

January 4, 2018

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 William R. Valentine; County Administrator David A. Eberly; and County Attorney William M. Rudd. The following business was transacted:

The Pledge of Allegiance was led by Bryan Gowans, WCBC Radio.

MOTION

There were no additions or deletions to the agenda.

MOTION

Upon Motion by Commissioner Brodie, seconded by Commissioner Valentine, and Motion carried, the Commissioners approved the minutes of the December 14, 2017, public business meeting.

PUBLIC HEARING

Item 1 – Road Opening Petition – Cresaptown Eagles Aerie 2883, Inc. – The road opening petition is for a certain unnamed alley located between US Route 220 and First Avenue and adjacent to Lots 151, 156, 157-163, in Section A – Amended, Cellulose City, Cresaptown, Election District 07, Allegany County, Maryland – Wesley W. McKee, Attorney, told the Commissioners that he was present on behalf of the Cresaptown Eagles regarding the opening of a paper alley in Cresaptown. Attorney McKee acknowledged three members of the Board of Cresaptown Eagles accompanying him at this meeting.

Mr. McKee explained that late last year (2017) the Cresaptown Eagles bought the property (a home) adjoining their facility. He added that there is a 10-foot alley between the Eagles facility and the purchased adjoining property. Mr. McKee went on to further explain that the home has now been torn down, and that the Eagles wants to put horseshoe pits and a pavilion on the property. However, the alley is impeding them somewhat at this point. Mr. McKee reported that all of the other alleys that adjoin this piece of property have already been closed by the County, leaving this lone alley "just sitting out there". He said that his clients would just like to get it closed. Mr. McKee pointed out that after talking with all of the neighboring property owners, no one has objected, and it appeared that no one was present at this evening's meeting to object. Mr. McKee asked the Commissioners to open the alley, for the purpose of closing it, at the next available meeting.

Commissioner Jacob Shade announced that this was a public hearing, and asked if anyone had any public comment. No one came forward to speak, and Commissioner Shade closed the hearing.

ACTION AGENDA

Item 2 – PACE 2018 Meeting Agenda for the County Water and Sewer Meeting – Board of County Commissioners to approve the agenda for the Pre-PACE County Water and Sewer meeting – Paul F. Kahl, PE, Director of Public Works reminded the Commissioners that each year, Allegany County Government takes advantage of the presence of the Federal and State officials who work on water and sewer projects, who are in Annapolis for the PACE reception. Mr. Kahl remarked that County officials and staff have been very successful in getting a lot of projects done over the years. He then presented the Commissioners with the Pre-Pace Meeting Agenda for January 25, 2018, and asked for their "blessing" on the Agenda as they have done in previous years. A copy of the Agenda presented by Mr. Kahl is attached to and made a part of these Minutes. He pointed out that every municipality in the County that operates a water and sewer system is invited to attend the Pre-PACE Meeting, as well as LaVale Sanitary Commission. Mr. Kahl added that representatives from USDA-Rural Development, Maryland Department of the Environment, and Maryland Housing and Community Development also attend the Meeting. Mr. Kahl explained that this year, Denise MacLeish of USDA-Rural Development, who has attended every Pre-Pace Meeting through the years, would not be present because she is retiring. He commented that Ms. MacLeish has been a great friend to Allegany County.

Mr. Kahl then reviewed the list of County water and sewer projects, broken down into "Completed", "Underway", "Planned" and "Future", included on the Agenda attached to and made a part of these Minutes.

completed or currently underway is \$11,000,000, and, of that, \$6,000,000 of that comes from grants, which is over fifty percent. He said that he hoped the Commissioners would be able to attend the Pre-Pace Meeting, and Commissioner Shade replied that all three Commissioners planned to attend.

Mr. Kahl told the Commissioners that if they are happy with the proposed Agenda, he would like to send it out to the funding agencies to let everyone know when representatives from the County and municipalities will be there.

Upon Motion by Commissioner Valentine, seconded by Commissioner Brodie, and Motion carried, the Commissioners unanimously approved the agenda for the Pre-PACE County Water and Sewer meeting.

Item 3 – Renaming of the New Hope Road Trailhead in Frostburg – Board of County Commissioners to approve the renaming of the New Hope Road Trailhead to “Riley Trailhead” in commemoration of Dr. Jack and Ruby Riley’s commitment to the Great Allegheny Passage in Allegany County – Paul F. Kahl, PE, Director of Public Works, Maureen Brewer, President of Mountain Maryland Trails, and Elizabeth Stahlman, Frostburg Community Development Director. Dr. Jack Riley and Ruby Riley were not able to attend this evening. As Mrs. Maureen Brewer, President of Mountain Maryland Trails, came forward to speak about the renaming of the New Hope Trailhead in Frostburg, Mr. Paul Kahl, Director of Public Works, mentioned that he and Adam Patterson, County Engineer, have worked closely with the Mountain Maryland Trails group and attended many of their meetings. He remarked that they are really a good group to work with on issues concerning the Trail. He commented that the members of the group, especially Mrs. Brewer and Mrs. Elizabeth Stahlman, and also Mr. Larry Brock and Mr. Bill Atkinson, have always been willing to jump in. Mr. Kahl then turned the microphone over to Mrs. Brewer.

Maureen Brewer, President of Mountain Maryland Trails, introduced herself and the several Board members accompanying her: Amy Shillingburg, Fundraising Committee; Bill Atkinson, Vice President of Mountain Maryland Trails; and Elizabeth Stahlman, Chair of the Maintenance and Development Committee. Mrs. Brewer said that she and the Board members were thrilled to be at the meeting in honor of Dr. Jack and Ruby Riley, and were happy that the Commissioners were considering the request to rename the New Hope Road Trailhead as the “Riley Trailhead” in Frostburg. She described Mr. and Mrs. Riley as an inspiring couple who have dedicated their lives to public service. Mrs. Brewer added that Dr. Riley is a beloved retired geography professor who helped create, along with his colleagues, the modern-day Geography Department at Frostburg State University. She provided some additional background for Mr. and Mrs. Riley, including examples of their continual service to the community.

Next, Mrs. Elizabeth Stahlman, Frostburg Community Development Director, discussed her experiences with Dr. and Mrs. Riley. She reported that at Mountain Maryland Trails’ annual meeting, Dr. Riley was named as the first Board Member Emeritus of Mountain Maryland Trails. She pointed out that Dr. Riley was one of the original Trail Board members appointed by the Allegany County Commissioners over twenty years ago, and that he is one of the two remaining original members of the Board, along with Larry Brock. Mrs. Stahlman explained that Dr. Riley supported the Trail project from the beginning, and pushed hard on the political front to make sure that the Trail got built. Dr. Riley also participated in fundraising activities that made the construction of the Trail possible, and was instrumental in establishing Mountain Maryland Trails as a 501(c)(3) organization. He has been a willing volunteer for Board-sponsored events and is always happy to represent Mountain Maryland Trails and discuss what an asset the Gap is to the region.

Mrs. Stahlman explained how the group determined how to honor Dr. Jack and Ruby Riley’s contributions to Mountain Maryland Trails and the community, by renaming the New Hope Road Trailhead as the “Riley Trailhead”. She expressed Mountain Maryland Trails’ appreciation and excitement at the formal renaming of the Trailhead. Mrs. Stahlman told the Commissioners that later in the year, when the weather is warmer, Mountain Maryland Trails will install a plaque at the Trailhead recognizing the contributions of Dr. Jack and Ruby Riley, to which event the Commissioners will be invited. She explained that Dr. and Mrs. Riley were not able to attend the meeting this evening, as Dr. Riley is undergoing cancer treatments, and also the terrible weather. She asked everyone to think of Dr. Riley.

Commissioner Shade thanked the representatives of Maryland Trails for all they do, and asked that they send the Commissioners’ best to Dr. Riley.

Upon Motion by Commissioner Brodie, seconded by Commissioner Valentine, and duly unanimously carried, the Commissioners approved the renaming of the New Hope Road Trailhead

to "Riley Trailhead" in commemoration of Dr. Jack and Ruby Riley's commitment to the Great Allegheny Passage in Allegany County.

Item 4 – Architectural/Engineering Services of the New Western Correctional Institution (WCI) and North Branch Correctional Institution (NBCI) Training Building at Allegany College of Maryland – Board of County Commissioners to authorize the Department of Public Works to begin work on a new WCI/NBCI Training Building at Allegany College of Maryland including award of not-to-exceed contracts for design and construction assistance to Chaney Architects, Cumberland, Maryland, for \$27,980, East Hills Engineering, Windber, Pennsylvania for \$24,350 and Matonak Snyder and Associates, Hagerstown, Maryland, for \$9,000, based on the proposals – Paul F. Kahl, PE, Director of Public Works.

Before starting his presentation for Item 4, Mr. Paul Kahl added a comment regarding the Pre-PACE Meeting. Mr. Kahl said that the County is going to push that it is LaVale Sanitary's responsibility for the force main, so it is not on the County's project list. However, that force main carries Braddock Run Sanitary District, the City of Frostburg, and the Jennings Run/Wills Creek Sanitary District. Mr. Kahl pointed out that it is really an old line, and the County is going to push for it in the Meeting, but it will be LaVale Sanitary Commission that will come through with the numbers and will try to get the funding for this project. Mr. Kahl also said that County staff is meeting with the City of Frostburg and LaVale Sanitary Commission tomorrow morning to go over how the force main project will be presented at PACE. He remarked that it is a very important project.

Then, Mr. Kahl reported that on December 14, 2017, at Work Session, he, Jason Bennett, and representatives from Allegany College of Maryland (ACM) came up with a plan under which the County will manage the construction and management of a new building out at the ACM campus for the Western Correctional Institution (WCI). He explained that this building will be a training center. The County will front the money for the building, and then ACM will pay it off in a five- to seven-year period, under a detailed Memorandum of Understanding to be worked out. Mr. Kahl further reported that a consultant team has been developed to help design this new building. This consultant team is the same one that worked on the Sheriff's Building, which was a very successful project.

Mr. Kahl pointed out that WCI is one of the County's largest employers, and that the new building will save the County money. The current training center is located in the Technologies Building at ACM, and that Building is going to be renovated in the next couple of years. By moving the training center out of the Technologies Building, and having the College pay for it over five to seven years, the County will be able to keep from expanding the Technologies Building, and ACM can use the existing space for its programs. Mr. Kahl summarized that this project will benefit Allegany County, by saving the County money; Allegany College of Maryland, by giving ACM more room to develop; and one of the County's biggest employers, Western Correctional Institution, by providing them with a new training center to be used for the extensive training needed by new hires, as well as by current employees, over the course of their employment at WCI.

To conclude, Mr. Kahl told the Commissioners that he was looking for their approval to award a contract to Chaney Architects in the amount of \$27,980 for architectural services; a contract to East Hills Engineering in the amount of \$24,350 for HVAC work; and a contract to Matonak Snyder in the amount of \$9,000, for structural engineering. He said that both he and Steve Young of Public Works have reviewed the proposals of these companies, and feel that they are appropriate for this building, which will be approximately 5,000 square feet.

Commissioner Valentine moved that the Commissioners authorize the Department of Public Works to begin work on a new WCI/NBCI Training Building at Allegany College of Maryland, including award of not-to-exceed contracts for design and construction assistance to Chaney Architects, Cumberland, Maryland, for \$27,980; East Hills Engineering, Windber, Pennsylvania for \$24,350; and Matonak Snyder and Associates, Hagerstown, Maryland, for \$9,000, based on the proposals. Commissioner Brodie seconded the Motion. Motion carried unanimously.

CONSENT AGENDA

As recommended by the County Administrator

Upon Motion by Commissioner Brodie, seconded by Commissioner Valentine, and Motion carried, the Consent Agenda as recommended by the County Administrator is adopted.

Item 5 – Resolution 18-1 – Street Name Change/Address Modification – Board of County Commissioners approved Resolution 18-1 to authorize the street name change/address modification of Abucevicz Road, NW to Apple Tree Lane.

Item 6 – Amended Contract with Karpel Solutions – Board of County Commissioners authorized the State’s Attorney’s Office to enter into an amended contract with Karpel Solutions for the acquisition of ProsceutorbyKarpel.© The amendment takes into account the State’s Attorney’s Office receipt of \$31,000 in grant funds thus permitting the State’s Attorney’s Office to restructure the original contract such that the annual cost to the county will decrease from \$21,955 to \$18,165.40 for the next five years.

Item 7– Adult Public Guardianship Review Board Appointments – Board of County Commissioners approved the re-appointments of Paula McKenzie, Public Health Nurse, Joy Reckley-Murphy, Community Representative, and Melissa Buskirk, Non-Profit, and the appointment of Mary Rosser, Nurse Practitioner, to the Adult Public Guardianship Review Board. Their appointments will expire on June 30, 2020.

Item 8 – Recovery, Processing, Reporting and Marketing of Recyclable Materials Contract Renewal – Board of County Commissioners approved the agreement with Penn-Mar Recycling, LLC from July 1, 2018 to June 30, 2019, to provide recovery, processing, reporting, and marketing of recyclable materials.

Item 9 – Declaration of Surplus Vehicles – Board of County Commissioners authorized the Allegany County Sheriff’s Office to declare a 2009 Dodge 4S, VIN# 2B3KA43T19H641798, and a 2005 Ford 4S, VIN# 2FA FP71W65X177829 as surplus to be traded or sold.

Item 10 – Declaration of Surplus Property – Board of County Commissioners declared the following properties as surplus: 12034 Iris Avenue, Bowling Green, 10-12 Hanekamp Street, Lonaconing, and 77-79 Douglas Avenue, Lonaconing.

Item 11 – 2018 Salvage Yard License Issuances – Board of County Commissioners approved the issuance of a 2018 license for salvage yard operations to Jones’ Garage & Salvage, 11401 Brown Hill Road, NE, Cumberland, Maryland, subject to the payment of \$100 licensing fee.

Item 12 – Disconnection of Water and Sewer Service – Board of County Commissioners approved and adopted the changes in policy from the Sanitary Commission regarding temporary disconnection of water and sewer service.

County Administrator Eberly told the Commissioners that the County received a request from the Western Maryland Delegation, as a follow-up to a letter that they received from the Allegany Museum, for a letter of support in consideration of an amendment to the Allegany County Liquor Laws. Mr. Eberly read the letter, addressed to Senator George C. Edwards, into the record. A copy of this letter is attached to and made a part of these Minutes.

After Mr. Eberly read the letter, the Commissioners all approved it and agreed to sign it. They signed the letter and returned it to Mr. Eberly to be mailed.

Commissioners’ statements, comments, recognition –

Commissioner Valentine announced that because of the extremely cold weather, Allegany County has opened three warming centers. These warming centers will be at Baltimore Pike Volunteer Fire Company, Cresaptown Volunteer Fire Company, and Midland Volunteer Fire Company. He explained that if people lose heat in their home, or lose electricity, they will have some place to go, and the centers will also accept pets. The pets will have to be crated, and owners will be responsible for their pets. Commissioner Valentine also reminded everyone to look out for their elderly neighbors and check on them in the cold weather.

Commissioner Brodie wished everyone a Happy New Year. Next, he reported on a meeting that both he and David Eberly attended with the Greater Cumberland Committee. Commissioner Brodie said that the subject of the meeting was something that could potentially affect both Allegany County and Garrett County if successful: last year, the Allegany County Commissioners sent a letter to the Federal Delegation asking for Maryland to be ranked along with the coal-producing states of the Country. He explained that funding is available to take care of abandoned mine sites, but also to repurpose the ground into an economic development driver. Commissioner Brodie reported that six states received money, and Maryland was ranked number seven and just missed out; so further efforts are needed to obtain funding.

Commissioner Brodie also thanked Paul Kahl for all the work he does at PACE. He commented that he didn’t think the citizens of the County understand the amount of money that comes out of the Pre-PACE Meeting every year. Commissioner Brodie added that without that meeting, the County would be back twenty years from where it is now.

Constituents – In order of sign-up sheet –

Mr. Kenneth Wilmont, 513 Fort Avenue, Cumberland, again commented on the Animal Shelter. He alleged that he has been asking questions for the past six years, and has gotten no answers. Mr. Wilmont said that he thinks it is time for some answers. Mr. Wilmont discussed his usual concerns with the Animal Shelter.

Mr. Rick Bittinger came forward to talk about the racetrack out at the Fairgrounds. He reported that the past year at the racetrack was very successful, and has put Cumberland Raceway back on the map. Mr. Bittinger provided some brief details about the events during 2017, and then said that there are big plans for 2018. He reported that there are 21 races scheduled, and added that he and Kevin Kamauf, Fairgrounds Manager, have worked very closely together. Opening weekend is April 7, 2018.

Mr. Bittinger then asked the County Commissioners for assistance. He said that he would like to extend one strip of guardrail from entry onto the track from the pits to the beginning of Turn One. He explained that is all asphalt along the chain-link fence. Mr. Bittinger asked if the County could possibly help to get that project done.

Commissioner Brodie told Mr. Bittinger that the Commissioners could go out and take a look at the area, and meet with Mr. Bittinger so he could explain exactly what he wants to have done. They agreed to meet when the weather gets a little warmer.

Mr. Donelly Bohrer, 10408 Hillcrest Drive, Cumberland, spoke next on the subject of Code Home Rule Bill 8-12, regarding minor subdivisions. Mr. Bohrer read aloud a letter he had brought with him, addressed to County Commissioners Brodie and Valentine, and signed by Mr. Bohrer. A copy of this letter is attached to and made a part of these Minutes.

Commissioner Brodie explained that at the time the Commissioners adopted this Code Home Rule Bill, they were forced to by the State of Maryland. The Commissioners had to come up with a definition of subdivisions. He remarked that he had to think back, because this was 5 years ago, in 2012. Commissioner Brodie further explained that the definition of both a small subdivision and a large subdivision had to fit within the State's parameters. He added that if the Commissioners had not done this, then the State would have come up with a definition of a small subdivision that would have resulted in fewer lots. Commissioner Brodie summarized by saying that the Commissioners had to do the Bill, according to what the State wanted them to do, and then have the State approve it. He pointed out that the Commissioners did not deliberately downsize the number of lots.

Commissioner Valentine commented that "most of what happens in Allegany County begins in Annapolis". He explained that the downsizing was all part of the "Smart Growth" regulations in place at that time.

County Administrator Eberly asked Mr. Bohrer if he hired a design professional to complete his 20-plus-lot subdivision in 2004. Mr. Bohrer replied that a surveying and engineering company did the plat. Mr. Eberly then asked Mr. Bohrer if he recorded the plat at the Circuit Court; he replied that he did not. Commissioner Brodie pointed out that if he had recorded it, the lots would have been grandfathered in. Mr. Eberly also confirmed with Mr. Bohrer that his subdivision was not authorized by the Planning Commission. Mr. Bohrer further discussed his situation, and asked if there was any hope down the road that the regulations would be reversed. Commissioner Brodie said he did not think so.

County Attorney Bill Rudd explained that the lot of record is what is considered, and that if Mr. Bohrer's lot of record is the original parcel he purchased, he can only get up to seven lots out of that lot. Attorney Rudd pointed out that 1972 was the date that the lot of record regulation became effective. He and Mr. Bohrer further briefly discussed the issue. Commissioner Brodie remarked that he agreed with Mr. Bohrer, and said that he did not like over-regulation, but unfortunately, the Commissioners' hands were tied regarding this issue.

Reminders/Upcoming Meetings –

Next Public Work Session – Thursday, January 18, 2018, 3:00 p.m.

Next Public Business Meeting – Thursday, January 18, 2018, 5:00 p.m.

Announcement – Allegany County Transit Schedule Effective January 1, 2018 (See News Release)

Announcement – Christmas Tree Recycling Sites (See News Release)

Announcement – Allegany County Government Schedule (See News Release)

ADJOURNMENT:

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

Jacob C. Shade, President

True Copy
Attest:

Cynthia A. Young
Recording Secretary

PRE-PACE MEETING
January 25, 2018

SCHEDULE

- 9:00 to 11:30 - Allegany County
- 11:30 to Noon - Lonaconing
- 1:00 to 1:30 - Luke
- 1:30 to 2:10 - Cumberland
- 2:10 to 2:50 - Frostburg
- 2:50 to 3:30 - Westernport
- 3:30 to 4:00 - LaVale Sanitary Commission

PROJECTS

I. WATER

A. *Completed* (Project sheets not included)

- 1. Creek Road
- 2. Prince Albert/Sunnyside
- 3. Pond Circle Drive

B. *Underway*

- 1. Morningside Drive
- 2. Patmar Drive

C. *Planned*

- 1. Judy Lane
- 2. Potomac River Water Treatment Plant
- 3. Mason Road
- 4. Bedford Road
- 5. Vale Summit Water Storage Tank

D. *Future*

- 1. Flintstone
- 2. Midlothian
- 3. Harwood
- 4. Baltimore Pike

II. SEWER

A. *Completed* (Project sheets not included)

- 1. Braddock Run Sanitary District Sewer Rehabilitation – Phase V
- 2. Water Station Road Sewer Extension

B. Underway

1. Jennings Run/Wills Creek Sanitary District Rehabilitation – Locust Grove Pump Station Upgrade
2. Bedford Road Sewer Rehabilitation – Phase V – Naves Cross Roads
3. Braddock Run Sewer Rehabilitation – Phase VI - Grahamtown
4. Mexico Farms Industrial Park Pump Station Upgrade – North Branch No. 1
5. Bedford Road Sewer Rehabilitation – Phase VI – CIPP Lining and Manhole Lining
6. Biers Lane
7. Rawlings

C. Planned

1. Barton Business Park WWTP Upgrade
2. North Branch Wastewater Treatment Plant Clarifier

D. Future

1. Braddock Run Sanitary District – Future
2. Bedford Road Sanitary District – Future
3. Jennings Run/Wills Creek Sanitary District – Future
4. Locust Grove Wastewater Treatment Plant
5. Borden/Zihlman/Slabtown
6. Vale Summit
7. Flintstone WWTP Preliminary Engineering Report
8. Oldtown WWTP Preliminary Engineering Report

III. OTHER

A. Underway

1. Roads Dump Truck Request
2. Bowling Green Community Enhancement Project



ALLEGANY COUNTY, MARYLAND
Office of The Board of County Commissioners

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Cumberland, MD 21502
301-777-5912 FAX 301-724-6970
www.gov.allconet.org

BOARD OF COMMISSIONERS

Jacob C. Shade, *President*
Creade V. Brodie, Jr.
William R. Valentine

David A. Eberly, *County Administrator*
William M. Rudd, *County Attorney*

January 4, 2018

The Honorable George C. Edwards
11 Bladen Street
323 James Senate Office Building
Annapolis, MD 21401

Dear Senator Edwards and Delegation Members:

The Board of County Commissioners of Allegany County wish to express their support on behalf of the effort to amend the State's Alcohol and Beverage Article for Allegany County to include museums in the same classification as theatres for licensure for on-premises sale of beer, wine, and alcohol. This action would allow museums in Allegany County the opportunity to generate additional revenue to support their operations, and to enhance their ability to support artifact preservation and improve the display of those items to the general public.

Thank you for your time and thoughtful consideration of this request.

Sincerely,

The Board of Commissioners of Allegany County

Jacob C. Shade, President

Creade V. Brodie, Jr., Commissioner

William R. Valentine, Commissioner

January 4, 2017

Allegany Commissioners:
Valentine & Brody

Subj: Code Home Rule Bill No. 8-12

Commissioners:

In 2004, I created a preliminary 20 (twenty) lot Subdivision, a plat is made. The lot corners are set, the lots have a description and some lots have all the infrastructure and the road graded. My plans were to build spec houses on these lots or to sell them. On Dec. 27, 2017, I went to the Allegany County Land Development Services, to apply for a building permit to build a spec house on one of the lots.

I was told I could only build or sell 7 (seven) lots of my 20 (twenty). You 2 (two) commissioners signed this bill on Aug. 20, 2012. Two (2) of these lots were sold in 2004, 8 (eight) years before the signing of Bill # 8-12. I have been told the 2 (two) lots would count toward my 7 (seven) allowing me only 5 (five) remaining lots.

It is very expensive to build the road and install the sewage, water, tv, telephone, etc. The developer must sell many lots to help with the cost. Why did you sign such a Bill? What can you tell me about the Bill? Can you be of help to me?

Thank You,



Donelly Bohrer
10408 Hillcrest Dr.
Cumberland, Md. 21502

DFB/djb

RECEIVED

JAN 05 2017

ALLEGANY COUNTY COMMISSIONERS