

January 7, 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 Creade V. Brodie, Jr.; 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.

MOTION

Commissioner Shade requested that an Item 2A be added to this evening's Agenda. Upon Motion by Commissioner Brodie, seconded by Commissioner Caporale, and duly carried, the Board of County Commissioners agreed to the addition of Item 2A – Maryland Department of Commerce Economic Development Assistance Fund Hotel Relief Grant to the Action Agenda for this meeting.

There were no further 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 December 17, 2020, public business meeting.

PRESENTATION

Item 1 – Allegany County Salary Study Commission Report – Stuart C. Czapski, Chairman of the 2020 Allegany County Salary Study Commission, gave a report on the Commission's recent meetings and presented the Commission's recommendations for salaries for certain public officials for the next term (2023 through 2026, inclusive). A copy of Mr. Czapski's report, with the recommendations, is attached to and made a part of these Minutes. Mr. Czapski thanked the County Attorney, Lee Beeman, and his secretary, Cindy Young, for their assistance, and Commissioner Shade thanked Mr. Czapski and the Salary Study Commission for their work. He also commended the 2020 Salary Study Commission for their hard work and dedication.

At the request of County Attorney Lee Beeman, Mr. Czapski briefly reviewed the factors considered by the Salary Study Commission when making their recommendations. He pointed out that they considered a great deal of comparative information and asked many questions. Mr. Czapski also commented that the 2020 Salary Study Commission was a very engaged group.

Commissioner Shade again thanked Mr. Czapski and the Salary Study Commission members for their hard work in completing the salary study and recommendation process, and noted that the Commissioners would be introducing and then adopting a Code Home Rule Bill in the coming weeks to make the salaries for the next term official. Commissioners Brodie and Caporale also thanked Mr. Czapski.

ACTION AGENDA

Item 2 – Maryland Department of Commerce Economic Development Assistance Fund Restaurant Grant Agreement Modification Authorization – Board of County Commissioners to authorize the President of the County Commissioners to sign the grant agreement modification with the Maryland Department of Commerce in the amount of \$389,729 to allow Allegany County to distribute grant funds to restaurants by March 31, 2021 – Jacob C. Shade, President, briefly discussed the Maryland Department of Commerce grant and the additional restaurant relief funding in the amount of \$389,729, as set forth on the letter from the Maryland Department of Commerce which is attached to and made a part of these Minutes. Commissioner Shade added that the Commissioners need to find out whether or not a new application will be needed for the funds, and that County Administrator Jason Bennett will be able to provide further details as they become available.

Upon Motion made by Commissioner Brodie, and seconded by Commissioner Caporale, the Board of County Commissioners authorized the President of the County Commissioners to sign the grant agreement modification with the Maryland Department of Commerce in the amount of \$389,729 to allow Allegany County to distribute grant funds to restaurants by March 31, 2021.

Item 2A - Maryland Department of Commerce Economic Development Assistance Fund Hotel Relief Grant – Board of County Commissioners to authorize the President of the County Commissioners to sign the Grant Agreement in the amount of \$495,591, to allow Allegany County to distribute grant funds to hotels by March 31, 2021 – Jacob C. Shade, President of the Board of County Commissioners, made brief comments regarding the Department of Commerce Hotel Relief Grant.

Commissioner Caporale moved that the Board of County Commissioners authorize the President of the County Commissioners to sign the Grant Agreement in the amount of \$495,591, to allow Allegany County to distribute grant funds to hotels by March 31, 2021. Commissioner Brodie seconded the Motion. Motion carried to approve and authorize.

Item 3 – Code Home Rule Bill 1-21 – Introduction – “LaVale Sanitary District Refunding Bond Authorization” – Jason M. Bennett, CPA, County Administrator, provided background and details about Code Home Rule Bill 1-21, as set forth on the draft Bill attached to and made a part of these Minutes. Mr. Bennett explained that hearing on the Bill would be held in two weeks, after which action could be taken on it.

Commissioner Brodie said that, as an employee of LaVale Sanitary, he would be recusing himself from any voting on this Item. County Attorney Lee Beeman then explained that no action needed to be taken on the Bill this evening, and that this was simply the introduction of the Bill.

Item 4 – Water and Sewer Projects Agenda for Virtual Meeting with Funding Agencies – Board of County Commissioners to approve the agenda for a January 14, 2021 virtual meeting with funding agencies for water and sewer projects – Paul F. Kahl, PE, Public Works Director, presented background and details regarding this Item, as set forth on his Staff Report on the subject dated December 31, 2020, attached to and made a part of these Minutes. He also reviewed the Virtual Water/Sewer Meeting Agenda and provided brief details about the projects on it. A copy of the Agenda is attached to and made a part of these Minutes.

Commissioner Shade thanked Commissioner Brodie and Public Works Director Paul Kahl for their efforts in putting everything together and making things easier for the County. Mr. Kahl in turn acknowledged the efforts and assistance of Deputy Public Works Director Adam Patterson, County Engineer Dan DeWitt, and Jim Webber and Mark Yoder of the Public Works Utilities Division.

Upon Motion by Commissioner Caporale, seconded by Commissioner Brodie, and duly carried, the Board of County Commissioners approved the agenda for the January 14, 2021 virtual meeting with funding agencies for water and sewer projects.

Item 5 – Braddock Run-Jennings Run Sewage Conveyance Improvements Contracts S-85, S-90, and S-91 Bid Awards – Board of County Commissioners to approve the award of the follow contingent upon funding agency approval and authorize the President of the County Commissioners to sign any and all necessary contract agreements and funding documents: Contract No. S-85 Locust Grove Sewage Pumping Station Replacement to Carl Belt, Cumberland, Maryland, in the amount of \$11,671,487, Contract No. S-90 Locust Grove 30” Gravity Sewer Project to Garney Construction, Fairfax, Virginia, in the amount of \$5,685,850, and Contract No. S-91 Locust Grove Force Main and LaVale Water Main Replacement to First Fruits, Inc., Ridgeley, West Virginia, in the amount of \$4,793,790 – Paul F. Kahl, PE, Public Works Director, started by saying that the County refers to this Project as the “Locust Grove Project”. He then provided background and information as set forth on the Staff Report of Mark Yoder on the subject dated December 23, 2020, a copy of which is attached to and made a part of these Minutes. He asked for the Commissioners’ approval and authorization to award the contracts for the work.

Upon Motion made by Commissioner Caporale, and seconded by Commissioner Shade, the Board of County Commissioners approved the award of the following contingent upon funding agency approval and authorized the President of the County Commissioners to sign any and all necessary contract agreements and funding documents: Contract No. S-85 Locust Grove Sewage Pumping Station Replacement to Carl Belt, Cumberland, Maryland, in the amount of \$11,671,487, Contract No. S-90 Locust Grove 30” Gravity Sewer Project to Garney Construction, Fairfax, Virginia, in the amount of \$5,685,850, and Contract No. S-91 Locust Grove Force Main and LaVale Water Main Replacement to First Fruits, Inc., Ridgeley, West Virginia, in the amount of \$4,793,790. Motion carried with two votes; Commissioner Brodie abstained from voting on this Item.

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 6 – Resolution 21-1 Maryland Department of Housing and Community Development (DHCD) and Community Development Block Grant (CDBG) Application for Locust Grove Sewage Improvements Phase 4 Project – Board of County Commissioners approved Resolution 21-1 to submit a CDBG application for \$575,000 for the Locust Grove Sewage Improvements Phase 4 Project, and authorized the President of the County Commissioners to sign all related documents.

Item 7 – Request to Purchase Packaged Pump Station – Board of County Commissioners approved the replacement of the pump system at the North Branch Wastewater Treatment Plant and awarded the contract to STH, Frederick, Maryland, in the amount of \$55,850.

Item 8 – 2021 Salvage Yard License Issuances – Board of County Commissioners approved the issuance of a 2021 Salvage Yard License to Westernport Salvage, Inc., Westernport, subject to the payment of a \$100 licensing fee.

Item 9 – Community Block Grant Funding – Board of County Commissioners approved a Subrecipient Grant Agreement for \$20,600 of Community Block Grant Funding from the City of Cumberland for the South Penn Playground Star Net Climber, and authorized the President of the County Commissioners to sign the Agreement.

Item 10 – Maryland Institute for Emergency Medical Services Systems (MIEMSS) – Board of County Commissioners authorized the acceptance of the MIEMSS Cardiac Devices Grant at a total of up to \$17,120.86 with a required 50% match from Allegany County for the acquisition of two Cardiac Device Monitors.

County Administrator Jason Bennett had no further comments to make at this evening's meeting.

County Attorney Lee Beeman read into the record written comments received by constituents: 1) Tiffani Fisher and Evan West of NAACP; and 2) Tammy Fraley, Allegany County Board of Education. The e-mails sending those comments are attached to and made a part of these Minutes.

Attorney Beeman said that he had nothing further to add at this evening's meeting.

Commissioners' statements, comments, recognition

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

Commissioner Creade Brodie urged everyone to start the year 2021 on a positive note.

Commissioner Jacob Shade shared some information from a discussion he had with Jenelle Mayer, Allegany County Health Officer, and reported that as of January 9, 2021, the County will have vaccinated 581 people for Covid-19. Commissioner Shade added that the current round of vaccines is being given to health care workers, first responders, law enforcement personnel, County correctional officers, and judiciary personnel, and that 750 vaccine appointments are available for the same round next week, of which 594 appointments are already filled. A press release will be going out next week regarding availability of the vaccine for Allegany County residents aged 75 years and older. Commissioner Shade also reported that by next Monday, January 11, 2021, every nursing home in the County will have the Moderna vaccine.

Commissioner Shade further reported that later the Moderna vaccine will be available to the general public, upon appointment. Information on that will be forthcoming.

Reminders/Upcoming Meetings –

Next Public Business Meeting – Thursday, January 21, 2021, 5:00 p.m.

ADJOURNMENT:

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

Jacob C. Shade, President

True Copy
Attest:

Cynthia A. Young
Recording Secretary

-----Original Message-----

From: Tammy Fraley <pdwife2005@gmail.com>

Sent: Thursday, January 07, 2021 12:08 PM

To: countyadministrator@alleganygov.org

Subject: Re: Public Comment 1/7/2021

UPDATED - error in last paragraph

- >
- > Good evening gentlemen,
- >
- > I am writing again today to ask that we, as elected officials, combine our
- > efforts in helping our community recover from the Covid crisis.
- >
- > I am not speaking on behalf of the entire Board of Education but speaking
- > as one individual elected official. There are so many times that we as a
- > community have struggled with various challenges and have overcome.
- >
- > This is not about placing blame but asking for assistance. Our community
- > must rally once again - this crisis is not about the rich versus the poor;
- > the majority versus the minority; or even the Board of Education versus
- > the County Commissioners. We are all human and have all suffered through
- > this process. I personally want to challenge all of us including myself to
- > not Remain in our silo organizations but to come together to make Allegany
- > County a place that overcomes this unprecedented crisis.
- >
- > We all live in an amazing part of western Maryland. Please reach out to me
- > so we can begin to work collaboratively. My ideas include biweekly
- > meetings to brainstorm new ideas or to share information and a listing of
- > volunteer opportunities published online to allow the public to be part of
- > the process. I believe that the citizens of Allegany County not only
- > deserve it but they require it from all elected officials.
- >
- > Thank you for your time this evening everyone stay safe and stay healthy.

2

From: Tifani Fisher <naacpallegany.7007@gmail.com>

Sent: Thursday, January 07, 2021 12:50 PM

To: countyadministrator@alleganygov.org

Subject: Comments

Commissioners:

The leadership of NAACP Branch 7007 would like to express our deep concern and disappointment at the response of Commissioner Shade to allegations of racial intimidation in Garrett County. As we are sure you are familiar with the events and, as we have no interest in re-traumatizing members of the BIPOC (Black, Indigenous and People of Color), we will not rehash what the family in question experienced except to say that their story is more than credible.

Commissioner Shade seems to believe that because the police could not find evidence to support the allegations that they did not happen. He went on to label the event as "phony" and to demand an apology from the person that made the story public for supposedly harming the image of Western Maryland. He went on to state that the allegations did not conform to his view of Western Maryland.

It cannot be stated too emphatically how harmful, near-sighted, and problematic Commissioner Shade's response was. First, the idea that because the police have said they cannot find supporting evidence is not the same as saying the event did not happen. It is entirely possible and reasonable that the events did happen and that the police could not verify them. To call it "phony" is exactly what BIPOC here and all over the country experience on a regular basis. It reinforces the reality that when BIPOC do come forward, no matter how serious and legitimate the concern is, we will not be taken seriously and cannot expect justice from our institutions of government. It puts BIPOC in serious danger to believe we will be dismissed when we feel we are being threatened, intimidated or worse.

To then expect an apology for supposedly tarnishing the reputation of Western Maryland is an act of victim blaming and intimidation in itself. We would ask that you all seriously examine the history of racial injustice in this region and ask yourselves again if you really believe something like what happened to this family is so far fetched. If you have really been listening to the voices of BIPOC here, there is no possible way you can. The local NAACP held rallies here where our community stood up and spoke out- not just about what happened to people like Jacob Blake, Ahmaud Arbury, Breonna Taylor and a list that would go on for weeks- but about what we have experienced ourselves. Here. In Western Maryland. To call this story phony and to demand an apology is to double down on the harm so many of us have felt living here our whole lives.

We will not demand, nor will we accept, an apology. We expect and demand action. Action to make right the harm that has been caused to this family and to the local BIPOC community.

We will be safe, but we will not be silent.

Sincerely,

Tifani Fisher, President NAACP 7007

Evan West, Treasurer NAACP 7007

PRESENTATION OF THE SALARY STUDY COMMISSION

MADE BY CHAIRMAN STUART C. CZAPSKI
TO
THE BOARD OF COUNTY COMMISSIONERS OF
ALLEGANY COUNTY, MARYLAND

AT THE PUBLIC BUSINESS MEETING ON THURSDAY, JANUARY 7, 2021

SALARY STUDY COMMISSION MEMBERS:

Mr. Stuart C. Czapski (Chair) – Allegany County Chamber of Commerce representative
Mr. Jonathan Dayton – Allegany-Garrett Fire & Rescue Association representative
Mr. Brian Grim - Allegany County Democratic Central Committee representative
Mr. Lawrence Kasecamp – Western Maryland Central Labor Council representative
Mr. Todd Logsdon - Allegany County Republican Central Committee representative
Ms. Tiffany Mock – At-Large representative
Mr. Ian Reikie – Allegany County Farm Bureau representative

The Salary Study Commission held a series of meetings to consider and discuss information for the purpose of making recommendations for salaries for the next term, 2023 through 2026, for the following positions:

1. Orphans Court Judges (Chief Judge, Associate Judges)
2. Board of License Commissioners (Liquor Board – Chair, Members)
3. Board of Education (President, Members)
4. Sheriff of Allegany County
5. Board of Elections (President, Members)
6. Board of County Commissioners (President, Commissioners)

A brief summary of the meetings and the recommendations resulting from each is as follows:

1. Orphans Court Judges

- a. Meeting was held on Monday, October 26, 2020, at 4:00 p.m.
- b. Associate Judge Edward C. Crossland made a presentation to the Salary Study Commission members present.
- c. After consideration and discussion, the Commission agreed to recommend:
 - i. Chief Judge: No salary increase
 - ii. Associate Judges: No salary increase

2. Board of License Commissioners (Liquor Board)

- a. Meeting was held on Monday, November 9, 2020, at 4:00 p.m.
- b. Chair Michael Griffith and Member James F. Stafford, Jr., made a presentation to the Salary Study Commission members present.
- c. After consideration and discussion, the Commission agreed to recommend:
 - i. Chair: Two percent (2%) one-time salary increase (increase in year 2023, then flat salary for 2024, 2025, and 2026)
 - ii. Members: Two percent (2%) one-time salary increase (increase in year 2023, then flat salary for 2024, 2025, and 2026)

3. Board of Education

- a. Meeting was held on Monday, November 16, 2020, at 5:30 p.m.
- b. President Tammy Fraley and Member Dr. Edward Root made a presentation to the Salary Study Commission members present.
- c. After consideration and discussion, the Commission agreed to recommend:
 - i. President: No salary increase
 - ii. Members: No salary increase

4. Sheriff of Allegany County

- a. Meeting was held on Monday, November 23, 2020, at 4:00 p.m.
- b. Sheriff Craig Robertson made a presentation to the Salary Study Commission members present.
- c. After consideration and discussion, the Commission agreed to recommend:
 - i. No salary increase

5. Board of Elections

- a. Meeting was held on Monday, November 23, 2020, at 4:30 p.m.
- b. President John Stakem and Member JoAnn Spiker made a presentation to the Salary Study Commission members present.
- c. After consideration and discussion, the Commission agreed to recommend:
 - i. President: No salary increase
 - ii. Members: No salary increase

6. Board of County Commissioners

- a. Meeting was held on Monday, November 30, 2020, at 4:00 p.m.
- b. Commission President Jacob C. Shade and Commissioner Creade V. Brodie, Jr. made a presentation to the Salary Study Commission members present.
- c. After consideration and discussion, the Commission agreed to recommend:

- i. President: Two percent (2%) salary increase each year, 2023, 2024, 2025, and 2026
- ii. County Commissioners: Two percent (2%) salary increase each year, 2023, 2024, 2025, and 2026

Actual dollar amounts of the recommendations are set forth on a separate summary.

The Salary Study Commission, by its Chair, Stuart C. Czapski, hereby presents the above recommendations to the Board of County Commissioners of Allegany County, Maryland, for the term 2023 through 2026.

**RECOMMENDATIONS OF SALARY STUDY COMMISSION
FOR NEXT TERM: 2023 THROUGH 2026, INCLUSIVE**

ORPHANS COURT JUDGES

Meeting held 10-26-20

Recommendation

Chief Judge – No salary increase

Associate Judges – No salary increase

Position	2023	2024	2025	2026
Chief Judge	7,069	7,069	7,069	7,069
Associate Judges	6,700	6,700	6,700	6,700

BOARD OF LICENSE COMMISSIONERS (LIQUOR BOARD)

Meeting held 11-9-20

Recommendation

Chair – One-time 2% increase

Members – One-time 2% increase

Position	2023	2024	2025	2026
Chair	5,969	5,969	5,969	5,969
Members	5,304	5,304	5,304	5,304

BOARD OF EDUCATION

Meeting held 11-16-20

Recommendation

President – No salary increase

Members – No salary increase

Position	2023	2024	2025	2026
President	7,428	7,428	7,428	7,428
Members	6,077	6,077	6,077	6,077

SHERIFF

Meeting held 11-23-20

Recommendation

-No salary increase

Position	2023	2024	2025	2026
Sheriff	100,000	100,000	100,000	100,000

BOARD OF ELECTIONS
Meeting held 11-23-20

Recommendation

President – No salary increase

Members – No salary increase

Position	2023	2024	2025	2026
President	4,560	4,560	4,560	4,560
Members	4,560	4,560	4,560	4,560

BOARD OF COUNTY COMMISSIONERS
Meeting held 11-30-20

Recommendation

President – 2% increase each year

County Commissioners –2% increase each year

Position	2023	2024	2025	2026
President	36,480	37,209	37,953	38,712
County Commissioner	35,331	36,037	36,757	37,492



Larry Hogan | Governor
Boyd Rutherford | Lt. Governor
Kelly M. Schulz | Secretary of Commerce

December 17, 2020

Dear County Board President Shade:

I'm delighted to share more good news for Maryland and for the business community in your jurisdiction.

Governor Hogan has announced \$50 million for a new economic relief program to provide direct assistance to hotels across Maryland, which as you know have been severely impacted by the COVID-19 pandemic. The state will also provide \$30 million in additional funding for the Restaurant Relief Fund, which was first announced in October with an initial \$50 million state investment.

I'm writing to provide some additional information on the role that the Maryland Department of Commerce will play in this new economic relief effort, and what you can expect from our team in the coming weeks.

The new \$50 million grant program will provide direct relief to Maryland hotels and other lodging providers. These funds will be allocated to local jurisdictions in the form of a grant from the state. We will be providing your county with a grant agreement as soon as the Department finalizes the legal details. We would anticipate the grants would be signed and returned within one week of receipt. Questions about the program should be directed to Liz Fitzsimmons, elizabeth.fitzsimmons@maryland.gov.

Funding will be distributed to local jurisdictions proportionately based on a jurisdiction's share of sales and use tax generated by accommodations. Based on FY 2019 data, we expect Allegany County's share of the \$50 million for hotels to be \$495,591 dollars.

We expect Allegany County's share of the additional Restaurant Relief funds to be \$389,729. We will soon be sending a grant modification document that will also need to be signed and returned. There will be two areas of modification: 1. Extended date of all restaurant relief funds to be disbursed to March 31, 2021, and 2. The total amount of the grant based on the new proportional funding of \$30 million.

Maryland continues to make great progress toward our economic recovery, and we are well-positioned to continue recovering the jobs and revenues lost this year. The arrival of the first COVID-19 vaccine doses is a new cause for hope and optimism.



Larry Hogan | Governor
Boyd Rutherford | Lt. Governor
Kelly M. Schulz | Secretary of Commerce

However, we know that the coming months will remain challenging, and that our residents and our business community need additional economic relief.

Governor Hogan and I remain grateful for your partnership and support as Maryland faces the ongoing challenge of this pandemic. We believe the end is in sight, but we cannot lose ground on the incredible progress we have made so far.

Thank you for all of your hard work.

Take care and stay safe,

Kelly

CODE HOME RULE BILL NO. 1-21

A BILL ENTITLED

**“LAVALE SANITARY DISTRICT –
REFUNDING BOND AUTHORIZATION”**

A PUBLIC LOCAL LAW TO AUTHORIZE AND EMPOWER COUNTY COMMISSIONERS OF ALLEGANY COUNTY, FROM TIME TO TIME, TO BORROW AN AGGREGATE AMOUNT OF NOT MORE THAN TWO MILLION NINE HUNDRED THOUSAND DOLLARS (\$2,900,000), OR SUCH LESSER AMOUNT AS MAY BE AUTHORIZED BY SUBSEQUENT RESOLUTION OR RESOLUTIONS OF THE COUNTY, FOR THE PUBLIC PURPOSES OF REFUNDING CERTAIN GENERAL OBLIGATION BONDS OF THE COUNTY USED TO FINANCE OR REFINANCE COSTS OF CERTAIN PROJECTS OF THE LAVALE SANITARY DISTRICT IN ALLEGANY COUNTY, AS MORE PARTICULARLY DESCRIBED HEREIN, AND TO EVIDENCE SUCH BORROWING BY THE ISSUANCE AND SALE, UPON ITS FULL FAITH AND CREDIT, OF ITS GENERAL OBLIGATION BOND OR BONDS, IN LIKE PAR AMOUNT; EMPOWERING AND DIRECTING THE COUNTY TO ADOPT A RESOLUTION OR RESOLUTIONS IN ACCORDANCE WITH SECTION 19-504(D) OF THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND (2013 REPLACEMENT VOLUME, 2019 SUPPLEMENT) PRIOR TO ISSUING ALL OR ANY PART OF SUCH BOND(S); EMPOWERING AND DIRECTING THE COUNTY TO LEVY AD VALOREM TAXES IN RATE AND AMOUNT SUFFICIENT TO PROVIDE FUNDS FOR THE PAYMENT OF THE MATURING PRINCIPAL OF AND INTEREST ON SUCH BOND(S) WHEN ANY OTHER REVENUES PROVIDED FOR THE PAYMENT THEREOF ARE OR WILL BE INSUFFICIENT FOR SUCH PURPOSES, AND PLEDGING THE

COUNTY'S FULL FAITH AND CREDIT AND UNLIMITED TAXING POWER; EXEMPTING SUCH BOND(S) FROM THE PROVISIONS OF SECTIONS 19-205 AND 19-206, INCLUSIVE, OF THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND (2013 REPLACEMENT VOLUME, 2019 SUPPLEMENT); AND RELATING GENERALLY TO THE ISSUANCE AND SALE OF SUCH BOND(S).

RECITALS

Pursuant to the authority granted by Sections 14 to 21, inclusive, of Article 25B of the Annotated Code of Maryland (the "Article 25B"), and as further provided in a resolution (Resolution No. 03-16) passed by the Board of County Commissioners of Allegany County (the "Board") on September 25, 2003, County Commissioners of Allegany County (the "County") has heretofore issued its general obligation bond, dated September 25, 2003 (the "2003 Bond") in the original principal amount of Six Hundred Thousand Dollars (\$600,000) for the purpose of refinancing part of a 2001 bond that was issued in the amount of Eight Hundred Thirty Eight Thousand Dollars (\$838,000) (the "2001 Bond"). The 2001 Bond is described in a resolution (Resolution No. 01-19) and financed all or a portion of the cost of a water treatment project (the "Water Treatment Project") to serve the LaVale Sanitary District of the County.

Pursuant to the authority granted by Article 25B, and as further provided in a resolution (Resolution No. 05-14) passed by the Board on June 23, 2005, the County has heretofore issued its general obligation bond, dated June 30, 2005 (the "2005 Bond") in the original principal amount of Two Hundred Thirty Eight Thousand Dollars (\$238,000) for the purpose of refinancing the remaining portion of the 2001 Bond.

Pursuant to the authority granted by Article 25B, and as further provided in a resolution (Resolution No. 06-21) passed by the Board on July 6, 2006, the County has heretofore issued its

general obligation bond, dated July 25, 2008 (the “2008A Bond”) in the original principal amount of Two Million Eight Hundred Fifty Thousand Dollars (\$2,850,000) for the purpose of financing a replacement waterline (the “Waterline Project”) to serve the LaVale Sanitary District of the County.

Pursuant to the authority granted by Article 25B, and as further provided in a resolution (Resolution No. 06-22) passed by the Board on July 6, 2006, as amended and supplemented by a resolution (Resolution No. 08-19) passed by the Board on July 17, 2008, the County has heretofore issued its general obligation bond, dated July 25, 2008 (the “2008B Bond”) in the original principal amount of Ninety Six Thousand Five Hundred Fifty Dollars (\$96,550) for the purpose of financing the Waterline Project.

Title 19 of the Local Government Article of the Annotated Code of Maryland (2013 Replacement Volume, 2019 Supplement) (the “Enabling Law”) authorizes the County to borrow money for any proper public purpose and to evidence the borrowing by the issue and sale of its general obligation bond or bonds in the manner therein prescribed. In addition, Section 19-207 of the Local Government Article of the Annotated Code of Maryland (2013 Replacement Volume, 2019 Supplement) (the “Refunding Law”) authorizes the County to issue refunding bond or bonds for the purpose, among others, of debt restructuring that the County determines is in its best interests, is consistent with its long-term financial plan and realizes a financial objective of the County, including improvement of the relationship of debt service to the source of payment available to the LaVale Sanitary District of the County.

The Board has determined that the County, through the issuance and sale of its general obligation refunding bond or bonds, the net proceeds of sale thereof to be applied to the

refunding of one or more of the 2003 Bond, the 2005 Bond, the 2008A Bond and the 2008B Bond in the manner described herein.

NOW, THEREFORE, BE IT ENACTED BY COUNTY COMMISSIONERS OF ALLEGANY COUNTY:

Section 1. County Commissioners of Allegany County (the "County") is hereby authorized and empowered to borrow money and incur indebtedness for the public purposes described in Section 2 hereof, at one time or from time to time, in an aggregate principal amount not to exceed Two Million Nine Hundred Thousand Dollars (\$2,900,000), or such lesser amount as may be authorized by subsequent resolution or resolutions of the County, and to evidence such borrowing by the issuance and sale, at public or private sale, upon its full faith and credit, of its taxable or tax-exempt general obligation bond or bonds in like par amount, which may be issued at one time or from time to time, in one or more transactions or series, as the County may determine.

Section 2. The proceeds of the bond or bonds authorized to be issued pursuant to Section 1 hereof shall be expended for the public purposes of providing funds to be applied to redeem, on the earliest date(s) practicable following the issuance of such bond or bonds, all or a portion of the outstanding principal amount of one or more of the 2003 Bond, the 2005 Bond, the 2008A Bond and the 2008B Bond and, in each case, to pay accrued and unpaid interest thereon through such redemption date(s), as applicable, together with fiscal and legal expenses related thereto, whether or not specifically stated.

Section 3. Prior to issuing all or any part of the bond or bonds authorized to be issued hereunder (the "Bonds"), the Board shall adopt one or more resolutions containing all of the provisions required under Section 19-504(d) of the Enabling Law. Such resolution(s) may also

contain such other provisions as the Board may deem appropriate. Such resolution(s) may be adopted by the Board from time to time and at any time after the enactment of this public local law and the appropriate officers of the County may take any action deemed appropriate to effect the timely issuance and sale of the Bonds pursuant to such resolution(s) at any time after the enactment of this public local law, provided only that no such resolution may become finally effective until the effective date of this public local law. The Bonds may be sold on any date or dates after the effective date of this public local law and may be issued in one or more series, and at one time or from time to time, as the Board in the resolutions(s) may determine.

Section 4. The debt service on the Bonds shall be made payable in the first instance from certain taxes and/or benefits assessments to be levied and/or imposed on properties within the LaVale Sanitary District as specified and described in Sections 127-8 and 127-11 of the Code of Allegany County, Maryland and in the resolution(s) of the Board adopted in accordance with Section 3 hereof. For the purpose of meeting the debt service requirements on the Bonds if and when any such revenues provided for the payment thereof are or will be insufficient for such purposes, the County shall levy for each and every fiscal year during which any of the Bonds may be outstanding ad valorem taxes upon all real and tangible personal property within its boundaries subject to assessment for unlimited County taxation in rate and amount sufficient to provide for the prompt payment of the principal of and the interest on the Bonds maturing in each fiscal year; and, in the event the proceeds from the collection of the taxes so levied in any such fiscal year may prove inadequate for such purpose, additional taxes shall be levied in the subsequent fiscal year to make up any such deficiency.

The full faith and credit and unlimited taxing power of the County are hereby irrevocably pledged to the prompt payment of the maturing principal of and interest on the Bonds as and

when the same come due, and to the levy and collection of the taxes hereinabove described as and when such taxes may become necessary in order to provide sufficient funds to meet the debt service requirements of the Bonds. The County hereby covenants with each holder of any of the Bonds to take any action that may be appropriate from time to time during the period that any of the Bonds remain outstanding and unpaid to provide the funds necessary to make the principal and interest payments due thereon and further covenants and agrees to levy and collect the taxes hereinabove described.

Section 5. The Bonds authorized to be issued hereunder are hereby specifically exempted from the provisions of Sections 19-205 and 19-206, inclusive, of the Local Government Article of the Annotated Code of Maryland (2013 Replacement Volume, 2019 Supplement).

Section 6. This public local law shall take effect forty-five days after it is enacted (_____, 2021).

COUNTY COMMISSIONERS OF
ALLEGANY COUNTY, MARYLAND

Jacob C. Shade, President

Creade V. Brodie, Jr., Commissioner

David J. Caporale, Commissioner

Introduced: January 7, 2021

Introduced By: _____

Heard: January 21, 2021

Enacted: January 21, 2021

Publication Dates

The Cumberland Times-News: _____, 20____, _____, 20____, and _____, 20____

THURSDAY, DECEMBER 31, 2020 1D

CUMBERLAND TIMES-NEWS

PUBLIC NOTICE

Legal Notice

Allegany County Legislative Day

In accordance with Article 25B, Section 9 of the Annotated Code of Maryland and Section 38-3B of the Code of Allegany County, Maryland, notice is hereby given that, Thursday, January 7, 2021 will be a legislative day for the Board of County Commissioners of Allegany County. The Commissioners may meet on that day for the purpose of introducing or enacting public local laws.

**County Commissioners of
Allegany County, Maryland**

By: Jason M. Bennett,
CPA, County Administrator

Adv.: Thursday, December 31, 2020

AGENDA

Virtual Water/Sewer Meeting January 14, 2021

SCHEDULE

9:00 to 11 – Allegany County
11 to 11:30 – Cumberland
11:30 to noon – Frostburg
1 to 1:30 – Luke
1:30 to 2 – LaVale Sanitary District

PROJECTS

I. WATER

A. Completed (Project sheets not completed)

B. Underway

1. Brant Road
2. Route 36 Water Line Replacement

C. Planned

1. Barton Farm Development
2. Dehaven Road
3. Dicks Lane
4. Judy Lane
5. Mason Road
6. Bedford Road
7. Vale Summit Water Storage Tank

D. Future

1. Route 220 Water Line Replacement (Cumberland)
2. Flintstone
3. Midlothian
4. Harwood

II. SEWER

A. Completed (Project sheets not completed)

1. Mexico Farms Industrial Park Pump Station Upgrade – North Branch No.

B. Underway

1. Locust Grove Pump Station, Gravity Main, and Force Main
2. Flintstone WWTP
3. Oldtown WWTP
4. Biers Lane
5. Rawlings

C. Planned

1. Barton Business Park WWTP Upgrade
2. North Branch Wastewater Treatment Plant Clarifier
3. Braddock Run Sanitary District Improvements
4. Bedford Road Sanitary District Improvements

D. Future

1. Braddock Run Sanitary District Improvements - Future
2. Bedford Road Sanitary District Improvements - Future
3. Jennings Run/Wills Creek Sanitary District Improvements – Future
4. Borden/Zhilman/Slabtown
5. Vale Summit

II. Other

A. Underway

1. Bowling Green Community Enhancement Project – Phase II



BOARD OF COMMISSIONERS

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

**ALLEGANY COUNTY
DEPARTMENT OF PUBLIC WORKS**

701 Kelly Road, Suite 300
Cumberland, MD 21502
301-777-5933 FAX 301-777-2001
www.alleganygov.org

Item 4

Jason M. Bennett, CPA
County Administrator
Paul F. Kahl, P.E.
Director of Public Works
Adam Patterson, P.E.
Deputy Director

STAFF REPORT

TO: Jason M. Bennett, CPA, County Administrator
FROM: Paul Kahl, P.E., Director of Public Works *PK*
CC: Adam Patterson, P.E., Deputy Director of Public Works
DATE: December 31, 2020
RE: Water and Sewer Projects Agenda for Virtual Meeting with Funding Agencies

For the Agenda of: January 7, 2021

1. BACKGROUND

Allegany County has for many years scheduled a meeting with funding agencies prior to the PACE reception to discuss water and sewer projects in Allegany County. The meetings have been very successful. Due to the cancellation of the PACE reception, we decided to schedule a virtual meeting with our funding agencies. USDA, MDE and Housing and Community Development all responded that they would like to participate. We have also reached out to Towns with water and/or sewer to see if they wanted to attend

The proposed agenda is attached

2. ISSUES

The Public Works Department compiles an agenda and requests the Commissioners' approval prior to sending the agenda to the funding agencies

3. FINANCIAL IMPACT

Project meetings have assisted the County with receiving grant money and low interest loans

4. ALTERNATIVES

None

5. OTHER CONSIDERATIONS

N/A

6. CONFORMITY TO COUNTY POLICY

Conforms to County policy.

7. RECOMMENDATION

Approve the attached agenda for January 14, 2021 meeting with funding agencies



**ALLEGANY COUNTY
DEPARTMENT OF PUBLIC WORKS**

701 Kelly Road, Suite 300
Cumberland, MD 21502
301-777-5933 FAX 301-777-2001
www.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: Jason M. Bennett, County Administrator

FROM: Mark W. Yoder *mw yoder OKK*

DATE: December 23, 2020

RE: Braddock Run-Jennings Run Sewage Conveyance Improvements
(Locust Grove Program) Contracts S-85, S-90, and S-91

For the Agenda of: January 7, 2021

1. BACKGROUND

This project will replace the existing pumping facilities and force main which transports sewage from Frostburg, LaVale, Mount Savage, Corriganville, and Elerslie to the Cumberland sewage treatment facilities. It consists of the following three phases:

Replacement of the Locust Grove Pumping Station

Abandonment of the LaVale Pumping Station and construction of approximately 1,400 l.f. of excavated and micro-tunneled gravity sewer line to the new Locust Grove Pumping Station.

Replacement of 11,000 l.f. of existing 24" force main into Cumberland. A portion of the above ground section of this 24" force main was replaced in 2015-16. Replacement of the existing water main from LaVale to the City.

The three projects were bid in November and December, the bid results are attached.

2. ISSUES

This has been a joint effort between Allegany County and the LaVale Sanitary Commission. Allegany County is the recipient of most of the funding. Upon completion the gravity sewer, force main, and water

main will be owned and operated by the LaVale Sanitary Commission and the pump station will be owned and operated by the County.

3. FINANCIAL IMPACT

We received a favorable funding package from MDE, CDBG, and ARC, that is mostly grant. A portion less than 10% of the total is loan that will require repayment. A rate increase will be needed to repay the County's share of the loan. All funding is in place except a small grant from CDBG.

4. ALTERNATIVES

None.

5. OTHER CONSIDERATIONS

None.

6. CONFORMITY TO COUNTY POLICY

Conforms to County policy.

7. RECOMMENDATION

Approve and award of the following apparent low bidders contingent upon funding agency approval and authorize the President of the Commissioners to sign any and all necessary contract agreements and funding documents.

S-85 Pump Station – Carl Belt, Cumberland, MD \$11,671,487

S-90 Gravity Sewer – Garney Construction, Fairfax, VA \$5,685,850

S-91 Force Main and Water Main – First Fruits, Inc. Ridgeley, WV \$4,793,790

Cc: Paul Kahl
Adam Patterson
Jason Bennett
Dave Wendt/LSC

**Bid For
Braddock Run-Jennings Run Sewage Conveyance Improvements
Locust Grove Sewage Pumping Station Replacement
Contract No. S-85
Project No. 515 B
Tuesday, December 8, 2020
Room 100**

HRI, Inc. 1750 West College Avenue, Suite #2 State College, PA 16801 Bid: \$ 12,803,350	Triton Construction, Inc. P.O. Box 1360 St. Albans, WV 25177 Bid: \$ 14,158,000
Ulliman Schutte Construction, LLC 9111 Springboro Pike Miamisburg, OH 45342 Bid: \$ 13,375,000	Michael F. Ronca & Sons, Inc. 179 Mikron Road Bethlehem, PA 18020 Bid: \$ 16,471,000
Hickes Associates, Inc. 8253 Old Route 22 Alexandria, PA 16611 Bid: \$ 14,500,390	Carl Belt, Inc. 11521 Milnor Avenue Cumberland, MD 21502 Bid: \$ 11,671,487

The above figures represent bid sheet figures as received and do not represent any County tabulation or verification of the amounts listed. Linda Simpson, County Clerk, opened bids with the assistance of Adam Patterson, PE., Deputy Director of Public Works. The bids were referred to the Department of Public Works Utility Division for review and recommendation back to the Commissioners.

Bid For
Braddock Run-Jennings Run Sewage Conveyance Improvements
Locust Grove 30" Gravity Sewer Project
Contract No. S-90 Project No. 515 A
Friday, November 6, 2020, Room 100, 1:00 pm

Excavating Associates, Inc. P.O. Box 434 Ellerslie, MD 21529 Bid: \$6,933,532	JR Contracting, LLC 499 Carlton Drive Bentleyville, PA 15314 Bid: \$6,311,459
Metra Industries 50 Muller Place Little Falls, NJ 07424 Bid: \$7,965,850	Triton Construction, Inc. P.O. Box 1360 St. Albans, WV 25177 Bid: \$6,472,500
Garney Construction 3959 Pender Drive, Suite 100 Fairfax, VA 22030 Bid: \$5,685,085	HRI, Inc. 1750 W. College Avenue State College, PA 16801 Bid: \$6,256,220
D & M Contracting, Inc. 1868 Lions Club Road New Alexandria, PA 15670 Bid: \$7,100,000	

The above figures represent bid sheet figures as received and do not represent any County tabulation or verification of the amounts listed. Linda Simpson, County Clerk, opened bids with the assistance of Dan DeWitt, PE., County Engineer. The bids were referred to the Department of Public Works Utility Division for review and recommendation back to the Commissioners.

Bid For
Braddock Run-Jennings Run Sewage Conveyance Improvements
Locust Grove Force Main and LaVale Water Main Replacement Project
Contract No. S-91
Project No. 515 D
Tuesday, December 1, 2020
Room 100
3 pm

Triton Construction, Inc. 1944 Winfield Road St. Albans, WV 25177 Bid: \$6,966,000	Carl Belt, Inc. P.O. Box 1210 Cumberland, MD 21502 Bid: \$5,274,396
Garney Construction 3959 Pender Drive, Suite 100 Fairfax, VA 22030 Bid: \$6,834,978	Anchor Construction Corporation 2254 25 th Place, NE Washington, DC 20018 Bid: \$8,999,095
S.J. Louis Construction, Inc. 1351 Broadway Street West Rockville, MN 56369 Bid: \$10,822,000	Excavating Associates, Inc. P.O. Box 434 Ellerslie, MD 21529 Bid: \$6,351,189
First Fruits Excavating, Inc. 407 Plum Run Road Ridgeley, WV 26753 Bid: \$4,793,790	Metra Industries 50 Muller Place Little Falls, NJ 07424 Bid: \$8,357,950
HRI, Inc. 1750 W. College Avenue State College, PA 16801 Bid: \$6,402,095	

The above figures represent bid sheet figures as received and do not represent any County tabulation or verification of the amounts listed. Linda Simpson, County Clerk, opened bids with the assistance of Mark Yoder, PE., Senior Projects Manager. The bids were referred to the Department of Public Works Utility Division for review and recommendation back to the Commissioners.