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AGENDA
May 25, 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. - 2021 Teacher of the Year Proclamation Presentation-Mr. Logan Webster
- * 2:05 p.m. - FY22 Budget Adoption/Mr. Gene Adkins, Finance Director
- * 2:20 p.m. - Mr. Charles Cavanaugh, Director Solid Waste and Maintenance
 - Maryland Environmental Service Intergovernmental Governmental Agreement
- * 2:25 p.m. - Mr. Clint Sterling, Director Recreation and Parks/Tourism
 - Review of Burgess Agreement and Schedule of Construction of Exhibits
 - Somerset County Tourism Commission/Vacancies/Terms
- * 2:35 p.m. - Mr. Gary Pusey, Director DTCS
 - Kirk Simpkins, Rezoning Request Map 7, Grid 4, Parcel 9 from I-1 Light Industrial to Maritime-Residential-Commercial
 - Smith Island Sustainability Community Plan – County Commissioner Endorsement
- * 2:45 p.m. - Mr. John Redden, County Engineer
 - Maryland Department of Housing and Community Development re: FY21 Expansion of Existing Broadband Networks Funding Program/MOU's
 - Department of Commerce Non-Profit Revised Agreement
- * 2:55 p.m. - Ms. Sharon Muir, Internal Auditor
 - Local Government Insurance Trust (LGIT) Sponsorship/Somerset County Library and Sanitary District
 - Tax Deferred 457(b) Plan

Correspondence:

Received

- * Ms. Julianne A Oberg, Deputy Secretary re: Cooperative Agreement/Invasive Weeds

Sent

Mr. Mike Thomas, Legislative Assistant re: Federal Priorities

Discussion:

- * 1. FY22 AOC Grant/Courthouse Security MOU
- * 2. Surplus Property Offers (2)

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.

3:15 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.

BOARD OF COUNTY COMMISSIONERS
FOR SOMERSET COUNTY
May 25, 2021

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 Rex Simpkins currently absent, joined later in the 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

On May 25, 2021, from 2:52 p.m. until 2:57 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 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; (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, Commissioner Randy Laird, and Commissioner Rex Simpkins.

Also present were County Administrator Ralph D. Taylor, Executive Aide Lory Ebron. Topics discussed: (1) Acquisition of property (2) Discussion-county owned property (3) Proclamation. Actions taken during closed session: (1) Approval to move forward with county owned property (2) Proclamation approved.

Minutes from the following meetings were approved as presented upon a motion made by Commissioner Willing and seconded by Vice President Charles Laird. Commissioner Randy Laird voted in favor; therefore, the motion carried:

- Commissioner and Closed Session Meetings held April 27, 2021
- Special and Closed Session Meetings held May 4, 2021
- Commissioner, Closed Session and Public Hearing Meetings held May 11, 2021
- Special Session and Closed Session Meetings held May 18, 2021

First, Mr. Logan Webster was asked to come forward to accept a proclamation acknowledging his being named the 2021 Somerset County Teacher of the Year. Mr. Webster was congratulated on his accomplishment and the Board expressed their gratitude for his passion for teaching the children of Somerset County.

Mr. Gene Adkins, Finance Director, and Ms. Sharon Muir, Internal Auditor, came forward at this time to present the final County Budget for Fiscal Year 2022 for adoption.

Mr. Adkins provided a summary of this year's budget process as follows:

- The Public Hearing on the proposed tax rate and proposed budget for FY22 was held on May 11, 2021
- One (1) public comment was made by Mr. Robert McIntyre regarding federal grants and the American Rescue Plan, which is outside the scope of the General Fund Budget
- One (1) public letter was received from Maryland Non-Profits out of Baltimore Maryland regarding remembering local community foundations while administrating the American Rescue Plan
- The County Roads Budget was reduced by \$13,026 as a result of salary/fringe reclassifications
- The General Fund was reduced by \$13,026 to offset the appropriation to County Roads for the salary/fringe reclassifications
- A Community Promotions request from Fairmount Academy Historical Association was received late, with the Board granting \$1,000 (equal to FY21 award), thereby reducing the unallocated balance and leaving a total of \$156,262 in the Community Promotions budget
- The largest change regarded revisiting certain capital requests after receiving preliminary guidance on the allowed usage of funds in the American Rescue Plan. As a result, the following capital budgets were increased:

• Planning and Zoning	\$23,500
• Information and Technology	\$26,498
• Dog Control	\$ 950
• Landfill and Solid Waste	<u>\$355,000</u>
Total:	\$405,948

- An email was received from Donna Gunning, Maryland State Department of Education, notifying the county that the calculation for Maintenance of Effort has changed. The change involves excluding the September 30, 2020 student count and to use a prior 3-year average. This change results in an increase to the County of \$50,525 and brings the annual operating appropriation for the Board of Education to \$10,443,965
- Two (2) grants (Sheriff Safeguarding Children and Detention Center Pre-Trial Services) were deleted that did not carry forward to FY22, resulting in a net reduction in revenues of \$65,480

Mr. Adkins stated that these changes resulted in a revised figure for the “transfer from undesignated reserve” which now totals \$1,547,515.87. This figure, combined with “transfer from reserve for encumbrances” in the amount of \$180,000 for a specific capital project, will use a total reserve of \$1,727,515.87 to balance the budget. Mr. Adkins then restated the total County General Fund budget is now \$41,872,826, and the total County Roads budget is now \$4,404,012.98. President Mathies asked if the Board had any questions for Mr. Adkins before proceeding. There were no questions. Mr. Adkins then requested to receive motions to adopt the budget.

Upon a motion made by Commissioner Randy Laird, seconded by Vice President Charles Laird, with Commissioner Willing voting in favor, it carried unanimously that it be adopted and resolved, that for the Fiscal Year ending June 30, 2022, the property tax rate be \$1.00 per \$100.00 of the full assessed value of real property and \$2.50 per \$100.00 of full assessed value of personal and public utility property in Somerset County, except such property as may, by provision of the laws, be exempt from this rate.

Upon a motion made by Vice President Charles Laird, seconded by Commissioner Willing, with Commissioner Randy Laird voting in favor, it carried unanimously that it be adopted and resolved that for the Fiscal Year ending June 30, 2022, the property tax rate of \$.28 per \$100.00 of the full assessed value of public utility property; and, \$.112 per \$100.00 of the full assessed value of all other real property in Somerset County, excepting such property as may, by provisions of the laws, be exempt from this rate, be levied and imposed for the State of Maryland.

Upon a motion made by Commissioner Willing, seconded by Commissioner Randy Laird, with Vice President Charles Laird voting in favor, it carried unanimously that it be adopted and resolved that for the Fiscal Year ending June 30, 2022, the local income tax rate for residents of the County be at the rate of 3.2% of Maryland's taxable income for Tax Year 2022.

Upon a motion made by Commissioner Randy Laird, seconded by Vice President Charles Laird, with Commissioner Willing voting in favor, it carried unanimously that it be adopted and resolved for the Fiscal Year ending June 30, 2022 that a service charge of 0.68% be applied to the second installment amount of semiannual tax payments.

Upon a motion made by Vice President Charles Laird, seconded by Commissioner Willing, with Commissioner Randy Laird voting in favor, it carried unanimously that it be adopted and resolved that the proposed Levy, reflecting total revenues in the amount of \$41,872,826.00 and total appropriations in the amount of \$41,872,826.00, be adopted as the Official Levy of Fiscal Year 2021-2022.

Upon a motion made by Commissioner Willing, seconded by Vice President Charles Laird, with Commissioner Randy Laird voting in favor, it carried unanimously that it be adopted and resolved that the proposed Somerset County Roads Budget, reflecting total revenues in the amount of \$4,404,012.98 and total appropriations in the amount of \$4,404,012.98 be adopted for Fiscal Year 2021-2022.

Mr. Adkins next presented the budget cover sheets for signature signifying approval of the FY22 Somerset County Budget as presented.

Mr. Taylor thanked Mr. Adkins and Ms. Muir for their hard work and efforts. President Mathies also commended all for their hard work and efforts, and for keeping the county financially healthy. Mr. Adkins left the meeting at this time.

Next, Mr. Charles Cavanaugh came forward to present an Intergovernmental Agreement between the Maryland Environmental Service (MES) and Somerset County. He explained that the agreement has been reviewed and found legally sufficient by the County Attorney. In summary, this agreement will allow MES to provide the County with a variety of solid waste services and the ability to request specific tasks, which MES will submit by written proposal to include scope of work, detailed description of work to be performed, cost and schedule. Mr. Cavanaugh noted that with the County working on expanding the landfill, this agreement will be beneficial for the next phase of the operation.

Vice President Charles Laird made a motion to authorize the President's signature on the Intergovernmental Agreement between MES and Somerset County. Commissioner Willing seconded the motion. Commissioner Randy Laird voted in favor; therefore, the motion carried.

Next, Mr. Clint Sterling came forward to discuss the next phase regarding the Burgess Exhibit Center recently completed at the Tourism Office location. He advised that proceeds from the sale of the former Burgess Museum will help pay for costs associated with the exhibits going into the new location; however, he had received a contract from Elk Creek Historical Preservation, proposed at \$97,975, that will get the work going. Mr. Sterling advised that he would like to have this proposed contract approved to lock in the price. If approved, work can begin in June and be completed by July 23, 2021. He advised it is in the best interest of the county to expedite this contract.

A motion was made by Vice President Charles Laird to authorize President Mathies to sign the contract with Elk Creek Historical Preservation for \$97,975. Commissioner Randy Laird seconded the motion. Commissioner Willing voted in favor; therefore, the motion carried.

Mr. Sterling next requested the Boards consideration to reappoint the following members of the Tourism Commission to two-year terms. All have expressed their interest to remain on the Tourism Commission; Mr. Duke Marshall, Mr. Phil Riggin, Mr. Tom Schisler and Brig. General Warner Sumpter. Mr. Sterling noted that two vacancies remain; District 1 (Mathies) and District 2 (Simpkins).

Commissioner Randy Laird made a motion to reappoint Mr. Duke Marshall, Mr. Phil Riggin, Mr. Tom Schisler and Brig. General Warner Sumpter to two-year terms on the Tourism Commission. Vice President Charles seconded the motion. Commissioner Willing voted in favor; therefore, the motion carried.

Next, Mr. Gary Pusey came forward to present the ordinance and findings of facts relating to the rezoning request presented Mr. Kirk Simpkins to rezone Map 7, Grid 4, Parcel 9, from I-1 (Light Industrial) to MRC (Maritime-Residential-Commercial). No comments were received during the 10-day period. Mr. Pusey stated that the rezoning request is in line with the other properties in the area, with the current zoning noted as being a mistake. The recommendation was made to approve the request to rezone as presented.

Upon a motion made by Commissioner Willing, and seconded by Vice President Charles Laird, the request was approved to rezone Map 7, Grid 4, Parcel 9, from I-1 (Light Industrial) to

MRC (Maritime-Residential-Commercial) and approve Ordinance #1167 and the Findings of Facts as presented. Commissioner Randy Laird voted in favor; therefore, the motion carried.

Next, Mr. Pusey presented the Sustainable Community Application for Smith Island. He explained that on January 26, 2016, Resolution #1100 was approved in support of submitting a Sustainable Communities application for Smith Island. In order for Smith Island to continue to be a Sustainable Community, a renewal application needs to be submitted every five (5) years. An abbreviated renewal application process was developed this year due to COVID-19 in that a letter of support from the Commissioners, along with a worksheet is the only requirement. Mr. Pusey requested the Boards approval for the President's signature on the letter of support drafted.

Commissioner Randy Laird made a motion to authorize President Mathies to sign the letter of support for Smith Island as a Sustainable Community. Vice President Charles Laird seconded the motion. Commissioner Willing voted in favor; therefore, the motion carried.

Next, Mr. John Redden, County Engineer, came forward. First, Mr. Redden presented the FY21 Expansion of Existing Broadband Network Funding Program with Choptank Electric Fiber LLC, approved in the amount of \$240,000; with the county portion being \$10,000. Two documents (MOU's) require Board approval; the Memorandum of Understanding regarding Funding of Project Expansion of Existing Broadband Networks between the County and DHCD and the Memorandum of Understanding regarding Funding for Existing Broadband Networks Expansion between the County and Choptank Fiber LLC. Multiple area projects are planned and it was noted that the pilot project is planned for the west side of Princess Anne. Vice President Charles Laird questioned areas located in the Shelltown Area of his district being serviced. Mr. Redden advised the areas are countywide; but could not give information on the specific areas to be serviced, noting this is the first of many more projects forthcoming.

Commissioner Willing made a motion to authorize Vice President Charles Laird to sign the Memorandum of Understanding regarding Funding for Existing Broadband Networks Expansion. Commissioner Randy Laird seconded the motion. Vice President Charles Laird voted in favor and President Mathies abstained; therefore, the motion carried 3-0-1.

Commissioner Randy Laird made a motion to authorize Vice President Charles Laird to sign the Memorandum of Understanding regarding Funding of Project Expansion of Existing Broadband Networks. Commissioner Willing seconded the motion. Vice President Charles Laird voted in favor, and President Mathies abstained; therefore, the motion carried 3-0-1.

Commissioner Rex Simpkins joined the meeting at this time.

Next, Mr. Redden presented the American Rescue Plan: Nonprofits-Local Government Program Grant Agreement for consideration and approval. Mr. Redden noted there have been some minor changes to the agreement, and Attorney Simpkins has reviewed the document to find it legally sufficient. Fourteen applications have been received, and are currently being reviewed to ensure qualifications are met according to guidelines.

Commissioner Randy Laird made a motion to approve the American Rescue Plan: Nonprofits-Local Government Program Grant Agreement as presented. Vice President Charles Laird seconded the motion. Commissioner Willing voted in favor, and Commissioner Simpkins abstained; therefore, the motion carried.

Next, Ms. Sharon Muir, Internal Auditor, came forward to present a request to approve the LGIT sponsorship of the Somerset County Library System and the Somerset County Sanitary District as participants in the Local Government Insurance Trust Liability and Property Pools of insurance coverage. She explained that pursuant to the LGIT Trust Agreement, the county must submit "Public Entity" sponsorship letters for the 2021-2022 renewal-year for these two component units that the county sponsors.

Upon a motion made by Vice President Charles Laird and seconded by Commissioner Simpkins, it carried unanimously to authorize President Mathies to sign the Public Entity sponsorship letters for the 2021-2022 renewal year as presented. Commissioner Willing and Commissioner Randy Laird voted in favor; therefore, the motion carried.

Ms. Muir next explained new provisions regarding the Somerset County Tax Deferred 457(b) Compensation Plan, available on a voluntary basis to full-time County employees through Nationwide Retirement Solutions. The new provisions became available through the passage of the SECURE Act legislation on December 20, 2019. Ms. Muir explained the important highlights of this new legislation for plan participants:

- Plan participants may make penalty-free withdrawals of up to \$5,000 for the birth or adoption of the participant's child for the 1-year period following the birth or adoption
- The age for an in-service withdrawal under governmental 457(b) plans will decrease from 70 ½ to 59 ½ years of age

Ms. Muir advised she has spoken with Mr. Taylor, Mr. Adkins and Nationwide Retirement Solution representatives and the recommendation was made to make the new provisions, as provided by the SECURE Act law, available to the full-time employees participating in the County plan. In addition to capturing the County's elections for the optional SECURE Act Plan provisions, Ms. Muir explained that there were several provisions not explicitly outlined in our current Plan Document for which Nationwide Retirement Solutions was requiring clarification. The provisions

that require clarification are the County 457(b) Contribution Types (the County does not provide Employer Contributions) and 457(b) Plan Exclusions and Eligibility (the County excludes part-time employees, leased employees, and independent contractors) and only full-time employees are eligible to participate. Nationwide Retirement Solutions requested the County submit a 457(b) Restatement Questionnaire to indicate our elections for the SECURE Act Plan, as well as, to clarify our contribution types; plan exclusions; and plan eligibility for the Somerset County 457(b) Tax Deferred Compensation Plan.

Commissioner Simpkins made a motion to authorize President Mathies to sign the 457(b) Restatement Questionnaire allowing the changes to be made to the Somerset County 457 (b) Tax Deferred Compensation Plan as explained. Commissioner Willing seconded the motion. Vice President Charles Laird and Commissioner Randy Laird voted in favor; therefore, the motion carried.

Mr. Taylor continued with correspondence and discussion items.

The Cooperative Agreement between the Maryland Department of Agriculture and Somerset County for the period of July 1, 2021 through June 30, 2022 for the control and eradication of invasive and designated weed species was presented for approval.

Vice President Charles Laird made a motion to approve the Cooperative Agreement between the Maryland Department of Agriculture and Somerset County for the period of July 1, 2021 through June 30, 2022. Commissioner Randy Laird seconded the motion. Commissioner Willing and Commissioner Simpkins voted in favor; therefore, the motion carried.

A letter was sent to Mr. Mike Thomas, Legislative Assistant/Office of Senator Ben Cardin advising of Somerset County's Federal Priorities with regard to Congressionally Directed Spending.

Mr. Taylor next presented the FY22 Administrative Office of Courts (AOC) Memorandum of Understanding (MOU) in the amount of \$172,029.91 for Courthouse Security Funding. This grant will be at no cost to the county. Mr. Taylor requested approval for the President's signature on the MOU as presented.

Vice President Charles Laird made a motion to authorize the President's signature on the FY22 Administrative Office of Courts (AOC) Memorandum of Understanding (MOU) in the amount of \$172,029.91. Commissioner Randy Laird seconded the motion. Commissioner Simpkins and Commissioner Willing voted in favor; therefore, the motion carried.

Lastly, Mr. Taylor presented two surplus property purchase requests received as follows:

Ms. Kim Smith offered to purchase Account #12-010311 (Byrdtown Road) for the listed price of \$465.00. The non-refundable deposit of \$46.50 was made.

A motion was made by Commissioner Randy Laird to approve the sale of Account #12-010311 for \$465.00. Vice President Charles Laird seconded the motion. Commissioner Willing and Commissioner Simpkins voted in favor; therefore, the motion carried.

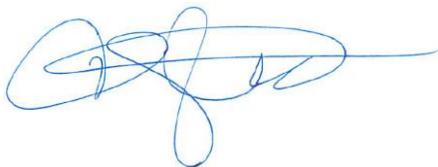
Ms. Kim Smith offered to purchase Account # 12-007159 (Byrdtown Road) for the listed price of \$533.70. The non-refundable deposit of \$59.30 has been made.

A motion was made by Commissioner Randy Laird to approve the sale of Account #12-007159 for the listed price of \$533.70. Vice President Charles Laird seconded the motion. Commissioner Willing and Commissioner Simpkins voted in favor; therefore, the motion carried.

With no further business, at 2:52 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 Commissioner Wiling, 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. Commissioner Simpkins and Commissioner Randy Laird voted in favor; therefore, the motion carried.

The Commissioner and Closed Session meetings were adjourned at 2:57 p.m., upon a motion made by Commissioner Randy Laird and seconded by Vice President Charles Laird. Commissioner Simpkins and Commissioner Willing voted in favor; therefore, the motion carried.

Approved by:



Board of County Commissioners
For Somerset County

Respectfully Submitted:



Lory E. Ebron
Executive Aide