

February 11, 2021

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 David J. Caporale; County Administrator Jason M. Bennett; and County Attorney T. Lee Beeman, Jr. The following business was transacted:

The Pledge of Allegiance was recited by those present.

Commissioner Shade announced that Commissioner Brodie was not able to attend this evening's meeting.

#### **MOTION**

Commissioner Caporale asked that an Item 13 be added to the Consent Agenda, to allocate \$3,000 from the Community Promotion Account to the Hooley Plunge, in honor of its founder, Dr. Sean McCagh. Commissioner Caporale explained that Dr. McCagh passed away on January 31, 2021, from COVID-19 complications.

Upon Motion made by Commissioner Shade, seconded by Commissioner Caporale, and duly carried, the Board of County Commissioners agreed to the addition of Item 13 – Allocation of \$3,000 from the Community Promotion Account to the Hooley Plunge in honor of Dr. Sean McCagh to this evening's meeting Agenda.

Commissioner Shade brought up another addition for the Consent Agenda, Item 14 – Recordation Tax Exemption for the Transfer of Property from the County Commissioners to Berry Plastics.

Commissioner Shade moved that Item 14 be added to the Agenda for this evening's meeting. Commissioner Caporale seconded the Motion. Motion carried to add Item 14 - Recordation Tax Exemption for the Transfer of Property from the County Commissioners to Berry Plastics to the Agenda.

There were no further additions or deletions to the Agenda.

#### **MOTION**

Upon Motion by Commissioner Caporale, seconded by Commissioner Shade, and Motion carried, the Commissioners approved the Minutes of the January 21, 2021, public business meeting.

Before proceeding with this evening's business, Commissioner Shade announced that County Government lost an employee very suddenly earlier in the day, Mr. Matthew Mark Blacker, and he presented some remarks in honor of Mr. Blacker. A copy of the remarks as made by Commissioner Shade is attached to and made a part of these Minutes.

Commissioner Shade expressed his condolences on behalf of County Government, and all those present at this meeting, then asked for a moment of silence in honor of Mr. Blacker.

#### **PUBLIC HEARING**

**Item 1 – Road Opening Petition – Allegany County LaVale Library** – The road opening petition is with the intent of closing a portion of an unnamed, unimproved alley in the Woodland Addition to the City of Cumberland, Election District 29, Allegany County, Maryland – Daniel S. DeWitt, PE, County Engineer, presented background and information regarding this Item. He reported that the Road Opening Petition, for the opening with the intent of closing a portion of an unnamed unimproved alley in the Woodland Addition to the City of Cumberland, Election District 29, had been advertised, as required by State law, in the Cumberland Times-News three times. A copy of the advertised Notice of Publication is attached to and made a part of these Minutes. He asked that public hearing be held on the Petition this evening, for any public comments, and he reported that no public comments have been received as of today. Mr. DeWitt added that he would be glad to answer any questions.

County Attorney Lee Beeman confirmed to Mr. DeWitt that there is nothing further to do regarding the public hearing on the Petition, and with no public comments received regarding the road opening, the County can now proceed to the road closing.

Commissioner Shade asked Mr. DeWitt if the LaVale Library Project is on track, and Mr. DeWitt replied that everything is going great on this eighteen-month project, on track for completion date of next Summer.

Commissioner Shade officially opened the Public Hearing and asked for any public comments. None were received. Hearing closed. Road has been opened for the purpose of closing and the County can proceed with the road closing petition. The Commissioners thanked Mr. DeWitt.

### **ACTION AGENDA**

**Item 2 – Code Home Rule Bill 2-21 – Introduction – “Compensation for Public Officials”** – T. Lee Beeman, Jr., County Attorney, told the County Commissioners that he was introducing Code Home Rule Bill 2-21 at this evening’s meeting. Attorney Beeman explained that Code Home Rule Bill 2021 would enact the recommendations of the Salary Study Commission. He asked the Commissioners to recall that the Salary Study Commission met in the latter part of 2020, and that the Commission’s recommendations were presented to the County Commissioners at a public meeting in January 2021. He pointed out that the Bill is drafted to directly adopt the Salary Study Commission’s recommendations exactly as presented by them.

Attorney Beeman explained that since tonight is the introduction of Code Home Rule Bill 2-21, a date will be scheduled on a future Legislative Day to give the Commissioners opportunity to take action on the Bill.

Upon Motion made by Commissioner Caporale, and seconded by Commissioner Shade, the Board of County Commissioners agreed to the introduction of Code Home Rule Bill 2-21 – “Compensation for Public Officials”.

**Item 3 – Approval of Contract for the Assistant Allegany County Attorney** – Board of County Commissioners to approve and sign the Employee Agreement for the appointment of Ramon Rozas, III as the Assistant County Attorney of Allegany County, Maryland – T. Lee Beeman, Jr., County Attorney, introduced Attorney Ramon Rozas, III as a candidate for the position of Assistant County Attorney. Attorney Beeman explained that Attorney Rozas is licensed to practice in both Maryland and West Virginia and has provided a great deal of assistance to Allegany County Government during the time that Attorney Beeman has been with the County, handling a number of matters on a referral basis. Attorney Beeman remarked that he was pleased to see an application submitted by Attorney Rozas for the County Attorney position when it was advertised, and he also commented on the level of experience that Attorney Rozas would bring to the County Attorney’s Office.

In conclusion, Attorney Beeman requested that the Board of County Commissioners approve the contract to hire Attorney Ramon Rozas, III as the Assistant County Attorney for Allegany County.

Commissioner Shade told Attorney Rozas that the Commissioners are looking forward to working with him, and then invited him to come forward and say a few words.

Attorney Rozas thanked the County Commissioners for considering his application and commented that he is looking forward to working with Attorney Beeman and helping and providing representation to Allegany County.

Commissioner Caporale moved that the Board of County Commissioners approve and sign the Employee Agreement for the appointment of Ramon Rozas, III as the Assistant County Attorney of Allegany County, Maryland. Commissioner Shade seconded the Motion. Motion carried to approve and agree to sign the Employment Agreement for Ramon Rozas, III as Assistant County Attorney.

Commissioner Shade remarked that the hiring of the new Assistant County Attorney will bring the County back up to speed, with two attorneys instead of one, for the first time since the passing of former County Attorney Bill Rudd.

**Item 4 – Approval of Subordination Agreement with Manticorp, LLC** – Board of County Commissioners to approve and sign the Subordination Agreement with Manticorp, LLC, allowing the Deed of Trust held by the Board of County Commissioners to be subordinated behind an additional mortgage for the purposes of business development and economic development – T. Lee Beeman, Jr., County Attorney, reminded the County Attorneys that in late 2020, they approved a contract of sale to transfer portions of the Riverside Building to Manticorp, better known as “Grow West”. Attorney Beeman explained that during the course of that contract of sale, a portion of the funding of that project was owner-financed; essentially, the County Commissioners are holding a note on which Manticorp has been making monthly payments.

Attorney Beeman asked the Board of County Commissioners, per a request by Manticorp, LLC, to approve subordination of the County’s note behind a new promissory note that the company is seeking that will allow them to undertake their business expansion program. He commented that this would be a good economic development move, and he asked the Commissioners for their approval of the Subordination Agreement.

Upon Motion by Commissioner Shade, seconded by Commissioner Caporale, and duly carried, the Board of County Commissioners approved and agreed to sign the Subordination Agreement with Manticorp, LLC, allowing the Deed of Trust held by the Board of County Commissioners to be subordinated behind an additional mortgage for the purposes of business development and economic development.

### **CONSENT AGENDA**

As recommended by the County Administrator

Before action was taken on the Consent Agenda for this meeting, Commissioner Caporale offered some comments regarding Item 13 – Allocation of \$3,000 from the Community Promotion Account to the Hooley Plunge in honor of Dr. Sean McCagh. Commissioner Caporale said that the County Commissioners wanted to remember Dr. Sean McCagh as a special member of the community. He explained that it was Dr. McCagh’s vision that started the Hooley Plunge, which has raised over \$1.5 million for Special Olympics and other programs for the developmentally disabled. Commissioner Caporale added that the County will be adding a link on the County Government website to allow additional contributions from the public to help honor Dr. McCagh’s memory and keep his hopes and dreams alive. He asked everyone to keep Dr. McCagh’s family in their prayers.

Regarding Item 14 - Recordation Tax Exemption for the Transfer of Property from the County Commissioners to Berry Plastics, County Attorney Lee Beeman asked to clarify that the exemption referred to isn’t doing something out of the ordinary, but that this is just a pro forma approach to something already codified under State Law, under the Property Tax Article. Attorney Beeman stated that this Item is just an administrative matter that is necessary for the Clerk’s Office to properly document the exemption.

Commissioner Shade remarked to Commissioner Caporale that his remarks concerning Item 13 and Dr. McCagh were well said. He said that Dr. McCagh’s death is a big loss to the community, and that Dr. McCagh was someone who deeply cared about Allegany County and its future, not only in words but in actions. Commissioner Shade added that the Commissioners’ thoughts are with Dr. McCagh’s family.

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

**Item 5 – Scattered Sites Housing Program** – Board of County Commissioners approved the acceptance of an offer of \$40,000 from TD Properties to purchase the property known as 62 Spring Street, Frostburg, Maryland, Property Tax Account Number 12-004117, and authorized the President of the County Commissioners to sign the closing documents and the deed for the sale of the property.

**Item 6 – Allegany County Community Enhancement Program** – Board of County Commissioners approved giving the City of Cumberland \$155,000 from the Allegany County Community Enhancement Program for environmental abatement and demolition, along with site excavation and traffic control, but not acquisition, for two properties in the first block of Virginia Avenue, within the South Cumberland/Chapel Hill National Register of Historic Places district.

**Item 7 – Surplus Real Property Bid Award** – Board of County Commissioners accepted the following bid for surplus real property located in Allegany County, previously declared surplus and advertised: property known as 12519 Ellerslie Road, Corriganville, Maryland, Property Tax Account Number 20-002107 to Mark VanTyne in the amount of \$15,226.58.

**Item 8 – Declaration of Dedication** – Board of County Commissioners authorized David A. Norris and Ernest R. Norris (Grantors) to dedicate and convey the right of ingress, egress and access over, across and through the Right-of Way for public use and the Board of County Commissioners of Allegany County (Grantee) accepts such dedication of Right-of-Way to access property on Albin Lane, NE, Little Orleans, Maryland.

**Item 9 – New Dump Trucks for Roads Division Bid Award** – Board of County Commissioners awarded the contract for two new dump trucks to Freightliner of Hagerstown, Hagerstown, Maryland, in the amount of \$265,282.

**Item 10 – Approval of Contract for Legal Services** – Board of County Commissioners approved contract for legal services for the Board of Zoning Appeals and for the Board of License Commissioners with S. Ramani Pillai, Esq.

**Item 11 – Purchase of Emergency Medical Services Chase Vehicle** – Board of County Commissioners authorized the purchase of a 2021 Dodge 2500 Tradesman Crew Cab pickup truck in the amount of \$39,366 as allocated through the Capital Improvement Funding approved in May of 2020.

**Item 12 – Fiscal Year 2018 (2018-2020) State Homeland Security Grant Program Adjustment to Grant Performance Period** – Board of County Commissioners authorized the President of the County Commissioners to sign the 2018 Grant Adjustment Notice to modify the awarded amount on the 2018 State Homeland Security Grant Program to \$275,533.40.

**Item 13 – Allocation of \$3,000 from the Community Promotion Account to the Hooley Plunge in honor of Dr. Sean McCagh** – Board of County Commissioners approved and authorized allocation of \$3,000 from the Community Promotion Account to the Hooley Plunge in honor of its founder, Dr. Sean McCagh, who passed away on January 31, 2021, from COVID-19 complications.

**Item 14 – Recordation Tax Exemption for the Transfer of Property from the County Commissioners to Berry Plastics** – Board of County Commissioners authorized the exemption of the instrument transferring property from the Board of County Commissioners of Allegany County to Berry Global (Berry Plastics) from the recordation tax to be collected by the Clerk of the Circuit Court of Allegany County, Maryland.

**Constituents** – There were no constituent comments to be read into the record at this meeting.

**County Administrator Jason Bennett** provided an update regarding the COVID-19 restaurant grants from the State of Maryland. He reported that checks should be cut in the next couple of days and the funds rolled out to County restaurants. Administrator Bennett estimated that fifty restaurants should be receiving grant funds.

Regarding the hotel grants, Mr. Bennett reported that the County has just completed accepting applications for those funds and that disbursements will soon be going out.

Commissioner Shade remarked that this puts the total at around \$4,000,000 for local grants distributed by the County since the beginning of the pandemic.

**County Attorney Lee Beeman** also commented on the loss of Sean McCagh and expressed what a great loss it is to the community.

**Commissioners' statements, comments, recognition –**

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

**Commissioner Jacob Shade** welcomed Ramon Rozas, III as the County's new Assistant County Attorney.

Commissioner Shade also expressed the County Commissioners' support for the Board of Education to get the students back into the schools. He said that the County and the Commissioners are ready to work with the Board of Education and help with whatever is needed, including financial support, or helping with logistics or supplies such as masks. He remarked that the Commissioners are looking forward to the students getting safely back into school.

**Reminders/Upcoming Meetings –**

**Next Public Business Meeting** – Thursday, February 25, 2021, 5:00 p.m.

**ADJOURNMENT:**

There being no further business to come to the attention of the Board, the meeting was adjourned at 5:15 p.m.

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Jacob C. Shade, President

True Copy  
Attest:

\_\_\_\_\_  
Cynthia A. Young  
Recording Secretary

*Item 1*

ALLEGANY COUNTY COMMISSIONERS  
701 Kelly Rd, Ste 400  
Cumberland, MD 21502

**NOTICE OF PUBLICATION**

Pursuant to Section 12-512 & 12-523 of the Annotated Code of Maryland, notice is hereby given that the County Commissioners of Allegany County, Maryland, on the 11<sup>th</sup> day of February, 2021, will open under their own initiative, for the purpose of closing, a portion of an unnamed, unimproved alley in the Woodland Addition to the City of Cumberland, Election District 29, Allegany County, Maryland.

The portion of the alley to be opened, for the purpose of closing, is located in between a private easement and Grant St and parallel to US Route 40 Alternate (National Highway) and Woodland Avenue, on the western side of the parcel containing the LaVale Library. Beginning at Grant St and going southwest, the portion to be closed has a width of 2.6 feet and length of 148 feet before widening to 15 feet for an additional length of 250 feet. The total area to be opened, for the purpose of closing, is approximately 4,135 square feet.

An exhibit depicting the alley section may be obtained upon request (by means of electronic mail or standard U.S. mail) by contacting the County Clerk in the Office of the County Commissioners of Allegany County, Maryland at 301-777-2526.

A hearing to consider any objection or counter petition will be held on the 11<sup>th</sup> day of February, 2021, at 5:00P.M. local time, at 701 Kelly Road, Room 100, Cumberland, MD 21502. Please refer to the Allegany County website, <https://alleganygov.org/>, for details and information on meeting attendance and participation.

THE COUNTY COMMISSIONERS OF ALLEGANY COUNTY, MARYLAND

By: Daniel S. DeWitt, P.E., County Engineer  
701 Kelly Rd, Ste 300  
Cumberland, MD 21502  
301-777-5933  
[ddewitt@alleganygov.org](mailto:ddewitt@alleganygov.org)

Adv.: January 13, 20, 27

Mathew Mark Blacker graduated from Fort Hill High School 1973. Mark had 30 years of volunteer service and 8 years of employment with the Department of Emergency Service. Mark started his career by joining Bowman's Addition Volunteer Fire Department in 1981. Mark obtained his EMT and Firefighter shortly after joining. Mark was a member of Bowling Green Volunteer Fire Department from 1985 to 1988 before joining back with Bowman's Addition in 1996. In 2013 Mark was employed by Allegany County Department of Emergency Service as a part time EMT/Driver. Mark then accepted a full time position as a Firefighter/EMT in 2017. Mark also held many positions in the volunteer system including Fire Chief, President and Ambulance Captain. Mark took pride in helping his community, volunteers and fellow employees. Mark was dedicated to his community, employment and family. Mark has left behind a wife of 45 years, Susan Blacker, 2 Sons Arron and Justin Blacker and wife Carrie Blacker, 3 grandchildren Dayton and Anthony Blacker and Gracie Cottrill and a special friend Zaiden West.