

**January 14, 2016**

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The regular meeting of the County Commissioners of Allegany County was held in the Commissioners' Meeting Room, Room 100, 701 Kelly Road, Cumberland, at 5:00 p.m. on the above date. The following were present: Commissioner Jacob C. Shade; Commissioner Creade V. Brodie, Jr.; Commissioner William R. Valentine; County Attorney William M. Rudd; and County Administrator David A. Eberly. The following business was transacted:

The Pledge of Allegiance was led by Dan Williams.

**MOTION #1**

There were no additions or deletions to the agenda.

**MOTION #2**

Upon Motion by Commissioner Brodie, seconded by Commissioner Valentine, and Motion carried, the Commissioners approved the minutes of the December 17, 2015, public business meeting.

**STATE OF THE COUNTY ADDRESS**

**Jacob C. Shade, President**

Commissioner Shade presented the State of the County Address for the one-year period beginning January 1, 2015, through December 31, 2015. He remarked that this is the fifth year in a row such an address has been given. A copy of the State of the County Address is [attached](#) to and made a part of these minutes.

**ACTION AGENDA**

**Item 1 – Resolution 16-1 – Memorandum of Agreement with Maryland Emergency Management Agency for a Hazardous Mitigation Grant** – Board of County Commissioners to authorize the signing of the Memorandum of Agreement with the Maryland Emergency Management Agency by the President of the Board of County Commissioners – David K. Nedved, Economic & Community Development Representative, reported that on November 30, 2015, \$14,582 was awarded by the Federal Emergency Management Agency (FEMA) through a Hazard Mitigation Grant toward the purchase of 11818 Valley

Road, to cover purchase of the house and the cost to tear it down and remove from the floodplain. He explained that in order to accept the \$14,582 grant, Allegany County needs to sign a Memorandum of Agreement with MEMA, which usually requires a Resolution. Mr. Nedved asked the Commissioners to sign a Resolution authorizing the signing of the Memorandum of Agreement to accept this grant.

Upon Motion made by Commissioner Valentine, and seconded by Commissioner Brodie, the Commissioners unanimously passed Resolution 16-1 - Memorandum of Agreement with Maryland Emergency Management Agency for a Hazardous Mitigation Grant.

**Item 2 – Chesapeake & Atlantic Coastal Bays Trust Fund –**

Board of County Commissioners to authorize the President of the County Commissioners to sign and submit a Letter of Intent to apply for funding under the Chesapeake & Atlantic Coastal Bays Trust Fund Cost-Effective Non-Point Source Pollution Reduction Grants Request for Proposals and authorize the Department of Public Works to continue development of the proposal application package – Daniel S. DeWitt, PE, Public Works Engineer, introduced himself and explained that he was at the meeting to present some background information about an opportunity available to Allegany County now to complete some important projects, to protect the environment as well as County infrastructure, and request the Commissioners' permission to move forward with the application process to get the funding.

Mr. DeWitt went on to report that the Department of Natural Resources recently opened the application window for Chesapeake & Atlantic Coastal Bays Trust Fund Cost-Effective Non-Point Source Pollution Reduction Grants Request for Proposals. He explained that this is essentially money from the Bay Trust Fund to do cost-effective, non-point-source reduction projects. He said that this means, in other words, that the County would get this grant funding to look at pollution problems throughout the County. Mr. DeWitt added that this is very favorable funding, usually one hundred percent grant, and that the projects are not small, as applications for this funding source have to exceed \$500,000. He remarked that this is work the County wouldn't have a chance to do otherwise, so when such a program comes open, County staff tries to take advantage of it. Mr. DeWitt offered the recently completed Frostburg Stormwater Pond as an example of a County project funded under the

Program. Total project costs for the Frostburg Stormwater Pond were just under \$800,000, and the only expense to the County was for staff time to secure the funding and manage payment and processing requests.

Mr. DeWitt then reported that for FY-2017, County staff is proposing to seek funding for two separate projects under one application. He said that the first is the Evitts Creek Stream Restoration, and he provided some details about that project. Mr. DeWitt next described the second project being considered, the replacement of Bridge A050, Lower Consul Road over Sandspring Run, just outside of Frostburg on the western part. He explained that local match on these projects, while not required, is proposed through County staff's time for design, permitting, construction management, and inspection, and use of County Utilities Division personnel to do the necessary sewer work. Mr. DeWitt pointed out that the match is additional leverage that helps make the project more favorable for the funders. He said that funding and award announcements would be made around July 1, 2016, and if the County receives full funding for both projects as sought, staff would move forward with both of them, with design and permitting during calendar year 2016 and construction as soon as possible.

Mr. DeWitt requested the Commissioners' permission to send a letter of intent to apply for the funding and then work on finalizing the details of the proposal.

Commissioner Brodie moved that the Commissioners authorize the President of the County Commissioners to sign and submit a Letter of Intent to apply for funding under the Chesapeake & Atlantic Coastal Bays Trust Fund Cost-Effective Non-Point Source Pollution Reduction Grants Request for Proposals and authorize the Department of Public Works to continue development of the proposal application package. Commissioner Valentine seconded the Motion. Motion carried unanimously.

**Item 3 – Resolution 16-3 – Cumberland Area Metropolitan Planning Organization 2014-2019 Transportation Improvement Program Amendment** – Board of County Commissioners, acting as the Metropolitan Planning Organization to authorize and adopt Resolution 16-3 endorsing the Revised Fiscal Year 2014-2019 Transportation Improvement Program – Roy S. Cool, Transportation Planner, told the Commissioners that this Item was simply housecleaning. He

explained that there are two State Highway Projects, the bridge over Kelly Road and Patterson Avenue that had the deck replaced recently. Mr. Cool further explained that all Resolution 16-3 would do is bring the cost of the projects in line with the actual expenditures, to keep the Plan fiscally contained.

Upon Motion by Commissioner Valentine, seconded by Commissioner Brodie, the Commissioners unanimously passed Resolution 16-3 – Cumberland Area Metropolitan Planning Organization 2014-2019 Transportation Improvement Program Amendment.

**Item 4 – Resolution 16-4 – Authorizing Resolution for Filing Fiscal Year 2017 Transit Grant Applications** – Board of County Commissioners to authorize the County Administrator or the President of the Board of County Commissioners to file grant applications for public transportation for fiscal year 2017 – Roy S. Cool, Transportation Planner, explained that a Resolution like this one is done every year, to allow either the President of the Board of County Commissioners or the County Administrator to sign the appropriate documents that go with the grant application for the Transit Operations. He told the Commissioners that Resolution 16-4 is for FY-2017.

Commissioner Brodie made a Motion, seconded by Commissioner Valentine, that the Commissioners pass Resolution 16-4 – Authorizing Resolution for Filing Fiscal Year 2017 Transit Grant Applications. Motion passed unanimously.

**Item 5 – Request to Purchase Cardiac Monitors** – Board of County Commissioners to authorize the purchase of four Lifepak 15 heart monitors in the amount of \$116,317 from Physio Control, Redmond, Washington. The monitors will be purchased with grant funds as well as matching funds from the receiving emergency service organizations – Richard L. DeVore, Director of Emergency Services, asked the Commissioners to consider the request before them this evening, their authorization for the repeat of a project his Department did last year. He explained that the project calls for the replacement of four cardiac Life Monitors for the local ambulance companies. He pointed out that combined off the shelf purchase pricing for this project would be approximately \$180,000, but that by combining the project, matching it up with a grant source, and then using the County's buying force, County staff was able to drive the total cost down to \$16,000 each for the local ambulance companies, as opposed to the typical out of pocket cost of \$45,000 a unit.

Mr. DeVore concluded by requesting the Commissioners' approval to attach to the State bid and make this procurement.

Upon Motion made by Commissioner Brodie, and seconded by Commissioner Valentine, the Commissioners unanimously authorized the purchase of four Lifepak 15 heart monitors in the amount of \$116,317 from Physio Control, Redmond, Washington, with said monitors to be purchased with grant funds as well as matching funds from the receiving emergency service organizations

### **CONSENT AGENDA**

As recommended by the County Administrator

Upon Motion by Commissioner Brodie, seconded by Commissioner Valentine, and Motion carried, the Consent Agenda as recommended by the County Administrator is adopted.

**Item 6 – Federal Account Holder** – Board of County Commissioners agreed to allow the Allegany County Sheriff's Office to become a Federal Account Holder for seized funds through the Narcotics Task Force.

**Item 7 – Declaration of Surplus Property** – Board of County Commissioners declared five vehicles as surplus property and authorized their disposal at a public auction: 2003 Chevrolet ½ ton 4x4 pickup VIN #1GCEK14X33Z341616, 2000 Chevrolet 2500 tool body VIN #1GBGK24R3YF470419, 1997 Ford F150 4x4 pickup VIN #1FTDF1821VND35242, 1999 Chevrolet 2500 tool body VIN #1GCGK24RXXF037707, and a 1996 Chevrolet 2500 tool body VIN #1GBGK24RXTE173503.

**Item 8 – Resolution 16-2 – Rules and Regulations Governing Employees of Allegany County, Maryland** – Board of County Commissioners adopted the proposed changes to Article 8 of the Rules and Regulations Governing Employees of Allegany County related to retiree health insurance coverage.

**Item 9 – Travel Request – Allegany County Fair Personnel** – Board of County Commissioners approved a travel request for Kevin Kamauf, Sam Wilson, Steve Hout and Larry Humbertson to attend the Pennsylvania Fair Convention from January 20, 2016 to January 23, 2016, in Hershey, Pennsylvania, at a cost not to exceed \$2,000.

Commissioner Valentine suggested, regarding Item 7, that the list of surplus vehicles be sent to the Fire & EMS Association, as the County's volunteer companies are always looking for equipment.

**County Administrator Eberly** presented the Commissioners with a piece of correspondence for their consideration and signature. Mr. Eberly explained that this correspondence, a letter addressed to Maryland State Senator George Edwards, was prepared in response to a request received from Senator Edwards the previous day (Wednesday, January 13, 2016). He further explained that the letter is regarding an issue that came up during the Delegation meeting held in December, concerning proposed amendments to the Liquor Laws in Allegany County. Mr. Eberly then read the letter into the record. A copy of the letter is [attached](#) to and made a part of these Minutes. Mr. Eberly then asked the Commissioners for their approval and for any comments.

All three Commissioners indicated their approval of the letter to Senator Edwards and agreed to sign it. They then signed the letter.

### **Commissioners' statements, comments, recognition**

**Commissioner Valentine** started his comments by congratulating Commissioner Brodie on his new grandchild expected to arrive probably sometime later that evening.

**Commissioner Valentine** then reported that things were moving into the busy time of year, and that he will be in Annapolis from Tuesday through Friday next week (the week of January 18, 2016). He added that MACo meetings are starting, so he will be traveling to Annapolis at least every Wednesday for the next three months. Commissioner Valentine further reported that this coming Tuesday, the Commissioners will be talking with some people regarding the possibility of moving a business to Allegany County. He also remarked that the current administration in Annapolis makes it much more pleasurable experience dealing with things there.

**Commissioner Brodie** acknowledged Sheriff Craig Robertson, present in the audience at this meeting, along with his wife. He then provided an update regarding County staff's recent issue

with Neptune Meters. Commissioner Brodie reported that the company's representative finally contacted him, and they have scheduled a meeting next Tuesday, January 19, to try to work out the glitch. He explained that the issue is an ongoing problem over a contract dispute approximately a month ago.

Next, Commissioner Brodie remarked that "none of the three of us work for each other." He then explained that he heard through a third party that a party from Washington County contacted one of the other Commissioners about having Commissioner Brodie removed from a Board (the Potomac Highlands Airport Authority (PHAA) Board). Commissioner Brodie clarified that the three Allegany County Commissioners jointly own the ground that the Airport is situated on, and that ground is leased to the PHAA. He then stated that "there will be no City Councilman that lives in Washington County have me put off that Board that we own the ground for." Commissioner Brodie commented that this (the Washington County party's attempt to have him removed from the PHAA Board) was most disrespectful and that he himself would not do anything like that. He remarked that he does not go to Washington County and tell them how to run their business, and that he does not expect that to happen here. Commissioner Brodie added that if this issue continues, he will report on it at each Commissioners meeting; he will not engage with the parties involved outside of the Commissioners meeting room.

**Commissioner Shade** brought up the subject of the proposed Liquor Law changes. He explained that what the changes would do, in "common-speak", would simply allow restaurants in Allegany County to be open at 11 a.m. instead of 1 p.m. on Sundays, and also allow liquor stores to be open on Sundays. Commissioner Shade said the Commissioners feel that the County is losing a lot of business on Sundays to West Virginia, and that the proposed changes should even the playing field.

**Constituents** – In order of sign-up sheet

**Mr. Ken Wilmot**, 513 Fort Avenue, Cumberland, spoke again about a problem with the MVA. He referred to the situation he brought up at the prior Commissioners meeting regarding an automobile accident in his neighborhood, involving a vehicle with expired registration. Mr. Wilmot explained that he has not been able to get any assistance from law enforcement or the MVA, and that each of those has referred him to the other. Mr. Wilmot said that he has been told to bring the issue to local

politicians. He asked Commissioner Shade to talk to MVA downstate about staying on top of expired vehicle registrations.

**Mrs. Joyce Alexander**, of Horse Rock Road, Westernport, said that she was present at the meeting to ask the Commissioners for help for the people living at the Horse Rock and Stony Run area of Westernport. Mrs. Alexander explained that these residents are asking for assistance to get their roads upgraded onto a priority list for road treatment. She read a prepared statement describing the issue regarding the roads and providing details. Mrs. Alexander's concern is with getting the roads plowed and salted during evenings, overnight and early in the mornings. She explained that both she and her husband have difficulty getting to work and remarked that the condition of the roads impacts public safety and suggested that the County either hire a private contractor to assist with road treatment or pay the Town of Westernport to do it. Mrs. Alexander mentioned that she was also speaking on behalf of Kathleen Grove, a resident of Cosgrove Lane who has also encountered problems with her road in bad weather. She thanked the Commissioners for their time and consideration.

**Mr. Mark Alexander**, also of Horse Rock Road, Westernport, read a message sent by Trooper Whetzel of the Maryland State Police to Commissioner Bill Valentine, also asking for Horse Rock Road in Westernport to be made a priority for treatment. The message described Trooper Whetzel's problems with getting to work in bad weather because of the condition of the road.

Mr. Alexander acknowledged that the County cannot be everywhere at one time because of manpower limitations and other issues, but pointed out that the area in question is very steep and treacherous. He mentioned that he has been a member of the fire department for 27 years, and while getting up there for a call is bad enough, coming down is even worse on untreated roads. He thanked the Commissioners and asked them to give this issue their consideration.

**Commissioner Valentine** told Mr. Alexander that after his wife contacted Commissioner Valentine about the issue, the County did send someone out at 6 a.m. that morning to start checking the roads. He explained that the problem the other morning was that their area was icy, along with a few other areas, but there wasn't a County-wide ice storm during which crews would be called out. He said that residents may not be aware, but they

can call 911 if they see that there area is getting icy, and 911 will pass that information along to the shift person with County Roads at the time. Commissioner Valentine pointed out that unless notified, the County has no way of knowing that the problem exists. Mr. Alexander replied that one of his questions was how the County is notified of road conditions. He said that he had not known about calling 911.

Commissioner Valentine asked Public Works Director Paul Kahl if he would like to add anything. Mr. Kahl explained that the County does not run night crews, and have not for 25 years. A crew will go out at night if there is an emergency. Crews are scheduled from 5 a.m. to 9 p.m., and the County is not equipped to run 24 hour operations. Mr. Kahl also pointed out that the roads crew works hard and that there are a lot of mountainous areas in the County they have to handle. Commissioner Valentine again stressed that the key is to call and report a problem, especially if it is not County-wide, like a major snowstorm.

Mrs. Alexander asked if there were another number to call, as she did not want to call 911 for a road problem. She was given a number, 301-777-7111. Mrs. Alexander continued her discussion of the issue, saying that she had to leave for work at 4:15, and commented that if she called the number when she got up at 3:20, there was no way someone would be up to treat the roads before she left for work. Commissioner Valentine told her that he usually leaves his house in Little Orleans at 3:15 in the morning, and drives through some very bad areas to get to work. He pointed out that there is only so much that can be done and that he sometimes is out on the Orleans Road in his own tractor, with his own plow, plowing the area, because it takes a while for the County crews to get there. Commissioner Valentine suggested that a call could be made the night before, as soon as a problem is anticipated, to request that the road be checked.

### **Reminders/Upcoming Meetings**

**Next Public Business Meeting** – Thursday, January 28, 2016, 5:00 p.m.

**Announcement** – Allegany County Government Schedule (See News Release)

**Announcement** – Christmas Tree Recycling Sites (See News Release)

**ADJOURNMENT:**

There being no further business to come to the attention of the Board, the meeting was adjourned at 5:45 p.m.