

September 26, 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 led by Rick Hoover, CPA with Turnbull, Hoover & Kahl, P.A.

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 September 12, 2019, public business meeting.

PRESENTATION

Item 1 – 2018 Comprehensive Annual Financial Report – Financial Audit – Jason M. Bennett, CPA, Director of Finance, and Rick Hoover, CPA, Turnbull, Hoover, & Kahl, PA. Mr. Rick Hoover, CPA with Turnbull, Hoover & Kahl, presented the County's 2018 Comprehensive Annual Financial Report, a copy of which is available online on the Finance Department's page on the County's website and is made a part of these Minutes by reference.

Item 2 – Cumberland Chase Development Announcement – Brandon S. Butler, County Administrator, David L. Weimer, and Jeff Metz. Commissioner Creade V. Brodie, Jr. invited Mr. David L. Weimer and Mr. Jeff Metz to come forward and present information on the Cumberland Chase Development Project. Mr. Weimer thanked the Commissioners for the opportunity to speak and announced that the initial planning for the project has been done and that they are looking forward to getting it started and kicked off. Mr. Weimer explained that the project is going to be an aged community and will include a nursing home, as the anchor; an assisted living facility; and independent living buildings. Mr. Weimer remarked that they are looking forward to the opportunity.

Commissioner Shade thanked Commissioner Brodie for his many years of work on the Cumberland Chase project, and he also thanked Mr. Weimer and Mr. Metz for their interest, and he added that the Commissioners are looking forward to working with them to make the project a success.

Commissioner Brodie thanked Mr. Weimer and Mr. Metz for putting the project together, and thanked everyone else involved, commenting that it has been a long road. Commissioner Caporale added his thanks to Mr. Weimer and Mr. Metz.

PUBLIC HEARING

Item 3 – Road Closing Petition – Stephen C. Owens, Amy Louise Owens, Steven P. Wilkinson and Stefani P. Wilkinson – The road closing petition is with the intent to close a certain portion of Woodridge Lane located west of Winchester Road, Cresaptown, Election District 29, Allegany County Maryland. The road was opened on July 25, 2019 – Matthew P. Lamp, Esq., Hidey, Coyle & Monteleone, asked the Commissioners to recall that his colleague, Nick Monteleone, was at the public meeting on July 25, 2019, for the opening of a certain portion of Woodridge Lane located west of Winchester Road, Cresaptown, Election District 29, Allegany County Maryland, on behalf of Steve and Amy Owens and Steven and Stefanie Wilkinson. He confirmed that the road was opened for the purpose of closing it, and that he was now presenting the petition to close the road. Mr. Lamp commented that he believed that everything was fine with the Public Works Department and that nothing has changed, and he asked the Board of County Commissioners to close the road.

Commissioner Shade confirmed that everything had been submitted and opened the public hearing, asking if anyone had any public comments. No one commented. Hearing closed.

Upon Motion by Commissioner Caporale, seconded by Commissioner Brodie, and duly carried, the Board of County Commissioners approved the Road Closing Petition of Stephen C. Owens, Amy Louise Owens, Steven P. Wilkinson and Stefani P. Wilkinson to close a certain portion of Woodridge Lane located west of Winchester Road, Cresaptown, Election District 29, Allegany County Maryland.

ACTION AGENDA

Item 4 – Code Home Rule Bill 2-19 – Introduction – “An Act to Amend Chapter 461 of the Code of Public Laws of Allegany County, Maryland (2011 Edition as Amended) to Prohibit the use of Traffic Law Photo-Monitoring Devices” – Jacob C. Shade, President, explained that Code Home Rule Bill 2-19 would amend the Allegany County Code to prohibit the use of traffic law photo monitoring devices, also known as “speed cameras”. He remarked that this is something that has become more “hot button” recently, and added that a lot of localities in Maryland are relying on them to fill their budget gaps, even including them as revenue enhancements in their budget process. Commissioner Shade commented that he would hope Allegany County is not a County that wants to rely on this kind of revenue, because in his opinion it is nothing more than a tax; that it is not about safety and not about controlling the flow of traffic, but just to impose a new fee on drivers and residents.

Commissioner Shade concluded by saying that he would like to introduce Code Home Rule Bill 2-19 this evening, and added that it would be available on the website for the public to review. He confirmed that this would be the first of several meetings at which this Bill would be discussed.

Upon Motion by Commissioner Shade, and seconded by Commissioner Brodie, the Board of County Commissioners agreed to the Introduction of Code Home Rule Bill 2-19 – “An Act to Amend Chapter 461 of the Code of Public Laws of Allegany County, Maryland (2011 Edition as Amended) to Prohibit the use of Traffic Law Photo-Monitoring Devices”.

Item 5 – Grant Agreement between Appalachian Regional Commission and the Board of County Commissioners of Allegany County – Board of County Commissioners to authorize the County Administrator to execute a grant agreement between the Board of County Commissioners of Allegany County, and Appalachian Regional Commission in the amount of \$395,205 for Western Maryland Works – Brandon S. Butler, County Administrator, told the Commissioners that there has been a lot of action recently at Western Maryland Works, located at 37 Lane Avenue, LaVale. He presented some photos of the space as it looked before work began. Mr. Butler explained that the building formerly housed Economy Foods, and that the 37,000 square feet of vacant warehouse had sat empty since approximately 2016. He also explained that the building will now be used as incubators for opportunities for business growth and will also provide plenty of industrial space for Allegany College of Maryland for advanced manufacturing for their welding and industrial maintenance instructional areas. Mr. Butler went over some other changes to be made to the building and showed additional photos of work being done.

Mr. Butler then called the Commissioners’ attention to the grant before them this evening, in the amount of \$395,000.00. He pointed out that amount would cover a number of tech-related items to fill out the makerspace itself, including six lathes, ten milling machines, and four 3D printers. Mr. Butler added that there will also be computers available with design and CADD accessibility as well as other access to technology through Allegany College’s welding and machining programs.

Mr. Butler acknowledged the presence and assistance of Becky Ruppert and David Jones of ACM, and then called them forward to make their own comments. Ms. Ruppert spoke, and she thanked the County Commissioners and Mr. Butler for their continuing partnership with ACM and for their vision in meeting the need for advance manufacturing training in Allegany County. She remarked on the importance and economic impact of this training.

Upon Motion made by Commissioner Brodie, seconded by Commissioner Caporale, and duly carried, the Board of County Commissioners authorized the County Administrator to execute a grant agreement between the Board of County Commissioners of Allegany County, and Appalachian Regional Commission in the amount of \$395,205 for Western Maryland Works.

Item 6 – Request for Tax Abatement – Board of County Commissioners to authorize the abatement of taxes in the total amount of \$252.12 for one property located at 609 Maryland Avenue in Cumberland. This property has been acquired by the City of Cumberland and will be demolished for future development – Jason M. Bennett, CPA, Finance Director, called the Commissioners’ attention to the request for tax abatement before them, from the City of Cumberland, so the City can acquire the property at 609 Maryland Avenue as part of their ongoing redevelopment plan. He pointed out the amount of the abatement, \$252.12, and added that the property at 609 Maryland Avenue is adjacent to Rolling Mill. Mr. Bennett explained that the County has been abating taxes for the City of Cumberland for some years as they acquire these properties, with the idea of eventually getting them back on the tax rolls. He asked for the Commissioners’ approval of the abatement of taxes for the property.

Commissioner Shade moved that the Board of County Commissioners authorize the abatement of taxes in the total amount of \$252.12 for one property located at 609 Maryland Avenue in Cumberland, which property has been acquired by the City of Cumberland and will be demolished for future development. Commissioner Brodie seconded the Motion. Motion carried to approve and authorize the abatement.

Item 7 – Preliminary Engineering Agreement with CSX Transportation, Inc. – Board of County Commissioners to authorize the President of the Board of County Commissioners to execute a Preliminary Engineering Agreement with CSX Transportation for engineering work for safety upgrades for the Moss Avenue grade crossing at the Allegany County Fairgrounds – Adam Patterson, PE, Deputy Director of Public Works, reminded the Commissioners of a meeting held some time ago at a Commissioners work session regarding making improvements to Moss Avenue into the Fairgrounds. He commented that these are necessary safety improvements and they are asking CSX to improve the width of the crossing within the right of way to allow pedestrians to access the Fairgrounds at the same time that vehicular traffic is going in and out. Mr. Patterson told the Commissioners that CSX has prepared an agreement which calls for the County to pay for their (CSX's) engineering services for the design. He asked the Commissioners to sign the agreement.

Commissioner Shade asked Mr. Patterson if the actual project would be paid for by CSX or by Allegany County, and he replied that was still to be determined. Mr. Patterson added that because it is a public crossing, the County does have the ability to seek funding for the actual construction costs of the improvement, but that the estimate before the Commissioners this evening was just for engineering services. He confirmed that, having worked with CSX in the past, the amount is an estimate, and brought up a previous project at North Branch that required their engineering services to work within the right of way on two bridges. Mr. Patterson explained that as work was completed, CSX showed County staff the billing of it, with any remaining funds to be returned to the County.

Commissioner Shade asked who paid for the upgrades on the North Branch project. Mr. Patterson clarified that work was done on the County's bridges with the County's funds. Commissioner Shade pointed out that the Moss Avenue into the Fairgrounds project would be an actual improving of the infrastructure with CSX's right of way. Mr. Patterson confirmed that.

Commissioner Shade said that at this point, at best he would table this Item, and at worst, take the position that the County does not need to spend any more taxpayer money to help CSX improve the safety of their crossings.

Commissioner Caporale asked Mr. Patterson if there were any potential Fairgrounds funds that could be used to apply toward the engineering costs, considering that the widening of the crossing would be an improvement to the Fairgrounds. Mr. Patterson told him that the County would be utilizing existing Paygo funds to pay the approximate \$35,000 in engineering services. Commissioner Caporale asked if there were other funds that could be used for the project itself. Mr. Patterson replied that still needed to be determined.

Commissioner Brodie moved that the Board of County Commissioners table Item 7 – Preliminary Engineering Agreement with CSX Transportation, Inc. until more information becomes available and Mr. Patterson can sit down with President Shade to discuss the matter and get more clarity. Commissioner Shade seconded the Motion. Motion carried to table Item 7.

CONSENT AGENDA

As recommended by the County Administrator

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

Item 8 – Surplus Real Property – Board of County Commissioners accepted the offer of \$500 by Mountain View Communications to purchase the property know as 50-52-54 West Main Street, Lonaconing, Maryland, Property Tax Account Number 10-006163 which was previously declared surplus and advertised, and authorize the President to sign the deed and closing documents.

Item 9 – Surplus Real Property – Board of County Commissioners accepted the offer of Sandra K. Shearer, owner of property described as "Private Road off Route 40 near Flintstone, Maryland", Property Tax Account Number 03-010953, to convey this property to the Board of County Commissioners of Allegany County, Maryland, for zero consideration, and authorize the President to sign any closing documents.

Item 10 – Georges Creek Shaft Stream Restoration Design and Construction Grant – Board of County Commissioners authorized the President of the Board of County Commissioners to sign an Addendum to the Memorandum of Agreement with Maryland Department of the Environment Abandoned Mine Lands Division to accept an additional \$277,457, and extended the contract to December 31, 2021.

Item 11 – Peer Support Specialist, Family Support Worker, and a Clinical Crisis Prevention Coordinator for Allegany County Department of Social Services – Board of County Commissioners approved job descriptions for the positions of Peer Support Specialist, Family Support Worker, and a Clinical Crisis Prevention Coordinator, for Allegany County Department of Social Services. These positions will be funded through a grant.

Item 12 – Allegany County Courthouse Annex Chiller Bid Award – Board of County Commissioners awarded the Allegany County Courthouse Annex Chiller Replacement Project to Walter N. Yoder & Sons, Cumberland, Maryland, in the amount of \$243,610.

Item 13 – Old Miller Road Landslide Emergency Stabilization Project Bid Award – Board of County Commissioners awarded the Old Miller Road Landslide Emergency Repairs project to Carl Belt, Inc., Cumberland, Maryland, in the amount of \$263,829.55, and authorized the President of the County Commissioners to sign the necessary documents to begin the project.

Item 14 – Bleachers and Team Benches Bid Award – Board of County Commissioners awarded the contract for Bleachers and Team Benches to Green Site, LLC, Elkridge, Maryland, in the amount of \$86,984.

Item 15 – Truck Purchase for Department of Public Works Utilities Division – Board of County Commissioners authorized the Department of Public Works Utilities Division to purchase a 4 WD $\frac{3}{4}$ ton pickup truck through the Maryland State bid from Hertrich Fleet Services, Inc., for the total amount of \$35,557.

Item 16 – Purchase of New Dump Trucks for Department of Public Works Roads Division – Board of County Commissioners authorized the Department of Public Works Roads Division to award the purchase of two new dump trucks to Freightliner of Hagerstown, Hagerstown, Maryland, in the amount of \$262,642.

Item 17 – John Deere Skid Steer Purchase for Department of Emergency Services – Board of County Commissioners authorized the purchase of a John Deere Skid Steer through Maryland State bid as approved through the 2018 State Homeland Security Grant Program, in the amount of \$55,362.09.

Commissioner Brodie commented that he believed the funding for this Item was coming through the form of a grant, and Mr. Butler confirmed that he was correct.

County Attorney William M. Rudd read a Statement Regarding the Closed Session held on Thursday, September 12, 2019. A copy of this statement as read by Attorney Rudd is attached to and made a part of these Minutes.

County Administrator Brandon S. Butler had no further comments to make at this evening's meeting.

Commissioners' statements, comments, recognition –

Commissioner David J. Caporale had no further comments to make at this evening's meeting.

Commissioner Creade V. Brodie, Jr. remarked that it was a very, very good evening, with Cumberland Chase finally kicking off into the next phase and also Allegany Works being set up. He added that the County needs a well-trained workforce and that he likes the incubator, where someone can take an idea and make it a reality, because there are a lot of smart people out there who need help taking the first step. Commissioner Brodie thanked ACM for working with the County on that.

Commissioner Jacob C. Shade said that, without going into too much detail, he wanted to comment on what was discussed during the September 12 Closed Executive Session. He explained that the County is in active talks with the Cumberland CEDC to consolidate into one County economic development entity. Commissioner Shade added that the entity would be housed at Allegany County Government. He brought up reasons for consolidation, that for the first time in a long time, the County and City are on the same page regarding economic development, and that the County has a very recently completed long-term (five to ten-year) strategic plan that includes projects, timelines, and details, that can be followed. Commissioner Shade remarked that there needs to be one common group doing economic development, as it will provide benefits, including cost savings, as well as avoiding duplication of efforts. He pointed out that the Commissioners will make sure that the consolidation is a good deal for the taxpayers, as well as good for economic development in Allegany County. Commissioner Shade reported that hopefully an agreement will be reached between the County and City in the next few months.

Constituents – In order of sign-up sheet –

Kenneth Wilmot, 513 Fort Avenue, Cumberland, spoke about the impact of the feral cat problem on birds in the area.

Reminders/Upcoming Meetings –

Next Public Business Meeting – Thursday, October 10, 2019, 5:00 p.m.

ADJOURNMENT:

There being no further business to come to the attention of the Board, the meeting was adjourned at 5:40 p.m.

Jacob C. Shade, President

True Copy
Attest:

Cynthia A. Young
Recording Secretary

**STATEMENT REGARDING THE CLOSED SESSION HELD ON
THURSDAY, SEPTEMBER 12, 2019, AT 4:00 O’CLOCK P.M., ROOM 424**

The Board of County Commissioners, at a meeting convened on Thursday, September 12, 2019, at 4:00 o’clock p.m., voted unanimously to go into a closed session. The meeting time and place and the purpose of the meeting were provided in a public notice distributed on September 10, 2019. The notice was provided in the same manner, and also to the same entities, as receive the Commissioners’ regular business meeting notices.

The meeting was closed in accordance with the General Provisions Article of the Annotated Code of Maryland Section 3-305, and the purposes for which the meeting was closed were as follows:

1. To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees or officials over whom it has jurisdiction (General Provisions Article Section 3-305 (b)(1)).
2. To consult with staff, consultants or other individuals about pending potential litigation (General Provisions Article Section 3-305 (b)(8)).
3. Consultation with counsel to obtain legal advice concerning the matters referenced in numbers 1 and 2 above (General Provisions Article Section 3-305 (b)(7)).

Those persons present during the entire closed session were Commission President Jacob C. Shade; Commissioner Creade V. Brodie, Jr.; Commissioner David J. Caporale; County Administrator Brandon S. Butler; County Attorney William M. Rudd; and Assistant County Attorney T. Lee Beeman, Jr. Present only for discussion of the first item were Kristi D. Liller, Supervisor of Human Resources; Paul J. Kelly, Jr., Executive Director/President of the Cumberland Economic Development Corporation (CEDC); Matt Miller, Economic Development Specialist with the CEDC; and Gorman E. Getty, III, Attorney for the CEDC.

Cindy Young was the Recording Secretary and was present during the entire meeting.

Item 1: The Commissioners discussed with representatives of the CEDC possible consolidation of economic development operations and the effect that that may have on existing or future County staff. It was determined that a proposal would be presented by CEDC to the County for its consideration and the basis of any future negotiations. At conclusion of this discussion on this issue, Mrs. Liller, Mr. Kelly, Mr. Miller and Attorney Getty left the room.

Item 2: Assistant County Attorney Beeman updated the Commissioners regarding litigation initiated in Mineral County, West Virginia, concerning a communications tower operated by Allegany County, which has resulted in litigation being brought against the County in Federal Court and also litigation pending in Mineral County. The Commissioners, after consultation and advice from Mr. Beeman, gave directions as to how to proceed with handling of the litigation and possible settlement thereof.

There was no further business to be conducted in the Closed Session; and therefore upon Motion made by Commissioner Caporale and seconded by Commissioner Brodie to adjourn, the Motion was carried unanimously, and the meeting was adjourned at 4:50 p.m.