m. - Mr. John Redden, County Engineer, Mr. Danny Thompson, EDC
 - Restaurant Relief Fund Grant Approval

Correspondence:

Received

- * Maryland Association of Counties re: 2021 Legislative Committee Nominations (Member/Alt)
- Charter Communications re: Upcoming Changes (Spectrum TV Silver and Gold)
- * Somers Cove Marina re: Commission Reappointment

Sent

Ms. Jeannie Haddaway-Riccio, DNR Secretary re: Extension of October Female Crab Harvest
Mr. Willis Dryden, Jr. re: Crisfield Heritage Foundation Tax Exemption FY21
Ms. Wendy Clough, Treasurer re: Landfill Tipping Fee Waiver
Mr. W. Robert Hair, M.Ed., Superintendent re: CARES Act Grant Funding Request
Mr. Ronald Williams re: Surplus Property Purchases (4)

Discussion:

- * 1. Letter of Support – Smith Island Clean Up Efforts

Public Comments: Members of the audience who have signed up to address the Board will be permitted to do so at this time and allotted 5 minutes.

- * **3:20 p.m. - Closed Session-** Mr. Ralph Taylor, Ms. Morena Corbin, Mr. Charles Cavanaugh 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.
- * Denotes Action Item

BOARD OF COUNTY COMMISSIONERS
FOR SOMERSET COUNTY
November 10, 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 November 10, 2020, from 3:04 p.m. (following a brief recess) until 3:42 p.m., at 11916 Somerset Avenue, Room 111, upon a motion made by Vice President Charles Laird, and seconded by Commissioner Eldon Willing, it carried 5-0 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.

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

Also present were County Administrator Ralph D. Taylor, Executive Aide Lory Ebron, HR Director Morena Corbin, IT Director Chris Woodward, and Director of Solid Waste and Maintenance Charles Cavanaugh.

Topics discussed: (1) Hiring of Network Security Specialist (2) Hiring of Motor Equipment Operator I (MEO 1) (3) Vacation Leave Policy. Actions taken during closed session: (1) Approval to hire Network Security Specialist and MEO I (2) Approval to waive handbook regulation.

Minutes from the Commissioner and Closed Session meetings held on October 27, 2020, were approved as presented upon a motion made by Commissioner Rex Simpkins and seconded by Commissioner Eldon Willing. The motion carried 5-0.

Mr. Gene Adkins, Finance Director, came forward at this time. President Mathies called the Public Hearing open at 2:00 p.m., to consider passage of a borrowing resolution authorizing the issuance of sale to provide financing for the purchase of a Caterpillar compactor. 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, November 10, 2020 at 2:00 P.M.

Room 111, Somerset County Office Complex
11916 Somerset Avenue
Princess Anne, Maryland 21853

to consider passage of a borrowing resolution pursuant to the authority of Chapter 445 of the Laws of Maryland 2004:

1. A Resolution of the County Commissioners for Somerset County authorizing the issuance and sale, upon the full faith and credit of the County, of a general obligation installment note in the principal amount not exceeding \$500,000 to provide financing for the purchase of a Caterpillar compactor.

The County will not issue debt greater than \$10,000,000 in any fiscal year. Interested persons are invited to attend the Public Hearing and will have a reasonable opportunity to express their views both orally and in writing. Written comments submitted prior to the hearing and up to 10 days following the hearing, through November 20, 2020, should be mailed to the following address: Somerset County Commissioners, Somerset County Office Complex, 11916 Somerset Avenue, Princess Anne, Maryland 21853.

Board of County Commissioners
Ralph D. Taylor
County Administrator

Mr. Adkins explained that that a couple of months back, the purchase of a new landfill compactor was approved for an estimated cost of \$500,000 (including trade-in). It was noted that the current compactor can go down at any time, therefore there is a bit of urgency to the purchase. Mr. Adkins explained that the intent is to finance the purchase over 6 years; with the option of a lease purchase or a general obligation note. Mr. Adkins stated he would like to go with the option that is most favorable to the county, which will be determined at a later date. The equipment would be received in January 2021, and will not be an obligation to the county until that time. Notice was published in the local paper, and a 10- comment period, until November 20, 2020 at 4:30 p.m., will be accepted. There were no questions presented from the Board. President Mathies asked if there were any opponents or proponents present wishing to speak. There were none. The public hearing was declared closed at 2:06 p.m.

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

First, Mr. Pusey explained that a Public Hearing was held two weeks ago regarding a rezoning request of 305.5 acres from MRC to AR, that was received from J & J Agriculture, LLC. The public comment period has closed, and it was noted that one written comment was received in opposition to the rezoning request during the comment period. The Planning Commission held their public hearing on the matter in August, and then again in September. It was noted that they were unable to provide a recommendation as the vote ended as a 3-3 tie. Mr. Pusey explained again that rezoning requests can only be approved under two circumstances: (1) if there has been substantial change in the character of the neighborhood since the last comprehensive rezoning (2001) and (2) if it is found that the current zoning was a mistake. Mr. Pusey advised that the applicants in this case feel there was a mistake in zoning. The opponents feel there was no mistake, and everyone agrees that there has been no change in the character of the neighborhood, which has been stable since 2001.

Mr. Pusey then asked that the Board provide a “preliminary decision” today, so that staff is allowed time to compile the Findings of Facts, and the report the basis of a final decision in two weeks at which time the resolution and finding of facts will be formally signed and approved.

Vice President Charles Laird asked for clarification regarding the lot size requirement to build homes should the property be rezoned to AR. Mr. Pusey stated that AR zoned property would be fewer than MRC.

Vice President Charles Laird made a motion to not rezone the property, and have it remain zoned MRC. Commissioner Randy Laird seconded the motion. Commissioner Rex Simpkins and Commissioner Eldon Willing were opposed. With the split decision, President Mathies noted his opinion of favoring farming in our county, because it has been a way of life, along with making a living on the water for a substantial number of years. He stated they all represent every constituent in the county, and based on the opponents and proponents speaking of behalf of the request, there were more opponents against than proponents in favor of the request. He understands that J & J is in it to make a profit, and the land is not as productive as it could be, however, President Mathies stated that he must go with the majority, and voted to not rezone the property to AR. Therefore, the motion carried 3-2.

Mr. Pusey advised that staff will prepare the Findings of Facts and Resolution based on the information received, and return in two weeks for the formal decision.

Next, Mr. Pusey was joined by Jared Parks, Lower Shore Land Trust to present the Dividing Creek Rural Legacy Area (DCRLA) FY21 Grant Agreement. A map was distributed

showing the current and pending easements as well as priority areas for acquisition. The Board was advised that the State of Maryland has approved the county's DCRLA application for \$813,749.00. These funds are proposed to purchase easements on two Somerset County properties totaling 237 acres, as well as one property in Worcester County for 166 acres. Mr. Pusey explained the establishment of the DCRLA in FY2008, noting it covers almost 24,000 acres in Somerset and Worcester Counties. Duties were transferred to Lower Shore Land Trust in 2018. Attorney Kirk Simpkins has reviewed the grant agreement being presented today and found it legally sufficient. Mr. Parks explained the current projects ending in Worcester County and Somerset County for last year, advising that timing is good for more funds to be received into the program. The Board reviewed the areas being presented for approval and the properties included within the program.

Vice President Charles Laird made a motion to approve the easement and the grant agreement for the President's signature as presented. Commissioner Simpkins seconded the motion. The motion carried 5-0.

Mr. Pusey was joined by Ms. Mary Phillips, and next explained 'MyCoast Maryland', a new concept using an app that is used to capture and analyze photos and data submitted regarding flooding. People in the community will take photos of nuisance flooding and submit the data to the Maryland Department of Natural Resources. Somerset County would be a pilot county participating, and it was noted that this program would provide documentation for various county plans as well as assist with grant funding requests to MEMA and FEMA. Currently a nationwide program, DNR will eventually apply the program to the entire state, but at the present time is only working with a couple of counties to work out any preliminary issues before the program is expanded. This program will document current flooding situations. Commissioner Randy Laird questioned the use of the information being collected. Mr. Pusey stated his department also had questions, and learned on a conference call held with Ms. Yvette Cross, who was supportive of the program, that this program will provide real time data during storm events. Vice President Charles Laird also added that it was his understanding that this program will assist with the monitoring of tidal issues during bad weather situations, and will be beneficial to track real time tidal occurrences during storms. President Mathies also questioned if participation in the program will also show areas that have been recently classified as a flood zone may be unwarranted.

Vice President Charles Laird made a motion to proceed with the MyCoast Maryland program. Commissioner Randy Laird seconded the motion. Commissioner Willing opposed; therefore, the motion carried 3-1 (President Mathies did not vote).

Ms. Daniele Haley and Mr. Tom Davis, Somerset County Public Schools, came forward at this time to present the FY22 Capital Improvement Plan (CIP) for final submission. The CIP includes planning and funding approval for a building project to replace windows and doors that will improve energy efficiency, for Greenwood Elementary School, originally built in 1961, with a few additions added over the years. The Board was also provided with a copy of the Educational Facilities Master Plan for FY21. For future project consideration, Princess Anne Elementary School is still a priority. Ms. Haley closed her comments by stating the Greenwood project presented for FY22 requires no local contributions. She also asked the Boards approval for the President's signature for the letter certifying the County approves the FY22 CIP as presented.

A motion was made by Vice President Charles Laird to approve the FY22 CIP, and authorize President Mathies to sign the letter of certification. Commissioner Willing seconded the motion. The motion carried 5-0.

With Ms. Haley remaining present in the audience, Mr. Adkins came forward to discuss remaining costs for the JM Tawes Phase II project. Bond counsel is working with the USDA to finalize the JM Tawes Phase II loan that we have in place. He discussed the favorable interest rates currently available, at 2.125% for 20 years/quarterly payments, as compared to Phase I at 2.75% for 20 years last year. He advised he is trying to close by year end, and the spending to date information was approved by the USDA. Approximately \$216,000 needs to be spent before year end to close out the loan and preserve that interest rate. Permission has been received from the USDA to close out the loan by allowing the county to advance funds to the Board of Education, trusting that they will spend all the funds. In order to close the loan, the county will advance these funds, and be reimbursed. A schedule provided by Ms. Haley was distributed to the Board, which explained how these unspent funds will be used. Mr. Adkins stated he is confident the funds will be spent, and made the recommendation to move forward to authorize USDA to move forward with the loan. President Mathies questioned if the funds are not spent, will the county be reimbursed. Mr. Adkins explained the timing issues relating to this loan, and Ms. Haley explained that the funding is encumbered as presented, noting there are delivery delays because of COVID-19. The county will essentially be forward funding for the items encumbered.

Vice President Charles Laird made a motion to prepay remaining JM Tawes Phase II expenses if necessary through 12/31/20 as presented. Commissioner Willing seconded the motion. The motion carried 5-0.

Ms. Julie Widdowson, Tourism Director, came forward to present a grant awarded by the Governor's Office (Hometown Tourism Grant) in the amount of \$22,382.48. Ms. Widdowson explained that this grant will supplement the annual Tourism Grant received for advertising to promote Somerset County Tourism.

A motion was made by Commissioner Randy Laird to approve the Hometown Tourism Grant. Vice President Charles Laird seconded the motion. The motion carried 5-0.

Commissioner Laird left the meeting briefly and returned.

Ms. Kira Evans and Ms. Ashlie Webster came forward at this time to kick off this year's Somerset County United Way Campaign which will be starting on Thursday. Ms. Evans explained that they were both very excited to be the United Way Coordinators this year. Their goal is to raise \$10,000 (noting a little more than \$8,000 was raised last year). In order to achieve their goal, they are planning various fundraising events throughout the year, and are hoping to unify the county. They thanked the Board for their support. Mr. Taylor expressed his appreciation to Ms. Evans and Ms. Webster for volunteering to be this year's coordinators; stating he appreciates their efforts.

Mr. Taylor continued with correspondence and discussion items at this time being the meeting was running ahead of schedule.

Correspondence was received from Maryland Association of Counties (MACo) requesting the appointment of Somerset County's Member and Alternate to the 2021 Legislative Committee.

A motion was made by Commissioner Randy Laird to appoint Vice President Charles Laird serve as Member. Commissioner Willing seconded the motion. The motion carried 5-0.

A motion was made by Commissioner Randy Laird to appoint President Mathies to serve as Alternate. Commissioner Simpkins seconded the motion. President Mathies opposed; therefore, the motion carried 4-1.

Tri-County Council for the Lower Eastern Shore of Maryland is requesting Somerset County's Executive Board Nominations for 2021 (for Chair and First Vice Chair). Commissioner Simpkins will serve as Chair and First Vice Chair will be Commissioner Willing.

A request was received from Ms. Mary E. Taylor to reappoint Mr. John French to serve as a member of the Somers Cove Marina Commission.

A motion was made by Vice President Charles Laird to reappoint Mr. French to serve as a member of the Somers Cove Marina Commission. Commissioner Randy Laird seconded the motion. The motion carried 5-0.

A letter was sent to Ms. Jeannie Haddaway-Riccio, DNR Secretary, requesting an extension of the October Female Crab Harvest. Mr. Taylor advised a one-week extension was granted.

Mr. Willis Dryden, Tax Supervisor, received a letter advising that the FY21 Tax Exemption was granted for the Crisfield Heritage Foundation.

Ms. Wendy Clough, Treasurer, Church of God, was advised their landfill tipping fee waiver was approved as requested.

Mr. W. Robert Hair, Maryland School for the Blind was notified his request for CARES funding will be considered.

Mr. Ronald Williams was notified that his request to purchase four surplus properties was approved.

A letter of support was presented for approval in support of the grant application for next year for Smith Island Clean Up Efforts.

Upon a motion made by Commissioner Randy Laird, and seconded by Vice President Charles Laird, it carried 5-0 to approve the letter of support as presented.

Mr. Danny Thompson, Economic Development Director, came forward at this time to present the Restaurant Relief Fund Grant, in the amount of \$113,861.00 for approval. Mr. Taylor explained the recipient agreement, between Somerset County and the Department of Commerce, coming from the Governor's Rainy-Day Fund offered to benefit restaurants effected by COVID-19. Approval of the recipient agreement acknowledges acceptance of the grant funding. Mr. Redden joined the meeting at this time.

Mr. Thompson explained that a list was provided of restaurants in Somerset County Health Department, consisting of approximately 30 businesses which will be contacted. Mr. Redden provided an overview of the Restaurant Relief Fund, and explained that the Recipient Agreement must be signed in order to obtain the funding. A team was established to implement the program (Mr. Taylor, Ms. Muir, Mr. Adkins, Mr. Thompson and Mr. Redden), and it was recommended that the program be administered through the Economic Development Commission. The process to submit for funding for these businesses will be similar to how the CARES Act funding process was handled which will included the application, Grantee Agreement, Demographics Form and W-9. Advertising will also be posted in the local papers, with applications due by December 15, 2020.

Commissioner Simpkins asked who will be qualified for this grant funding, such as existing or new businesses. It was noted that they will be using the list provided by the Health Department which are licensed businesses. Vice President Charles Laird questioned the amount of grant disbursements. It was noted that with the short time frame, the plan is to accept the applications until the deadline date of December 15, and divide the grant funding equally.

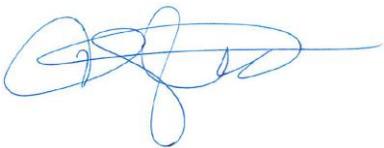
A motion was made by Commissioner Randy Laird to approve the President's signature on the grant agreement with the Department of Commerce. Vice President Charles Laird seconded the motion. The motion carried 5-0.

A motion was made by Vice President Charles Laird to approve the subrecipient agreement between the County and the Economic Development Commission. Commissioner Randy Laird seconded the motion. The motion carried 5-0.

With no further business, at 3:00 p.m., the Board was advised of the need to enter into Closed Session. Therefore, upon a motion made by Vice President Charles Laird and seconded by Commission 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. The motion carried 5-0.

The Commissioner and Closed Session meetings were adjourned at 3:42 p.m., upon a motion made by Commissioner Rex Simpkins and seconded by Vice President Charles Laird. The motion carried 5-0.

Approved by:



Board of County Commissioners
For Somerset County

Respectfully Submitted:



Lory E. Ebron
Executive Aide