

June 10, 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

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 May 27, 2021, public business meeting.

PRESENTATION

Item 1 – Frostburg State University Physician Assistant Program Presentation – Carrie A. McMahon, Interim Director of the Physician Assistant Program, and David J. Bunnell, Clinical Coordinator for the Program, gave a power point presentation on the FSU Physician Assistant Program. Before beginning the presentation, Mr. Bunnell acknowledged the assistance and contributions of the late Dr. Sean McCagh, in whose name an annual award has been established. He announced that the first winner of this award is P.A. Travis Miller, a graduate of Frostburg State University. Mr. Bunnell provided information on physician assistants, and also some details about the Physician Assistant Program at FSU. This is a two-year program, and there are 25 seats in the Program.

Carrie McMahon, Interim Director of the Physician Assistant Program, spoke next, providing details about students getting into the Program, pointing out that 100 applicants are interviewed, and that acceptance to the Program is very difficult and competitive. She explained that interviews are automatically granted to applicants from Allegany, Garrett, Washington, and Frederick Counties. Ms. McMahon added that applicants from Allegany County, as well as from Garrett, Washington, and Frederick Counties, get additional points added to their scores when considered for acceptance. She also remarked that this Program is to try to keep health care providers in this area.

Commissioner Shade thanked Ms. McMahon and Mr. Bunnell for their presentation.

Item 2 – Fiscal Year 2022 Program Open Space Annual Plan – Adam Patterson, PE, Deputy Director of Public Works, presented this year's requests to Program Open Space, as set forth on the document entitled "Program Open Space – FY 2022 Annual Plan", a copy of which is attached to and made a part of these Minutes. Mr. Patterson explained that the members of the County's Program Open Space Committee, which vets the projects, are Kiersten O'Donnell, Pam Diaz, Ashli Workman, Adam Patterson, and Chair Krista Sweitzer. He pointed out that Ms. Sweitzer was present at this evening's meeting, and he also thanked her for her time and effort spent as Committee Chair.

In reviewing the attached document, Mr. Patterson noted that projects shown highlighted in green have additional funding above the normal Open Space funding received by the County. He explained that this funding is from the State Capital Budget, through Maryland House Bill 590, which has allocated an additional \$1 million to the Program Open Space funding. Mr. Patterson pointed out that these projects are shown as being funded 100% by Program Open Space, as they did not need the 10% local match usually made by the County for Program Open Space projects.

Next, Mr. Patterson explained that the projects highlighted in blue are to be handled in the traditional Program Open Space manner, with the 10% match.

Mr. Patterson mentioned two additional projects on the horizon, the Greenway Avenue Stadium Project and the Willowbrook Outdoor Complex (with Allegany College of Maryland), for which leftover funding could be used. He then asked if the Commissioners had any questions, and added that the recommendations need to be presented to the State by July 2, 2021. Mr. Patterson told the Commissioners that he would come back in two weeks to the next Commissioners public business meeting, to request adoption of the Program Open Space FY 2022 Annual Plan.

There were no questions, and Commissioner Shade remarked that the Commissioners are in support of the recommended use of the additional Program Open Space funding.

Item 3 – MV Smith Road Residential Refuse Site – Adam Patterson, PE, Deputy Director of Public Works, explained that for the past year, the County’s Solid Waste Management Board, along with County staff, has been evaluating the refuse sites in the eastern part of the County, trying to create a safer and user-friendly site between the County’s Flintstone and Oldtown sites. He reported that the County is currently building a brand-new site in Oldtown, which should be open by end of this summer, and wishes to try to emulate this facility with a new facility consolidating the Little Orleans and Flintstone sites, which would be on M. V. Smith Road. Mr. Patterson noted that this new site would offer a complete suite of recycling services and would be more cost-effective, and added that the new facility would be located with easy access to I-68.

Mr. Patterson offered to answer any questions the Commissioners had, and told them that he would be back at a future Commissioners public business meeting to request formal action on this matter. He also provided some additional information on the proposed new site: It would be located approximately three miles (or four minutes travel) from the current Flintstone refuse site, and approximately six miles (or seven minutes travel) from the current Little Orleans site, and it would be open on Thursdays, Fridays, and Sundays.

The Commissioners commented favorably and thanked Mr. Patterson.

ACTION AGENDA

Item 4 – Manufacturer’s Tax Exemption – Board of County Commissioners to approve the manufacturer’s tax exemption for equipment purchased in 2020 by AES Warrior Run Limited Partnership. The exemption granted for this applicant is for \$693,956 less \$50,000, and for a period of ten years beginning with tax year 2021-2022 – T. Lee Beeman, Jr., County Attorney, explained that this is an annual tax exemption, to be granted to AES Warrior Run, the only recipient of this credit in Allegany County. He provided the Commissioners with background and details of the exemption and asked that they approve and grant this exemption to AES Warrior Run for Fiscal Year 2021.

Upon Motion made by Commissioner Caporale, seconded by Commissioner Brodie, and duly carried, the Board of County Commissioners approved the manufacturer’s tax exemption for equipment purchased in 2020 by AES Warrior Run Limited Partnership. The exemption granted for this applicant is for \$693,956 less \$50,000, and for a period of ten years beginning with tax year 2021-2022.

Item 5 – Resolution 21-13 – Rocky Gap Slots Allocation – Board of County Commissioners to authorize the Finance Department to update the Rocky Gap slots allocation effective January 1, 2021, through June 30, 2022 – Jason M. Bennett, CPA, County Administrator, pointed out to the Commissioners that the Local Development Council usually makes its recommendations for allocations of slots revenue annually to the Board of County Commissioners; but because of Covid, they are running a little behind this year. He explained that he was speaking on behalf of the Local Development Council, as its Chair, and that he was present to ask the Commissioners to approve and pass Resolution 21-13 – Rocky Gap Slots Allocation. Mr. Bennett reviewed the allocations recommended by the Local Development Council, as set forth on Resolution 21-13, a copy of which is attached to and made a part of these Minutes.

Mr. Bennett explained that the Local Development Council’s recommendations were discussed and decided upon at a recent meeting of the Council, and that he was presenting these recommendations to the Commissioners at this evening’s public meeting for their review and approval. He pointed out that per State law, the Commissioners are tasked with approving the Council’s recommendations, and cannot really make any changes to the recommendations except in the case of something that would be illegal and could not be done. Mr. Bennett further explained to the Commissioners that Resolution 21-13 covers the period from January 1, 2021, through June 30, 2022, an eighteen-month spending window that will then line up with upcoming fiscal years. He added that the Local Development Council will meet again before the end of this period to come up with a long-term spending plan and also pointed out that while the percentage of proceeds to Allegany County from Rocky Gap slots revenue is currently 3.75 percent, it will increase to 5.5 percent for the next allocation spending plan, resulting in approximately a \$1 million increase.

Commissioner Shade thanked Mr. Bennett for his and the Council members’ work.

Upon Motion by Commissioner Shade and seconded by Commissioner Brodie, the Board of County Commissioners approved and passed Resolution 21-13 – Rocky Gap Slots Allocation to authorize the Finance Department to update the Rocky Gap slots allocation effective January 1, 2021, through June 30, 2022.

Item 6 – Appointment of Allegany County Public Works Director – Board of County Commissioners to ratify the appointment of Adam Patterson, PE, to the position of Allegany County

Public Works Director – Paul F. Kahl, PE, Public Works Director, and Jason M. Bennett, CPA, County Administrator.

Paul Kahl, P.E., current Public Works Director for Allegany County, spoke of the importance of the position of Public Works Director and of choosing the right person to fill this position. He pointed out that the Public Works Director deals with many personnel issues, as well as with the public.

Mr. Kahl then talked about the proposed appointee to the Public Works Director position, Adam Patterson, P.E. He explained that he has known Mr. Patterson for fifteen years, with three of those years being years that Mr. Patterson served as Deputy Director of Public Works for Allegany County. Mr. Kahl remarked on Mr. Patterson's great character and knowledge, and told the Commissioners that they could not pick a better person for the job. He concluded by saying that he would highly recommend Adam Patterson as the new Public Works Director.

County Administrator Jason Bennett spoke highly of both Mr. Kahl and Mr. Patterson. He pointed out that while Mr. Patterson being appointed this evening, Mr. Kahl would still serve as Public Works Director until his last day of June 30, 2021.

Commissioner Caporale told Mr. Kahl that it has been a pleasure working with him and wished him all the best in his retirement.

Commissioner Brodie commented that he has known Mr. Kahl since the late 1980's and has worked with him many years. He remarked that Mr. Kahl has always been available to help out and has always had the best interests of the citizens of Allegany County at heart. Commissioner Brodie also commented on the amount of work Allegany County turns out with just a few County engineers, and said that the citizens of the County would be very surprised.

Commissioner Shade also said that it has been a pleasure working with Mr. Kahl, and told Mr. Patterson that he was looking forward to working with him as the new Director of Public Works. He thanked Mr. Kahl for his service in the Public Works Department.

Commissioner Brodie moved that the Board of County Commissioners ratify the appointment of Adam Patterson, PE, to the position of Allegany County Public Works Director. Commissioner Shade seconded the Motion. Motion carried to approve and ratify the appointment of Adam Patterson, PE, as Public Works Director for Allegany County.

CONSENT AGENDA

As recommended by the County Administrator

Before action was taken on the Consent Agenda, Commissioner Shade said that he wished to make a change to Item 8 – Allegany County 2021 Priority Letter to Maryland Department of Transportation. He remarked that of the nineteen items on the Priority List, one item didn't seem to have a solution: the Washington Street Bridge. He said that he would like a motion to make that Priority Item 1 on the list, explaining that the Washington Street Bridge was struck by a CSX train in 2017 and again in 2018, and that CSX has refused to assist in any way to get this bridge fixed. Commissioner Shade said that there will be a hearing before the Surface Transportation Board about this, and commented that he is hopeful of a successful outcome of that case.

Upon Motion made by Commissioner Caporale, and seconded by Commissioner Brodie, the Board of County Commissioners agreed to move the Washington Street Bridge from number fifteen to number one on the Allegany County 2021 Priority Letter to the Maryland Department of Transportation.

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 7 – Makerspace Agreement with Allegany College of Maryland – Board of County Commissioners approved a Commercial Lease with Allegany College of Maryland for 37 Lane Avenue, LaVale, Maryland for a workforce training and makerspace facility, and authorized the President of the Board of County Commissioners to sign the Lease.

Item 8 – Allegany County 2021 Priority Letter to Maryland Department of Transportation – Board of County Commissioners approved and agreed to sign the Allegany County 2021 Priority Letter and submit to the Secretary of the Maryland Department of Transportation.

Item 9 – Dehaven/Mason Road Water Project – Board of County Commissioners authorized the Allegany County Department of Public Works to begin the preliminary design and to prepare and execute any required funding documents for the Dehaven/Mason Road Water Project, and authorized the President of the County Commissioners to sign required documents.

Item 10 – Request for Tax Abatement – Board of County Commissioners authorized the abatement of taxes in the amount of \$9,240.20. The request is for tax years 2014 to 2021 representing old real and personal property accounts that have become uncollectible for various reasons.

Item 11 – Scattered Sites Housing Program – Board of County Commissioners approved the acceptance of an offer netting an estimated \$115,900 from Randy J. Ritchey, Martinsburg, West Virginia, to purchase the property known as 10114 Hopkins Street, Ellerslie, Maryland, Property Tax Account Number 20-001321, and authorized the President of the County Commissioners to sign the closing documents and the deed for the sale of the property.

Item 12 – 2021 Polish Mountain Hill Climb – Sports Car Event – Board of County Commissioners agreed to provide a letter of authorization for the Polish Mountain Hill Climb planned for August 7 and 8, 2021. The Western Maryland Chapter Washington, DC Region of the Sports Car Club of America (WDCR-SCCA) has presented a plan to partner with the Flintstone Volunteer Fire Company to support this unique motorsport activity.

Item 13 – Community Promotions – Board of County Commissioners agreed to remit \$1,000 from the Community Promotions Account for the Joe Maphis 100th Celebration and Bench Dedication to be held on August 7, 2021 at the 1812 Brewery, Cumberland, Maryland.

Mr. Chuck Dicken spoke briefly about the Joe Maphis 100th Celebration and Bench Dedication. He provided some details about Joe Maphis' background and career, including his radio programs on Station WTBO. He pointed out that although Mr. Maphis was born in Virginia, he lived in the Cumberland area while growing up and considered it his home town.

Mr. Dicken thanked the Commissioners very much for their support and assistance.

Item 14 – Community Promotions – Board of County Commissioners agreed to remit \$5,000 from the Community Promotions Account to assist the RISE Youth Robotics Center Project with their REACT Institute for STEM Education.

Mr. Mike Fiscus thanked the County Commissioners and then offered brief remarks regarding the RISE Youth Robotics Center Project. He spoke of the dedicated space, the former Saints Peter and Paul Parish Hall, that the Center will be using for advanced robotics. He also acknowledged the great expense of robots and other technology, but also their value in helping students to become technologically literate. He thanked the Commissioners for their support and time and offered to give them a tour of the facility in the future.

The Commissioners thanked Mr. Fiscus for his remarks.

Item 15 – Allegany County Commission for Women Board Appointments – Board of County Commissioners approved the appointments of Kimberly J. McMillan and Dr. Kimberly Foley-Pillai as members of the Allegany County Commission for Women. They will fulfill the terms of two vacated members. Their terms will expire on July 1, 2022.

County Administrator Jason Bennett thanked the County Commissioners for their action taken in appointing Adam Patterson, P.E., to the position of Public Works Director for Allegany County.

County Attorney Lee Beeman wished Mr. Kahl a good retirement and told Mr. Patterson that he looked forward to working with him.

Commissioners' statements, comments, recognition –

Commissioner David Caporale said that he had no further comments to make at this evening's meeting, other than to thank Mr. Kahl and Mr. Patterson.

Commissioner Creade Brodie also again thanked Mr. Kahl and Mr. Patterson. He also commented on how good it was to see things starting to get back to normal.

Commissioner Jacob Shade thanked Mr. Kahl and wished Mr. Patterson well in his new position.

Constituents – In order of sign-up sheet – No one signed up to speak at this evening's meeting.

Reminders/Upcoming Meetings –

Next Public Business Meeting – Thursday, June 24, 2021, 5:00 p.m.

ADJOURNMENT:

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

True Copy
Attest:

Jacob C. Shade, President

Cynthia A. Young
Recording Secretary

Program Open Space

FY 2022 Annual Plan

Project Name	Description	Local Sponsor Name	Project Total	POS %	POS Funds	Local %	Local Sponsor
Frostburg Community Park Improvements	Fencing, Pool Repairs & Infield Renovations	City of Frostburg	\$58,900.00	100%	\$58,900.00	0%	\$0.00
Oldtown Indians Youth Sports Commission-Scoreboard	Electronic Scoreboard	Oldtown Indians Youth Sports Commission	\$4,085.00	100%	\$4,085.00	0%	\$0.00
LaVale Lions Field Playground Surfacing A&B	Rubber Mulching and Borders	LaVale Athletic Association	\$13,123.00	100%	\$13,123.00	0%	\$0.00
Flintstone Community Park Improvements A&B	Concession stand equipment	Flintstone Civic Improvement Assoc.	\$25,000.00	100%	\$25,000.00	0%	\$0.00
Town of Midland-Parks & Rec. Areas Security Imp.	Installation of Security Cameras	Town of Midland	\$25,000.00	100%	\$25,000.00	0%	\$0.00
Bel Air Community Tennis Courts	Resurfacing of (2) Existing Courts and Net Replacement	Bel Air Citizen's Committee	\$16,050.00	100%	\$16,050.00	0%	\$0.00
Luke Legion Park Restrooms	Construction of New Restroom Facilities	Town of Luke	\$50,000.00	100%	\$50,000.00	0%	\$0.00
Cresaptown Recreational Courts	Reconstruction of Existing Tennis Courts Into (1) Tennis Court & (2) Pickle Ball Courts	Cresaptown Civic Improvement Program	\$85,000.00	100%	\$85,000.00	0%	\$0.00
Town of Barton Parks Landscaping and Fencing	Landscaping and Split Rail Fencing	Town of Barton	\$15,000.00	100%	\$15,000.00	0%	\$0.00
Ellerslie Community Park Scoreboard & Walking Track	Installation of Walking Track and New Scoreboard	Ellerslie Athletic Association	\$20,000.00	100%	\$20,000.00	0%	\$0.00
Riverside BMX Track at Mason Roads Complex	Rebuilding & Resurfacing Track Surfaces	Mayor & City Council of Cumberland & Riverside BMX, LLC	\$67,200.00	100%	\$67,200.00	0%	\$0.00
Bel Air Community Pirate Ship Playground	Installation of Pirate Ship Playground and Mulch	Bel Air Citizens Committee	\$13,343.00	100%	\$13,343.00	0%	\$0.00
Rawlings Stair Repair	Stair Replacement	Potomac Valley Lions Club	\$5,000.00	100%	\$5,000.00	0%	\$0.00
PVAA Weber Field Fencing	New Fencing for Ballfield	Potomac Valley Athletic Association	\$49,125.00	100%	\$49,125.00	0%	\$0.00
Piney Plains Ballfield	Storage Shed Repairs, Fencing, Resurfacing, Scoreboard, Bleachers	Piney Plain Civic Association	\$71,150.00	100%	\$71,150.00	0%	\$0.00
East End Park Improvements	Supplement to Grant for Construction of Pavilion and Interior Improvements	City of Frostburg	\$9,563.00	100%	\$9,563.00	0%	\$0.00
TOTAL			\$527,539.00		\$527,539.00		\$0.00
Frost Elementary School Playground	Installation of Playground and Asphalt Surface	Allegany County BOE	\$181,000.00	90%	\$182,900.00	10%	\$18,100.00
Mountain Ridge Outdoor Basketball Court	Rehabilitation of Basketball Court	Allegany County BOE	\$65,000.00	90%	\$66,500.00	10%	\$6,500.00
Allegany College of MD Public Fitness Enhancement	Rehabilitation of Public Fitness Center	Allegany College of MD	\$75,000.00	90%	\$77,500.00	10%	\$7,500.00
Allegany College of MD Baseball Field Enhancement	Rehabilitation of Baseball Field	Allegany College of MD	\$209,339.00	90%	\$188,000.00	10%	\$20,933.90
TOTAL			\$530,339.00		\$476,900.00		\$53,033.90

RESOLUTION NO. 21-13

WHEREAS, the Board of County Commissioners are the recipient of 3.75% of Video Lottery Terminal (VLT) proceeds in the form of a local impact grant from the State of Maryland as the result of the slots operation at Rocky Gap Lodge and Casino

WHEREAS, the Board, intends to formally allocate set percentages of the proceeds from this grant to programs within the County

WHEREAS, the Board established an Allegany County Local Development Council to make spending recommendations for the local impact grant, and the Local Development Councils recommendations are listed below:

NOW THEREFORE BE IT RESOLVED BY THE COUNTY COMMISSIONERS OF ALLEGANY COUNTY, MARYLAND, THAT:

1. The Commissioners request the proceeds be allocated in the following percentages, based upon recommendations of the Local Development Council to be effective January 1, 2021, and through June 30, 2022:
 - a. The initial \$10,000 received will be allocated to fire companies in the immediate vicinity of Rocky Gap Casino and distributed quarterly based upon calls responded to at the Casino and reported by Emergency Services.
 - b. After the initial \$10,000 allocation, funds will be allocated as follows:
 - I. 20% to be allocated to Municipalities and Non-Profit Organizations located in Allegany County for capital projects and to be awarded based upon recommendations from the Allegany County Local Development Council
 - II. 17% to be allocated to the Allegany College of Maryland Foundation to be used as a scholarship program for Allegany County residents attending Allegany College and meeting the eligibility requirements as designed by the ACM Foundation. The amount distributed is not to exceed \$360,000 per fiscal year.
 - III. 9.25% to be allocated to the Frostburg State University Foundation to be used as a scholarship program for Allegany County residents attending Frostburg State University and meeting the eligibility requirements as set forth by the FSU Foundation. The amount distributed is not to exceed \$200,000 per fiscal year.
 - IV. 4% to be allocated to the Allegany County PAYGO fund to reduce the amount of future debt issues. The amount distributed is not to exceed \$80,000 per fiscal year.
 - V. 4% to be allocated to capital projects at the Board of Education that will be paid on a project-by-project basis after approval from the Commissioners. The amount distributed is not to exceed \$80,000 per fiscal year.
 - VI. 39.5% to be allocated to the Allegany County Fire & Rescue Companies with the oversight of the Allegany County Fire & Rescue Board. The amount distributed is not to exceed the fiscal year 17 amount of \$865,939.
 - VII. 2.25% to be allocated to local law enforcement agencies for the purchase of ballistic vests upon approval from the Allegany County Local Development Council. The amount distributed is not to exceed \$200,000 per fiscal year
 - VIII. 4% to remain as unallocated and awarded annually by the Allegany County Local Development Council. For the current year, these funds will go towards Allegany County's EMS program operation.
2. The above allocations are based upon estimated proceeds of \$2,445,978. For items I, II & III, a full accounting is to be made to the Commissioners on an annual basis regarding the use of the funds that have been supplied to each entity. This will be required prior to receiving additional disbursements from the fund.
3. These funds will be disbursed on a quarterly basis for items I through III and on a reimbursement basis for item VII.
4. The Finance Office will make a full accounting of this fund available to the Commissioners on no less than an annual basis.
5. Before the expiration of this resolution, the Rocky Gap Local Development Council will update the long-term spending allocation based upon the VLT proceeds allocated to Allegany County moving from 3.75% to 5.5% beginning July 1, 2022, including potentially changing the existing percentage of allocations.

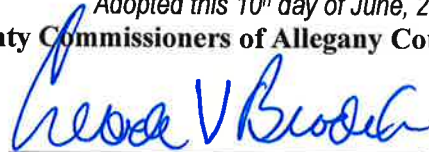
6. Before the expiration of this resolution, both the ACM & FSU Foundations will make recommendations to the local development council regarding options to tailor their scholarship programs to target both regionally specific jobs and high-tech jobs with the goal of preparing students for careers within Allegany County.

Adopted this 10th day of June, 2021

County Commissioners of Allegany County, Maryland



Jacob C. Shade, President



Creade V. Brodie, Jr. Commissioner



David J. Caporale, Commissioner