

August 25, 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 Assistant County Attorney Ramon Rozas III.

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, and seconded by Commissioner Caporale, the Minutes of the August 4, 2022 public business meeting were approved by the Board of County Commissioners.

ACTION AGENDA

Item 1 – Code Home Rule Bill 2-22 – Introduction – “LaVale Sanitary District – Utility Improvement and Water Main Bond Authorization” – Jason M. Bennett, CPA, County Administrator, presented background and details regarding Code Home Rule Bill 2-22, as set forth on the Code Home Rule Bill, a copy of which is attached to and made a part of these Minutes. Mr. Bennett reminded the Commissioners that any time the LaVale Sanitary needs to issue debt, Allegany County is actually the authority who does that for them. He asked the Commissioners for their approval of introduction of Code Home Rule Bill 2-22 at this evening's meeting and pointed out that public hearing on the Bill could be held on September 8, 2022, after which the Commissioners could take action if they wish to do so.

Upon Motion made by Commissioner Caporale, seconded by Commissioner Brodie, and duly carried, the Board of County Commissioners approved the Introduction of Code Home Rule Bill 2-22 – “LaVale Sanitary District – Utility Improvement and Water Main Bond Authorization”.

Item 2 – Lease Purchase Agreement with Northbranch Properties, LLC – Board of County Commissioners to authorize a lease-purchase agreement with Northbranch Properties, LLC for approximately 61,000 square feet of the property known as Building 27 of the Riverside Industrial Park, 975 Kelly Road, Cumberland, Maryland, and to authorize the President of the County Commissioners to sign all necessary agreements – Jason M. Bennett, CPA, County Administrator, reminded the Commissioners that the County has been working for some time with Grow West and explained that Northbranch Properties, LLC is actually the holding company for Grow West. Mr. Bennett provided some details regarding the proposed lease purchase agreement with Northbranch Properties, LLC for 62,000 square feet of space in Building 27 of the Riverside Industrial Park to expand Grow West's business. He pointed out that this is a four-year lease term with an option to purchase.

Upon Motion made by Commissioner Shade, and seconded by Commissioner Brodie, the Board of County Commissioners authorized a lease-purchase agreement with Northbranch Properties, LLC for approximately 61,000 square feet of the property known as Building 27 of the Riverside Industrial Park, 975 Kelly Road, Cumberland, Maryland, and authorized the President of the County Commissioners to sign all necessary agreements

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 approved and adopted the Consent Agenda as recommended by the County Administrator.

Item 3 – Allegany County Detention Center American Rescue Plan Funding – Board of County Commissioners authorized the allocation of \$205,941 from the American Rescue Plan Stimulus Funding to enter into an agreement with Ark Systems, Columbia, Maryland, to purchase a high-definition IP CCTV video system head end and camera upgrade for the Allegany County Detention Center. This Agreement was applicable for Multi-Agency Purchasing with Talbot County.

Item 4 – Allegany County Sheriff's Office American Rescue Plan Funding – Board of County Commissioners authorized the allocation of \$26,500 from the American Rescue Plan Stimulus funding to purchase a 2019 Kia Sorento LX 4x4 from Corriganville Auto Sales, Cumberland, Maryland, to be utilized by the Allegany County Sheriff's Office Alternative Sentencing Program.

Item 5 – Allegany County Emergency Services American Rescue Plan Funding – Board of County Commissioners authorized the allocation of \$36,064 from the American Rescue Plan Stimulus funding to purchase a 2022 Dodge Durango from Hertrich Fleet Services, Inc., to be utilized by Allegany County Emergency Services.

Item 6 – Scattered Sites Housing Program – Board of County Commissioners accepted the offer of \$60,000 from Edward Carl Hedrick, Jr., Greensburg, Pennsylvania, to purchase the property know as 615 Frederick Street, Cumberland, Maryland, Property Tax Account Number 23-007525, and authorized the President of the County Commissioners to sign the closing documents and deed for the sale of the property.

Item 7 – George’s Creek Wastewater Treatment Plant Rebuild Screen Project Award – Board of County Commissioners authorized the award of the George’s Creek Wastewater Treatment Plant Screen Rebuild contract to Parkson Corporation in the amount of \$67,350, and authorized the President of the County Commissioners to sign any necessary award documents and agreements associated with the project.

Item 8 – Flintstone Wastewater Treatment Plant Upgrade Request to Purchase Property – Board of County Commissioners authorized the request to purchase 1.03 acres of land on Gilpin Road in Flintstone, Maryland, from Gerald Judy, Sr., for \$12,500, and authorized the President of the County Commissioners to sign any necessary contract documents. This project upgrade requires land in addition to what is currently owned by the County.

Item 9 – Solid Waste Management Board Appointment – Board of County Commissioners authorized the appointment of John Schwalbe to serve as the alternate member for the Waste Industry seat on the Solid Waste Management Board.

Item 10 – Adult Public Guardianship Review Board Appointments – Board of County Commissioners authorized the re-appointments of the following to the Adult Public Guardianship Review Board: Carolyn Clauson Andrews, Connie Davis, James Walsh, Judy Dodge, Lee Ann Eversole, Lisa Monahan, and Renee Kniseley. Their terms will expire on June 30, 2025. The Board of County Commissioners also approved the appointment of Jeanine Agosti to fill a remaining term created by a member resignation. Her term will expire on June 30, 2023.

Item 11 – Allegany County Commission for Women Board Appointments – Board of County Commissioners authorized the appointments of Luanne Cook and Tanya Kessell as members of the Allegany County Commission for Women. Their terms will expire on July 1, 2024.

Item 12 – Allegany County Library Board of Trustees – Board of County Commissioners authorized the re-appointment of Dr. William Bingham as an alternate to the Allegany County Library Board of Trustees, and appointed Juli McCoy as a member to this Board. Their terms will expire on June 30, 2027.

Item 13 – Local Management Board of Allegany County, Inc. – Board of County Commissioners authorized the President of the County Commissioners to sign the Community Partnership Agreement for Fiscal Year 2023 between the State of Maryland, acting by and through the Children’s Cabinet, and Allegany County, acting by and through the Local Management Board of Allegany County, Inc.

Item 14 – Resolution 22-21 – Rules & Regulations Governing Employees of Allegany County, Maryland Amendments – Board of County Commissioners authorized Resolution 22-21, the amendments to the Rules & Regulations Governing Employees of Allegany County, Maryland.

Constituents – In order of sign-up sheet –

Nathaniel Watts, appearing on behalf of the Western Maryland Scenic Railroad and accompanied by Nikki Shields and Calvin Kuttner, discussed some concerns regarding the WMSRR with the Commissioners.

Jim Lashbaugh inquired into the possibility of lowering of the forty percent (40%) paper gaming tax. County Administrator Jason Bennett explained that this tax is set through the General Assembly, and this was discussed.

County Administrator Jason Bennett announced that the County is accepting public comment and having a survey done jointly with the Chamber of Commerce and the Department of Social Services regarding ride-share possibilities in Allegany County. He explained that there is a link to the survey on the County’s website.

Assistant County Attorney Ramon Rozas III had no further comments to make at this evening's meeting.

Commissioners' statements, comments, recognition –

Commissioner David Caporale acknowledged and introduced Anthony Joseph, a candidate for County Commissioner, present in the audience at this meeting.

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

Commissioner Jacob Shade commented on the sale of Rocky Gap Casino and said that the Commissioners look forward to working with the new owners and continuing the good relationship between Rocky Gap and the County.

Reminders/Upcoming Meetings –

Next Public Business Meeting – Thursday, September 8, 2022, 5:00 p.m.

ADJOURNMENT:

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

Jacob C. Shade, President

True Copy
Attest:

Cynthia A. Young
Recording Secretary

CODE HOME RULE BILL NO. 2-22

A BILL ENTITLED

**“LAVALE SANITARY DISTRICT –
UTILITY IMPROVEMENT AND WATER MAIN
BOND AUTHORIZATION”**

A PUBLIC LOCAL LAW TO AUTHORIZE AND EMPOWER COUNTY COMMISSIONERS OF ALLEGANY COUNTY, FROM TIME TO TIME, TO BORROW NOT MORE THAN TWO MILLION EIGHTY-FOUR THOUSAND DOLLARS (\$2,084,000), OR SUCH LESSER AMOUNT AS MAY BE AUTHORIZED BY SUBSEQUENT RESOLUTION OR RESOLUTIONS OF THE COUNTY, FOR THE PUBLIC PURPOSES OF FINANCING OR REFINANCING ALL OR A PORTION OF THE COSTS OF CERTAIN UTILITY IMPROVEMENTS ALONG WILLS CREEK AND THE ROUTE 40 CORRIDOR AND A WATER MAIN, EACH TO SERVE THE LAVALE SANITARY DISTRICT IN ALLEGANY COUNTY, MARYLAND, AND TO EVIDENCE SUCH BORROWING BY THE ISSUANCE AND SALE, UPON ITS FULL FAITH AND CREDIT, OF ITS GENERAL OBLIGATION BOND OR BONDS, IN LIKE PAR AMOUNT; EMPOWERING AND DIRECTING THE COUNTY TO ADOPT A RESOLUTION OR RESOLUTIONS IN ACCORDANCE WITH SECTION 19-504(D) OF THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND PRIOR TO ISSUING ALL OR ANY PART OF SUCH BOND(S); EMPOWERING AND DIRECTING THE COUNTY TO LEVY AD VALOREM TAXES IN RATE AND AMOUNT SUFFICIENT TO PROVIDE FUNDS FOR THE PAYMENT OF THE MATURING PRINCIPAL OF AND INTEREST ON SUCH BOND(S) WHEN ANY OTHER REVENUES PROVIDED FOR THE PAYMENT THEREOF ARE OR WILL BE INSUFFICIENT FOR SUCH PURPOSES, AND PLEDGING THE COUNTY’S FULL FAITH AND CREDIT AND UNLIMITED TAXING POWER; EXEMPTING SUCH BOND(S) FROM

THE PROVISIONS OF SECTIONS 19-205 AND 19-206, INCLUSIVE, OF THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND; AND RELATING GENERALLY TO THE ISSUANCE AND SALE OF SUCH BOND(S).

BE IT ENACTED BY COUNTY COMMISSIONERS OF ALLEGANY COUNTY:

Section 1. County Commissioners of Allegany County (the "County") is hereby authorized and empowered to borrow money and incur indebtedness for the public purposes described in Section 2 hereof, at one time or from time to time, in an aggregate principal amount not to exceed Two Million Eighty-Four Thousand Dollars (\$2,084,000), or such lesser amount as may be authorized by subsequent resolution or resolutions of the County, and to evidence such borrowing by the issuance and sale, at public or private sale, upon its full faith and credit, of its taxable or tax-exempt general obligation bond or bonds in like par amount, which may be issued at one time or from time to time, in one or more transactions or series, as the County may determine.

Section 2. The proceeds of the bond or bonds authorized to be issued pursuant to Section 1 hereof shall be expended for the public purposes of financing or refinancing, in whole or in part, the costs of each of the construction and installation certain utility improvements along Wills Creek and the Route 40 corridor and a water main, each to serve the LaVale Sanitary District in Allegany County, Maryland, including design, engineering, planning, fiscal and legal expenses related thereto, whether or not specifically stated.

Section 3. Prior to issuing all or any part of the bond or bonds authorized to be issued hereunder (the "Bonds"), the Board of County Commissioners of Allegany County (the "Board") shall adopt one or more resolutions containing all of the provisions required under Section 19-504(d) of the Local Government Article of the Annotated Code of Maryland. Such resolution(s)

may also contain such other provisions as the Board may deem appropriate. Such resolution(s) may be adopted by the Board from time to time and at any time after the enactment of this public local law and the appropriate officers of the County may take any action deemed appropriate to effect the timely issuance and sale of the Bonds pursuant to such resolution(s) at any time after the enactment of this public local law, provided only that no such resolution may become finally effective until the effective date of this public local law. The Bonds may be sold on any date or dates after the effective date of this public local law and may be issued in one or more series, and at one time or from time to time, as the Board in the resolutions(s) may determine.

Section 4. The debt service on the Bonds shall be made payable in the first instance from certain taxes and/or benefits assessments to be levied and/or imposed on properties within the LaVale Sanitary District as specified and described in Sections 127-8 and 127-11 of the Code of Allegany County, Maryland and in the resolution(s) of the Board adopted in accordance with Section 3 hereof. For the purpose of meeting the debt service requirements on the Bonds if and when any such revenues provided for the payment thereof are or will be insufficient for such purposes, the County shall levy for each and every fiscal year during which any of the Bonds may be outstanding ad valorem taxes upon all real and tangible personal property within its boundaries subject to assessment for unlimited County taxation in rate and amount sufficient to provide for the prompt payment of the principal of and the interest on the Bonds maturing in each fiscal year; and, in the event the proceeds from the collection of the taxes so levied in any such fiscal year may prove inadequate for such purpose, additional taxes shall be levied in the subsequent fiscal year to make up any such deficiency.

The full faith and credit and unlimited taxing power of the County are hereby irrevocably pledged to the prompt payment of the maturing principal of and interest on the Bonds as and when the same become due, and to the levy and collection of the taxes hereinabove described as

and when such taxes may become necessary in order to provide sufficient funds to meet the debt service requirements of the Bonds. The County hereby covenants with each holder of any of the Bonds to take any action that may be appropriate from time to time during the period that any of the Bonds remain outstanding and unpaid to provide the funds necessary to make the principal and interest payments due thereon and further covenants and agrees to levy and collect the taxes hereinabove described.

Section 5. The Bonds authorized to be issued hereunder are hereby specifically exempted from the provisions of Sections 19-205 and 19-206, inclusive, of the Local Government Article of the Annotated Code of Maryland.

Section 6. This public local law shall take effect forty-five days after it is enacted (_____, 2022).

COUNTY COMMISSIONERS OF
ALLEGANY COUNTY, MARYLAND

Jacob C. Shade, President

Creade V. Brodie, Jr., Commissioner

David J. Caporale, Commissioner

Introduced: _____, 2022

Heard: _____, 2022

Enacted: _____, 2022

Publication Dates

The Cumberland Times-News: _____, 2022, _____, 2022, and _____, 2022