

November 17, 2022

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 recited by those present.

MOTION

County Attorney Lee Beeman asked that Item 17 – Appointments to the Appeals Panel for Classified Service be added to the Consent Agenda.

Upon Motion made by Commissioner Brodie, seconded by Commissioner Caporale, and duly carried, Item 17 – Appointments to the Appeals Panel for Classified Service was added to the Consent Agenda.

Attorney Beeman also read into the record Statement Regarding the Closed Session held on Thursday, October 20, 2022, a copy of which is attached to and made a part of these Minutes.

There were no further additions or deletions to the Agenda.

MOTION

The Minutes of the October 20, 2022 public business meeting were approved by the Board of County Commissioners.

PRESENTATION

Item 1 – Diabetes Awareness Month Proclamation – Elizabeth Ruhlman, Director of Population Health, UPMC Western Maryland, presented information on the UPMC Diabetes Prevention Program and Diabetes Self-Management Program. At the conclusion of Ms. Ruhlman's presentation, Commissioner Shade thanked her for the information and then read and presented an official Proclamation in honor of Diabetes Awareness Month.

Item 2 – 2022 Veteran's Day Observance – Recognition of the Service of Allegany County Government Employees and Members of the General Public – Kristi D. Liller, Director of Human Resources, presented the names of twenty-nine Allegany County employees who have identified themselves as veterans of the United States Armed Services, commenting that they served with honor and at great personal sacrifice.

ACTION AGENDA

Item 3 – Flintstone Wastewater Treatment Plant Upgrade Project – Board of County Commissioners to approve a Supplemental Assistance Grant in the amount of \$1,500,000 from the Maryland Department of the Environment, and \$375,000 in Comprehensive Flood Management Grant funding for the Flintstone Wastewater Treatment Plant Upgrade Project, and authorize the President of the County Commissioners to sign the necessary documents – Adam Patterson, PE, Director of Public Works, presented information and background on this Item, as set forth on the Staff Report on this subject dated November 9, 2022, a copy of which is attached to and made a part of these Minutes.

Upon Motion made by Commissioner Brodie, seconded by Commissioner Caporale, and duly carried, the Board of County Commissioners approved a Supplemental Assistance Grant in the amount of \$1,500,000 from the Maryland Department of the Environment, and \$375,000 in Comprehensive Flood Management Grant funding for the Flintstone Wastewater Treatment Plant Upgrade Project, and authorized the President of the County Commissioners to sign the necessary documents.

Item 4 – Oldtown Wastewater Treatment Plant Upgrade Project – Board of County Commissioners to approve a Supplemental Assistance Grant in the amount of \$1,500,000 from the Maryland Department of the Environment, and \$375,000 in Comprehensive Flood Management Grant funding for the Oldtown Wastewater Treatment Plant Upgrade Project, and authorize the President of the County Commissioners to sign the necessary documents – Adam Patterson, PE, Director of Public Works, presented information and background on this Item, as set forth on the Staff Report on this subject dated November 9, 2022, a copy of which is attached to and made a part of these Minutes.

Upon Motion made by Commissioner Caporale, and seconded by Commissioner Brodie, the Board of County Commissioners approved a Supplemental Assistance Grant in the amount of \$1,500,000 from the Maryland Department of the Environment, and \$375,000 in Comprehensive Flood Management Grant funding for the Oldtown Wastewater Treatment Plant Upgrade Project, and

authorized the President of the County Commissioners to sign the necessary documents.

Item 5 – Fiscal Year 2023 National Recreational Trails Borden Tunnel Lining Restoration Project – Board of County Commissioners to approve a Memorandum of Understanding between Maryland Department of Transportation State Highway Administration and the Board of County Commissioners to accept funding in the amount of \$3,623,796 for the Fiscal Year 2023 National Recreational Trails Borden Tunnel Lining Restoration Project, and authorize the President of the County Commissioners to sign the agreement – Whitney M. Patterson, Engineer, and Tanya L. Gomer, Grants Manager. – Adam Patterson, PE, Director of Public Works, presented information and background on this Item, as set forth on the Staff Report on this subject dated October 26, 2022, a copy of which is attached to and made a part of these Minutes.

Upon Motion by Commissioner Brodie, seconded by Commissioner Caporale, and duly carried, the Board of County Commissioners approved a Memorandum of Understanding between Maryland Department of Transportation State Highway Administration and the Board of County Commissioners to accept funding in the amount of \$3,623,796 for the Fiscal Year 2023 National Recreational Trails Borden Tunnel Lining Restoration Project, and authorized the President of the County Commissioners to sign the agreement.

CONSENT AGENDA

As recommended by the County Administrator

Before action was taken on the Consent Agenda, Commissioner Shade told the other Commissioners that he would like to put a hold on Item 11 – Motorola Solutions VESTA Managed Detection and Response. Commissioner Brodie moved that Item 11 be tabled to a future Commissioners public business meeting, and Commissioner Caporale seconded the Motion. Motion carried to table Item 11 - Motorola Solutions VESTA Managed Detection and Response.

Upon Motion by Commissioner Caporale, seconded by Commissioner Brodie, and Motion carried, the Board of County Commissioners approved and adopted items 6 through 10 and Items 12 through 17 of the Consent Agenda as recommended by the County Administrator.

Item 6 – George’s Creek Wastewater Treatment Plant Wash Press Award – Board of County Commissioners approved the George’s Creek Wastewater Treatment Plant Wash Press award to Parkson Corporation, Fort Lauderdale, Florida, in the amount of \$59,875, and authorized the President of the County Commissioners to sign all necessary documents and agreements associated with the project.

Item 7 – Fiscal Year 2023 Rural Legacy Program Agreement – Board of County Commissioners approved the Fiscal Year 2023 Rural Legacy Program Agreement for the Mountain Ridge Rural Legacy area, and authorized the President of the County Commissioners to sign the annual program agreement.

Item 8 – Fiscal Year 2023 Capital Assistance Grant Agreement – Board of County Commissioners approved the Fiscal Year 2023 Capital Assistance Grant Agreement providing up to \$350,000 in State funds to provide financial assistance to Allegany County to cover part of the capital, operating, and planning costs of public transportation services, and authorized the County Administrator to sign the documents.

Item 9 – Resolution 22-26 – Cumberland Area Fiscal Year 2022-2025 Transportation Improvement Program – Board of County Commissioners, acting in their role as the Cumberland Area Metropolitan Planning Organization, authorized and amended by Resolution 22-26, the Cumberland Area Fiscal Year 2022-2025 Transportation Improvement Program.

Item 10 – Purchase of Vehicle – Board of County Commissioners approved the purchase of a 2022 Chevrolet Tahoe Police Pursuit Vehicle in the amount of \$38,404 from Hertrich Fleet Services, Inc., Milford, Delaware, for the Allegany County Sheriff’s Office.

Item 11 – Motorola Solutions VESTA Managed Detection and Response – Board of County Commissioners approved the Motorola Solutions VESTA Managed Detection and Response Service that coordinates with the Computer Aided Dispatch system. There is no financial impact to Allegany County.

Item 12 – Emergency Services Board Appointment – Board of County Commissioners approved the appointment of Scott Whetsell to the Emergency Services Board in the Region 1 EMS Council - position to become effective January 1, 2023. This position has no term limit.

Item 13 – Allegany County Library Board of Trustees – Board of County Commissioners approved the appointment of Judge Gary Leasure as a member of the Allegany County Library Board of Trustees. His term will expire on June 30, 2023.

Item 14 – Resolution 22-25 – Rules & Regulations Governing Employees of Allegany County, Maryland Amendments – Board of County Commissioners authorized and passed Resolution 22-25, the amendments to the Rules & Regulations Governing Employees of Allegany County, Maryland.

Item 15 – Health and Safety Institute Employee Training – Board of County Commissioners approved a contract with HSI for employee training in the amount of \$11,225.50.

Item 16 – Allegany County Tourism 2023 Destination Guide – Board of County Commissioners approved the contract from Freeport Press, New Philadelphia, Ohio, to print the 2023 Visit Mountain Maryland Destination Guide, in the amount of \$39,200.

Item 17 – Appointments to Appeals Panel for Classified Service – Board of County Commissioners approved the appointments of Kathy Snyder, David L. Hall, Wayne Heavner, and J. Matthew Gilmore to the Appeals Panel for Classified Service for the hearing of employee grievances. Their terms will all expire on November 17, 2025.

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

County Attorney Lee Beeman said that since he would not be present at the next Commissioners public business meeting on December 1, 2022, he would like to thank Commissioner Shade for his administration and for letting him be a part of it, and also to thank him for his friendship.

Commissioners' statements, comments, recognition –

Commissioner David Caporale wished everyone a wonderful and safe Thanksgiving.

Commissioner Creade Brodie acknowledged Sheriff-elect Craig Robertson, present in the audience at this meeting

Commissioner Jacob Shade referred to the closed session held by the Commissioners immediately prior to the public meeting, and commented briefly on the salary study that was discussed. He added that the company who prepared the salary study would be making a presentation at public meeting sometime in the next few months. Commissioner Shade said that County retirement incentives were also being considered.

Constituents – In order of sign-up sheet –

Mr. Danny Williams, of Mount Savage, brought up the issue of signage needed regarding tractor trailers in Mount Savage.

Mr. Williams also told Commissioner Shade to enjoy his retirement from service as County Commissioner, and commented that he has done a good job.

County Attorney Beeman recommended that Mr. Williams' concerns be referred to the Traffic Advisory Committee. The Commissioners were in agreement with that recommendation.

Reminders/Upcoming Meetings –

Next Public Business Meeting – Thursday, December 1, 2022, 5:00 p.m.

ADJOURNMENT:

There being no further business to come to the attention of the Board, the meeting was adjourned at 5:35 p.m.

Jacob C. Shade, President

True Copy
Attest:

Cynthia A. Young
Recording Secretary



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
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<http://alleganygov.org>

Item 3

JOHN M. BARNETT, CPA
County Administrator
Adam Patterson, P.E.
Director of Public Works
Daniel S. DeWitt, P.E.
County Engineer

STAFF REPORT

TO: Jason M. Bennett, CPA, County Administrator
FROM: Brynn Laird, P.E., Engineer III
CC: Adam Patterson, P.E., Director of Public Works *ada*
DATE: November 9, 2022
RE: Flintstone Wastewater Treatment Plant Upgrade Project
Recommendation to Accept MDE Grant Funding

For the Agenda of: November 17, 2022 Public Meeting

1. BACKGROUND

The existing Flintstone Wastewater Treatment Plant was built in 1980 and has reached the end of its useful life. Allegany County currently has an Engineering Contract with GHD to design the upgrade to the Plant, which will be paid for with American Rescue Plan funds. The design is due to be completed by September 2023. Significant funding will be required to proceed with construction of the upgraded Plant.

Allegany County received \$1,600,000 in Community Development Block Grant Program (CDBG) funds from the Maryland Department of Housing and Community Development to be used for the upgrade to the Plant.

Additionally, the Flintstone Wastewater Treatment Plant Upgrade Project has been identified by the Maryland Department of the Environment for \$1,500,000 in Supplemental Assistance Grant (SWQH) funding and \$375,000 in Comprehensive Flood Management Grant (FMG) funding for Fiscal Year 2023, subject to approval by the Maryland Board of Public Works.

The Department of Public Works recommends signing the Grant Award for the \$1,500,000 SWQH and \$375,000 FMG grant funding from the Maryland Department of the Environment for the Flintstone Wastewater Plant Upgrade Project.

2. ISSUES

N/A

3. FINANCIAL IMPACT

This project will utilize CDBG grant funds and the MDE grant funds, if approved. It is likely that additional loan funds from the Clean Water Revolving Loan Fund (CWRP) program through the MDE will be required.

4. ALTERNATIVES

Do not request grant funding.

5. OTHER CONSIDERATIONS

N/A

6. CONFORMITY TO COUNTY POLICY

Conforms to County policy.

7. RECOMMENDATION

The Department of Public Works recommends signing the Grant Award for the \$1,500,000 SWQH and \$375,000 FMG funding from the Maryland Department of the Environment for the Flintstone Wastewater Plant Upgrade Project and authorize the President of the County Commissioners to sign necessary documents.



ALLEGANY COUNTY DEPARTMENT OF PUBLIC WORKS

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Item 4

BOARD OF COMMISSIONERS

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

County Administrator
Adam Patterson, P.E.
Director of Public Works
Daniel S. DeWitt, P.E.
County Engineer

STAFF REPORT

TO: Jason M. Bennett, CPA, County Administrator
FROM: Brynn Laird, P.E., Engineer III
CC: Adam Patterson, P.E., Director of Public Works
DATE: November 9, 2022
RE: Oldtown Wastewater Treatment Plant Upgrade Project
Recommendation to Accept MDE Grant Funding

For the Agenda of: November 17, 2022 Public Meeting

1. BACKGROUND

The existing Oldtown Wastewater Treatment Plant was built in 1980 and has reached the end of its useful life. Significant funding will be required for the design and construction of an upgraded Plant.

The Oldtown Wastewater Treatment Plant Upgrade Project has been identified by the Maryland Department of the Environment for \$1,500,000 in Supplemental Assistance Grant (SWQH) funding and \$375,000 in Comprehensive Flood Management Grant (FMG) funding for Fiscal Year 2023, subject to approval by the Maryland Board of Public Works.

The Department of Public Works recommends signing the Grant Award for the \$1,500,000 SWQH and \$375,000 FMG grant funding from the Maryland Department of the Environment for the Oldtown Wastewater Plant Upgrade Project.

2. ISSUES

N/A

3. FINANCIAL IMPACT

This project will utilize the MDE grant funds, if approved. Allegany County will also request grant funds from the Maryland Department of Housing and Community Development. It is likely that additional loan funds from the Clean Water Revolving Loan Fund (CWRF) program through the MDE will be required.

4. ALTERNATIVES

Do not request grant funding.

5. OTHER CONSIDERATIONS

N/A

6. CONFORMITY TO COUNTY POLICY

Conforms to County policy.

7. RECOMMENDATION

The Department of Public Works recommends signing the Grant Award for the \$1,500,000 SWQH and \$375,000 FMG funding from the Maryland Department of the Environment for the Oldtown Wastewater Plant Upgrade Project and authorize the President of the County Commissioners to sign necessary documents.



ALLEGANY COUNTY, MARYLAND

The Board of County Commissioners

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Item 5

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

Jason M. Bennett, CPA, *County Administrator*
T. Lee Beeman, Esq., *Attorney*

STAFF REPORT

TO: Jason M. Bennett, County Administrator
FROM: Tanya Gomer, Grants Manager
DATE: October 26, 2022
RE: FY 23 RTP – Borden Tunnel Lining Restoration Project

1. **Background:**

Allegany County Department of Public Works is proposing to resurface and repair the exterior end walls and the interior surface of the 957 linear foot Borden Tunnel located on the Great Allegheny Passage Rail Trail in Frostburg, Maryland. This project will consist of a pneumatically applied mortar that will resurface the tunnel exterior end walls, interior walls, and arch ceiling. Additional work to be completed prior to the application of the mortar lining will consist of repairing spalled concrete areas and filling cracks and void areas. This will also include the removal and re-installation of the lighting system equipment (i.e. lights, conduit, sensors, etc.) currently on the interior wall of the tunnel.

2. **Issues:**

The purpose of this project is to preserve the 1911 Borden Tunnel as it's the last of its kind in Maryland while also ensuring the safe passage of visitors, tourists, and local residents that utilize the Great Allegheny Passage. The gaptrail.org lists the Borden Tunnel as a Landmark and its significant ties to the railroad and westward expansion. Data provided by St Vincent College to Allegany County Tourism states there were an estimated 770,000 visitors in Allegany County on our Trail Systems during 2021. The entirety of the Great Allegheny Passage received an estimated 1.4 million visits.

3. **Financial Impact:**

This grant will need a 20% cash match of \$996,543.90 from the Capital Improvement Fund. Total grant award will be \$3,623,796.

4. **Alternatives:**

Without grant funding, we would likely have to delay any improvements to the Borden Tunnel.

5. **Other Considerations:**

N/A

6. **Conformity to County Policy:**

This proposal was approved in accordance with the county grants policy.

7. **Recommendation:**

For the November 17, 2022 public meeting, I recommend the County Commissioners authorize the President of the County Commissioners to sign a grant agreement with the Maryland Department of Transportation State Highway Administration for the National Recreational Trails Program FY 2023 recreations Trail Program (RTP) accepting funding in the amount of \$3,623,796 for the Borden Tunnel Lining Restoration Project.

cc: Linda Simpson, County Clerk

STATEMENT REGARDING THE CLOSED SESSION HELD ON
THURSDAY, OCTOBER 20, 2022, AT 4:00 O'CLOCK P.M., ROOM 424

The Board of County Commissioners, at a meeting convened on Thursday, October 20, 2022, at 4:00 o'clock p.m., voted unanimously to go into a closed session. The meeting time and place and the purpose of the meeting were provided in a public notice distributed on October 19, 2022. The notice was provided in the same manner, and also to the same entities, as receive the Commissioners' regular business meeting notices.

The meeting was closed in accordance with the General Provisions Article of the Annotated Code of Maryland Section 3-305, and the purposes for which the meeting was closed were as follows:

1. To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees or officials over whom it has jurisdiction (General Provisions Article Section 3-305 (b)(1)(i)).
2. Consultation with counsel to obtain legal advice concerning the matters referenced in number 1 above (General Provisions Article Section 3-305 (b)(7)).

Those persons present during the entire closed session were Commission President Jacob C. Shade; Commissioner Creade V. Brodie, Jr.; Commissioner David J. Caporale; County Administrator Jason M. Bennett; County Attorney T. Lee Beeman, Jr.; and Kristi D. Liller, Director of Human Resources, as well as Cynthia A. Young, Recording Secretary.

The Commissioners undertook three items on the closed session agenda, matters regarding the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees or officials over whom it has jurisdiction and received legal advice from the Office of the County Attorney on the same. All three matters were tabled until such matters return in additional Closed Session.

There was no further business to be conducted in the Closed Session; and therefore upon Motion made by Commissioner Brodie and seconded by Commissioner Caporale to adjourn, the Motion was carried unanimously, and the meeting was adjourned at 4:55 p.m.