

July 25, 2019

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 Creade V. Brodie, Jr.; Commissioner David J. Caporale; County Administrator Brandon S. Butler; and County Attorney William M. Rudd. The following business was transacted:

The Pledge of Allegiance was recited by all present.

MOTION

There were no additions or deletions to the Agenda.

MOTION

Upon Motion by Commissioner Brodie, seconded by Commissioner Caporale, and Motion carried, the Commissioners approved the Minutes of the July 11, 2019, public business meeting.

PRESENTATION

Item 1 – National Health Center Week Proclamation – Susan B. Walter, Chief Executive Officer, Mandy Blackburn, Site Manager, Tri-State's Cumberland Primary Care Center, and Diane Markwood, Site Manager, Tri-State's Womens' OB/GYN Health Center. Susan Walter, CEO of Tri-State Community Health Center, thanked the Commissioners for the invitation to be present at this evening's meeting and told them that she was glad to be there. She provided some background and information on community health centers. Ms. Walter pointed out that community health centers have now been in existence for more than fifty years, and that they are the largest primary health care network in the country, serving 28 million people.

Regarding Tri-State Community Health Center in particular, Ms. Walter explained that they are run by a volunteer board of directors, of whom 77 percent are patients. She added this last year, Tri-State Community Health Center was one of 36 community health centers in the nation to receive an award for being a quality leader, because of their outstanding chronic care management, prevention services, and excellent perinatal and prenatal health care. Ms. Walter mentioned that Tri-State operates five sites: two in Cumberland, one in Hancock, Maryland, one in Pennsylvania, and one in Berkeley Springs, West Virginia. She added that about half of Tri-State's patients come from Cumberland, and are taken care of at either the Primary Care Center or at the Women's OB/GYN Center. Ms. Walter pointed out that quality care is provided to everyone in the community, regardless of their ability to pay; no one who comes in the door is turned away, whether they have health insurance or they don't.

Ms. Walter concluded her remarks by talking about the celebrations that would be taking place at each of Tri-State Community Health Center's sites every day during National Health Center Week. She also explained that 17 years ago, this community asked Tri-State to come to Allegany County, and that 15 years ago, Tri-State started the women's Health Center at the request of the Western Maryland hospital system.

Mandy Blackburn, Site Manager at Tri-State's Primary Care Center, also came forward and made brief remarks. She pointed out that there are four nurse-practitioners and two doctors at that site, and that they are recruiting for another nurse-practitioner. Ms. Blackburn shared a few experiences to illustrate what the Center does to help members of the community.

Diane Markwood, Site Manager at the OB/GYN Center, spoke next. She explained that there are three doctors and a nurse practitioner at that Center, and that the doctors deliver babies and perform surgery at the hospital. Ms. Markwood confirmed that patients at the OB/GYN Center are also all seen regardless of their ability to pay. She went over some of the services the Center provides, including assessments for other services that may be needed and referrals for those services, and having a case manager available on site.

Commissioner Shade then read and presented an official Proclamation of August 4 through 10, 2019 as National Health Center Week 2019 in Allegany County. A round of applause followed.

PUBLIC HEARING

Item 2 – Road Opening Petition – Stephen C. Owens, Amy Louise Owens, Steven P. Wilkinson and Stefani P. Wilkinson – The road opening petition is with the intent of closing a certain portion of Woodridge Lane located west of Winchester Road, Cresaptown, Election District 29, Allegany County Maryland – Matthew P. Lamp, Esq., Hidey, Coyle & Monteleone.

Nick Monteleone, Attorney, told the Commissioners that he was present to represent Stephen C. Owens and Amy Louise Owens, Co-Petitioners together with Stefani P. Wilkinson and Steven P.

Wilkinson with regard to the opening of a roadway, a portion of Woodridge Lane located west of Winchester Road in Cresaptown. He explained that the Owens' property abuts one side of this roadway they are seeking to open for the purpose of later closing it, and that the Wilkinson's own property that abuts on the opposite side of the road. Mr. Monteleone pointed out that there are no other adjoining landowners. He reported that to his knowledge, there has been no opposition to the proposed opening, and also that in terms of the County's investigation, including access for emergency services, and things of that nature, all that has checked out. Mr. Monteleone asked that the Board of County Commissioners formally open the road, so that the next steps can be taken and procedure followed to formally close it. He said that he had submitted a proposed order and that he would be glad to answer any questions.

Commissioner Shade confirmed that the Petition had been properly advertised. He then opened the public hearing and asked if there were any public comments regarding the proposed road opening petition. There were none. Hearing was closed.

Commissioner Shade told the Commissioners that they could take action on the Petition this evening.

Upon Motion made by Commissioner Caporale, seconded by Commissioner Brodie, and Motion duly carried, the Board of County Commissioners approved and granted the Road Opening Petition of Stephen C. Owens, Amy Louise Owens, Steven P. Wilkinson and Stefani P. Wilkinson.

ACTION AGENDA

Item 3 – County Roads Bargaining Unit Contract Ratification – William M. Rudd, County Attorney, told the Commissioners that he was pleased to announce that the County had successfully negotiated a new two-year contract with the Roads Department Bargaining Unit, Local Number 1633 of AFSCME. Attorney Rudd reported that the contract was ratified last week and acknowledged that Carroll Braun of AFSCME and another representative were present at this meeting. He described the negotiations as very prompt and amicable. Attorney Rudd highly recommended that the Board of County Commissioners approve the County Roads Bargaining Unit Contract.

Upon Motion by Commissioner Brodie, and seconded by Commissioner Caporale, the Board of County Commissioners approved and agreed to sign the two-year County Roads Bargaining Unit Contract.

Following action taken on the contract, Mr. Carroll Braun came forward. He thanked Attorney Rudd for sitting in and completing the negotiations after former Allegany County Human Resources Director Brian Westfall retired. Mr. Braun remarked that he has been dealing with Allegany County for about seven years now, and that this was a very easy negotiation. He expressed his appreciation for the Commissioners' approval.

Item 4 – Allegany County Community Enhancement Program – Board of County Commissioners to approve giving the City of Frostburg \$412,000 from the Allegany County Community Enhancement Program towards reimbursement of acquisition and demolition costs for the Center Street Redevelopment Project – David K. Nedved, Economic and Community Development Representative, presented background and information concerning the Center Street Rehabilitation Project, as set forth on his Staff Report on the subject dated July 3, 2019, a copy of which is attached to and made a part of these Minutes. He told the Commissioners that County staff recommended that they approve giving the City of Frostburg \$412,00 from the Allegany County Community Enhancement Program toward the Project.

Commissioner Shade remarked that this is an economic development project with which City of Frostburg has been getting a lot of traction. He explained that the County's contribution is part of the bigger package of about \$1.3 million being put into this project, trying to spur redevelopment in the area of Frostburg State University. Commissioner Shade pointed out that none of the County's funds are coming from the General Fund, but from the Economic Development's Revolving Building Fund.

Commissioner Shade moved that the Board of County Commissioners approve giving the City of Frostburg \$412,000 from the Allegany County Community Enhancement Program towards reimbursement of acquisition and demolition costs for the Center Street Redevelopment Project. Commissioner Brodie seconded the Motion. Motion carried to approve.

Item 5 – State of Maryland Rural Legacy Program – Board of County Commissioners to sign an Agreement of Sale and a Deed of Easement pertaining to the purchase of a 105.3853-acre property in Mount Savage. 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 – Siera N. Wigfield, Planner, presented background and

information on the Rural Legacy Program and on this purchase through the Program, as set forth in her Staff Report on the subject dated July 19, 2019, a copy of which is attached to and made a part of these Minutes. She recommended and requested that the County Commissioners sign the project agreement and the deed of easement.

Upon Motion made by Commissioner Caporale, and seconded by Commissioner Shade, the Board of County Commissioners, by a Vote of two to one, approved and agreed to sign an Agreement of Sale and a Deed of Easement pertaining to the purchase of a 105.3853-acre property in Mount Savage, 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.

VOTE:

Commissioner Shade: Approved
Commissioner Brodie: Opposed
Commissioner Caporale: Approved

CONSENT AGENDA

As recommended by the County Administrator

Upon Motion by Commissioner Caporale, seconded by Commissioner Brodie, and Motion carried, the Board of County Commissioners adopted the Consent Agenda as recommended by the County Administrator.

Item 6 – Fiscal Year 2020-2022 Maryland Jobs Access Reverse Commute – Board of County Commissioners accepted the Maryland Department of Transportation Maryland Transit Administration Fiscal Year 2020-2022 Maryland Jobs Access Reverse Commute grant in the amount of \$270,000 in state funds over the three-year program. This program is designed to assist in connecting targeted populations with employment areas that have experienced significant growth.

Item 7 – Allegany County Board of Elections Memorandum of Understanding for Early Voting – Board of County Commissioners approved and agreed to sign the Memorandum of Understanding with the Allegany County Board of Elections and authorize use of the Allegany County Office Complex for the process of Early Voting in Allegany County for the Primary and General Elections in 2020.

Item 8 – Purchase of Bleachers, Team Benches, and Other Sports Equipment Request to Advertise – Board of County Commissioners authorized the Department of Public Works to advertise the request to bid for the purchase of bleachers, team benches and other sports equipment for local county parks. This project is on the Fiscal Year 2020 Program Open Space Annual Plan.

Item 9 – Business Attraction Services Contract Renewal – Board of County Commissioners approved the renewal of the contract with Greenwill Consulting Group, Annapolis, Maryland, in the amount of \$175,000 for Business Attraction Services inclusive of retainer, recruitment, and travel costs, and authorize the President to execute the contract.

Item 10 – Solid Waste Management Board Appointments – Board of County Commissioners appointed Jon Ickes to serve as the member for the Hauler/Recycler position on the Solid Waste Management Board for a two-year term, and appointed Mathew Furman to serve as the alternate position for the Hauler/Recycler position for a two-year term. Their terms will expire on December 31, 2021.

Item 11 – Mental Health Advisory Board Appointments – Board of County Commissioners reappointed Tracie Wilson and Jessica Schmidt and appointed Jeff Nines to the Allegany County Mental Health Advisory Board. Their terms will expire on June 30, 2022.

Item 12 – Upper Potomac River Commission Board Appointment – Board of County Commissioners approved the appointment of Stephen Young to the Upper Potomac River Commission. His term will expire on July 1, 2025.

Item 13 – Allegany County Commission for Women Board Appointments – Board of County Commissioners to appoint Elesha Ruminski, Renee Mason, Melissa Fetchero, Tiffany Mock, and Barbara Hockman to the Allegany County Commission for Women. Their terms will expire on July 1, 2022.

Item 14 – Travel Request Approval – Board of County Commissioners approved the travel request for Mark W. Yoder, PE, Senior Projects Manager, to attend a Water & Wastewater Conference in Virginia Beach, Virginia, from September 9, 2019 to September 13, 2019 at a cost not to exceed \$1,500.

Item 15 – Declaration of Surplus Vehicle – Board of County Commissioners authorized the Human Resource Department to declare a 2006 Chevrolet Impala surplus and authorized its disposal in accordance with County policy.

Item 16 – Allegany County Community Enhancement Program – Board of County Commissioners approved giving the Town of Lonaconing \$15,000 to update and improve lighting in the downtown area including lighting at the newly installed Lefty Grove Park.

Commissioners' statements, comments, recognition –

Commissioner David J. Caporale had no further comments he wished to make at this meeting.

Commissioner Creade V. Brodie, Jr. had no further comments he wished to make at this meeting.

Commissioner Jacob C. Shade read into the record a letter from the Board of County Commissioners to the Allegany County Board of Education. A copy of this letter is attached to and made a part of these Minutes.

Upon Motion made by Commissioner Brodie, and seconded by Commissioner Caporale, the Board of County Commissioners agreed to sign this letter and send it to the Board of Education.

Constituents – In order of sign-up sheet –

Mr. Kenneth Wilmont, 513 Fort Avenue, Cumberland, discussed and suggested foam trucks for the County's fire departments.

Reminders/Upcoming Meetings –

Next Public Business Meeting – Thursday, August 8, 2019, 5:00 p.m.

ADJOURNMENT:

There being no further business to come to the attention of the Board, the meeting was adjourned at 5:30 p.m.

Jacob C. Shade, President

True Copy
Attest:

Cynthia A. Young
Recording Secretary



ALLEGANY COUNTY
DEPARTMENT OF ECONOMIC
& COMMUNITY DEVELOPMENT

Item 4

701 Kelly Road, Suite 400 • Cumberland, Maryland 21502

STAFF REPORT

TO: Brandon S. Butler, County Administrator
FROM: *DN* David Nedved, Economic and Community Development Representative
DATE: July 3, 2019
RE: Authorizing Community Enhancement Program Grant to City of Frostburg for Center Street Redevelopment Project

For the Agenda of: July 25, 2019

Background: The Allegany County Community Enhancement Program is designed to assist municipalities in addressing community development needs unique to their community. The program uses the Revolving Building Fund as its funding source. As such, economic development is a key element of this initiative. The purpose of the program is to provide grant funds to municipalities within Allegany County for the purposes of purchasing and demolishing blighted residential buildings and financing business building improvements, thus assisting in the elimination of blight.

The Frostburg Mayor and City Council respectfully requests consideration of \$412,000 from the Allegany County Community Enhancement Program for the Center Street Redevelopment Project. The funds would be used to reimburse the City of Frostburg for costs of acquiring and demolishing old residential rental housing stock on Center Street, between Oak and American Streets, directly across the street from the campus of Frostburg State University. After clearing the land, it can then be developed for mixed use that will include office and commercial space and rental housing. The City is currently working with a developer and anticipates entering into an agreement by the end of the year, so that the project can be completed in the summer of 2020.

Frostburg has been awarded \$450,000 in total for DHCD Strategic Demolition funding, \$250,000 for FY2018 and \$200,00 for FY2019. Additionally, the City of Frostburg was just awarded June 25 \$180,000 in FY2019 DHCD Community Legacy funds. The City would also contribute \$40,000 to the project. Together these funds total \$670,000. This satisfies the requirement of the Allegany County Community Enhancement Program for the grantee to provide at least a 50 percent match for any grant amount greater than \$50,000. Further, the City has applied for \$300,000 in FY2020 Strategic Demolition funding, of which at least \$120,000 is committed.

Issues: As per the guidelines for the program adopted by the Board of County Commissioners, the Board of County Commissioners will formally approve any applications at a public meeting.

Financial Impact: The City of Frostburg is requesting \$412,000 toward acquisition and demolition costs for the Center Street Redevelopment Project. Per the approved guidelines, for any approved assistance, Allegany County will only reimburse funds spent and will not advance funds. The program uses the Revolving Building Fund as the source of funds.

Alternatives: N/A

Other Considerations: N/A

Conformity to Applicant's Policy: The City of Frostburg has already secured \$670,000 in additional grant funding. The City is working with the developer to select a redevelopment based on both the reuse plan and its compatibility with the city's planning documents and viability of the business plan to support the investment.

Recommendation: The recommendation is that the Board approve giving the City of Frostburg \$412,000 from the Allegany County Community Enhancement Program towards reimbursement of acquisition and demolition costs for the Center Street Redevelopment Project.

DKN:kam

cc: Jeffrey S. Barclay
Jason M. Bennett



ALLEGANY COUNTY DEPARTMENT OF PUBLIC WORKS

701 Kelly Road, Suite 300
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alleganygov.org

Item 5

BOARD OF COUNTY COMMISSIONERS

Jacob C. Shade, *President*
Creade V. Brodie, Jr.
David J. Caporale

Paul F. Kahl, P.E.
Director of Public Works
Adam Patterson, P.E.
Deputy Director

STAFF REPORT

TO: Brandon S. Butler, County Administrator
FROM: Paul Kahl, P.E., Director of Public Works,
Siera Wigfield, Transportation Planner *SNW*
DATE: July 19, 2019
RE: Rural Legacy Easement Purchase

For the Agenda of: July 25, 2019

1. BACKGROUND

Rural Legacy land preservation easements are voluntary arrangements through which the Maryland Department of Natural Resources acquires the development rights of property located within the designated Mountain Ridge Rural Legacy Area. The properties within the area are prioritized by mostly environmental criteria. When the owners of the higher rated properties and the DNR agree on a value for the easement, the State funds the transaction. The easements are held by the County.

2. ISSUES

The owner of a 105.3853-acre parcel on the northern side of Piney Mountain in Mount Savage has applied to sell his development rights and has come to an agreed cost with the Rural Legacy Program. The purchase of the easement approval will be on by the State's Board of Public Works September 4th 2019 agenda.

3. FINANCIAL IMPACT

There is no cost to the County. In fact, the County is paid for administrative costs and is reimbursed for all incidental expenses.

4. ALTERNATIVES

N/A

5. OTHER CONSIDERATIONS

The easement protects 105.3853 acres of woodland. These are managed with a forest stewardship plan, and further protected with a Forest Non-Conversion Clause. The easement protects some of the lower northern slopes of Piney Mountain. Forested mountain ridges are important travel corridors for a wide range of wildlife species such as bears, bobcats, porcupines, and migrating birds. In addition, the forested slopes will provide important breeding habitat for forest interior dwelling bird species.

6. CONFORMITY TO COUNTY POLICY

The County Comprehensive Plan discourages development of steeped sloped properties such as the subject property.

7. RECOMMENDATION

I recommend the County Commissioners authorize Commissioner Shade to sign a Project Agreement and a Deed of Easement for the purchase of this easement through the Rural Legacy program.



ALLEGANY COUNTY, MARYLAND

The Board of County Commissioners

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Jacob C. Shade, *President*
Creade V. Brodie, Jr.
David J. Caporale

Brandon S. Butler, *Esq., County Administrator*
William M. Rudd, *Attorney*

July 25, 2019

The Honorable Robert Farrell, President
Allegany County Board of Education
108 Washington Street
Cumberland, MD 21502

Dear President Farrell:

We would like to express our appreciation for the Allegany County Board of Education's recent efforts to prioritize the completion of the FY2018 Allegany County Public Schools (ACPS) financial audit. While this audit is required by law, it also provides transparency and assures the public that ACPS, like all government entities, is fulfilling its fiduciary duty to taxpayers.

However, the delayed filing and completion of this audit has caused significant issues for Allegany County Government. Our audit was required to be submitted to the State of Maryland by December 31, 2018, and after 4 extensions through April 30, 2019, the State of Maryland stopped issuing extensions, causing us to fall short of the General Assembly's statutory requirements. We also missed the March 31, 2019 deadline for submitting our single audit of federal funds to the federal clearinghouse, and we are currently on the third extension of our bond disclosure, which was due March 31, 2019. Lastly, as a result of the delayed receipt of the ACPS audit, we missed the opportunity to be considered for what would have been our 26th consecutive GFOA Award for Financial Excellence in Financial Reporting, as the final deadline was June 30, 2019. Not only has this cost extra staff time in our finance office, we are now putting critical State and Federal Funds at risk by not complying with continuing reporting requirements.

We believe that the timely completion of the upcoming FY2019 audit is critically important for our organization to best serve the residents of Allegany County. And while some punitive and drastic ideas have been floated to try to remedy this situation, we do not want to jeopardize the financial health of ACPS or more importantly to have any impact on teachers or employees receiving their salaries by withholding funds.

However, we cannot have another situation in which we are nine months late in receiving the Allegany County Board of Education's financial audit. Therefore, if Allegany County Government is not in receipt of the FY2019 financial audit by Friday, November 1, 2019, we will begin withholding all funds slated for capital improvement until the situation is remedied. We believe this one-month extension beyond the October 1, 2019 due date is fair, reasonable, and necessary.

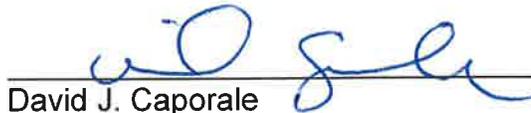
Sincerely,



Jacob C. Shade, President



Creade V. Brodie Jr.



David J. Caporale

cc: The Honorable Dr. David A. Bohn, Vice-President
The Honorable Wayne T. Foote
The Honorable Deb Frank
The Honorable Tammy Fraley
Jeffrey S. Blank, Superintendent