

August 11, 2016

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 the County Commissioners.

MOTION

There were no additions or deletions to the agenda.

MOTION

Upon Motion by Commissioner Brodie, seconded by Commissioner Valentine, and Motion carried, the Commissioners approved the minutes of the July 28, 2016, public business meeting.

PRESENTATIONS

Item 1 – National Health Center Week, August 7 – 13, 2016 – Susan Walter, Chief Executive Officer, Tri-State Community Health Center, Hancock, Maryland, and from the Tri-State Community Health Centers in Allegany County: Mandy Blackburn, Primary Care Center Site Manager, and Diane Markwood, Women's Health Center Site Manager. Ms. Susan Walter, Chief Executive Officer of Tri-State Community Health Center, introduced Diane Markwood, Site Manager for the Tri-State Women's Health Center on Willowbrook Road, and Mandy Blackburn, Site Manager for the Primary Care Center on Kelly Road. She then provided some background and information about the Community Health Centers and the services and value they provide to the community. She told the Commissioners that she and her colleagues were delighted to be at the meeting, and invited the Commissioners to come and tour the Primary Care Center on Kelly Road, if they have not already been there, as well as the Women's Health Center on Willowbrook Road. Ms. Walter pointed out that the Centers serve about 9,000 people in Cumberland. She concluded by thanking the Commissioners for signing their Proclamation.

Commissioner Shade then read and presented the Commissioners' Proclamation in honor of the Community Health Care Centers and proclaiming the week of August 7 through August 13, 2016 as National Health Center Week. This was followed by a round of applause.

Item 2 – National Recovery Month, September 2016 – Becki Clark, Allegany County Health Department – Behavioral Health, first thanked the Commissioners for recognizing September as National Recovery Month, remarking that this is an important event for her Department. Ms. Clark announced that, as part of National Recovery Month, the annual Recovery and Wellness Event will be held on Wednesday, September 21, 2016, at 1 p.m., on the track at Allegany College of Maryland. She invited the Commissioners to attend this event and also thanked them for their continued support for the celebration of National Recovery Month. Ms. Clark commented on the substance abuse problems in Allegany County and how National Recovery Month provides an opportunity to bring awareness to the community about this issue, as well as to mental health.

Following Ms. Clark's comments, Commissioner Shade read and presented her with a Commissioners' Proclamation of the month of September 2016 as National Recovery Month in Allegany County. There was a round of applause.

PUBLIC HEARINGS

Item 3 – Code Home Rule Bill 4-16 "Allegany County Economic Development Incentive Program" Public Hearing – Commissioner Jacob C. Shade and William M. Rudd, County Attorney. Commissioner Shade opened the Public Hearing for Code Home Rule Bill 4-16 "Allegany County Economic Development Incentive Program". He explained that anyone wishing to speak regarding Code Home Rule Bill 4-16 could do so now. No one spoke.

Commissioner Shade explained that Code Home Rule Bill 4-16 is geared toward businesses paying more than \$45,000 per year, especially companies that are too small to be able to obtain help from the State through its economic development programs. He further explained that companies with less than 25 employees who pay their employees over \$45,000 a year would be eligible for a credit after they have come to Allegany County and have been here for a year. Commissioner Shade added that the credit would be \$3,000 per employee for employees numbered three through ten, and \$2,000 per employee for employees numbered eleven through twenty-five. He commented that this could help Allegany County stand out when attracting new businesses to the area.

Commissioner Shade said that he thought Code Home Rule Bill 4-16 would be voted on at the next Commissioners public meeting. Commissioner Brodie asked when the next Legislative Day would be. Mr. Eberly told him that it would be August 25, 2016.

Item 4 – 2014 Comprehensive Plan Map Revision – County staff requests that the map be changed to allow extension of sewer lines to properties experiencing septic system failures on Water Station Run Road – David A. Dorsey, Planning Coordinator, reported on a situation on Water Station Run Road, north of Lonaconing, in which ten of twelve improved properties in that neighborhood are experiencing failing septic systems. Mr. Dorsey explained that in order to extend public sewerage into the neighborhood, he was asking the Commissioners to approve a minor revision to the George’s Creek Region Future Land Use Map, part of the 2014 Comprehensive Plan. He reported that the revision would involve the extension of sewer lines probably less than five acres to match the sewerage service area from the latest Water and Sewer Plan.

Commissioner Shade asked if the Commissioners wanted to discuss this. Commissioner Brodie remarked that this was a good project. Commissioner Valentine agreed, and he moved that the Commissioners approve the 2014 Comprehensive Plan Map Revision to allow extension of sewer lines to properties experiencing septic system failures on Water Station Run Road. Commissioner Brodie seconded the Motion. Motion carried unanimously.

ACTION AGENDA

Item 5– County Roads Bargaining Unit Contract Ratification – Brian P. Westfall, SPHR, SHRM-SCP, IPMA-CP, Director of Human Resources, Carroll Braun, Labor Relations Specialist, AFSCME Council 67, and Jack Davis, President, AFSCME Local 1633.

Mr. Brian P. Westfall, the Director of Human Resources for Allegany County, told the Commissioners that County staff has completed negotiations with the Bargaining Units, and he recommended that the Commissioners approve the Contracts. Mr. Westfall reported that this year’s contract negotiations were productive.

Carroll Braun, Labor Relations Specialist with AFSCME Council 67, agreed with Mr. Westfall. Mr. Braun commented that the negotiations went very smoothly this year, with a lot of cooperation between Mr. Westfall and Paul Kahl, Director of Public Works, and everyone involved.

Commissioner Brodie acknowledged the President of AFSCME Local 1633, Jack Davis, and asked him if he wished to say anything. Mr. Davis declined to offer any comments. Commissioner Brodie expressed his thanks to everyone involved.

Upon Motion made by Commissioner Valentine, seconded by Commissioner Brodie and unanimously carried, the Commissioners approved the County Roads Bargaining Unit Contract.

Item 6 – 911 Emergency Communications Bargaining Unit Contract Ratification – Brian P. Westfall, SPHR, SHRM-SCP, IPMA-CP, Director of Human Resources, Carroll Braun, Labor Relations Specialist, AFSCME Council 67, and Rick Wolford, President, AFSCME Local 1521C. Mr. Westfall next presented the 911 Emergency Communications Bargaining Unit Contract for the Commissioners’ consideration.

Upon Motion by Commissioner Brodie, and seconded by Commissioner Valentine, the Commissioners unanimously approved the 911 Emergency Communications Bargaining Unit Contract.

Item 7 – Transit Bargaining Unit Contract Ratification – Brian P. Westfall, SPHR, SHRM-SCP, IPMA-CP, Director of Human Resources, Carroll Braun, Labor Relations Specialist, AFSCME Council 67, and Jack Davis, President, AFSCME Local 1633. The Transit Bargaining Unit Contract was next presented to the Commissioners for their consideration and approval.

Upon Motion made by Commissioner Valentine, seconded by Commissioner Brodie and unanimously carried, the Commissioners approved the Transit Bargaining Unit Contract.

The appropriate persons who were to sign the contracts, and who were present at this meeting, came forward to sign the contracts.

Item 8 – Federal Fiscal Year 2014 State Homeland Security Program Grant Acceptance for Additional Funding – Board of County Commissioners to accept the additional funding in the amount of \$118,141.62 to the FFY 2014 State Homeland Security Program Grant, for a total award of \$320,696.62, and modify budget 1448 to reflect the revised amount. The grant funds will be utilized to enhance interoperable communications – Susan Lee, Emergency Management Chief, reported that the Emergency Services Department received some good news; they were able to

secure some additional funding through an existing grant vehicle, the 2014 Federal Fiscal Year State Homeland Security Grant Program. Ms. Lee explained that the Department was able to get an additional \$118,141.62, which they will administer through the Department of Emergency Services to buy additional interoperable communications equipment. Ms. Lee asked the Commissioners to approve acceptance of this grant adjustment to obtain the additional funding.

Commissioner Brodie moved that the Commissioners accept the additional funding in the amount of \$118,141.62 to the FFY 2014 State Homeland Security Program Grant, for a total award of \$320,696.62, and modify budget 1448 to reflect the revised amount, with funds to be utilized to enhance interoperable communications. Commissioner Valentine seconded the Motion. Motion carried unanimously.

Item 9 – 2016 (2016-2017) Emergency Management Performance Grant Acceptance – Board of County Commissioners to accept the 2016 Emergency Management Performance Grant in the amount of \$83,441.00 for the reimbursement of Emergency Management Program costs – Susan Lee – Emergency Management Chief, told the Commissioners that the State of Maryland has issued funding levels for the Fiscal Year 2016 Emergency Management Performance Grant, with Allegany County to receive \$83,441.00, to be utilized by the Emergency Management Department to offset program costs. Ms. Lee asked the Commissioners to approve the acceptance of the Grant Award Notice to obtain the funding.

Upon Motion by Commissioner Valentine, and seconded by Commissioner Brodie, the Commissioners unanimously accepted the 2016 Emergency Management Performance Grant in the amount of \$83,441.00 for the reimbursement of Emergency Management Program costs.

CONSENT AGENDA

As recommended by the County Administrator

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

Item 10 – Frostburg Business Park Access Road Bid Award – Board of County Commissioners awarded the Frostburg Business Park Access Road project, Contract No. SHA AL486ZM1, to Beitzel Corporation, Grantsville, Maryland, in the amount of \$743,556.00.

Item 11 – Lease Agreement between the Board of County Commissioners and the Allegany County Human Resources Development Commission – Board of County Commissioners approved the Lease Agreement with Allegany County Human Resources Development Commission, 301 Cumberland Street, Cumberland, Maryland, for five years beginning July 1, 2016 through June 30, 2021, and authorized the President to sign.

Item 12 – Office of the Sheriff – Detention Center Food Services – Board of County Commissioners accepted the proposal from ARAMARK Correctional Services, Stafford, Virginia, and entered into an Agreement with them to provide dietary services at the Detention Center for the term of July 8, 2016 to July 7, 2017. The estimated value of this Agreement is \$289,884.82.

Item 13 – Request for Travel for Virginia HazMat Conference – Board of County Commissioners approved the utilization of \$7,750.00 (\$6,200.00 grant funded, \$1,550.00 county match) from the Maryland Emergency Management Agency for the Department of Emergency Services and its Hazardous Materials Operations members to attend the 2016 Virginia Hazardous Materials Training Conference in Virginia Beach, Virginia, September 13-16, 2016.

Item 14 – Purchase of Two Trucks for Utilities Division – Board of County Commissioners approved the purchase of two ¾ ton, 8-foot utility bed, extended cab 4WD trucks from Hertrich Ford on the state bid for \$37,324.00 each. These trucks were included as capital items in the fiscal year 2017 budget.

Item 15 – Fallen Firefighters Memorial Fund Monument Project – Board of County Commissioners authorized a \$500.00 contribution from the County's Community Promotions Fund to support the Allegany-Garrett County Volunteer Fire & Rescue Association's Fallen Firefighters Memorial Fund Monument Project.

Item 16 – LEOPS Transfer and Participation Agreement – Board of County Commissioners approved the Agreement to finalize the transfer of Sheriff's Deputies from the Employees' Pension System to the Law Enforcement Officers Pension System (LEOPS).

Commissioners' statements, comments, recognition

Commissioner Valentine announced that next week (the week of August 15, 2016), the

Commissioners will all be attending **the** MACo Summer Conference in Ocean City, Maryland. He remarked that it is always a great conference. Commissioner Valentine added that the MACo Board of Directors will be having a private meeting, to last about an hour or an hour and a half, with the Governor and Lt. Governor Friday afternoon. He pointed out that this will provide an opportunity to discuss local issues.

Commissioner Brodie said that he wanted to again clarify something about the windmill issue. He explained that a public hearing was held at Allegany College of Maryland last evening, which he did not attend because the windmill project did not make it through local Zoning, and the County Commissioners have **nothing** to do with the case. Commissioner Brodie further explained that this was not a County meeting, and the meeting had nothing to do with the County whatsoever. He commented that although he has supported, and he still does support, a person's local land rights, that doesn't mean that he is either pro or against the project. Commissioner Brodie expressed his belief that, if a person owns his ground, he has the right to pretty much do with it what he wants, within reason.

On the same subject, Commissioner Brodie then went on to discuss an issue involving a lot purchased by a couple on Winchester Road. He said that the Commissioners may need to get involved in this issue. The new owners want to build a house, and because the neighbors who live in front of the purchased lot don't want any neighbors behind them, those neighbors are going to throw up every "roadblock" they can to keep the house from being built. Commissioner Brodie remarked that he doesn't understand this, and pointed out that the Commissioners' job is and has been to try to increase the tax base, but obstacles are put in the way. He commented that unfortunately he, as a Commissioner, keeps getting put in the position of a "referee" between property owners, and remarked on the issue of property owners trying to control other owners' property.

Commissioner Shade thanked Commissioner Brodie for his comments, and remarked that they were "well said". He then said that he himself did not have any comments he wished to make at this evening's meeting, and moved on to the Constituents' portion of the meeting.

Constituents – In order of sign-up sheet

Mrs. Christine Sturtz, of Barreilville, had signed up to speak, but said that she wanted to defer speaking for a couple of weeks. Commissioner Valentine confirmed to Mrs. Sturtz that the Commissioners are working on her issue.

Mr. Mike Adams, of Cumberland, expressed his concern about an "alarming" recent newspaper article concerning the prevailing wage for school construction. Mr. Adams wondered why the fault for the (high) cost of building a school, or any public building, is always placed on the workers, and their wages. He explained that it bothered him that material costs have not gone down at all, and in fact are going up, and that engineering was also a big cost of the new Allegany High School construction project. Mr. Adams said that he was involved in the school construction project in Spring Mills, West Virginia, where according to him the engineering cost was a third of that for the Allegany project.

Mr. Adams also pointed out that the funds to build the school are coming from taxes paid by Maryland citizens, and if local workers are paid to construct the school, the money is going back into the community. He voiced his concern, based on his experience in the construction business, that if prevailing wage is taken off school projects, there will be an influx of out of state, and even out of country, contractors and workers. Mr. Adams said he doesn't feel that those workers can do the work of the local craftsmen in Allegany County, and he explained why he believes this. He also pointed out that the wages paid will likely not stay local. Mr. Adams added that he and his colleagues do everything they can to keep costs down and work with contractors to be able to provide whomever they work for with the best quality job they can do, at the best price they can.

Mr. Adams summarized by saying that there is more to the cost of building the school than the wages paid to the construction workers. He commended the Commissioners for the good job they have done, and said that he knows they want to do what is best for Allegany County.

Commissioner Valentine commented, regarding Mr. Adam's remarks, that prevailing wage had nothing to do with the Allegany project being so far above the price that everyone expected. He pointed out that the new Allegany was always going to be done with prevailing wage, so that had nothing to do with the increased costs. Commissioner Valentine also reported that he was just appointed to serve on a State commission, and that school construction in Maryland right now, per student, is running about 31 percent higher than the national average – a result not of labor costs, but of the various rules and regulations the State puts on projects, and the costs of building materials.

Commissioner Brodie also commented regarding Mr. Adams' remarks, and said that since a portion of the architect's pay is for the design of the building, it's naturally in his favor to "jack up" the price of the building. He also agreed with Mr. Adams' position on the prevailing wage, referring to the Davis-Bacon Act and saying prevailing wage makes it a lot easier to bid a job.

Mr. Kenneth Wilmont, of Cumberland, spoke regarding the blighted property program to which the Commissioners have allocated funds. Mr. Wilmont said that he is all for taking down blighted houses, but not at taxpayers' expense. He expressed his opinion that the property owner should be responsible for the cost of removing a blighted house. Mr. Wilmont remarked that some of the blighted property has been around for 25 years, citing some examples on Goethe Street that have been there since 1990. He went on to comment on some additional examples of local blighted properties and the problems that the County has with this issue.

Reminders/Upcoming Meetings

Next Public Business Meeting – Thursday, August 25, 2016, 5:00 p.m.

Announcement – Maryland Association of Counties Summer Conference (See News Release)

ADJOURNMENT:

There being no further business to come to the attention of the Board, the meeting was adjourned at 5:50 p.m.

Jacob C. Shade, President

True Copy
Attest:

Cynthia A. Young
Recording Secretary