

Public Business Meeting Minutes

Thursday, June 13, 2024 - 5:00 PM

*Allegany County Office Building, 701 Kelly Road, Allegany Room 100
Cumberland, Maryland 21502*

WE ASK THOSE CITIZENS WISHING TO ADDRESS THE BOARD TO REGISTER ON THE SIGN-UP SHEET AND CONDENSE THEIR COMMENTS TO FIVE MINUTES OR LESS. THIS WILL ALLOW AN OPPORTUNITY FOR EVERYONE WISHING TO COME FORWARD TO HAVE A CHANCE TO SPEAK. WE WILL CONDUCT OUR MEETING IN AN ORDERLY FASHION AND ASK THAT EVERYONE WISHING TO SPEAK FIRST BE RECOGNIZED BY THE PRESIDENT, COME TO THE MICROPHONE, AND GIVE HIS OR HER NAME AND ADDRESS PRIOR TO THEIR COMMENTS.

1. Pledge of Allegiance

The Pledge of Allegiance was recited by those in attendance.

2. Call to Order & Roll Call

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 05:02 PM on 6/13/2024. Present: County Commissioner Creade V. Brodie, Jr., County Commissioner William R. Atkinson, County Commission President David J. Caporale, County Administrator Jason Bennett, County Attorney Lee Beeman.

3. Approval of Agenda

Commissioner Caporale asked for a motion to add Item 8J - Insurance Renewals to the Agenda this evening.
Motion: Amend, By: William R. Atkinson, Seconded: Creade V. Brodie, Jr.. Yes: Creade V. Brodie, Jr., William R. Atkinson, David J. Caporale. No: None. Abstain: None.

4. Approval of Previous Meetings Minutes

Upon Motion made by County Commissioner Creade V. Brodie, Jr., seconded by County Commissioner William R. Atkinson, and duly carried, the Minutes from the previous public business meeting were approved by the Board of County Commissioners.

5. Presentations

Commissioner Caporale invited Senator McKay up to the podium to present his annual 90-Day report of the legislative session. Senator McKay gave an overview of the bills introduced and passed, which are found in his book that he passed out copies to each of the Commissioners.

6. Public Hearing

7. Action Agenda

- A. Code Home Rule Bill 3-24 - Introduction - "LaVale Sanitary District - Utility Improvement and Water Main Bond Authorization" - **Jason Bennett, CPA, County Administrator**

This is for the Winchester Road project. This bill would authorize a \$4,602,800 MDE loan for LaVale Sanitary. This is not county debt, as we just do all the borrowing and help guarantee the loan. Tonight is the introduction, and a public hearing will be held during the BOCC public business meeting on July 11th, at which the Commissioners could take action if they so wish. If passed, the bill would become effective 45 days later, which would be August 25th.

- B. Board of Education FY24 Budget Amendment - **Larry McKenzie, CPA, Chief Finance Officer, and Jeff Blank, Superintendent, ACPS**

The Allegany County Public School System wishes to make budget amendments to the approved FY24 budget to cover the anticipated shortfall with the following categories:

- The system is requesting to transfer \$567,140 for the anticipated budgetary shortfall in "Other Instructional Costs". The district invested in PowerSchool as a tool to help track student data and monitor progress, special education monitoring, and HR certification tracking, all for Blueprint.
- There is also a need to increase "Special Education" as a result of an increase of need for non-public placements as well as the approximate 10% increase in students requiring special services. The non-public placements will be over budget by approximately \$400,000, while "Special Education" salaries and wages and supplies will be over budget by approximately \$350,000.
- The district is also requesting \$100,000 for projected overages in "Student Personnel Services" for the cost of three social workers.
- The system is requesting \$750,000 for "Operations". There is an approximate \$250,000 shortfall to cover the costs of increased utilities this year. The purchase of necessary software for system and student security of \$380,000 as well as two heavy duty trucks, including plows that totaled \$120,000 that were ordered in FY23 and delivered in FY24.
- The district is also requesting to utilize up to \$1,000,000 in budget savings within the "Fixed Charges" category to cover the cost of increasing healthcare claims and to stabilize the healthcare liability account at year end. This would be an inter-category transfer of resources.
- The district is requesting to increase budgeted revenues by \$650,000. This increase includes \$450,000 from interest revenue being higher than anticipated and \$200,000 from federal retiree drug subsidies that the district is now anticipating. There would be a corresponding budget increase in "Capital Outlays" for the Fort Hill Auditorium project that the Board previously agreed to fund from fund balance for the fiscal 2024 portion of the project \$200,000 and "Fixed Charges" of \$450,000 for the stabilization of the healthcare liability account at year end.

The funding for these transfers will come from existing revenue sources within the budget. Approval of this transfer does not affect the amount of the County appropriation or the district's maintenance of effort calculation. It is simply to comply with the requirements of the law relative to transfers.

Motion: Approve, By: Creade V. Brodie, Jr., Seconded: William R. Atkinson. Yes: Creade V. Brodie, Jr., William R. Atkinson, David J. Caporale. No: None. Abstain: None.

- C. Approval of Real Estate Tax Set-Aside Development Agreements (Phases 1-A-2 and 1-A-3) with Evergreen Associates, LLC. - **T. Lee Beeman, Jr., County Attorney**

This is related to the continued development of the Prichard Farms subdivision in Frostburg. Real Estate Tax Set-Aside (RETSA) agreements are authorized under Maryland and Allegany County law and incentivize developers to complete important public infrastructure projects in subdivisions by setting

aside a portion of the taxes collected on the increased property value of a project.

Motion: Approve, By: William R. Atkinson, Seconded: Creade V. Brodie, Jr.. Yes: Creade V. Brodie, Jr., William R. Atkinson, David J. Caporale. No: None. Abstain: None.

- D. Approval of Agreement with Geocycle, LLC for the Remediation of Illegally Dumped Scrap Tires at 23302 Westernport Rd, Westernport - **Nathan Price, Sr. Project Manager, Economic and Community Development**

The county-owned garage was subject to a series of illegal dumping of scrap tires over a period of time spanning from October 7, 2021, to June 24, 2022. 98 criminal counts of hauling scrap tires without a license were filed by the Maryland Attorney General against the previous tenant who was leasing the property from Allegany County. It is incumbent upon the County to remediate the illegally dumped tires and ensure that the activity no longer occurs, as there is ongoing dumping being perpetrated by the public. As such, the Department of Economic and Community Development (DECD) has budgeted \$250,000.00 from the Revolving Building Fund (RBF), which is not tax payer dollars, for fiscal year 2025 to use towards removing tires from the site. This is by far the most effective offer received, and would remove a substantial number of the illegally dumped tires. If the remediation is successful, Geocycle has expressed interest in taking over the site on a permanent basis, as a controlled site for scrap tire acceptance and transport. There is also potential to get these funds reimbursed.

Motion: Approve, By: William R. Atkinson, Seconded: Creade V. Brodie, Jr.. Yes: Creade V. Brodie, Jr., William R. Atkinson, David J. Caporale. No: None. Abstain: None.

- E. Public Solicitation for Bids for Laurel Hill Site Preparation for Future Industrial Development at the Frostburg Business Park - **Nathan Price, Sr. Project Manager, Economic and Community Development**

The Department of Economic and Community Development received \$355,000 from the State of Maryland through the Rural Maryland Economic Development Fund to improve a wooden lot owned by the County and located at the Frostburg Industrial Park. Clym Environmental Services, LLC expressed interest in developing an industrial site on the property, which would utilize state of the art and proprietary technology to remediate and process medical waste. DECD is asking permission from the Commissioners to place a public notice about the solicitation for sealed bids for the site work.

Motion: Approve, By: Creade V. Brodie, Jr., Seconded: William R. Atkinson. Yes: Creade V. Brodie, Jr., William R. Atkinson, David J. Caporale. No: None. Abstain: None.

8. Consent Agenda

Motion: Approve, By: William R. Atkinson, Seconded: Creade V. Brodie, Jr.. Yes: Creade V. Brodie, Jr., William R. Atkinson, David J. Caporale. No: None. Abstain: None.

- A. FY24 Budget Amendments

In the amount of \$4,756,178.01. American Rescue Plan Grant spending in the amount of \$1,998,178.01 needs to be recognized. Several revenue categories need adjusted: Income tax revenue decrease \$2,000,000, Misc revenue decrease \$480,000, increase in recordation, transfer tax and other revenue \$1,875,000. In addition, several grants were received during the year that need recognized: State's Attorney Office \$200,000, Sheriff's Office \$632,000, Detention Center \$370,000 and Health Dept \$200,000. Also, an increase in expenditures needs recognized: Increase in EMS Overtime \$350,000, increase in credit card collection fees \$200,000 and increase in legal fees \$201,000.

- B. Award FY25 Bid for Delivered Cleaned-Washed Crushed Stone

In the amount of \$342,040 to Allegany Aggregates. The funds will come from the Roads Department FY25 budget.

- C. Award FY25 Contract for Unleaded Gasoline & Ultra Low Sulfur Diesel Fuel

In the amount of \$863,803.27 to Bedford Valley Petroleum & Propane, who has an office in Cumberland. The funds will come from the Roads Department FY25 budget.

- D. Award FY25 Bid for Emulsified Asphalt
In the amount of \$2.2757 per gallon to Specialty Emulsions in York, PA. This is also from the Roads budget.
- E. Surplus Real Property Bid Award
To Scott Bussard in the amount of \$10,002 for property known as 11806 Amherst Ave in Cumberland. This was formerly a tax sale for a closure that we took.
- F. Acceptance of Maryland 9-1-1 Board for Monitor Funding
In the amount of \$12,199.80 for 20 wide-range monitors for Allegany County PSAP.
- G. Acceptance of Maryland 9-1-1 Board Funding for PSAP Furniture Refresh
In the amount of \$205,822.07 for console furniture.
- H. Consent to Kroger Opioid Settlement
This is the next piece of the ongoing settlement.
- I. Community Event Promotion Request for Tri-State Community Concert Summer Celebration
In the amount \$500. This event will be held on Saturday, August 24th, and proceeds will help with operating costs.
- J. Hartford Workers' Compensation and Travelers Property and Casualty Insurance Renewals for FY25
(Item added at the start of the BOCC public business meeting)
Both insurances are either the same or at lower costs than last years.

9. Public Comment

Constituents – In order of sign-up sheet:

- Steve Corioni of 22607 Gilpin Rd in Flintstone - Came to update the Commissioners regarding the talks between the County and the Union about the \$2 million deficit. He also talked about an upcoming EMT training class he will be teaching starting August 22nd, and invited the Commissioners, or anyone who would like to attend, to a class to see what it's like.

10. Reports

- A. County Administrator
Had no further comments to add at this evening's meeting.
- B. County Attorney
Had no further comments to add at this evening's meeting.

11. Commissioner Comments

- Commissioner Atkinson - Announced the trash stickers will increase starting July 1st. Currently, the stickers are pink, and after July 1st a person will need two pink stickers or one orange, which is the color being used after July 1st. He also announced the Rocky Gap Slots Fund grant application process has opened with a deadline of June 30th. Application can be found on the County's website. Lastly, he made mention that there are a lot of exciting and fun things to do in the County all summer long. Our Tourism department compiles a weekly list of these events and you can find that on their website.
- Commissioner Brodie - Congratulated the new mayor of Luke, Paula Ward, who will take office in July.

- Commissioner Caporale - Congratulated the new mayor of Frostburg, Todd Logsdon. Also, thanked Mayor Bob Flanigan for his many years of service.

12. Reminders/Upcoming Meetings

A. NEXT MEETING - Thursday, July 11, 2024, 5:00 PM

13. Adjournment

There being no further business to come to the attention of the Board, the meeting was adjourned at 05:36 PM.