

December 2, 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 Pledge of Allegiance was led by Bryan Gowans and recited by those present.

MOTION

There were no additions or deletions to the agenda.

MOTION

Upon Motion by Commissioner Brodie, and seconded by Commissioner Caporale, the Minutes of the November 18, 2021 public business meeting were approved by the Board of County Commissioners.

ACTION AGENDA

Item 1 – Resolution 21-23 – 2021 Maryland Water Quality Financing Administration Tax Exempt Drinking Water Resolution \$974,608 – Board of County Commissioners to approve Resolution 21-23 authorizing closing on a MWQFA loan in the amount of \$974,608 for Brant Road Water – Jason M. Bennett, CPA, County Administrator, called the Commissioners' attention to Resolution 21-23 before them for their consideration and approval this evening. Mr. Bennett told the Commissioners that this Resolution was for a Maryland Water Quality Financing Administration loan in the amount of \$974,608, and explained that this loan with Maryland Department of the Environment (MDE) to close on the Brant Road Water Project is one of MDE's 50/50 loans. He further explained that once the County closes on the loan, half of it is forgivable, which would leave the County with a \$487,304. Mr. Bennett provided the terms of the loan: 30 years, with a current interest rate of a little less than one percent (1%). He added that closing on the loan would be in about three weeks, and that the loan would be completely repaid by the users of the system.

Upon Motion made by Commissioner Caporale, seconded by Commissioner Brodie, and duly carried, the Board of County Commissioners approved and passed Resolution 21-23 authorizing closing on a MWQFA loan in the amount of \$974,608 for Brant Road Water.

Item 2 – Resolution 21-24 – 2021 Maryland Water Quality Financing Administration Taxable Drinking Water Resolution \$615,000 – Board of County Commissioners to approve Resolution 21-24 authorizing closing on a MWQFA loan in the amount of \$615,000 for Bedford Road Water Phase I – Jason M. Bennett, CPA, County Administrator, presented Resolution 21-24 for the Commissioners' review and approval. He explained that this MDE 50/50 loan was for the Bedford Road Water Phase I Project and confirmed that with fifty percent of the loan forgiven at closing, the loan to the County would actually be \$307,500. Mr. Bennett went on to provide the terms of the loan: 30 years, and a current interest rate of a little less than one percent (1%), with closing to be in about two weeks.

Upon Motion made by Commissioner Brodie, seconded by Commissioner Caporale, and duly carried, the Board of County Commissioners approved and passed Resolution 21-24 authorizing closing on a MWQFA loan in the amount of \$615,000 for Bedford Road Water Phase I.

Item 3 – Resolution 21-25 – Enterprise Zone Certification – Board of County Commissioners to approve Resolution 21-25 which certifies that certain companies meet local standards for the Gateway and Route 220 South Enterprise Zones. It further certifies that certain properties in the Gateway and Route 220 South Enterprise Zones and the Frostburg Enterprise Zone qualify for real property tax credits authorized by Tax Article 9-103 of the Annotated Code of Maryland for the taxable year 2022-2023 – Nathan D. Price, Senior Project Manager with the Allegany County Department of Economic & Community Development, told the Commissioners that he was present at this evening's meeting to ask them to approve and pass Resolution 20-25 for Enterprise Zone certification. Mr. Price reported that the annual meeting of the Enterprise Zone Advisory Committee was held earlier this week, Tuesday evening, November 30, 2021, and that he and Assistant County Attorney Ramon Rozas were present at the meeting in addition to the Advisory Committee members. He further reported that all businesses brought before the Committee at the meeting for approval were approved, including fourteen companies in the Gateway Enterprise Zone, which includes some areas in the City of Cumberland, and one company in the Route 220 South Enterprise Zone. Mr. Price added that the City of Frostburg also approved 24 companies at its Enterprise Zone meeting.

Commissioner Caporale moved that the Board of County Commissioners approve Resolution 21-25 which certifies that certain companies meet local standards for the Gateway and Route 220 South Enterprise Zones, and further certifies that certain properties in the Gateway and Route 220 South Enterprise Zones and the Frostburg Enterprise Zone qualify for real property tax credits authorized by Tax Article 9-103 of the Annotated Code of Maryland for the taxable year 2022-2023. Commissioner Brodie seconded the Motion. Motion carried to approve and pass Resolution 21-25.

The Commissioners thanked Mr. Price.

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 4 – Resolution 21-26 – Fiscal Year 2022-2025 Cumberland Area Transportation Improvement Program – Board of County Commissioners, acting in their authority as the Cumberland Area Metropolitan Planning Organization, authorized and adopted Resolution 21-26, to amend the Fiscal Year 2022-2025 Cumberland Area Transportation Improvement Program.

Item 5 – Maryland Avenue Relocation/Improvement Study – Board of County Commissioners, acting in their authority as the Cumberland Area Metropolitan Planning Organization, approved the engineering proposal from Bennett Brewer & Associates, Frostburg, Maryland, for the Maryland Avenue Relocation/Improvement Study in the amount of \$12,500 for “Task 1” with the contingency of funding in the amount of \$7,200 for “Task 2” as part of the Fiscal Year 2022 Unified Planning Work Program.

Item 6 – 2022 Salvage Yard License Issuances – Board of County Commissioners approved the issuance of 2022 licenses for salvage yard operations to the following: Allegany Scrap, Inc., Lockhouse Road Facility and Day Road Facility, Cumberland; Reeve’s Motor Company, Westernport; Jones’ Garage & Salvage, Cumberland; Porter Salvage Yard, Mount Savage; TC Race Cars, Inc., Frostburg; and Twigg Used Cars & Parts, Cumberland, subject to the payment of \$100 licensing fee.

Item 7 – Allegany County Commission for Women Board Appointments – Board of County Commissioners made the following appointments to the Allegany County Commission for Women: Niki Folk, Frostburg, and Nicole Wigfield, Corriganville, to three-year terms expiring July 1, 2024, Carrie Fradiska, Flintstone, to a two-year term expiring July 1, 2023, and Courtney Tipton, Mount Savage, to a one-year term expiring July 1, 2022.

Item 8 – Garden City Mobile Home Park Partial Acquisition Bid Award – Board of County Commissioners approved J & T Homes, Pinto, to relocate seven mobile homes for the Garden City Mobile Home Partial Acquisition Project, and approved Legacy Moving and Storage, Cumberland, to transport the contents of the seven mobile homes.

Item 9 – Smith Land Lease Agreement – Board of County Commissioners approved the land lease agreement for a portion of the premises located on 15925 Patty Baker Road, Mount Savage, with David Smith, Sr., David Smith, Jr., and George Smith to allow for broadband expansion of Allconet in the region.

Constituents – In order of sign-up sheet

Mr. Edward W. Taylor, Jr., of 400 South Allegany Street, Cumberland, present as president of the Cumberland Historic Cemetery Organization, brought up an issue regarding Heritage Days, an event that has been held in Cumberland since 1983 and was run by Allegany County Tourism in the 1980s. He explained that his organization was left out of the Heritage Days festival this year, and pointed out that CHCO was a big participant in the festival in its earlier years. Mr. Taylor asked that the Commissioners work with Cumberland Mayor Morriss in the future on the event, and he pointed out that Heritage Days is held on public property.

Mr. Jack Nightengale, of Lonaconing, again discussed his concerns about the trucks transporting coal down Jackson Mountain Road.

Mr. Ken McKenzie, President of IAFF Local 1715, told the Commissioners that he was present at this meeting because on November 15, 2021, at its Union meeting, IAFF Local 1715 held a Vote of No Confidence Allegany County EMS Chief Christopher Biggs. Mr. McKenzie further explained that a letter was sent to the County Attorney on November 16, 2021, as supported by over eighty-five percent (85%) of the voting Allegany County Department of Emergency Services members of

the Union who were eligible to vote. He read the letter that was sent to the County Attorney. This letter provided details as to why the members supporting the letter were in favor of the removal of Christopher Biggs as EMS Chief for Allegany County. Mr. McKenzie briefly referred to issues with past leaders at the Department of Emergency Services and remarked that the current Chief of EMS appears to be “going down the same path”. He said that the Union wants to work with the County to make things better, and on behalf of the Union members supporting the letter, again asked for the removal of EMS Chief Biggs from the Allegany County Department of Emergency Services.

County Attorney Lee Beeman told Mr. McKenzie that he had a few questions for him. First, he asked, concerning Mr. McKenzie’s statement that 85% of the County voting members are in favor of the removal of Chief Biggs, for the exact number of those voting members; in other words, how many County employees voted to remove Chief Biggs. Mr. McKenzie replied that there are 41 full-time County employees who are eligible for the Union, and three who are not Union members, for a result of 38 voting members; and that 33 or 34 of the 38 voted for the removal. He explained how information was gathered regarding complaints against Chief Biggs, and pointed out that enough members came forward to result in the holding of a Vote of No Confidence.

Commissioner Caporale commented that no one from the Union came to a Commissioners’ public meeting regarding a Vote of No Confidence.

County Attorney Beeman briefly discussed the handling of issues with former Department of Emergency Services employees about whom the County received complaints. He pointed out that when complaints and allegations are brought, or were brought in the past, to the County’s attention, those allegations have been properly investigated. Attorney Beeman told Mr. McKenzie that prior to the Union sending the letter to him, complaints and allegations were made against Chief Biggs, and that a very thorough investigation was conducted by the County’s Human Resources Director, involving many witnesses, and the issues were brought to the attention of the proper personnel and dealt with.

Mr. McKenzie discussed some of the concerns about Chief Biggs, including actions that are felt by the Union to be inappropriate.

Commissioner Caporale brought up whether disciplinary action was taken against Chief Biggs, and Attorney Beeman confirmed that, while personnel information cannot be disclosed, there were remedial actions taken to address the issues that were investigated. Mr. McKenzie remarked that the Union does not feel that those remedial actions were appropriate.

County Administrator Bennett asked Mr. McKenzie when the Union received the County’s response to their letter. There was a discussion regarding the item leaked to the newspaper before time was up for the County to respond to the letter.

County Attorney Beeman told Mr. McKenzie that the County considers this a closed matter. Mr. McKenzie replied that the Union does not.

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

County Attorney Lee Beeman reported on the closed Executive Session held on November 18, 2021: The Board of County Commissioners convened in closed session Thursday, November 18, 2021, at 4:00 o’clock p.m. Motion was made to close the session for the purpose of consulting with staff, consultants or other individuals about pending potential litigation and for the purpose of consultation with counsel to obtain general legal services and advice. Present for the meeting were all three County Commissioners, County Administrator Jason Bennett, County Attorney Lee Beeman, and James Pyles, Director of Allegany County Emergency Services; along with Recording Secretary, Cindy Young.

Attorney Beeman also brought up that at the prior Commissioners public business meeting held on November 18, 2021, the Board of County Commissioners voted to table an agenda item dealing with the Resolution for the \$1.5 Million Dollar Conditional Loan with Maryland Department of Commerce. Attorney Beeman explained that at the time, the County was seeking advice of bond counsel, which was received, after which documents were sent to the Department of Commerce. He added that no comments have been received yet from the Department of Commerce, and in order to keep the Item tabled, a Motion would be needed this evening.

Upon Motion made by Commissioner Caporale, seconded by Commissioner Brodie, and duly carried, the Board of County Commissioners agreed to continue to table the Item regarding Resolution for the \$1.5 Million Dollar Conditional Loan with Maryland Department of Commerce.

Commissioners' statements, comments, recognition –

Commissioner David Caporale said that the County Commissioners would be glad to talk to the City of Cumberland about the Heritage Days festival. He also expressed his congratulations to the two local teams participating in the Maryland State Football Championship game and wished all the best of luck.

Commissioner Creade Brodie had no further comments to make at this evening's meeting.

Commissioner Jacob Shade told Mr. McKenzie that the Commissioners would be happy to look at any additional supporting information he wants to provide to them. He remarked that the Board of County Commissioners is here for the good of the citizens of Allegany County.

Reminders/Upcoming Meetings –

Next Public Business Meeting – Thursday, December 16, 2021, 5:00 p.m.

ADJOURNMENT:

There being no further business to come to the attention of the Board, the meeting was adjourned at 5:40 p.m.

Jacob C. Shade, President

True Copy
Attest:

Cynthia A. Young
Recording Secretary