

September 9, 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 Pledge of Allegiance was recited by those present.

MOTION

Commissioner Brodie requested that Item 10 – Scattered Sites Housing Program be moved from the Consent Agenda up to the Action Agenda so the County Attorney can provide an explanation of this Item.

Upon Motion made by Commissioner Brodie, seconded by Commissioner Caporale, and duly carried, the Board of County Commissioners agreed to move Item 10 – Scattered Sites Housing Program, from the Consent Agenda to the Action Agenda for this evening's meeting.

Commissioner Shade brought up an addition to be made to the Consent Agenda, concerning the signing and submission of a CDBG application to the Maryland Department of Housing and Development for \$800,000 for the wastewater treatment plant in Flintstone. He explained that a Resolution is required to be included with the application when it is submitted.

Upon Motion made by Commissioner Brodie, seconded by Commissioner Caporale, and duly carried, the Board of County Commissioners agreed to add Item 12 – Flintstone Wastewater Treatment Plant Upgrade Project, to the Consent Agenda for this evening's 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 August 26, 2021, public business meeting.

PUBLIC HEARING

Item 1 – Code Home Rule Bill 3-21 – Public Hearing – Possible Action – “Capital Projects Bond Authorization \$24,700,000” – Jason M. Bennett, CPA, County Administrator, reminded the Commissioners that at the last public business meeting, Code Home Rule Bill 3-21 (Bond Bill 3-21) was introduced, concerning a total of \$24,700,000 for a variety of projects, all but one of which are water and sewer projects. Administrator Bennett announced that this evening was the public hearing on this Bill, and explained that if there were no public comments received, the Commissioners could take action on the Bill this evening. He added that if Code Home Rule Bill 3-21 were adopted at this evening's meeting, it would become effective in 45 days (October 24, 2021).

Commissioner Shade opened the Public Hearing and asked for any public comment. There was none. He then asked Administrator Bennett if he had received any public comment on the Bond Bill, and he confirmed that he had not. Hearing closed.

Commissioner Brodie moved that the Board of County Commissioners approve and adopt Code Home Rule Bill 3-21 - “Capital Projects Bond Authorization \$24,700,000”. Commissioner Caporale seconded the Motion. Motion carried to approve and adopt Code Home Rule Bill 3-21 - “Capital Projects Bond Authorization \$24,700,000”.

ACTION AGENDA

Item 2 – Resolution 21-16 – Bedford Road Sewer Improvements Phase V - Maryland Water Quality Loan - \$1,139,732 – Board of County Commissioners to sign Resolution 21-16 and close on a loan with the Maryland Department of the Environment for improvements to the Bedford Road Sewer System to be repaid by the users of the system – Jason M. Bennett, CPA, County Administrator, explained that Resolution 21-16 would allow closing on a \$1,139,732 loan with the Maryland Department of the Environment for Bedford Road Sewer Improvements Phase V. Administrator Bennett pointed out that this loan is a 50/50 loan which will convert to fifty percent (50%) grant at closing, and that it will be paid back by the users of the system. He pointed out that this will be a 30-year loan with a current interest rate of just below one percent (1%), and that closing will take place in approximately two weeks after this evening's approval and passage of the Resolution.

Upon Motion made by Commissioner Caporale, seconded by Commissioner Brodie, and duly carried, the Board of County Commissioners passed and agreed to sign Resolution 21-16 and close on a loan with the Maryland Department of the Environment for improvements to the Bedford Road Sewer System to be repaid by the users of the system.

Item 3 – Resolution 21-17 – Bedford Road Sewer Improvements Phase VI - Maryland Water Quality Loan - \$162,500 – Board of County Commissioners to sign Resolution 21-17 and close on a loan with the Maryland Department of the Environment for improvements to the Bedford Road Sewer System to be repaid by the users of the system – Jason M. Bennett, CPA, County Administrator, explained that Resolution 21-17 is to allow closing on a \$162,500 loan, which is also a 50/50 loan that will convert to fifty percent (50%) grant at closing. Administrator Bennett added that this loan is also a 30-year loan with a current interest rate of less than one percent (1%).

Upon Motion made by Commissioner Brodie, seconded by Commissioner Caporale, and duly carried, the Board of County Commissioners passed and agreed to sign Resolution 21-17 and close on a loan with the Maryland Department of the Environment for improvements to the Bedford Road Sewer System to be repaid by the users of the system.

Item 4 – Resolution 21-18 – Braddock Run Sewer Improvements Phase VI - Maryland Water Quality Loan - \$999,282 – Board of County Commissioners to sign Resolution 21-18 and close on a loan with the Maryland Department of the Environment for improvements to the Braddock Road Sewer System to be repaid by the users of the system – Jason M. Bennett, CPA, County Administrator, explained that Resolution 21-18 is to allow closing on a \$999,282 loan for Braddock Run Sewer Improvements Phase VI, and further explained that it will be a 50/50 loan, for a 30-year term, with an interest rate at below one percent (1%), and to be paid by the users of the system. With approval and passage this evening, this should close in two weeks.

Upon Motion made by Commissioner Caporale, seconded by Commissioner Brodie, and duly carried, the Board of County Commissioners passed and agreed to sign Resolution 21-18 and close on a loan with the Maryland Department of the Environment for improvements to the Braddock Road Sewer System to be repaid by the users of the system.

Item 10 – Scattered Sites Housing Program – Board of County Commissioners to approve the acceptance of an offer of \$14,500 from Donald G. Lucas, Bloomington, Maryland, to purchase the property known as 134 East Main Street, Westernport, Maryland, Property Tax Account Number 08-016941, and authorize the President of the County Commissioners to sign the closing documents and the deed for the sale of the property – T. Lee Beeman, Jr., County Attorney, pointed out to the County Commissioners that at their August 26, 2021, public business meeting, they took action to accept an offer of \$17,500 from Sloan Holdings, LLC, Grantsville, Maryland, to purchase the property known as 134 East Main Street, Westernport, Maryland, Property Tax Account Number 08-016941. He explained that since that time, the County was informed that the realtor who handles scattered sites properties for the County had received notice from the buyer that the buyer wished to rescind the offer. Attorney Beeman told the Commissioners that legally, once an offer has been accepted and a viable contract has been formed, rescission is not available. Attorney Beeman told the Commissioners that they have a valid offer that was accepted at the prior meeting for \$17,500.00, and that before them this evening was another offer that was solicited and received by the realtor for \$14,500.00 from Donald Lucas. He explained that from a legal perspective, the \$17,500.00 offer and acceptance from the prior meeting was still valid. Attorney Beeman told the Commissioners that before them this evening was action to be taken as to whether or not they wished to accept the offer of \$14,500.00 for the same property. He asked if there was a motion to accept the offer of \$14,500 for the property at 134 East Main Street, Westernport.

No Motion was made to approve the acceptance of an offer of \$14,500 from Donald G. Lucas, Bloomington, Maryland, to purchase the property known as 134 East Main Street, Westernport, Maryland, Property Tax Account Number 08-016941, and authorize the President of the County Commissioners to sign the closing documents and the deed for the sale of the property. This action died for lack of a motion.

Commissioner Caporale asked if, and County Attorney Beeman confirmed that, the proper documents were prepared and signed for the first offer and that the buyer who made the first offer was obligated to purchase the property for \$17,500.00.

CONSENT AGENDA

As recommended by the County Administrator

Upon Motion by Commissioner Brodie, seconded by Commissioner Caporale, and Motion carried, the Board of County Commissioners adopted the Consent Agenda as recommended by the County Administrator.

Item 5 – County Utilities Division Property Purchase – Board of County Commissioners approved the purchase of 13800 Winchester Road, formerly known as the Mattingly Building, including approximately 9.5 acres in the amount of \$450,000 and authorized the President of the County Commissioners to sign the closing documents.

Item 6 – Professional Engineering Services – 2021-2022 National Bridge Inspection Program – Board of County Commissioners awarded a contract for field inspection and preparation of inspection reports in accordance with the National Bridge Inspection Program for 73 county and municipality maintained structures meeting federal criteria to Prime AE Group, Inc., in the amount of \$596,178.12, pending approval by the Maryland Department of Transportation - State Highway Administration - Bridge Inspection and Remedial Engineering Division.

Item 7 – Professional Engineering Services – Roads Garage Truck Shelter – Board of County Commissioners awarded a contract for professional engineering services for the Allegany County Department of Public Works - Roads Division - Central Garage Truck Shelter to The EADS Group, Inc. on an as-needed bases in an amount not to exceed \$34,900.

Item 8 – Purchase of Public Works Pickup Trucks – Board of County Commissioners authorized the Department of Public Works to purchase one pickup truck with a plow from Hertrich Fleet Services, Inc., Milford, Delaware, in the amount of \$40,920 for the Utilities Division in accordance with Allegany County Code utilizing Howard County Office of Purchasing Contract #4400003197.

Item 9 – Route 36 Water Line Replacement Contract No. W-50 Request to Bid – Board of County Commissioners authorized the Department of Public Works to advertise the Route 36 Water Line Replacement project and authorized the President of the County Commissioners to sign the associated funding documents for this project.

Item 11 – Travel Request Approval – Board of County Commissioners approved the travel request for Sergeant Chris Hill to attend the K-9 Seminar and re-certification from November 7-12, 2021, Daytona Beach, Florida at a cost not to exceed \$1,400.

Item 12 – Resolution 12-19 – Flintstone Wastewater Treatment Plant Upgrade Project - Board of County Commissioners approved and passed Resolution 12-19 to authorize the signing and submission of the CDBG application to the Maryland Department of Housing and Community Development for \$800,000 towards the Flintstone Wastewater Treatment Plant Upgrade Project. A Resolution if required for every application made for this funding.

Constituents – In order of sign-up sheet –

Mr. George Hersh, of 12016 Iris Avenue, SW, Cumberland, brought to the Commissioners' attention the issue of some dying/dead trees in Potomac Park that extend over the public rights of way and that he feels are a threat to the public and could cause a serious accident. He said that they need to be cut down. Mr. Hersh provided information as to the location of the trees, one at South Cresap and Dandelion, and the other on Marigold. He told the Commissioners that he initially contacted the County and spoke with Brad Guthrie, who contacted Becky Wilson to come out and evaluate the trees. Mr. Hersh reported that after that evaluation, a tree at the intersection of Iris and Cresap was deemed dead, and it was taken down. Ms. Wilson also determined that the tree at Cresap and Dandelion is dead, but there is a dispute as to whether it is on public or private property. Mr. Hersh said that the tree on Marigold is most likely definitely on private property, and for that reason Ms. Wilson did not evaluate that tree.

Commissioner Shade told Mr. Hersh that the County's Public Works Department can follow up on this issue and that First Energy could also be involved, since at least one of the trees is located near power lines. He asked that Mr. Hersh provided his contact information before leaving the meeting.

County Administrator Jason Bennett had no further comments to make at this evening's meeting.

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

Commissioners' statements, comments, recognition –

Commissioner David Caporale reminded everyone about Heritage Days and Lions Chicken Barbecue, both scheduled for this weekend.

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

Reminders/Upcoming Meetings –

Next Public Business Meeting – Thursday, October 7, 2021, 5:00 p.m.

ADJOURNMENT:

There being no further business to come to the attention of the Board, the meeting was adjourned at 5:20 p.m.

Jacob C. Shade, President

True Copy
Attest:

Cynthia A. Young
Recording Secretary