

January 30, 2020

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 Acting County Attorney T. Lee Beeman, Jr. The following business was transacted:

The Pledge of Allegiance was recited by everyone present.

#### **MOTION**

There were no additions or deletions to the Agenda.

#### **MOTION**

Upon Motion by Commissioner Caporale, seconded by Commissioner Brodie, and Motion carried, the Commissioners approved the Minutes of the January 16, 2020, public business meeting.

#### **ACTION AGENDA**

**Item 1 – Resolution 20-1 – Authorizing Resolution for Filing Fiscal Year 2021 Transit Grant Applications** – Board of County Commissioners to authorize the County Administrator or the President to file grant applications for public transportation for Fiscal Year 2021 – Roy S. Cool, Transportation Planner, explained to the Commissioners that Resolution 20-1 – Authorizing Resolution for Filing Fiscal Year 2021 Transit Grant Applications is simply a resolution that is required to be included in the grant application for the grant that funds the County's transit system, both capital and operating costs, for the year. Mr. Cool pointed out that Resolution 20-1 allows either the President of the Board of County Commissioners or the County Administrator to sign the necessary documents for the grant application.

Upon Motion made by Commissioner Brodie, seconded by Commissioner Caporale, and duly carried, the Board of County Commissioners authorized the County Administrator or the President to file grant applications for public transportation for Fiscal Year 2021.

#### **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 2 – Public Notice for the Public Transportation Grant Application Hearing** – Board of County Commissioners authorized advertising for a public hearing for the Fiscal Year 2021 Public Transportation Program and publishing a public hearing notice in the Cumberland Times-News.

**Item 3 – Allegheny Trail Alliance Board Appointment** – Board of County Commissioners appointed Ashli Workman, Director of Tourism, to fill the remaining term of David V. Cotton as a member of the Allegheny Trail Alliance, with her term to expire February 2022.

**Item 4 – Acceptance of Roads into the County Roads System** – Board of County Commissioners authorized that portions of Flower Street and Daisy Avenue, located in Potomac Park, be adopted into the County Road's system and be accepted for maintenance due to recent improvements.

**Item 5 – 2017 Hazardous Materials Emergency Preparedness Extension Acceptance** – Board of County Commissioners authorized the acceptance of the 2017 Hazardous Materials Emergency Preparedness Grant Extension in the amount of \$29,000 with a 25% matching fund amount for hazardous materials training, as well as modification to budget 1440 to reflect the grant.

**Constituents** – In order of sign-up sheet –

**Kenneth Wilmont**, 513 Fort Avenue, Cumberland, remarked that he is the owner of eleven pieces of property on Fort Avenue and pays his share of taxes. Mr. Wilmont then explained that he was present at this meeting to ask what is going on with the Animal Shelter. He remarked that there hasn't been any kind of information or meetings of the Animal Shelter for over four years, and he voiced his concern about funding that is going to them. Mr. Wilmont also brought up his usual concerns about operations at the Animal Shelter.

To conclude his remarks for this evening, Mr. Wilmont read a hymn, "Somebody Did a Golden Deed". He also commented on how nice a "domino effect" it would be if people would all do a good deed every day, and especially practice courtesy on the road.

**Nancy Lawrence**, of LaVale, told the Commissioners that she was present to talk about wind turbines, and added that she had some other people with her who were interested in the same topic and would, along with her, like some answers. Mrs. Lawrence said that she wanted to read something, and she told the Commissioners that “a few months ago, I believe it was before the three of you voted for the Dan’s Mountain Wind Turbine Project to proceed, I sent a letter to you describing how the turbines affect me”. At this point, County Administrator Butler pointed out to Ms. Lawrence for the record that it was the Board of Zoning Appeals who actually made the vote she just referenced, not the Board of County Commissioners. She replied that the Commissioners still needed to hear the letter, and said that she sent it to the County Commissioners. Ms. Lawrence then asked the Commissioners if “before (they) made the decision for the Dan’s Mountain Turbines Project” did (they) know it would be controversial?” Commissioner Brodie replied that he didn’t know, that there was no decision made by the Board of County Commissioners, period. He added that he could clear up a lot regarding the issue, because he has been on the Board of County Commissioners since 2010; and he pointed out there has been nothing voted on by the Board of County Commissioners in conjunction with moving the Project forward or recessing it. Commissioner Brodie explained that the Board of Zoning Appeals and the Courts have had this. Ms. Lawrence asked “none of you made this decision?” Commissioner Brodie told her no, and Commissioner Caporale did also, and added that the Commissioners have had no effect on the decision, and that it is still with the Courts. Commissioner Brodie confirmed that a Court of law is hearing the matter.

**Charlene St. Amand**, of 15405 High Point Court, SW, Bel Air, explained that she resides in the very last house whose driveway meets the dead end on Bel Air Drive, and that it is very close to where the wind turbines will be. Ms. St. Amand told the Commissioners that she wanted to speak to what they said because, while they may not have voted, they did appoint the “Zoning Committee” (Board of Zoning Appeals) who did vote. She added that she read several articles in the *Cumberland Times-News* quoting all three County Commissioners as approving and being for the turbines.

Commissioner Shade pointed out to Ms. St. Amand that when the Zoning Board ruled (against the turbines) in 2015, the Board of County Commissioners, including at that time himself and Commissioner Brodie, supported their decision, and also spent almost \$100,000 of tax dollars to defend that decision, all the way up to the Court of Special Appeals. He also pointed out that the decision to rehear the case was not the County Commissioners’ decision. Ms. St. Amand continued to argue with Commissioner Shade that the County approved the wind turbines project, and Commissioner Shade again pointed out that when the Board of Zoning Appeals made a decision to deny, the Commissioners supported their decision; and that when the new Board of Zoning Appeals made a decision to approve, the Commissioners supported that decision as well.

Ms. St. Amand addressed a question to Commissioner Caporale, regarding a comment he made saying that there is no loss to property value (because of the turbines). She asked how he could say that, and Commissioner Caporale told her that he would provide the statistics from Garrett County, either to the newspaper or at the Commissioners next public meeting.

Attorney Beeman reminded Ms. St. Amand of the five-minute time limit on constituent comments, and she thanked the Commissioners for allowing her to speak, even though she had not signed up to do so.

Mr. Wilmont offered some comments from the audience about the danger to birds from turbines.

Mrs. Lawrence also made additional comments about the wind turbines and their effect on different areas of Allegany County, in particular the noise.

**Joe Dorsey**, 15708 Winslow Street, Bel Air, asked about the financing of the windmills, including the cost to take turbines down. He also asked about meetings of the Board of Zoning Appeals.

Mr. Butler addressed Mr. Dorsey and confirmed that the Board of Zoning Appeals did meet, and held a public hearing in the Commissioners meeting room. He pointed out that the determination of the Board of Zoning Appeals is currently before the Circuit Court for Allegany County. Regarding decommissioning of the turbines, Mr. Butler explained that in both local law and State law, there are requirements that these wind-producers have a decommissioning bond that must be included. He provided some information about that.

Commissioner Brodie told Mr. Dorsey that he (Commissioner Brodie) lives very close to wind turbines, and that they don’t bother him. He also explained that according to law put into place by Governor Hogan, by 2030, seventy percent (70%) of Maryland’s energy is going to come from wind turbines, and by 2040, one hundred percent (100%). Commissioner Brodie remarked that regardless of what this Board says, or anyone else says, the Governor has already put it into law. Commissioner Brodie said that he is instead personally in favor of drilling for the oil underground in

Allegany County.

Commissioner Shade said that concerning Board of Zoning Appeals members Brian Alderton, a teacher with Allegany County Public Schools, Ben Walters, a former airline pilot, and Dale Dickerhoof, a retired law enforcement officer, he would put them beyond reproach and would trust them to make the decision. He confirmed that no matter what decision the Board of Zoning Appeals makes, he and the other County Commissioners stand with them.

**Acting County Attorney Lee Beeman** had no further comments to make at this meeting.

**County Administrator Brandon Butler** had no further comments to make at this meeting.

**Commissioners' statements, comments, recognition -**

**Commissioner Dave Caporale** commented, for the record, regarding a recent editorial in the newspaper, that economic development will be about all of the County. He pointed out that it has never been thought of or implied in any way that it will be any different. Commissioner Caporale said that he didn't want to argue every article or item that appears in print, but he felt strongly about conveying this message to citizens and elected officials that, contrary to last week's editorial, no one will be left out of the future of Allegany County with the new endeavor.

**Commissioner Creade Brodie** said that he wanted to speak about a project Allegany County, especially Paul Kahl and Department of Public Works, has been working on for about a year and a half. Commissioner Brodie remarked that at this year's PACE, the County did "spectacular" again, getting a lot of the County's projects funded. He then said that the project he wanted to speak about this evening was the Locust Grove Pumping Station and the new force main into Cumberland. Commissioner Brodie reported that Maryland Department of the Environment has stepped right up to the plate with eighty-seven and a half percent (87.5%) funding (grant money) on roughly a \$32,000,000 job. He explained that the project should be out to bid in July 2020. Commissioner Brodie then pointed out an issue with getting the necessary equipment to the project site to complete the job, and explained that the project may have to be stopped if the necessary permission to take equipment over the Wills Creek Bridge is not granted by MDE.

Speaking from the audience, Mr. Joe Dorsey asked about the Cumberland Chase Project, and Commissioner Brodie referred the question to County Administrator Brandon Butler. Mr. Butler provided a brief update on development at the Cumberland Chase site, to include a nursing facility, independent senior living facility, and single-family houses.

**Commissioner Jake Shade** discussed the Fiscal Year 2021 Budget, and remarked that the County started its budget process today. He said that hopefully the process will be completed by the end of May 2020. Commissioner Shade pointed out that once again this year, it is going to be a tight budget, and the big issue for the County is going to be the Kirwan education funding. He confirmed that this funding will be a cost to the County, in spite of reports to the contrary. Commissioner Shade reported that the cost of the Kirwan education funding is going to be at least \$300,000 to \$800,000 increase per year that the County will have to fund above normal education funding. He reported that last year, the increase was \$300,000; and this year, it should be at least \$600,000, and probably more than that. Commissioner Shade remarked that the Commissioners are going to do everything they can to keep costs down and not raise taxes.

**Reminders/Upcoming Meetings –**

**Next Public Business Meeting –** Thursday, February 13, 2020, 5:00 p.m.

**ADJOURNMENT:**

There being no further business to come to the attention of the Board, the meeting was adjourned at 5:45 p.m.

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Jacob C. Shade, President

True Copy  
Attest:

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Cynthia A. Young  
Recording Secretary