

January 21, 2021

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 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 January 7, 2021 public business meeting.

PRESENTATION

Item 1 – Western Maryland Scenic Railroad Update – Delegate Michael W. McKay. Frostburg Mayor Bob Flanigan, who accompanied Delegate Michael McKay to this meeting, spoke first. Mayor Flanigan gave the Commissioners an update on the Western Maryland Scenic Railroad. He pointed out that Covid-19 has greatly affected the operations of the Railroad this past year, and that the Railroad lost a whole season of revenue. Mayor Flanigan talked about the Railroad's 1309 steam locomotive and said that it is now running under its own power and should hopefully be operating this coming Summer. He added that there has been a great deal of interest from the community in the Railroad. Mayor Flanigan then turned the microphone over to Delegate McKay, explaining as he did so that Delegate McKay, as of December 1, 2020, has officially agreed to join the Western Maryland Scenic Railroad Board and that they will be working closely together with him.

Delegate Michael McKay confirmed that he has agreed to be a part of the Western Maryland Scenic Railroad Board and discussed his reasons for doing so. Delegate McKay commented that the Railroad "is an essential part of the tourism here in Allegany County". He talked about the importance of the Railroad, and also about what the Railroad needs to do to improve.

Delegate McKay went on to report that the Western Maryland Scenic Railroad Board is in the process of reconstituting the Railroad, as follows:

- They are creating an Executive Financial Board. This Board will provide guidance and oversee major financial decisions and will be accountable to all governing bodies and to the taxpayers. The Executive Financial Board will be comprised of an Allegany County Commissioner, a Mayor from either City of Cumberland or City of Frostburg, and a member of the Western Maryland Delegation. Delegate McKay said that he was proud to say that he and Mayor Bob Flanigan have agreed to serve on this Board. He thanked Mayor Flanigan for agreeing to serve.
- New Bylaws will be adopted in the upcoming future.
- Policies and procedures will be revisited to make sure that the emphasis of the Western Maryland Scenic Railroad is on transparency, accountability, and fiscal responsibility.

Delegate McKay explained that he and Mayor Flanigan, as members of the Western Maryland Scenic Railroad Board, were also present at this meeting to address some of the Railroad's financial issues over the past year. He added that they wanted to thank Governor Hogan for awarding the Western Maryland Scenic Railroad \$500,000, which was paid through Secretary Holt of the Maryland Department of Housing & Community Development. Delegate McKay reported that one of the first things the Board did upon receipt of the funds was to talk to First Peoples Community Federal Credit Union to initiate a forbearance agreement to take care of the Railroad's loan there. A payment will be made to First Peoples in the next few days. He added that an arrearage owed to Canal Place has also been paid.

The new Executive Financial Board, according to Delegate McKay, will be supplying the County with monthly financials, to let the Commissioners know exactly what the Western Maryland Scenic Railroad Board is doing from month to month.

Regarding the 1309 steam locomotive, Delegate McKay told the Commissioners that track will be needed to run the locomotive. He explained that the Western Maryland Scenic Railroad Board has applied and sent to the County's Capital Improvement Program (CIP) a request to be included in

future County capital improvements. He explained that along with that, they are hoping that the Railroad will add a \$3 charge to each ridership to take care of the track maintenance.

At the end of his presentation, Delegate McKay asked the Commissioners if they had any questions, he could answer for them.

Commissioner David Caporale asked Delegate McKay if any CARES money was available for the train track repair. Delegate McKay replied that the \$500,000 received by the Railroad was actually CARES money, and that statewide, CARES Act money has been applied to the train.

Commissioner Caporale then asked if the State would be providing any money for the track. Delegate McKay told him that he did not know the answer to that. He confirmed that they did put in a request for track to the Governor's CIP but have not heard that it was in the budget that was just released.

Delegate McKay asked if there were any further questions. Commissioner Caporale brought up the hotel/motel tax money given to the Railroad annually for routine maintenance, and also the funds provided by Allegany County to the Railroad in the Spring of 2019 for emergency maintenance. He remarked that from what he could see, the railroad ties are still over in the yard. Commissioner Caporale asked if any of the funds were applied at that time, and he remarked that it seems as if everyone is being paid, but the County is being asked for a huge amount of money. He said that he thinks the Commissioners should demand a financial audit. Commissioner Caporale commented that the Commissioners deserve to know the Railroad's financial information.

In response, Delegate McKay told the Commissioners that that is one hundred percent why the Western Maryland Scenic Railroad Board and its Executive Financial Board are dedicated to financial transparency. He said that an audit will be part of the forbearance agreement he mentioned earlier and that the Board will be glad to send a copy of the audit to the County Commissioners as well.

Mayor Flanigan came forward again, to address the issue of the railroad ties as mentioned by Commissioner Caporale. He reported that most of them have been installed, but some switch kits are still there and were delayed in being installed because of the pandemic and the Railroad having to lay off track crew members. Mayor Flanigan added that some of the existing ties are 40 to 50 years old, and that the Railroad hasn't had a big tie replacement program for a number of years; there was one done back in the 2000's. He explained that is much of the reason for the CIP request. Mayor Flanigan then asked if there were any more questions.

County Administrator Jason Bennett asked if the train, specifically the 1309, is able to function on the track that is in place now. Mayor Flanigan replied that the FRA is currently going over the 1309 to make sure that the Railroad has done what they were supposed to do with it. Delegate McKay confirmed that as of now, the 1309 cannot run on the tracks. Administrator Bennett asked when it might happen (the 1309 running on the track), and Delegate McKay told him it should be a couple of months. There will be a necessity for test runs first, and track will be needed for that. Delegate McKay added that the Railroad is hopeful that its ridership will be sufficient to allow a June 2021 running of the 1309 in the black. In response to another question from Commissioner Caporale, Delegate McKay reported that the Railroad's auditor will be Turnbull, Hoover, & Kahl.

Delegate McKay thanked the Commissioners for the opportunity to speak, and the Commissioners in turn thanked him and Mayor Flanigan for the information they presented.

PUBLIC HEARING

Item 2 – Code Home Rule Bill 1-21 – Possible Action – “LaVale Sanitary District Refunding Bond Authorization” – Jason M. Bennett, CPA, County Administrator, reminded the Commissioners that this Bill was introduced two weeks ago at the last Commissioners public business meeting. Administrator Bennett announced that today is the Public Hearing on the Bill and the opportunity for any comment. He reported that no public comment has been received regarding the Bill. Mr. Bennett asked County Attorney Lee Beeman for confirmation that the Board of County Commissioners could take action on the Bill this evening if they so choose, and Attorney Beeman told him that it was a legislative day and so they could take action.

There was no discussion, and the public hearing closed.

Upon Motion made by Commissioner Caporale, and seconded by Commissioner Shade, the Board of County Commissioners adopted Code Home Rule Bill 1-21 – “LaVale Sanitary District Refunding Bond Authorization”. Motion carried by a vote of 2 to 0, with Commissioner Brodie abstaining from the vote.

VOTE:

Commissioner Shade: Yes
Commissioner Caporale: Yes
Commissioner Brodie: Abstained from Vote

ACTION AGENDA

Item 3 – Length of Service Awards Program (LOSAP) Amendment for Calendar Year 2020 – Board of County Commissioners to authorize the President of the County Commissioners to sign a letter to amend the LOSAP program eligibility for calendar year 2020 due to the COVID-19 pandemic – T. Lee Beeman, Jr., County Attorney, read into the record a letter to be signed by Commissioner Jacob Shade to make a change to the LOSAP Plan, regarding eligibility for benefits under the plan. A copy of the letter as read by Attorney Beeman 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 authorized the President of the County Commissioners to sign a letter to amend the LOSAP program eligibility for calendar year 2020 due to the COVID-19 pandemic.

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 4 – Allegany Junction Limited Partnership Payment In Lieu of Taxes (PILOT) Agreement Amendment – Board of County Commissioners approved an amended Allegany Junction Limited Partnership PILOT Agreement between Allegany County Government, Mayor and City Council of Cumberland, and Woda Cooper Communities, LLC, Columbus, Ohio.

Before action was taken on the Consent Agenda, Commissioner Shade provided some additional information about the Payment in Lieu of Taxes for Allegany Junction Limited Partnership. He reported that the payment in lieu of taxes is in the amount of \$12,500 and is for the former East Side School site. Commissioner Shade explained that the Board of Commissioners had already passed this PILOT Agreement, and that this was an amended Agreement with some changes made by the City of Cumberland. He remarked that the East Side School site project will now be moving forward.

Commissioner Brodie offered his congratulations to the City of Cumberland for getting a viable project for the East Side School site. He commented that the East Side School building has been vacant almost since he was a child.

Item 5 – Fiscal Year 2021 Rural Legacy Program Agreement – Board of County Commissioners authorized the President of the County Commissioners to sign the annual program agreement for the Fiscal Year 2021 Rural Legacy Program within the Mountain Ridge Rural Legacy area.

Item 6 – Third Amendment to the Agreement for Inmate Health Care Services at the Allegany County Detention Center – Board of County Commissioners approved the Third Amendment to the Agreement with Wellpath, LLC, and the Allegany County Commissioners for Inmate Health Care Services at the Allegany County Detention Center. Wellpath has proposed a revision to the annual amount for professional health care services rendered at the Allegany County Detention Center for the period of July 1, 2021 through June 30, 2022 to \$1,085,280.51.

Item 7 – Maryland Emergency Medical Services Pediatric Educational Equipment Award – Board of County Commissioners authorized the President of the County Commissioners to sign a grant agreement with the Maryland Institute for Emergency Services Systems (MEIMSS), Maryland Emergency Medical Services accepting \$1,800 for the purchase of pediatric educational equipment.

Item 8 – Purchase of Emergency Ambulance for Emergency Medical Services Division – Board of County Commissioners authorized the purchase of a 2021 Ford F-550 Life Line Type 1 Ambulance Superliner in the amount of \$279,943 as allocated through the 2021-2025 Capital Improvement Plan.

Item 9 – Purchase of Special Operations Pickup Truck – Board of County Commissioners authorized the purchase of a 2021 Chevrolet Silverado 2500HC 4WD Double Cab in the amount of \$54,715 as allocated through the 2021-2025 Capital Improvement Plan.

Item 10 – Region 1 Emergency Medical Services Advisory Council Appointments – Board of County Commissioners approved the re-appointments of Elizabeth Wooster and Dr. Janelle Martin, and to appoint Vince Pyle to the Region 1 Emergency Services Advisory Council. Their terms will expire on January 15, 2024.

Item 11 – Community Promotions – Board of County Commissioners authorized the County Finance Office to remit \$3,390 budgeted from the Community Promotions Account to support the Light the Steeples project that was initiated 25 years ago, and re-light the Allegany County Courthouse.

Before action was taken on the Consent Agenda, Commissioner Shade pointed out that the \$3,390 to be contributed by the County for the Light the Steeples Project is the County's share of the cost for the lighting of the Allegany County Courthouse.

County Administrator asked the Commissioners to recall that at their last meeting, they approved, as an addition to the Agenda, the Hotel Grant Agreement signature. Mr. Bennett told them that, with their permission, the grant is ready to "hit the street", and that the program should be able to be launched in about a week, so the County can get help out to the hotels.

Commissioner Shade agreed and mentioned that another business support grant will be coming soon, and Administrator Bennett confirmed that County staff is working on that too.

County Attorney Lee Beeman had no further comments to make at this evening's meeting.

Commissioners' statements, comments, recognition –

Commissioner David Caporale offered congratulations to the Lonaconing resident who won the lottery this week.

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

Commissioner Jacob Shade provided an update on the Covid-19 situation in Allegany County. Commissioner Shade reported that he talked with the County's Health Officer earlier today, and that the County's positivity rate, 7.64%, is now right below the State average of 7.66%. He added that by end of the day tomorrow (Friday, January 22, 2021), the Allegany County Health Department will have vaccinated 3,304 people, including health care workers, first responders, law enforcement, correctional officers, judiciary personnel, and adult County residents age 75 years and older. Commissioner Shade further reported that there are already 720 people age 75 years and older, plus 666 school staff, scheduled to be vaccinated next week. He pointed out that school staff is limited to public schools and Bishop Walsh, Lighthouse, and Calvary Christian Schools.

Commissioner Shade added that the next State vaccination prioritization will be age 75 plus, school staff, child care staff, continuity of government, age 65 plus, and essential workers. He commented that about five percent of the County has been vaccinated so far, not counting nursing homes.

Commissioner Brodie acknowledged that Commissioner Shade has been involved with this since the start and has worked tirelessly toward making the vaccination process a smooth one. He told Commissioner Shade that many citizens have asked him to pass along their thanks to him. Commissioner Shade acknowledged that the County is getting about 700 doses of the vaccine a week and is getting them out as fast as they come in.

Constituents – There were no constituent comments to read at this evening's meeting.

Reminders/Upcoming Meetings –

Next Public Business Meeting – Thursday, February 11, 2021, 5:00 p.m.

Announcement – Christmas Tree Recycling Sites (See News Release)

ADJOURNMENT:

There being no further business to come to the attention of the Board, the meeting was adjourned at 5:30 p.m.

Jacob C. Shade, President

True Copy
Attest:

Cynthia A. Young
Recording Secretary



ALLEGANY COUNTY, MARYLAND

The Board of County Commissioners

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

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

January 21, 2021

Jonathan Dayton, *President*
Allegany/ Garrett Counties Volunteer Fire Rescue Association
PO Box 935
Frostburg, MD 21532

REFERENCE: LOSAP ELIGIBILITY 2020

Dear

Due to the unprecedented circumstances related to COVID-19 and the difficulty that members of the volunteer fire and emergency services companies may have obtaining the required number of hours to qualify for LOSAP, the Board of County Commissioners of Allegany County have authorized a change in the Plan for January 1, 2020-December 31, 2020.

*Article VII, Section 7.1, **AMENDMENTS.** The Sponsor reserves the right to make any amendment or amendments to this Plan from time to time as may be made under the Adoption Agreement*

The Board of County Commissioners authorize any living member that was eligible for a LOSAP service year of credit during year 2019 will be considered eligible for year 2020. Members joining in year 2020 must meet regular eligibility requirements to be eligible for year 2020.

The Board of County Commissioners appreciates the efforts of our front-line volunteers and will continue to support the volunteer fire and emergency service companies whenever possible.

Respectfully,

Jacob C Shade
President, Allegany County Commissioners