

May 5, 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 April 28, 2016, public business meeting.

PRESENTATIONS

Item 1 – Allegany County Sheriff's Office 225th Anniversary – Sheriff Craig A. Robertson thanked the Commissioners for the opportunity to be present for the 225th Anniversary of April 25, 1791, the day the first Sheriff of Allegany County, John Beatty, was placed into office. Sheriff Robertson said that he also wanted to publicly thank the Commissioners and their staff for all of their support of the Sheriff's Office, especially over the past six years. He added that he looked forward to working together with them for many more years.

Commissioner Brodie in turn thanked Sheriff Robertson, and then asked him if he knew how many total sheriffs there have been of Allegany County. He estimated the number at 72. Sheriff Robertson then provided some background and history for the Sheriff's Office in the County.

When Sheriff Robertson had finished his comments, Commissioner Brodie, speaking on behalf of all three County Commissioners, told him that they were extremely proud of him and his Department, and looked forward to many better years working with the Sheriff's Office. Commissioner Valentine said that he wanted to personally thank Sheriff Robertson for all his work on the heroin addiction meetings, which he pointed out was a big help to the entire area. Sheriff Robertson said that program is going to be expanded next year, to include the County's middle schools as well as the high schools.

Commissioner Shade then read and presented Sheriff Robertson, and the Deputies accompanying him, with an official Citation in honor of the 225th anniversary of the Allegany County Sheriff's Office. A round of applause followed.

Item 2 – National Nurses Week Proclamation, May 6 - 12, 2016 – Bea Himmelwright-Lamm, Ed.D., R.N., AHEC West Nursing Caucus, University of Maryland School of Nursing Assistant Professor, thanked the Commissioners for the opportunity to talk about Nurses Week, May 6

through 12, corresponding with the birthday of Florence Nightengale on May 12. She reported that this year's Nurses Week theme is "A Culture of Safety – It Starts with You (the nurse)", and explained that nurses are to mark the week by taking steps to make their workplaces safer. Ms. Himmelwright-Lamm pointed out that at 3,400,000 strong, registered nurses make up the largest group of health care professionals. She discussed the risk of injury that nurses face every day from lifting, and the importance of nurses in providing a safe environment for patients. Ms. Himmelwright-Lamm also commented on the many challenges encountered by nurses. She then introduced the nurses with her at the meeting: Angie Spataro, RN, a hospital nurse, and Joy Taylor, RN, the Nursing Caucus Program coordinator, and they all came forward for presentation of the Proclamation.

Commissioner Shade read and presented the Proclamation of May 6 – 12, 2016, as National Nurses Week in Allegany County. There was a round of applause.

Item 3 – Five Year Capital Improvement Program (CIP) Budget Public Hearing – W. Adam Patterson, PE, County Engineer, and Jason M. Bennett, CPA, Director of Finance. W. Adam Patterson, PE, County Engineer, presented the County's Five-Year Capital Improvement Program (CIP). A copy of this presentation is available on the County's website and is made a part of these minutes by reference.

Jason M. Bennett, CPA, Director of Finance, then presented the Debt Affordability Component of the CIP Program. A copy of Mr. Bennett's presentation is also available on the County's website and made a part of these minutes by reference.

Action on the Five-Year Capital Improvement Program including the Debt Affordability Component is slated for June 2, 2016.

Item 4 – Fiscal Year 2017 Allegany County Sanitary Commission Recommendations – Mark W. Yoder, PE, Utilities Division Chief, presented Water and Sewer Rate Recommendations for Fiscal Year 2017. A copy of Mr. Yoder's presentation is available on the Utilities webpage on the County's website and made a part of these minutes by reference.

Public comment will be taken on the recommendations as posted on the County's website, with action to be taken at a later time.

Item 5 – Federal Fiscal Year 2017 Appalachian Regional Commission (ARC) [Priorities](#) – David K. Nedved, Economic and Community Development Representative, acknowledged that every year the County anticipates an allocation from ARC (Appalachian Regional Commission) to the three counties in Western Maryland that are in the Appalachian Regional Area: Garrett, Washington and Allegany. Mr. Nedved said that this allocation is expected to be between \$1,200,000 and \$1,500,000. He explained that County staff works with Tri-County Council for Western Maryland to try to divide up the allocation among the three counties. As part of this process, requests for project proposals are sent out.

Mr. Nedved presented staff recommendation on ranking of the proposed projects received. A copy of this recommendation/ranking is attached to and made a part of these minutes. Mr. Nedved welcomed any questions from the Commissioners about the projects on the list.

Commissioner Valentine commented that the ranking of the projects was good. He remarked that there were two projects on the list that he was not sure ARC would even give consideration to at this time, but the ranking of the projects still looked very fair.

Commissioner Shade agreed. He did suggest a change in order of ranking, to put the Allegany County Board of Education project, currently ranked at number 4 on the list, at number 2 in place of Bishop Walsh School. He explained that the Board of Education is a public entity, while Bishop Walsh School is a private one.

Commissioner Valentine pointed out that the Board of Education project, which is for SMART Boards in elementary schools, is one he believes ARC may not fund; it is more of a remodeling job. County Administrator David Eberly asked Mr. Nedved for more information on the SMART Board project, if it is a second phase. Mr. Nedved confirmed that ARC has already paid for the SMART Boards in the elementary schools. This current project would involve a change in cabling, from the floors to the ceilings, for safety reasons, and mounting of the boards on walls.

PUBLIC HEARING

Item 6 – Fiscal Year 2017 Preliminary Budget Second Public Hearing – Jason M. Bennett, CPA, Director of Finance, explained that this second public hearing is part of the annual budget process, and one more public hearing will be held on May 19, 2016. Mr. Bennett added that adoption of the FY-2017 Budget is expected to take place on June 2, 2016.

Mr. Bennett added one item to the budget presentation he made the previous week, which he said was discussed at the budget workshops. He explained that the FY-17 Budget does include an increase to the trash sticker fee, from 75 cents to one dollar, effective January 1, 2017. The effective date of January 1, 2017, instead of July 1, 2016, will give citizens plenty of time to use stickers that they currently have on hand. He pointed out that the small increase per sticker will amount to \$27,500 of extra revenue, but still doesn't cover the cost of the stickers. The County subsidizes the program at a cost of \$1.36 per bag.

Commissioner Shade opened the hearing to public comment. There was none.

As Commissioner Shade was about to close the hearing, Mr. Eberly asked to add something to the record. He reported that there have been discussions at the staff level about some of the needs of the County's municipal partners in terms of blight removal in their communities. Although the County does not have any General Fund money specifically earmarked as part of the draft budget at this time, the County will be trying to massage the RBF fund in the coming months to see if some flexibility can be created to allow the County to provide a substantial program to help out the municipalities with blight removal. Mr. Eberly added that there should be a staff meeting scheduled in the near future with representatives from the County's municipalities, to discuss what their needs are and how the County can help.

ACTION AGENDA

Item 7 – Possible Action – Code Home Rule Bill 2-16 “Update to Residential Sprinkler Incentive” – William M. Rudd, County Attorney, reminded the Commissioners that this Bill would increase the residential sprinkler tax credit from \$500 to \$1,000 per year, to sunset in the year 2020. He told them that since hearing was held on the Bill at the previous week's public business meeting, they could take action this week.

Upon Motion by Commissioner Valentine, seconded by Commissioner Brodie, and Motion unanimously carried, the Commissioners adopted and passed Code Home Rule Bill 2-16 “Update to Residential Sprinkler Incentive”.

Item 8 – Possible Action – Code Home Rule Bill 3-16 “Annual Fire and Emergency Management Services Appropriations” – Richard L. DeVore, Director of Emergency Services, again explained that Code Home Rule Bill 3-16 basically lifts some of the restrictions that the Fire and Rescue Board had to operate under previously, and allows them to build a formula that is, in Mr. DeVore’s and many others’ opinions, more equitable and fair across the board in funding the County’s first responders’ work.

Upon Motion by Commissioner Valentine, and seconded by Commissioner Brodie, the Commissioners unanimously adopted and passed Code Home Rule Bill 3-16 “Annual Fire and Emergency Management Services Appropriations”.

Mr. Eberly thanked Mr. DeVore for his significant efforts over the past six months in relation to this Code Home Rule Bill. In turn, Mr. DeVore, on behalf of the Department of Emergency Services, thanked the County for its support of the work they do.

Item 9 – City of Frostburg Water Purchase Agreement – Board of County Commissioners to approve Amendment No. 2 to the Water Purchase Agreement for the Mount Savage Distribution System and authorize the President to sign the Amendment – Mark W. Yoder, PE, Utilities Division Chief, explained that the Commissioners had before them a modification to an existing agreement made when the County ran water from the Frostburg water supply down to Mt. Savage. He said that this covers 11 houses in the Bald Knob area, 20 houses going down toward the Barrelville area, and 37 more houses on Route 36 that are under construction. Mr. Yoder added that this will also cover a future project under design involving 75 houses in the Prince Albert and Sunnyside area. He reported that the Frostburg Council signed the agreement in April 2016. He asked the Commissioners to authorize the President to sign the Amendment to extend the service down to Frostburg. Mr. Yoder pointed out that this does include a prepayment of the water surcharge, the same as in Mt. Savage, for the additional homes.

Commissioner Brodie moved that the Board of County Commissioners approve Amendment No. 2 to the Water Purchase Agreement for the Mount Savage Distribution System and authorize the President to sign the Amendment. Commissioner Valentine seconded the Motion, which carried unanimously.

Item 10 – Revisions to Option and Sales Agreement: Peak Harvest Health – Board of County Commissioners to execute the first amendment to the purchase agreement with Peak Harvest Health, LLC, to purchase 74,173 square feet at a cost of \$593,384.00 and enter into a five-year option on the remaining 77,827 square feet of buildings known as Buildings 42 and 27 in the Riverside Industrial Park, Cumberland – Jeffrey S. Barclay, Economic Development Specialist, reminded the Commissioners that they signed the original agreement with Peak Harvest Health back on February 12, 2015. Mr. Barclay reported that the project has progressed through the due diligence period, the process of the company looking at the facility, and that they want to replace the roof on Phase I of their project. He explained that in order to do that, the County needs to restructure the agreement so that Peak Harvest Health will not purchase as much of the building initially and will take the net proceeds and put them into the cost of the roof replacement. Mr. Barclay added that Peak Harvest Health also wants to apply an option agreement for years two through five on the additional space, and the County will just agree to sell it to them if they so choose to buy it, for the same rate of \$8.00 per square foot. Commissioner Shade remarked that this makes sense, and he asked for a Motion regarding Item 10.

Upon Motion by Commissioner Brodie, seconded by Commissioner Valentine, and duly carried, the Commissioners unanimously agreed to accept and execute the first amendment to the purchase agreement with Peak Harvest Health, LLC, to purchase 74,173 square feet at a cost of \$593,384.00 and enter into a five-year option on the remaining 77,827 square feet of buildings known as Buildings 42 and 27 in the Riverside Industrial Park, Cumberland.

Item 11 – Interstate 68 Economic Partnership – Board of County Commissioners to authorize the President to execute a letter of commitment to the I-68 Regional Economic Partnership, which would encumber funds not to exceed \$8,000.00 and would be administered from the County’s Revolving Building Fund – Jeffrey S. Barclay, Economic Development Specialist, told the Commissioners an opportunity was presented to the County by several counties and municipalities from Maryland, Pennsylvania, and West Virginia, mainly those that border the I-68 Corridor, to participate with a project that would seek to hire a national site location consultant to do regional asset mapping, regional labor shed, and targeted industry lists. He added that a marketing piece would also be included. Mr. Barclay reported that The Greater Cumberland Committee and Tri-County Council have been organizing this effort behind the scenes, and the Garrett County Economic Development Office has volunteered to do much of the day to day handling of the grant requirements.

Mr. Barclay explained that the preliminary budget for this project is \$200,000, and that the Interstate 68 Economic Partnership is seeking both ARC and EDA funding to cover 80 percent of the cost, leaving a 20 percent local match, about \$40,000, to be covered by the partnering counties. He pointed out that this ends up being a less than \$8,000 contribution per county towards getting some very valuable data on targeted industries.

Commissioner Valentine summarized that the whole idea of this would be to look at the entire run of interstate and figure out where business can locate, and what the County can do to make better use of the highway that is here.

Commissioner Shade commented that this is a great idea and that he hopes it works out well. He then asked for a motion.

Upon Motion by Commissioner Valentine, and seconded by Commissioner Brodie, the Commissioners unanimously agreed to authorize the President to execute a letter of commitment to the I-68 Regional Economic Partnership, which would encumber funds not to exceed \$8,000.00 and would be administered from the County’s Revolving Building Fund.

Item 12 – State of Maryland Rural Legacy Program – Board of County Commissioners to approve the purchase of an easement pertaining to a 200-acre property in Election District 13 and authorize the President to sign an Agreement of Sale and a Deed of Easement. State funds associated with this grant will be used to acquire a development rights easement from the willing property owner of land within the designated Mountain Ridge Rural Legacy Area – David A. Dorsey, Planning Coordinator, came forward with Ms. Janice Keene of the Evergreen Heritage Foundation. He explained that he, Ms. Keene, and the Rural Legacy staff have been discussing and working on the sale of a conservation easement in the Mountain Ridge Rural Legacy Area near Mount Savage. Mr. Dorsey further explained that the subject property is a 130-acre evergreen heritage center and an adjoining 70-acre parcel located near Slabtown Road.

Mr. Dorsey requested that the Commissioners authorize Commissioner Shade, as President, to sign an agreement of sale and, later, when the details of the sale are finalized, a deed of easement. He then said that Mrs. Keene would like to address the Commissioners.

Mrs. Janice Keene thanked the Commissioners and told them that she just wanted to mention to them that the subject property is an historic farm that was settled in Allegany County initially in the late 1700s and has been on the Maryland inventory of historic properties since 1976. She explained that the property was also added to the national register last year. Mrs. Keene reported that for the last 200 years, the property has been a farm that has been all about living off the land but preserving it for future generations. Mrs. Keene added that it has been under forest management since the late 1940s, and under soil and water conservation planning since the 1960s. She told the Commissioners that because of all the history, in 2008, the Evergreen Heritage Center Foundation was started, working with local schools and colleges, as well as members of the public service community, to provide experiential learning opportunities for kids. This past year, the Evergreen Heritage Center Foundation worked with over 4,000 kids, from pre-kindergarten through college age, and is achieving a 25 to 50 percent increase in science literacy per class, based on pre-post-testing.

Mrs. Keene also mentioned that last year the Evergreen Heritage Center Foundation received the Richard A. Johnson Award for educational excellence, as well as the 2015 Maryland Sustainable Growth Award for using an historical property to create benefit for the community. She concluded her remarks by saying that the conservation easement will allow the Evergreen Heritage Center Foundation to continue working with the Maryland Department of Agriculture, Maryland Department of the Environment, and the Department of Natural Resources to take care of the property, and also pass it on to future generations as well as provide opportunities to the community. She thanked the Commissioners for their consideration.

Commissioner Valentine moved that Commissioners approve the purchase of an easement pertaining to a 200-acre property in Election District 13 and authorize the President to sign an Agreement of Sale and a Deed of Easement, with State funds associated with this grant to be used to acquire a development rights easement from the willing property owner of land within the designated Mountain Ridge Rural Legacy Area. Commissioner Shade seconded the Motion. Motion carried, with Commissioner Shade and Commissioner Valentine voting in favor, and Commissioner Brodie voting in opposition.

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 13 – Pond Circle Road Water Project Funding Documents – Board of County Commissioners authorized the Department of Public Works to prepare and submit funding documents and authorized the President to sign these documents.

Item 14 – Repairs to Bridge A-085: Pittsburgh Plate Glass Road over Lockhouse Road/CSXT and Bridge A-086: Mexico Farms Road over CSXT – Board of County Commissioners authorized the Department of Public Works to advertise Contract AC-16-BR-01: Repairs to Bridge A-085: Pittsburgh Plate Glass Road over Lockhouse Road/CSXT and Bridge A-086: Mexico Farms Road over CSXT.

County Administrator – Bid Openings – Mr. Eberly reported on two bid openings held earlier in the week, Request for Proposals for Dietary and Medical at the Detention Center and Emulsified Asphalt and Washed Crushed Stone for the Roads Department. They are being reviewed by County staff.

Commissioners' statements, comments, recognition

Commissioner Valentine discussed that for the last three weeks, there have been articles from Friends of the South Cumberland Library, Friends of the Washington Street Library, and Friends of all of the other libraries asking the County Commissioners to fully fund their budget requests. He commented that he knows they are on a hard stretch right now, but most of that was due to cuts from the State of Maryland. Commissioner Valentine pointed out that in 2015, the Commissioners funded the libraries at a level of \$947,500, and they were able to operate their extended hours on that sum. This year they are being funded at \$956,975, and also the State returned the funding to them that they had removed. Commissioner Valentine mentioned that, sadly, when the Bill was going through the legislature to return funding to the libraries, he was the only person from Allegany County who testified in favor of that Bill. None of the persons who have written the recent letters to the newspaper testified, and neither did the Director. He added that he received a thank-you card from John Taube, Director of the Library System, telling him that Mr. Taube was the envy of the other library system directors in Maryland when Commissioner Valentine testified on the Allegany County Library System's behalf.

Commissioner Valentine remarked that he thinks the County is doing a very good job of funding the libraries, and the budget shows that the County is also supplying \$80,000 to help remodel the South Cumberland Library this year, and expending another \$150,000 for the columns at the Washington Street Library building.

Commissioner Brodie brought up two projects currently pending. One project is in LaVale, and there are issues with that project regarding the new FEMA flood maps. The other is a very significant project within the town limits of Lonaconing, and the new flood maps are also an issue regarding that project. Commissioner Brodie reported that he attended a meeting in Lonaconing on Monday, May 2nd, with the project manager, the owners of the project property, Delegate Beitzel, and Senator Edwards. He also met yesterday (May 4th) on-site at the LaVale project property. Commissioner Brodie described the situation as the federal government pushing the flood map issue on the state, and the state dealing with it but then pushing it back on the County to watch and enforce it. He said that he will keep following up on these projects until the issues are resolved. Commissioner Brodie discussed some additional details about the projects and the flood map issue.

Mr. Mark Widmyer, of Governor Larry Hogan's Office, spoke from the audience about a meeting he attended earlier in the day, regarding the LaVale project. He reported that representatives from the Maryland Department of the Environment will be here either next Wednesday or next Friday (May 11th or May 13th), and a decision will be made at that time. Mr. Widmyer remarked that it appears the decision could be positive. He added that he would like a decision-maker from the County to be present at the meeting, and he will inform the Commissioners' Office of the meeting date as soon as he knows it. The Commissioners thanked him.

Commissioner Shade told Ms. Janice Keene of Evergreen Heritage Center Foundation that he was happy the Commissioners could be of assistance to her. He added, however, that the

Commissioners will need to be very careful with continuing to take land off the County tax rolls. Commissioner Shade said that he would recommend to DNR to keep the conservation easements to a minimum.

Commissioner Shade also commented that he was glad the County could start the process of working on the blight in the City of Cumberland and some of the other municipalities which have buildings that are deteriorating. He pointed out that Allegany is an old county, and said that the Commissioners are happy to partner with the municipalities to help in any way they can with the issue.

Next, Commissioner Shade reported that the County was served with a lawsuit the previous day (May 4th) regarding the Ten Commandments Monument in front of the County Courthouse. He remarked that he finds it sad that someone who is not a resident of Allegany County thinks they should sue the County to have the monument removed. Commissioner Shade said that the Commissioners feel they are on solid legal ground, and explained that County legal staff is reaching out to law offices that will provide free legal services. These law offices have expertise in this region.

Constituents – In order of sign-up sheet

Mr. Kenneth Wilmont, 513 Fort Avenue, Cumberland, first favorably commented on the County's nurses. He described them as "fantastic" during his sister's final hospitalization in intensive care and pointed out how caring they were to her.

Mr. Wilmont then went on to tell the Commissioners about a City of Cumberland issue on which he thought they needed to be updated.

Reminders/Upcoming Meetings

Next Public Business Meeting – Thursday, May 19, 2016, 5:00 p.m.

Announcement – Allegany County Fiscal Year 2017 Budget Schedule (See News Release)

ADJOURNMENT:

There being no further business to come to the attention of the Board, the meeting was adjourned at 6:25 p.m.