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AGENDA
June 22, 2021
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** – Amendment to the Nuisance Ordinance
 - Mr. Gary Pusey, Ms. Mary Phillips and Mr. Casey Goldsborough, DTCS
- * 2:15 p.m. - Mr. Anthony Stockus, Ms. Starr Mister
 - Deal Island Water Main Loop Project/Settlement Documents and Resolution
- * 2:25 p.m. - Mr. John Redden, County Engineer
 - MOU Revisions for Choptank Electric Broadband and DHCD Broadband Expansion Agreements
- * 2:30 p.m. - Ms. Yvette Cross, Director
 - Update/Logging Recorder- Numbers Board
- * 2:35 p.m. - Ms. Sharon Muir, Internal Auditor
 - Employee Handbook Changes

Correspondence:

Sent

Mr. Billy Hinman re: Surplus Property Purchase Request

Discussion:

- * 1. Mosquito Control Amphibious Excavator Agreement

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.

2:45 p.m. - Closed Session- Mr. Ralph Taylor, Mr. Robin Cockey, Ms. Shayna Hart, 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; and (7) consult with counsel to obtain legal advice.

- * Denotes Action Item

BOARD OF COUNTY COMMISSIONERS
FOR SOMERSET COUNTY
June 22, 2021

At 2:00 p.m., Vice President Charles Laird, acting as Chair, called the Board of County Commissioners for Somerset County to open in Regular Session. Also present for the meeting were President Commissioner Craig N. Mathies, Sr., 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.

Chair Vice President Charles Laird asked Commissioner Willing to lead those present in devotion and the Pledge of Allegiance.

Closed Session Summary Report

On June 22, 2021, following a brief recess, from 2:47 p.m. until 4:37 p.m., at 11916 Somerset Avenue, Room 111, upon a motion made by Commissioner Simpkins, and seconded by Commissioner 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 (7) consult with counsel to obtain legal advice. Commissioner President Mathies and Commissioner Randy Laird voted in favor; therefore, the motion carried.

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

Also present were County Administrator Ralph D. Taylor, Executive Aide Lory Ebron, HR Attorney Robin Cockey, Ms. Shayna Hart, Director Morena Corbin, Director Charles Cavanaugh. Topics discussed: (1) Personnel (2) Consult with counsel (3) Probationary Status. Actions taken during closed session: (1) Approval of Attorney Opinion (2) Approval of Probationary Extension.

Minutes from the Commissioner and Closed Session meetings held on June 8, 2021 and the Special and Closed Session meetings held on June 3, 2021 were approved as presented upon a motion made by Commissioner Randy Laird and seconded by Commissioner Simpkins. President

Commissioner Craig Mathies and Commissioner Willing voted in favor; therefore, the motion carried.

Mr. Gary Pusey, Ms. Mary Phillips, Mr. Casey Goldsborough and Mr. Will Cornish, DTCS, came forward.

Chair Vice President Charles Laird called the Public Hearing open at 2:00 pm., regarding an amendment to the Nuisance Ordinance to clarify issues with overgrowth of vegetation. Mr. Taylor read the notice of public into record as follows:

“In accordance with the Public Local Laws of Somerset County, Section 2-410, the Somerset County Commissioners may adopt ordinances for the purpose of property maintenance. The Commissioners are considering amending the existing Nuisance Ordinance to clarify the conditions under which the uncontrolled growth of weeds, grass or other similar vegetation constitute a “nuisance.” The County Commissioners will hold a Public Hearing in order to obtain citizen input prior to making a decision.

Fair Summary

The Nuisance Ordinance states that the uncontrolled growth of weeds, grass or similar vegetation more than 12 inches in height is a “nuisance,” unless the land is being used for a bona fide agricultural purpose. The proposed amendments will eliminate the agricultural exception in recorded subdivisions and other developments, and will also clarify under what conditions uncontrolled vegetative growth on vacant lots would be classified as a “nuisance.”

For further information please contact the Somerset County Department of Technical and Community Services at 410-651-1424.

Board of County Commissioners for Somerset County
Ralph D. Taylor, County Administrator”

Mr. Taylor then presented into record a statement from Mr. Jim Thiess, who advised he was unable to attend the hearing today. A copy of the statement was also distributed to the Board.

Mr. Pusey introduced staff attending with him today, clarifying that tall grass was the reason they were holding the public hearing today. He explained that the current Nuisance Ordinance was adopted by the County Commissioners effective December 4, 2012. The ordinance addresses different situations classified as nuisances, such as untagged vehicles, dilapidated structures and tall grass, enforced by the Department of Technical and Community Services (DTCS). Other health related nuisances are enforced by the Health Department, such as overflow of sewage, polluted wells, etc. Concerns of overgrowth of vegetation in residential sub-divisions and the presence of tall grass on vacant lots have arisen, causing a need to possibly revise the ordinance. Mr. Pusey read the following statement from the ordinance: “The uncontrolled growth of weeds, grass or other similar vegetation more than twelve (12) inches in height in any lot or parcel of land not being used for a bona fide agricultural purpose.” He explained that an issue has

come up in that the phrase “bona fide agricultural purpose” interpreted by DTCS to consist of typical farm crops such as corn, wheat, soybeans, etc., is being questioned by a property owner in Coulbourn’s Cove subdivision in Marion as they feel the grass growing on their lot, being used as hay for farm animals, constitutes a bona fide agricultural purpose. Therefore, it was felt that perhaps the ordinance language needed clarification, as it was felt that the intent of the Nuisance Ordinance was not to allow tall grass in residential areas. The second issue being presented are complaints received regarding tall grass concerns on vacant lots that are adjoining a residential improved lot. The opinion of the DTCS office is that these lots are considered “fields” in their opinion. However, the department does agree that if there is an adjacent lot (or adjacent to a recorded subdivision) to an existing improved lot with a house should be cut. Mr. Pusey next reviewed the recommended language change to the ordinance, which removed the language referencing bona fide agricultural purpose, replacing it with more specific language. He explained that if approved, it would be at the discretion of DTCS staff to determine if a violation is occurring. If found in violation, the homeowner has the option to file an appeal with the Board. Mr. Goldsborough distributed pictures showing the difference between lots growing wheat, and tall grass growing for animal hay. It was noted that planting used for agricultural purposes, such as wheat, corn or soybeans, hay or alfalfa for example, would continue to be allowed, even in a subdivision. It was also noted that anything growing that is cut before 12 inches, would be allowed under the new ordinance language being recommended. A discussion was held and Commissioner Simpkins questioned how other counties are handling this issue. Vice President requested a clearer definition regarding hay versus other species. President Commissioner Mathies also questioned if an analysis of plant growth could be performed to assist with clarification.

Chair Vice President Charles Laird then asked if there were any proponents present wanting to speak.

Mr. Jim Thiess Jr., 28050 Coves Way came forward. He explained his family owns the property in question, which they bought 3 years ago. Floyd Pugh was given permission to cut the lots for the grass to feed to his animals 10 years ago, long before they owned the property. The lots were way overgrown and wild back then. The lots are cut twice a year, as the grass needs to be a certain height to cut. He’s sure they can have it planted by farmers. Because Mr. Pugh has been cutting it for so long, he would like to be able to continue to allow him to cut it.

Mr. Scott Tawes came forward. He stated most of the developments have covenants that are a lot stricter than what Mr. Pusey is proposing. He suggested looking at these covenants in

each development, noting Rehobeth Village. It was noted that Wicomico County allows ag and hay, noting it's not beneficial to cut unless it's 24 inches and where he lives, in Arbor Acres, two feet is allowed, and agreed to by everyone. Soybeans is being planted there to be consistent, however it was noted that a couple of people did complain as they felt overspray killed their flowers. Residents did agree to having hay which is probably cut around 5 times a year. Covenants set would be up to the Homeowners Association.

Chair Vice President Charles Laird asked if there were any opponents present wanting to speak. Mr. Mark Simmons, 9554 Millard Long Road came forward.

Mr. Simmons said he is not opposed to the spirit of the ordinance, but has concerns being the owner of a 35-acre lot consisting of woodland and meadow. His vegetation grows over 12", noting he mows his meadow once a year. His concern is as he reads it that he can be told to mow his meadow if over 12". He expressed concern of all vacant lots have to be mowed, and be turned into lawns, and his interpretation is that if somebody has it out for him, they can file a complaint and he will be told he has to mow. He talked about conserving nature and the environment and to have more woodlands and meadows. He questioned if the ordinance can be excluded to AR zoned properties, excluding platted subdivisions or have an option for deeded conservation purpose. Mr. Simmons stated he follows the American Forest Foundation guidelines as well as DNR, which states to now mow in the summer. His issue is how do you handle people who are trying to preserve nature and not cause a nuisance.

Mr. Taylor then stated that written public comment would be taken for 10 days, or until July 2, 2021. Chair Vice President Charles Laird asked if Coulbourn's Cove has a covenant in writing. Mr. Thiess said there is no HOA. Chair Vice President Charles Laird noted the need to research topics brought up, especially the wildlife issue. He noted wildlife signs that can be issued, as well as bee pollination, noting the county does not want to take away from environmental aspects; noting more research and clarification is needed and make it so it works for the county.

Upon a motion made by President Commissioner Mathies and seconded by Commissioners Willing, the public hearing was declared closed at 2:29 pm. Commissioner Simpkins and Commissioner Randy Laird voted in favor; therefore, the motion carried.

Next, Mr. Tony Stockus and Ms. Starr Mister came forward to present the Deal Island Water Main Loop Project and resolution for approval and signature. Mr. Stockus stated that the project has been a long time in development and will benefit the west side that wouldn't have adequate water protection if the one current line went down, and will also provide a "loop" that

will increase water quality. Half of the project (approximately \$128,000) will be paid by grant, and the other half by loan/loan forgiveness (approximately \$65,000 at 0% and \$65,000 at .4% for 30 years). He requested the Boards approval of the borrowing resolution, noting that this is a taxable loan, and will not affect the county's borrowing cap. Mr. Adkins has reviewed the documentation, prepared by bond council, and found it acceptable.

A motion was made by Commissioner Willing to approve the documentation and Resolution # 1168 regarding the Deal Island Water Main Loop Project. Commissioner Simpkins seconded the motion. President Commissioner Mathies and Commissioner Randy Laird voted in favor; therefore, the motion carried.

Next, Mr. John Redden came forward to present minor revisions that were requested to be made from the State with regard to the MOU's signed two weeks ago with Choptank Electric Broadband and DHCD. He explained the revisions regarded the speed for the network, increased to a minimum of 100Mbps per second (faster service) as well as adding a reporting requirement. He advised Choptank had no issue modifying the agreements as requested.

Commissioner Randy Laird made a motion to approve the revised MOU's with the Choptank Electric Broadband and DHCD Broadband Expansion Agreements as presented. Commissioner Simpkins seconded the motion. Commissioner Randy Laird and Commissioner Willing voted in favor; therefore, the motion carried.

Ms. Yvette Cross, Emergency Services, came forward at this time to advise the Board of the Maryland 911 Board recently awarded Somerset County a \$67,176.80 grant award to upgrade the logging recorder for telephone and radio communications. This upgrade will also keep the recording system "next-generation" compatible. A purchase order will be required before equipment can be ordered and installed, which will occur in late summer/early fall 2022. The vendor will invoice the 911 Board directly. Ms. Cross advised this will not impact her budget.

A motion was made by Commissioner Simpkins to approve the grant awarded to upgrade the logging recorder as explained. Commissioner Willing seconded the motion. Commissioner President Mathies and Commissioner Randy Laird voted in favor; therefore, the motion carried.

Ms. Sharon Muir, Internal Auditor, came forward to present a couple of changes to the Employee Handbook regarding the removal of language concerning Hazardous Duty Compensation and the addition of language to the Retirement/Pension section of the handbook. The Board rescinded Resolution #820 regarding the add-on hazardous duty pay on June 8, 2021, since it had been incorporated into the Sheriff's Office and Detention Center Pay Scales since

FY'19, thus making hazardous duty pay no longer applicable as a separate pay item. The Board approved and adopted Resolution #1165 during the May 18, 2021 meeting to enter into the LEOPS pension system, which requires an addition to the retirement/pension language in the Employee Handbook to clarify that the County now participates in two separate pension systems within the Maryland State Pension System. Ms. Muir presented **Resolution No. 1169** to the Board for amendment of the Employee Handbook, regarding the removal of the Hazardous Compensation language and the addition of language for the Retirement/Pension section as follows:

1) Section I. Application and Definitions, B. Definitions, 15. Hazardous Compensation

Page 4, Remove Item 15, Hazardous Compensation: “Hazardous compensation is additional pay for Certified Deputies of the Somerset County Sheriff’s Department and State’s Attorney’s Office certified Deputies, and Certified Correctional Officers II, III, IV/Lieutenant, for the performance of life threatening duties. Hazardous pay shall be included in the certified deputies’ and/or certified correctional officers’ annual grade and step compensation on a permanent basis”.

2) Section VI. G. Retirement/Pension

Page 39, Add language in item G. (paragraph 2) Retirement/Pension:

“Participation in the State Retirement or Pension System is mandatory- For Regular Full-time Employees and Part-time Employees budgeted to work 500 or more hours in a fiscal year-Effective Date of Hire.

The County participates in the Maryland State Alternate Contributory Pension Selection (ACPS) System **(07) and the Law Enforcement Officers’ Pension System (LEOPS) (09)**, which requires an Employee contribution of seven percent (7%) of their salary (this contribution is payroll deducted bi-weekly).”

A motion was made by Commissioner Willing to adopt Resolution #1169 to amend the Somerset County Employees Handbook of Governing Rules and Regulations as presented to be effective July 1, 2021. Commissioner Randy Laird seconded the motion. Commissioner President Mathies and Commissioner Simpkins voted in favor; therefore, the motion carried.

Mr. Taylor continued with correspondence and discussion items.

A letter was sent to Mr. Billy Hinman advising of the Boards approval regarding his request to purchase surplus property.

Mr. Taylor presented the Mosquito Control Amphibious Excavator Agreement, written by the County Attorney, allowing the County to use the Department of Agriculture/Mosquito Control Division amphibious excavator.

A motion was made by Commissioner Randy Laird to authorize President Mathies to sign, and execute the lease agreement between the Department of Agriculture/Mosquito Control Division and Somerset County as presented. Commissioner Simpkins seconded the motion. Commissioner Willing and President Mathies voted in favor; therefore, the motion carried.

With no further business, at 2:42 p.m., the Board was advised of the need to enter into Closed Session. Therefore, upon a motion made by Commissioner 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 (7) consult with counsel to obtain legal advice. Commissioner Randy Laird and President Commissioner Mathies voted in favor; therefore, the motion carried. The Commissioner and Closed Session meetings were adjourned at 4:37 p.m., upon a motion made by Commissioner President Mathies and seconded by Commissioner Willing. Commissioner Simpkins and Commissioner Randy Laird voted in favor; therefore, the motion carried.

Approved by:



Board of County Commissioners
For Somerset County

Respectfully Submitted:



Lory E. Ebron
Executive Aide