

May 9, 2019

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 Brandon S. Butler; and County Attorney William M. Rudd. 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 April 25, 2019, public business meeting.

PRESENTATION

Item 1 – Law Enforcement United's Ruff Ride – W. Scott Humphrey, Division President, Law Enforcement United thanked the Commissioners for the invitation to speak at this evening's meeting. Mr. Humphrey introduced himself as a Police Lieutenant with the City of Virginia Beach, Virginia Police Department who has served for the past 26 years. He added that he is also a founding member of Law Enforcement United as well as a Division President of Law Enforcement United. Lt. Humphrey provided some background and information regarding Law Enforcement United and The Ruff Ride, as set forth on the media release attached to and made a part of these Minutes. A round of applause followed Lt. Humphrey's presentation.

Commissioner Shade called forward Lt. Humphrey and those accompanying them to be presented with an Allegany County pin. Commissioner Shade then read and presented them with an official Citation.

Commissioner Brodie called forward Trip Llewellyn of the Maryland State Police to also be acknowledged.

Item 2 – 2019-2020 Allegany County Teacher of the Year – Sarah Dawn Llewellyn, Third Grade Teacher, Westernport Elementary School. Commissioner Shade called forward Mrs. Sarah Dawn Llewellyn and presented her with an official Citation in her honor as the 2019-2020 Allegany County Teacher of the Year. A round of applause followed. Mrs. Llewellyn thanked the Commissioners. The Commissioners also presented her with a gift.

Item 3 – Five Year Capital Improvement Program (CIP) Budget Fiscal Year 2020 – 2024 – Daniel S. DeWitt, PE, County Engineer, presented the Allegany County Capital Improvement Program for Fiscal Years 2019 - 2023. A copy of his power point presentation will be available on the County's website and is made a part of these Minutes by reference.

At the conclusion of his presentation, Mr. DeWitt told the Commissioners that he would be happy to answer any questions they had regarding the CIP. Commissioner Shade remarked that the Commissioners had already been briefed on the CIP, with the press also present. He thanked Mr. DeWitt for all of his work on this.

PUBLIC HEARING

Item 4 – Fiscal Year 2020 Preliminary Budget Public Hearing – Jason M. Bennett, CPA, Director of Finance, presented the Fiscal Year 2020 Preliminary Budget. Mr. Bennett announced that this evening would be the first hearing on this Budget. He pointed out that presently it is a balanced budget at \$91,788,864.00. Mr. Bennett went through his power point presentation slide by slide, explaining the different components of the Budget. A copy of Mr. Bennett's presentation will be posted on the County's website and is made a part of these Minutes by reference.

Near the end of his presentation, Mr. Bennett pointed out to the Commissioners, as an "FYI", that the County still does not have the Board of Education's audit which was due in October 2018. He commented that this is beginning to cause some problems, and could cause bigger problems down the line. Mr. Bennett added that there are no further extensions with the State of Maryland.

Commissioner Caporale asked Mr. Bennett if there has been any stated expectation for when the Board of Education's audit will be completed. Mr. Bennett replied that he has heard it may still be several weeks. He said that best-case scenario would be end of May, and worst-case scenario into July. Mr. Bennett added that the situation could also possibly affect Federal funding to the County.

Mr. Bennett also brought up the subject of the effects of the Luke Mill closure, which are not included in the Preliminary Budget. He pointed out the loss of 675 jobs at the Mill and the \$310,000 collected each year in property tax from the Mill which will be going way down. He told the Commissioners that County staff is currently analyzing the impact that the Mill closure will have on income tax, and pointed out that they are looking not only at the jobs lost at the Mill, but also at the effect of the closure on the Mill's support services, including the logging and trucking industries.

Mr. Bennett asked the Commissioners if the Budget can be adopted as is and then, as information regarding the impact of the Mill's closing comes in, come back in, in the next one to three months, to work on probably amending the Budget and revising the County's revenue estimates down.

Mr. Bennett confirmed that this evening is the first public hearing on the preliminary budget, and that the second hearing will be held at next week's (May 16, 2019) public business meeting. He announced that the preliminary budget would be posted online immediately after this evening's meeting. Mr. Bennett added that anyone having any questions is welcome to call or e-mail the Finance office. He explained that as of now, Budget adoption is scheduled for May 30, 2019.

To conclude his remarks, Mr. Bennett said that he would like to specifically thank Amy Williams in the Finance Office for all her help in putting the Budget presentation together and for helping him keep all of the Budget details straight. He added his thanks to everyone in the Finance Office as well.

Commissioner Shade thanked Mr. Bennett for all his work on the Budget and acknowledged that this is an exceptionally tough budget year, with a very lean 1.6 percent increase. He commented that the Budget reflects the County's values as best it can.

Commissioner Shade then opened the Public Hearing and asked for any public comment. There was none. Hearing closed.

ACTION AGENDA

Item 5 – Fiscal Year 2020 Allegany County Sanitary Commission Recommendations – Board of County Commissioners to approve the water and sewer rates recommended by the Allegany County Sanitary Commission for Fiscal Year 2020, and adopt the rates as part of the Allegany County Fiscal Year 2020 budget – Paul F. Kahl, PE, Director of Public Works, asked the Commissioners for their approval of the rates recommended by the Allegany County Sanitary District, to be adopted as part of the County's FY-2020 Budget. Mr. Kahl provided background and information, including the recommendations made by the Allegany County Sanitary District, as set forth on his Staff Report dated May 3, 2019, and its attachments, copies of which are attached to and made a part of these Minutes.

At the conclusion of his presentation, Mr. Kahl asked the Commissioners if they had any questions. Commissioner Brodie asked Mr. Kahl if the recommendation by the Sanitary Commission was unanimous, and Mr. Kahl replied that it was.

Upon Motion made by Commissioner Brodie, seconded by Commissioner Caporale and duly carried, the Board of County Commissioners approved the water and sewer rates recommended by the Allegany County Sanitary Commission for Fiscal Year 2020, and adopted the rates as part of the Allegany County Fiscal Year 2020 budget.

Item 6 – Real Estate Tax Set Aside Development Agreement (RETSA) with Allegany Coal and Land Company – Board of County Commissioners to approve and execute a RETSA with Allegany Coal and Land Company – Brandon S. Butler, County Administrator, explained to the Commissioners that this Item was a direct response to the actions taken by their adoption of Code Home Rule Bill 3-18, which allowed for a number of amendments to the current RETSA arrangement to make it more in line with the City of Frostburg. Mr. Butler pointed out that this RETSA is one of two that the County is working on right now. He asked the Commissioners for their approval of the RETSA with Allegany Coal and Land Company for a residential development.

Mr. Butler thanked County Attorney Bill Rudd for his assistance with this RETSA. Commissioner Shade acknowledged the efforts of Commissioner Brodie regarding this as well.

Commissioner Caporale moved that the Board of County Commissioners approve and execute a RETSA with Allegany Coal and Land Company. Commissioner Brodie seconded the Motion. Motion carried to approve and execute the RETSA with Allegany Coal and Land Company.

CONSENT AGENDA

As recommended by the County Administrator

Upon Motion by Commissioner Caporale, seconded by Commissioner Brodie, and Motion carried, the Consent Agenda as to Items 8 through 16, inclusive, as recommended by the County Administrator is adopted.

Item 7 – LaVale Sanitary Commission Board Appointment – Board of County Commissioners approved the re-appointment of William Jay George to the LaVale Sanitary Commission. His term will expire on May 9, 2025.

Upon Motion by Commissioner Shade, and seconded by Commissioner Caporale, Motion carried by a vote of 2 to 0 to adopt Item 7 of the Consent Agenda.

VOTE:

Commissioner Caporale: Yes
Commissioner Brodie: Abstain
Commissioner Shade: Yes

Item 8 – Allegany County Department of Social Services Board Appointments – Board of County Commissioners approved the appointment of Nicholas J. Mazzone, and re-appointed Troy A. Raines to the Social Services Board. Their terms will expire on June 30, 2022. Also, the Board of County Commissioners appointed Mark A. Farris to complete the term of Kim Fields. His term will expire on June 30, 2020.

Item 9 – Replacement of Bridges A-015, A-016, A-018, A-037 Contract Award – Board of County Commissioners awarded Contract No. AC-19-BR-01 Request for Proposals for Corrugated Steel Structural Plate Arch Delivery and Cast-in-Place Concrete Footing Designs for Bridges A-015, A-016, A-018: Laurel Run Road over Laurel Run and Bridge A-037: Old Dans Rock Road over unnamed stream to Big R Manufacturing, LLC, dba Big R Bridge, Greeley, Colorado, in the amount of \$188,452.

Item 10 – Declaration of Surplus Property – Board of County Commissioners authorized the Department of Public Works Utilities Division to declare a 2005 Chevrolet 2500, Vin# 1GBHK24U45E294734, and a 1996 Ford F-250 Van, VIN# 1FTFE24Y8THB07472 as surplus and dispose of them by public auction.

Item 11 – Surplus Real Property – Board of County Commissioners accepted the offer by Wesley C. Bowers to purchase the property know as 12810 Marywood Road, Mount Savage, Property Tax Account Number13-011184 which was previously declared surplus and advertised, and authorized the President to sign the closing documents.

Item 12 – Budget Amendment for the Western Maryland Scenic Railroad – Board of County Commissioners approved a supplementary appropriation to the Western Maryland Scenic Railroad to be disbursed from funds the organization would otherwise receive with the passage of the Fiscal Year 2020 budget effective July 1, 2019.

Item 13 – 2019 Thomas Cumberland Tri-State Wing-Off – Board of County Commissioners remitted \$1,000 budgeted from the Community Promotions Account for the 2019 Thomas Cumberland Tri-State Wing-Off, hosted by the Western Maryland Jaycees, to be held on Saturday, June 15, 2019, at the Allegany County Fairgrounds.

Item 14 – 22nd Annual Friends Aware Ox Roast – Board of County Commissioners remitted \$250 budgeted from the Community Promotions Account for the 22nd Friends Aware Annual Ox Roast to be held on Friday, June 14, 2019, at the Allegany County Fairgrounds.

Item 15 – Allegany & Garrett Counties Volunteer Fire and Rescue Association Convention Program Advertisement – Board of County Commissioners remitted \$115 budgeted from the Community Promotions Account for the Allegany & Garrett Counties Fire and Rescue Association Convention Program Advertisement.

Item 16 – 6th Annual CASA Wine and Craft Beer Festival – Board of County Commissioners remitted \$500 budgeted from the Community Promotions Account for the 6th Annual CASA Wine and Craft Beer Festival to be held on Saturday, June 8, 2019, at the Canal Place Festival Grounds, Cumberland, Maryland.

Item 17 – 2019 International Council of Shopping Centers Retail Convention – Board of County Commissioners authorized Allegany County Delegate Jason C. Buckel to attend the 2019 ICSC Retail Convention May 19-22, 2019, in Las Vegas, Nevada.

Regarding this Item, Delegate Jason Buckel, present in the audience at this meeting, voiced concerns about a story reported on WCBC Radio earlier today and corrected some of the information that was reported. He also voiced his opinion and concerns about economic development in Allegany County.

Delegate Buckel also asked that Item 17 be removed from the Consent Agenda and that the County not provide any funds toward his attendance at the ICSC Retail Convention to be held in Las Vegas, Nevada, May 19 through 22, 2019. He explained that he would personally pay all of his expenses to attend the Conference.

During his comments, Delegate Buckel made the following specific remarks:

“I believe that economic development in Allegany County over the five years that I’ve been in office representing this County is poor. It’s extremely poor.”

“I suggest to you that a huge proportion of your budget - millions, tens of millions of dollars of your intended budget – comes not from the Allegany County taxpayer, and not from the Allegany County offices within this building, but seems to come from the State of Maryland.”

“For the five years I’ve been elected, I’ve been very willing to defer and not try to butt my nose into all of these millions and millions of dollars in State monies that are flowing to Allegany County. I’ll probably take a different perception on this going forward.”

“God has blessed me enough; I can afford to do it. I’m gonna go on my own dime. I want you to take the reimbursement off. I’ll pay for my own dime to go. And I’ll do, I’ll do my own thing.”

“I don’t want a dollar of your money.”

Commissioner Shade remarked on the value of the County’s contract with Greenwill Consulting, who are actively pursuing economic development to come to Allegany County and have been bringing in leads. He also spoke about the challenges faced by Allegany County regarding economic development in the County.

Commissioner Shade then also corrected information that was reported in error regarding the costs to be paid by the County for Delegate Buckel to attend the ICSC Retail Convention in Las Vegas, and remarked on the value of having Delegate Buckel attend the convention on behalf of Allegany County. Commissioner Shade said that he was going to make a Motion regarding Item 17.

Upon Motion by Commissioner Shade, and seconded by Commissioner Caporale, Motion carried by a vote of 2 to 1 to adopt Item 17 of the Consent Agenda.

VOTE:

Commissioner Caporale:	Yes
Commissioner Brodie:	No
Commissioner Shade:	Yes

Commissioner Caporale expressed his concerns over what was said about the Las Vegas trip. Commissioner Brodie remarked positively on economic development in the County, as did Commissioner Shade. Commissioner Caporale agreed.

Commissioners’ statements, comments, recognition –

Commissioner David J. Caporale had no further comments this evening.

Commissioner Creade V. Brodie, Jr. had no further comments this evening.

Constituents – In order of sign-up sheet –

Mr. Charlie Goebel expressed his positive opinion about the current President of the United States and the job he is doing. He suggested that someone call President Trump for assistance regarding the closing of the Luke Mill. Commissioner Brodie told Mr. Goebel that both he and Commissioner Shade have sent e-mails to the President.

Next, regarding the Trail, Mr. Goebel thanked “two wonderful people”, Pete Smith and Jim Bone, who he remarked are “doing a phenomenal job” on the Trail. He then brought up a concern on the Trail: the slides in the area of Woodcock Hollow.

Mr. Kenneth Wilmont praised those in law enforcement and voiced his opinion that they don’t get paid what they deserve. He then voiced his usual concerns about the Animal Shelter.

Commissioner Jacob C. Shade spoke about the preliminary FY-2020 Budget, remarking that it has not been balanced by raising taxes. Commissioner Shade remarked that he is proud to be part of the Board of County Commissioners for Allegany County.

Reminders/Upcoming Meetings –

Next Public Business Meeting – Thursday, May 16, 2019

Announcement – McCoolle Community Park Public Meeting – (See Flyer)

ADJOURNMENT:

There being no further business to come to the attention of the Board, the meeting was adjourned at 6:30 p.m.

Jacob C. Shade, President

True Copy
Attest:

Cynthia A. Young
Recording Secretary



Law Enforcement United©
"The Ruff Ride"

Post Office Box 6442 - Virginia Beach, VA 23456
www.leunited-ruffride.org
+++MEDIA RELEASE+++



May 4, 2019

On May 10, 2019, 939 local, state and federal law enforcement officers, family members, survivors, citizen supporters and other public safety personnel will begin an annual bicycle journey. They will pedal hundreds of miles from various locations into Washington, DC in honor of the law enforcement officers who have died in the line of duty; this annual journey is referred to as the "Road to Hope". Last year, 163 police officers and 25 police K9s lost their lives in the line of duty.

The Maryland Division of Law Enforcement United will begin their leg of the journey in the City of Cumberland. The Maryland Division, also known as the "Ruff Ride" provides special recognition along their journey to the law enforcement K9s that have been killed in the line of duty assisting their handlers. Members wear dog tags, each with the name of a K9 killed in the line of duty. Participants on this leg of the journey consist of 41 riders and 9 support personnel from states as far away as Arizona, Colorado, Florida and Vermont. Among our riders are several survivors, including Mr. Tim Caprio, widower of Baltimore County Police Officer Amy Caprio, killed in the line of duty on May 21, 2018.

Riders will pedal along the Chesapeake & Ohio Canal and Washington & Old Dominion Trails, converging simultaneously with the other divisions of the organization in Alexandria, VA on May 12th. This is the 6th year of the C&O Canal Trail route and the 10th year Law Enforcement United has been making the bicycle trek.

Law Enforcement United is 100% volunteer, has no paid staff and has been awarded the "Platinum Level Seal of Transparency" by non-profit watchdog "Guidestar" for their commitment to transparency. Any donated monies support funding for the annual Concerns of Police Survivors Kids Camp, the operating costs of and programs supported by the Officer Down Memorial Page, and the Spirit of Blue Foundation, which provides training and equipment to ill-funded law enforcement agencies. Every donation is truly valued. **Our goal this year is to donate 1 million dollars.**

The public is invited to attend a "Send-Off" ceremony that will begin on Friday, May 10th at 8:00 AM on the Canal Place Authority managed pavilion located behind the Fairfield Inn & Suites, 21 North Wineow Street in Cumberland. All members of the community are welcomed to attend and show their support and appreciation for law enforcement's service and sacrifice nationwide.

Finally, we remind the public to honor the nearly 22,000 names etched into the blue-grey limestone walls of the National Law Enforcement Officers Memorial, by remembering to lower the flag of the United States of America to half-staff on May 15th, Peace Officers Memorial Day in accordance with Public Law 103-322.

Contact: W. Scott Humphrey, Division President
Mobile: 757-651-4831
Email: Scott.Humphrey@leunited.org



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 COMMISSIONERS

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

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

STAFF REPORT

TO: Brandon S. Butler, Esq., County Administrator
FROM: Paul Kahl, P.E., Director of Public Works *PK*
CC: Jason Bennett, Director of Finance
Adam Patterson, P.E., Deputy Director of Public Works
DATE: May 3, 2019
RE: Allegany County FY 2020 Water and Sewer Rates

For the Agenda of: May 9, 2019 Public Meeting

1. BACKGROUND

Allegany County Public Works and Finance personnel met with the Allegany County Sanitary Commission on April 15, 2019 to discuss water and sewer rates for Allegany County customers. The Sanitary Commission unanimously approved the attached water and sewer rates. The proposed rate increases are needed to keep up with rising costs, to address higher sewage treatment costs created by excessive rainfall, and to invest in the Utilities operation.

The proposed rate increases are as follows:

1. Quarterly Sewer Service Fee from \$90 to \$96 per quarter. Districts with higher than \$600 annual cost will have no increase (Georges Creek, Cresaptown and Cash Valley) and Bowling Green will receive a minimum sewer increase of about \$3.75 per year (Sewer rate based on water rate)
2. Quarterly Water Service Fee less than \$80 per quarter, were raised to \$80, except for Cresaptown (See note 4 for explanation)
3. Mark up on purchased water increased from 15% to 20%. Areas served by Cumberland will be raised \$.10 per thousand gallons
4. Mexico Farms Industrial Sewer Rate, currently \$3.43 per thousand gallons, raised 10%. All other districts Industrial Sewer Rate, currently \$2.72 per thousand gallons, raised 20%
5. Cresaptown minimum currently includes 4,000 gallons per quarter, and will be reduced to 3,000 gallons per quarter

2. ISSUES

Higher utility bills for our customers

3. FINANCIAL IMPACT

New rates will provide additional income for the Utilities Division operation

4. ALTERNATIVES

Do not adopt the new rates

5. OTHER CONSIDERATIONS

N/A

6. CONFORMITY TO COUNTY POLICY

Conforms to County policy.

6. RECOMMENDATION

Approve the water and sewer rates recommended by the Allegany County Sanitary Commission for FY 20, and adopt the rates as part of the Allegany County FY 20 Budget

RECOMMENDED
QUARTERLY SEWER SERVICE FEES

<u>Sanitary District</u>	<u>FY '19</u>	<u>FY '20</u>	<u>Change/Quarter</u>
All Districts**	\$90.00	\$96.00	\$6.00

*Commercial, Industrial and bulk rates vary and are not shown. (3)

**Bowling Green 75% of water bill.

***Georges Creek, Cresaptown and Cash Valley will remain at \$90.00 per quarter.

RECOMMENDED
QUARTERLY SEWER SURCHARGES-Unchanged

<u>Sanitary District</u>	<u>FY '19</u>	<u>FY '20</u>
1. Cresaptown	\$ 4.00	\$ 4.00
2. Georges Creek	\$28.00	\$28.00
3. Bowling Green	\$ 4.00	\$ 4.00
4. Biers Lane	\$ 7.25	\$ 7.25
5. Jennings Run	\$16.00	\$16.00
6. Braddock Run	\$ 6.00	\$ 6.00

Districts not listed are zero.

RECOMMENDED ANNUAL
SEWER AD VALOREM TAX RATE (\$/\$100)-Unchanged

<u>Sanitary District</u>	<u>FY '19</u>	<u>FY '20</u>
Braddock Run	\$0.042	\$0.042
Cresaptown	\$0.25	\$0.25
Bedford Road	\$0.10	\$0.10
Jennings Run/Wills Creek	\$0.052 (a)	\$0.052 (a)
McCoole	\$0.031	\$0.031
Flintstone	\$0.016	\$0.016
Oldtown	\$0.033	\$0.033
Franklin/Brophytown	\$0.019	\$0.019
Georges Creek	\$0.21	\$0.21
Mexico Farms	\$0.051	\$0.051
Oldtown Road	\$0.13	\$0.13
Bowling Green	\$0.25	\$0.25

- 1.) Water usage rates may be adjusted throughout the year based on costs from our suppliers.
- 2.) Mark-up of 20% on the cost of purchased water, increased 5%.
- 3.) Industrial rates per 1,000 gallons on sewer increased 10% for Mexico Farms area and 20% for all other districts.
- 4.) Cresaptown water in FY'19 included 4,000 gallons in the quarterly minimum. This is being phased out, reduced by 1,000 gallons per quarter each year to match other County billing. FY'20 includes 3,000 gallons. This phase out will continue for another three years.