

March 23, 2017

The regular meeting of the County Commissioners of Allegany County was held in the Commissioners' Meeting Room, Allegany Room 100, 701 Kelly Road, Cumberland, at 5:00 p.m. on the above date. The following were present: Commissioner Jacob C. Shade; Commissioner William R. Valentine; County Attorney William M. Rudd; and County Administrator David A. Eberly. Commissioner Brodie was unable to attend this meeting because of a family emergency.

The following business was transacted:

The Pledge of Allegiance was led by Mr. Danny Williams.

MOTION

There were no additions or deletions to the agenda.

MOTION

Upon Motion by Commissioner Valentine, seconded by Commissioner Shade, and Motion carried, the Commissioners approved the minutes of the March 9, 2017, public business meeting.

PRESENTATION

Item 1 – Frostburg American Legion Presentation to the Allegany County Sheriff's Office K-9 Program – Commander Paul Biggs, and Michael Wade.

Before the presentation by the Frostburg American Legion to the Allegany County Sheriff's Office K-9 Program, Sheriff Craig Robertson came forward to provide some background on the program. He explained that the Sheriff's Office found that there was a need for a K-9 unit within the Office. Sheriff Robertson reported that Sergeant Wade Sibley, present at this meeting, lost his previous dog, Jack, when the dog passed away in December 2015. To help the Sheriff's Office obtain a new dog for Sergeant Sibley, Mr. Michael Wade and Commander Paul Biggs of the Frostburg American Legion, called to offer the Legion's assistance by setting up some fundraisers to help cover the cost of continuing with a K-9 drug dog. Sheriff Robertson acknowledged Sergeant Sibley's new dog, Pax, accompanying him at the meeting, and pointed out that Pax has been involved in a number of incidents already. He went on to report that approximately a week ago, the Sheriff's Office sent a second Deputy to Florida to train with another new dog, named Suma. The Deputy and Suma are continuing training in Florida this week, and should return to Allegany County next week, then take additional training in Montgomery County.

The Sheriff expressed his appreciation for the fund-raising conducted by the Frostburg American Legion, and explained that Commander Biggs and Mr. Wade were present at this evening's meeting to present the Sheriff's Office with a check for the funds raised for the K-9 Program. He reported that the funds totaled \$27,000. There was a round of applause as the check was presented.

Before leaving the podium, Sheriff Robertson clarified that the total amount of the check was \$27,065, not including the separate purchase of a car kennel by the Legion, at a cost of approximately \$3,000. He explained that each dog costs about \$14,000, and reported that the Sheriff's Office also received some funds from the Narcotics Task Force. Sheriff Robertson said that any funding left over will be used for such expenses as the purchase of kennels and veterinary bills. He pointed out that the K-9 Program does not cost the taxpayers anything at all for the Sheriff's Office to purchase and utilize the dogs, and commented that the program is well needed in the current day and age. Sheriff Robertson thanked the Commissioners for their support.

ACTION AGENDA

Item 2 – 90-Day Option Agreement with Manticorp, LLC – Board of County Commissioners to authorize the President to execute a 90-day Option Agreement with Manticorp, LLC, a Maryland limited liability company, for approximately 74,173 square feet of building 42 in the Riverside Industrial Park located in Cumberland, Maryland – Jeffrey S. Barclay, Department of Economic and Community Development Director, explained that the Economic & Community Development Department is seeking the authorization of the Board of County Commissioners for the President to execute a 90-day option agreement with Manticorp, LLC, a Maryland limited liability company, for approximately 74,173 square feet of building 42 in the Riverside Industrial Park located in Cumberland, Maryland. Mr. Barclay further explained that a non-disclosure agreement has been signed with the prospective company for the period of the option, which the Department wants to honor. He added that he did want to make clear at this time that the understanding by both parties is if this company moves beyond the due diligence (option) period and decides to move forward with a lease or purchase, the property use and company identity will then become public information.

Upon Motion by Commissioner Valentine, seconded by Commissioner Shade, and duly carried, the Commissioners authorized the President to execute a 90-day Option Agreement with Manticorp, LLC, a Maryland limited liability company, for approximately 74,173 square feet of building 42 in the Riverside Industrial Park located in Cumberland, Maryland.

Item 3 – Possible Action – Code Home Rule Bill 3-17 – “Maryland Commercial Property Assessed Clean Energy (PACE)” – David K. Nedved, Economic & Community Development Representative, briefly reviewed information provided at previous meetings regarding Code Home Rule Bill 3-17. He summarized that the Bill was introduced on February 23, 2017, and public hearing on the Bill was held on March 9, 2017, with Mr. Gerard Neely of PACE Financial Serving available at the hearing to answer any questions that the public or media had. Mr. Nedved reminded the Commissioners that the Clean Energy Loan Program is only for commercial properties and applies to at least \$25,000 in energy efficiency improvements.

Mr. Nedved then reported that since public hearing was held on Code Home Rule Bill 3-17, one amendment has been proposed, which is basically an update to keep Allegany County’s legislation in line with other Counties. He asked the Commissioners to adopt the Bill, then deferred to County Attorney Rudd for his comments.

Attorney Rudd spoke about the proposed amendments to the Bill. He explained that there used to be, but is no longer, a limitation on the number of kilowatts. He recommended removing the reference in the Bill to that limitation. Attorney Rudd also pointed out that there was some technical language to put in relative to the lien surcharge. He asked the Commissioners to first take action to approve the amendments to the Bill, then vote on the Bill.

Commissioner Valentine moved that the Commissioners approve and accept the amendments made to Code Home Rule Bill 3-17. Commissioner Shade seconded the Motion. Motion carried to approve and accept the amendments to Code Home Rule Bill 3-17.

Upon Motion made by Commissioner Shade, seconded by Commissioner Valentine and duly carried, the Commissioners adopted Amended Code Home Rule Bill 3-17.

Item 4 – Chesapeake & Atlantic Coastal Bays Trust Fund – Board of County Commissioners to authorize the President to sign and submit a cover letter and other necessary documents within the proposal application 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 submit the proposal application package – Angela R. Patterson, PE, Land Use & Planning Engineer, and Daniel S. DeWitt, PE, Public Works Engineer. Angela Patterson, PE, Land Use and Planning Engineer for Allegany County, told the Commissioners that she and Dan DeWitt, PE, Public Works Engineer, were at the meeting to request authorization from the County Commissioners to submit a grant proposal to the Chesapeake & Atlantic Coastal Bays Trust Fund, to restore 3,500 linear feet of Georges Creek in Shaft, south of Frostburg. Mrs. Patterson explained that this project was made a priority by the County’s Bay TMDL Phase II Watershed Implementation Plan Team, due to its potential to improve water quality for credit toward the County’s WIP Implementation Plan, as well as to address access and inflow infiltration issues of the sanitary sewer line in the project area. She pointed out that the sewer line is currently inaccessible for maintenance or evaluation by the County’s Utilities Division, so the stream will be moved over to allow access to the sewer line, which is in need of repair.

Mrs. Patterson further explained that Allegany County is partnering with MDE’s local Abandoned Mine Lands Division to reclaim two abandoned surface mine pits in the project study area. She reported that the County was awarded funding by MDE’s Watershed Assistance Grant Program in 2015, in the amount of \$59,000, to study the project area. This resulted in a recommended alternative: to fill in the surface mine pits, realign the stream with a buffer through the valley where the pits currently exist, to push the stream away from the sewer line. Mrs. Patterson further reported that wetland enhancements were also recommended in the southern segment of the project study area.

Mrs. Patterson informed the Commissioners that the County’s grant proposal for project construction is due next week, March 31, 2017, and the funding request is going to be in the ballpark of \$800,000 for a design-build contract. She added that there is a 70 percent design in hand, so the design-build would take it the rest of the way. Mrs. Patterson reported that there will be leverage match from the Abandoned Mine Lands Division in the amount of \$900,000 to fill the pits, along with additional leverage match of approximately \$40,000 in the form of County staff time to administer the project. The Utilities Division will be able to access the sewer line to perform the necessary repairs when the project has been completed.

Next, Dan DeWitt, PE, Public Works Engineer, came forward to speak. Mr. DeWitt said he wanted to reiterate that this funding program is the same funding program the County has used for the last

four to five years. It has been used for about 100 acres of tree planting, as well as approximately \$800,000 worth of stormwater pond work just outside Frostburg State University. He added that in the last week or two, the Evitts Creek Stream Restoration Project was completed. That project was discussed at a public meeting about a year ago. Mr. DeWitt remarked that the funding program is a good one, and he mentioned that DNR has taken a special interest in the project, and their representatives are very good to work with. He added that in the last two years, about 10 different people from both DNR and MDE have come to Allegany County to look at the project area.

Commissioner Shade inquired about the “fishing hole”. Mrs. Patterson replied that Mike Garner from the Abandoned Land Mines Division has been a great partner with the County, and that he would be coming forward to speak about the Division’s interest in the project.

Mr. Mike Garner, Water Resources Engineer from MDE Abandoned Mine Lands Division, said that the Division has been studying the project area for some time. He described the whole upper part of Georges Creek as having been under-mined on the Pittsburgh coal seam and the Tyson coal seam. He reported that the streams flow in that part of the watershed year-round, and as the flow comes down toward Georges Creek, it is lost into the deep mine workings, then comes out in Clarysville and through LaVale via the Hoffman drainage tunnel. Mr. Garner discussed a study performed recently that showed the fishing hole as the main source of infiltration, out of all the sources in the area. Mr. Garner explained that MDE has been interested for a number of years in filling that hole to prevent the infiltration.

Upon Motion made by Commissioner Valentine, and seconded by Commissioner Shade, the Commissioners authorized the President to sign and submit a cover letter and other necessary documents within the proposal application for funding under the Chesapeake & Atlantic Coastal Bays Trust Fund Cost-Effective Non-Point Source Pollution Reduction Grants request for proposals, and authorized the Department of Public Works to submit the proposal application package.

Item 5 – Resolution 17-12 – Fiscal Year 2017-2022 Cumberland Area Transportation Improvement Program Amendment – Board of County Commissioners, acting as the Metropolitan Planning Organization, to authorize and adopt Resolution 17-12 endorsing the Revised Fiscal Year 2017-2022 Transportation Improvement Program – Roy S. Cool, Planner, explained that this Item is one of those “housekeeping” tasks the MPO is asked to do from time to time. He further explained that it relates to the fact that because the Transportation Improvement Program has to be restricted fiscally, as more funds become available or the need changes, it is necessary to update that particular area. Mr. Cool pointed out that this evening, he was looking at adding some federal funds for private non-profits, such as HRDC and Friends Aware, to apply for transportation projects.

Commissioner Valentine moved that the Commissioners, acting as the Metropolitan Planning Organization, authorize and adopt Resolution 17-12 endorsing the Revised Fiscal Year 2017-2022 Transportation Improvement Program. Commissioner Shade seconded the Motion, and Motion carried to adopt Resolution 17-12.

CONSENT AGENDA

As recommended by the County Administrator

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

Item 6 – Cumberland Area Metropolitan Planning Organization Contract Award – Board of County Commissioners authorized the President or the County Administrator to sign the contract and award SPECS, Inc. the planning contract in the amount of \$19,031 for the Lower LaVale to Great Allegheny Passage Connection Plan.

County Administrator – Correspondence and a Bid Opening – Prince Albert/Sunnyside Water Project, Contract No. W-44 - County Administrator Eberly reported that bids were opened for the Prince Albert/Sunnyside Water Project, Contract No. W-44, earlier this week, with eight bids received. Mr. Eberly said that hopefully within two weeks, the County will be in a position to award the contract.

Mr. Eberly also read into the record a letter to be sent to United States Senator Benjamin L. Cardin, United States Senator Christopher Van Hollen, Jr., Congressman John K. Delaney, and Maryland Governor Lawrence J. Hogan, Jr., relating to the County’s interest in preserving the Community Development Block Grant Program. A copy of one of the letters, addressed to Congressman John K. Delaney, is attached to and made a part of these Minutes.

Mr. Eberly then announced that there had been an executive session scheduled for this afternoon at 3:30, but because Commissioner Brodie was not able to be present, that executive session has been postponed to a later date.

Commissioners' statements, comments, recognition:

Commissioner Valentine recalled that at one of the recent Commissioners public business meetings, representatives from the Cumberland Raceway were in attendance to talk about the racing facility. Commissioner Valentine reported that he, Commissioner Shade, and Commissioner Brodie attended the Enduro Race on March 18th. He added that 53 cars showed up to race that day, and the grandstand was about three-quarters full; however, because of weather conditions causing about a foot of mud on the track, it was not possible to race that day. Commissioner Valentine remarked that there was a lot of interest shown in the racing event. He announced that the Cumberland Raceway will try to hold the Enduro Race again on April 8, 2017, with free admission that day. There will also be a car show, and the Miss Cumberland Raceway Pageant will be held.

Commissioner Shade reported that he was disappointed last week when the Governor said there could be no hydraulic fracturing in Allegany County, because he didn't think it was safe at this time and did not want it anywhere in Maryland. Commissioner Shade added that promises have been made to take care of Allegany County, but it seems every time something goes forward, there is some sort of State regulation, either internal or external, such as MDE, State Highway, Fire Marshall, or the Legislature, involved that says the County can't do it.

Commissioner Shade also reported that the budgeting process is currently ongoing, with the Commissioners looking at a \$2,000,000 deficit. He explained that a big part of that is the increase in cost of the County's health insurance. Commissioner Shade reported that there were budget hearings all day today. He acknowledged Tammy Fraley, School Board member, in the audience, and thanked her for staying for the Commissioners meeting after the Board of Education's budget hearing. Commissioner Shade remarked that the relationship between the County Commissioners and the School Board seems to be improving, but the Board's budget is increasing by about 1.1 percent, and they asked the State for a 1.1 percent increase, but asked the County for a 4.6 percent increase. He explained that the Commissioners are committed to increasing funding for education, and have done so for the past three years, with County funding to the Board going up an average of 1.1 percent per year, and that they will continue to do that. Commissioner Shade added that he knows the Board of Education has challenges, but the Commissioners have challenges too, including the flattening tax base.

Constituents – In order of sign-up sheet (No one signed up to speak at this meeting)

Reminders/Upcoming Meetings

Next Public Business Meeting – Thursday, April 6, 2017, 5:00 p.m. – Commissioner Shade mentioned that Sam Perlozzo, former manager of the Baltimore Orioles, will be honored at this meeting.

Announcement – Allegany County FY 2018 Budget Schedule (See News Release)

Announcement – Sam Perlozzo Week (See News Release)

Announcement – Yard Waste and Mulch Site Spring and Summer Hours (See News Release)

ADJOURNMENT:

There being no further business to come to the attention of the Board, the meeting was adjourned at 5:25 p.m.

Jacob C. Shade, President

True Copy
Attest:

Cynthia A. Young
Recording Secretary



ALLEGANY COUNTY, MARYLAND

Office of The Board of County Commissioners

701 Kelly Road
Cumberland, MD 21502
301-777-5912 FAX 301-724-6970
www.gov.allconet.org

BOARD OF COMMISSIONERS

Jacob C. Shade, *President*
Creade V. Brodie, Jr.
William R. Valentine

David A. Eberly, *County Administrator*
William M. Rudd, *County Attorney*

March 23, 2017

The Honorable John K. Delaney
United States Congressman
1632 Longworth House Office Building
Washington, DC 20515

Dear Congressman Delaney:

We are requesting that funding for the Community Development Block Grant (CDBG) Program remain in the Federal budget. Funding from this program has been critical for large projects that affect low and moderate income residents. Projects completed in Allegany County with CDBG funding include providing public water, public sewer, infrastructure for industrial parks, and removal of imperiled houses from the floodplain, and assistance to daycare centers. Without CDBG, many of these projects probably would have not been completed. A large number of our residents have a better quality of life today, due to the assistance Allegany County received from the Block Grant Program.

The Community Development Block Grant representatives that serve our area are efficient and responsive to our needs. Funding from the Block Grant Program is utilized in a timely manner and spent on very worthwhile projects. We are currently working with the CDBG Program to provide public water to an area, where residents are obtaining their water directly from a stream or from contaminated wells.

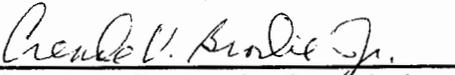
We feel very strongly that the Community Development Block Grant Program is one of the best Federal programs that serve Allegany County. Please contact us if you have any questions, and we are willing to testify about the benefits of this program, or provide any assistance within our power to help maintain this worthwhile program.

Sincerely,

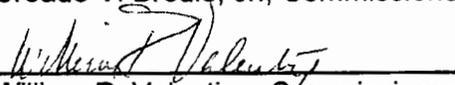
The Board of Commissioners of Allegany County



Jacob C. Shade, President



Creade V. Brodie, Jr., Commissioner



William R. Valentine, Commissioner

cc: The Honorable Lawrence J. Hogan, Jr.
The Honorable Benjamin L. Cardin
The Honorable Christopher Van Hollen, Jr.