

February 27, 2020

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 Acting County Attorney T. Lee Beeman, Jr. The following business was transacted:

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

MOTION

Commissioner Shade announced that there was one addition to this evening's Agenda: Item 2A – Letter of Commitment Regarding Cumberland Chase. Upon Motion made by Commissioner Brodie, seconded by Commissioner Caporale, and duly carried, the Board of County Commissioners approved the addition of Item 2A to the Agenda for this meeting.

There were no further additions or deletions to the Agenda.

MOTION

Upon Motion by Commissioner Caporale, seconded by Commissioner Brodie, and Motion carried, the Commissioners approved the Minutes of the February 13, 2020, public business meeting.

ACTION AGENDA

Item 1 – Battery Resources Agreement – Board of County Commissioners to authorize the President of the Commissioners to execute an agreement with Battery Resources of Worcester, Massachusetts, for the purpose of exploring a partnership to establish a lithium battery recycling facility in Allegany County, Maryland – Jacob C. Shade – President, reminded the Commissioners that in December 2019, the Board of County Commissioners approved a travel request for County Administrator Brandon Butler and Commissioner Shade to travel to Worcester, Massachusetts. Commissioner Shade reported that the trip to Worcester was successful and that they have been working with Mr. Ivan Lanier of Greenwill Consulting, with whom the County has a business attraction agreement, on a lithium battery recycling facility project for the past couple of months. He discussed the functions of such a facility. Commissioner Shade also provided some details about the proposed Battery Resources Agreement. He asked the County Commissioners to approve and agree to execute the Agreement.

Upon Motion made by Commissioner Caporale, seconded by Commissioner Brodie, and duly carried, the Board of County Commissioners authorized the President of the Commissioners to execute an agreement with Battery Resources of Worcester, Massachusetts, for the purpose of exploring a partnership to establish a lithium battery recycling facility in Allegany County, Maryland.

Item 2A – Letter of Commitment Regarding Cumberland Chase – Board of County Commissioners to approve and execute a letter to the Weimer Group in regard to key infrastructure upgrades for the Cumberland Chase site – Jacob C. Shade – President.

County Administrator Butler read into the record a letter from the Board of County Commissioners to The Weimer Group. A copy of the letter as read by Mr. Butler is attached to and made a part of these Minutes. Also, for the record, Mr. Butler acknowledged the presence of Mr. Jeff Metz and Mr. Ed Crossland in the audience at this meeting.

Commissioner Brodie moved that the Board of County Commissioners approve and execute a letter to the Weimer Group in regard to key infrastructure upgrades for the Cumberland Chase site. Commissioner Caporale seconded the Motion. Motion carried to approve and agree to execute the letter to the Weimer Group.

Item 2 – Resolution 20-3 – Second Amendment Sanctuary – Board of County Commissioners to approve the adoption of Resolution 20-3 making Allegany County, Maryland, a sanctuary county for the enforcement of the second amendment right to keep and bear arms – Jacob C. Shade, President, reported that the County received a petition with 2,500 signatures on it, asking the County Commissioners to look into the issue of a second amendment sanctuary. He invited Sheriff Craig Robertson to come forward and comment on this issue.

Sheriff Robertson spoke in support of Resolution 20-3 making Allegany County a second amendment sanctuary.

Mr. Danny Williams, Mr. Jerry Zembower, and Mr. Ed Taylor all spoke in favor of Resolution 20-3.

Upon Motion by Commissioner Brodie, and seconded by Commissioner Caporale, the Board of County Commissioners approved the adoption of Resolution 20-3 making Allegany County, Maryland, a sanctuary county for the enforcement of the second amendment right to keep and bear arms.

Following action on this Item, Commissioner Shade read Resolution 20-3 into the record. A copy of Resolution 20-3 is attached to and made a part of these Minutes.

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 3 – Citizen Participation Plan and Residential Anti-Displacement and Relocation Assistance Plan as Required for Community Development Block Grants – Board of County Commissioners adopted an updated plan for Citizen Participation and an updated plan for Residential Anti-Displacement and Relocation Assistance, and authorized the President of the Commissioners to sign both plans.

Item 4– Relocation Assistance Plan for Garden City Mobile Home Park – Board of County Commissioners approved the adoption of a Relocation Assistance Plan for the Garden City Mobile Home Park Partial Acquisition, and authorized the President of the County Commissioners to sign the documents.

Item 5 – Right of Entry Agreement with Manticorp, LLC – Board of County Commissioners agreed to enter into a Right of Entry Agreement with Manticorp, LLC on a 5-acre lot located in the Riverside Industrial Park, adjacent to the County’s facility located at 701 Kelly Road, Cumberland, Maryland, to ascertain whether the property would be conducive to the construction of greenhouses in the hopes of expanding their existing operation.

Item 6 – Columbia Gas of Maryland Easement – Pipeline Extension – Board of County Commissioners approved a Right of Way Agreement between the County and Columbia Gas of Maryland, Inc. for a pipeline extension to extend the gas line to serve both a County owned building as well as the Animal Shelter’s building off of Furnace Street.

Item 7 – Allegany County Tourism Destination Guide – Board of County Commissioners authorized a contract to Freeport Press of New Philadelphia, Ohio, to print the 2020 Visit Mountain Maryland Destination Guide, in the amount of \$30,543.

Constituents – In order of sign-up sheet –

Mr. Edward W. Taylor, Jr., spoke as President of the Cumberland Historic Cemetery Organization regarding funding to the CHCO for this year. Mr. Taylor remarked that his organization was very grateful for the \$5,000 received last year. He said that the CHCO is requesting \$500 less in funding this year, in consideration of what he described as the County’s “grave economic situation” mainly due to loss of the Verso paper mill. Mr. Taylor asked the Commissioners how they planned to work in his organization for funding this year, and Commissioner Shade suggested that he speak with Finance Director Jason Bennett after the meeting. Mr. Taylor also provided the Commissioners with a letter requesting the funding.

Mr. George Lehman spoke again about an issue he brought up at a public meeting in October 2019. He thanked the Commissioners for allowing him to speak, and said that he was present to “defend (his) name” regarding letters sent by Mr. Jim Swauger of the County Health Department to Commissioner Brodie. Mr. Lehman confirmed that the issue he brought to the Commissioners’ attention in October 2019 was regarding a pipe that was running onto his property, that could possibly be from a septic tank, and that he did not say it was regarding a septic system. He also pointed out that he did not complain a second time about a septic system. Mr. Lehman reported that he was told by the Health Department that he would have to get a private company to test the drainage onto his property, and he hired Culligan to do basic testing, with additional more specific testing to cost \$200 to \$300. He said that he decided against additional testing. Mr. Lehman also brought up a letter he received from County Code Enforcement Officer Chris Gay dated February 14, 2020, regarding discussion with the property owner with the pipe, and pointed out that nothing has been done to correct the problem.

Acting County Attorney Lee Beeman told Mr. Lehman that he would ask Mr. Gay to follow up with Mr. Lehman, and asked that he provide his contact information after the meeting.

Mrs. Darlene Park spoke in opposition to the Dan's Mountain Windforce project.

Mr. Ken Wilmont again offered comments regarding his opposition to a water park at Rocky Gap State Park, and he also voiced his opposition to wind turbines.

Acting County Attorney T. Lee Beeman, Jr. talked about Second Amendment Sanctuary Bills and whether there is any point to them. He remarked that the County's Resolution making Allegany County a Second Amendment Sanctuary is a great opportunity for the Commissioners to affirm that the County will not be spending public dollars on anything that will infringe on its citizens' Second Amendment rights. Mr. Beeman told the Commissioners that he appreciated their moving forward with Second Amendment Sanctuary Resolution.

Commissioner Shade agreed with Mr. Beeman, and he pointed out that this County Commission Board supports the full Constitution and all of its Amendments.

County Administrator Brandon S. Butler said that he wanted to offer his congratulations and thanks to the Board of County Commissioners for their leadership, in particular by approving and executing the letter of commitment regarding the Cumberland Chase property project.

Commissioners' statements, comments, recognition –

Commissioner David J. Caporale had no further comments to make at this evening's meeting.

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

Commissioner Jacob C. Shade remarked on the lithium battery recycling facility and said that it will be really good for Allegany County.

Reminders/Upcoming Meetings –

Next Public Business Meeting – Thursday, March 12, 2020, 5:00 p.m.

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

RESOLUTION 20-3

WHEREAS, the Second Amendment of the United States Constitution reads, "A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed";

WHEREAS, the members of the Board of County Commissioners of Allegany County, as is the case for all elected officials in Maryland, must be sworn to protect the Constitution of the United States and the laws thereof;

WHEREAS, the Board of County Commissioners of Allegany County wishes to express their concern about the passage of any bill containing language that could be interpreted as infringing the Second Amendment rights of the citizens of Allegany County to keep and bear arms; and,

WHEREAS, the Board of County Commissioners of Allegany County wishes to express its intent to stand as a Sanctuary County for Second Amendment rights and to oppose, within the limits of the Constitution of the United States, any efforts to unconstitutionally restrict such rights, and to use such legal means at its disposal to protect the right of the citizens to keep and bear arms.

NOW THEREFORE BE IT RESOLVED BY THE COUNTY COMMISSIONERS OF ALLEGANY COUNTY MARYLAND, THAT:

1. The Board of County Commissioners of Allegany County hereby expresses its intent to uphold the Second Amendment rights of the citizens of Allegany County, Maryland and its intent that public funds of the County not be used to restrict Second Amendment rights or to aid in the unnecessary and unconstitutional restriction of the rights under the Second Amendment of the citizens of Allegany County to bear arms;
2. The Board of County Commissioners of Allegany County hereby declares its intent to oppose unconstitutional restrictions on the right to keep and bear arms through such legal means as may be expedient;
3. Allegany County is hereby declared a Second Amendment Sanctuary.

Adopted this 27st day of February, 2020

Board of County Commissioners of Allegany County, Maryland



Jacob C. Shade, President



Creade V. Brodie, Jr. Commissioner



David J. Caporale, Commissioner



ALLEGANY COUNTY, MARYLAND

The Board of County Commissioners

701 Kelly Road
Cumberland, MD 21502
T 301-777-5911 F 301-724-6970
www.alleganygov.org

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

Brandon S. Butler, *Esq., County Administrator*
William M. Rudd, *Attorney*

February 27, 2020

Mr. Dave Weimer
Mr. Jeff Metz
Mr. Troy Raines
The Weimer Group
National Highway
LaVale, MD 21502

Dear Messrs. Weimer, Metz and Raines:

We, the undersigned members of the Board of County Commissioners of Allegany County, would like to express our unqualified support for your proposed development at the property formerly called Cumberland Chase. As you know, during our January 16, 2020 meeting, the Commissioners unanimously took action to study the required infrastructure improvements needed to facilitate the development of a nursing home, assisted living, senior housing and other ancillary and residential uses you have contemplated. Specifically, the motion read:

Board of County Commissioners recognizing the County's responsibility for water and sewer service, authorized a study of the costs for adequate delivery of these services to the county's property located at Cumberland Chase.

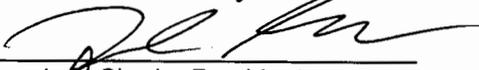
Since then, you and your consultants have been in a number of meetings with County staff. These meetings underscore both your commitment and the County's commitment to moving the first phase of this project in an expeditious manner. To that end, by vote taken during our February 27, 2020 regular business meeting, we are writing to commit to you the necessary funds to cover the infrastructure upgrades (i.e. water, sewer, and entrance) to ease the development and construction of the subject property.

Allegany County Government views this, and all projects that stand to positively impact our community, as a partnership. As such, we look forward to working with you and our dedicated county staff to see this worthwhile project to fruition.

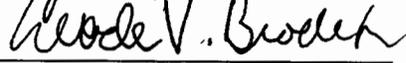
Should you have any questions or comments, please do not hesitate to contact us.

Sincerely,

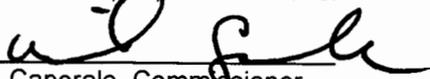
The Board of County Commissioners



Jacob C. Shade, *President*



Creade V. Brodie, Jr., *Commissioner*



David J. Caporale, *Commissioner*