

March 25, 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 March 11, 2021, public business meeting.

#### **PUBLIC HEARING**

**Item 1 – Constant Yield Hearing** – Jason M. Bennett, CPA, County Administrator, reminded the Commissioners that every year, as part of the budget process, the County receives Constant Yield Assessments from the State Department of Assessments. He reported that these assessments were received this year and the ad ran as required by law. Mr. Bennett explained that the constant yield assessments have gone up, which means that real property taxes will increase, even though the Commissioners are not changing the tax rate. He further explained that the ad ran back on March 15, 2021, and that this evening is the public hearing, also required by law.

Mr. Bennett gave a power point presentation showing the constant yield figures for the County's municipalities and unincorporated areas. He pointed out that the County will collect \$447,000 more in taxes this year than last year, with leaving the tax rate untouched. Mr. Bennett told the Commissioners that the tax rate of .9750 is scheduled to be set as part of adoption of the budget on May 27, 2021.

Commissioner Shade opened the Public Hearing and asked for any public comments on the Constant Yield.

Ms. Nancy Brant spoke in opposition to the constant yield and addressed the audience with her point of view.

#### **ACTION AGENDA**

**Item 2 – Tracks and Yaks Memorandum of Understanding** – Board of County Commissioners to approve a Memorandum of Understanding with Tracks and Yaks, Indiana, Pennsylvania, to lease a portion of the tracks so the company may begin operating a rail biking business beginning in May 2021 – Ashli Workman, Director of Tourism, and Adam Forshee, Owner Operator, Tracks and Yaks.

Mrs. Ashli Workman, Allegany County Director of Tourism, introduced the Commissioners to Mr. Adam Forshee, as the owner of a potential new business in Allegany County. Mrs. Workman presented some background and information on this potential new business, as set forth on her Staff Report on the subject dated March 17, 2021, a copy of which is attached to and made a part of these Minutes. She also presented a short video on this type of business.

Mrs. Workman requested that the Board of County Commissioners approve the Memorandum of Understanding before them this evening, for lease of a portion of tracks to Tracks and Yaks to use in the course of its business.

Mr. Adam Forshee, Owner Operator of Tracks and Yaks, then came forward to offer brief remarks, providing some further details about his business. He thanked Mrs. Workman and the Board of County Commissioners for the opportunity to speak at this meeting.

Upon Motion made by Commissioner Caporale, seconded by Commissioner Brodie, and duly carried, the Board of County Commissioners approved a Memorandum of Understanding with Tracks and Yaks, Indiana, Pennsylvania, to lease a portion of the tracks so the company may begin operating a rail biking business beginning in May 2021.

County Administrator Jason Bennett thanked Mrs. Workman for her efforts in working with this new business, and thanked Mr. Forshee for his patience while everything was worked out and welcomed him to Allegany County.

**Item 3 – Real Estate Tax Set Aside (RETSA) Agreement** – Board of County Commissioners to approve a Real Estate Tax Set Aside Agreement between Evergreen Associates, LLC, City of Frostburg, Maryland, and the Board of County Commissioners of Allegany County, Maryland – Ramon Rozas, Assistant County Attorney. Before Assistant County Attorney Ramon Rozas began his presentation of Item 3, Commissioner Shade pointed out that County Attorney Lee Beeman has abstained from this project because of a conflict of interest.

Assistant County Attorney Ramon Rozas explained to the County Commissioners that Evergreen Associates, LLC, in Frostburg has taken over the Prichard Farms Development Project. He further explained that there was previously a Real Estate Tax Set Aside (RETSA) Agreement in place for the second part of the Project, Part 1-A-2. Attorney Rozas reported that Evergreen Associates has approached both the City of Frostburg and the County asking for an additional RETSA for Part 1-A-3, on which he believes they intend to begin development. He pointed out that the RETSA being requested now is slightly different from the previous RETSA, in that Evergreen's lender would prefer the RETSA start date to be the date the occupancy permit is issued, rather than the date the parties enter into the RETSA.

Attorney Rozas reported that he has spoken with County Administrator/Finance Director Jason Bennett, and they recommend that the County Commissioners enter into this RETSA Agreement.

Commissioner Brodie commented that he is very much in favor of RETSA Agreements. Commissioner Brodie then moved that the Board of County Commissioners approve the Real Estate Tax Set Aside Agreement between Evergreen Associates, LLC, City of Frostburg, Maryland, and the Board of County Commissioners of Allegany County, Maryland. Commissioner Caporale seconded the Motion. Motion carried to approve.

#### **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, with Commissioner Brodie abstaining from voting on Item 13 – LaVale Sanitary Board Appointment, as he is an employee of LaVale Sanitary Commission.

**Item 4 – Resolution 21-5 – Cumberland Area Fiscal Year 2022-2025 Transportation Improvement Program** – Board of County Commissioners, acting in their role as the Cumberland Area Metropolitan Planning Organization, authorized and adopted Resolution 21-5, the Cumberland Area Fiscal Year 2022-2025 Transportation Improvement Program.

**Item 5 – Resolution 21-6 – Cumberland Area Long Range Transportation Plan – Plan 2050** – Board of County Commissioners, acting in their role as the Cumberland Area Metropolitan Planning Organization, authorized and adopted the Cumberland Area Long Range Transportation Plan – Plan 2050, and submission of the Plan to Maryland Department of Transportation.

**Item 6 – Resolution 21-7– Rules & Regulations Governing Employees of Allegany County, Maryland Amendments** – Board of County Commissioners approved and passed Resolution 21-7, the amendments to the Rules & Regulations Governing Employees of Allegany County, Maryland.

**Item 7 – Vision Benefits of America Plan Renewal** – Board of County Commissioners adopted the renewal of the Vision Benefits of America plan for Allegany County employees for the period of July 1, 2021 through June 30, 2023, and authorized the President of the County Commissioners to sign the agreement.

**Item 8 – Bowling Green Drainage Improvement Project Phase II-A Bid Award** – Board of County Commissioners awarded the Bowling Green Drainage Improvement Project Phase II-A to Excavating Associates, Inc., Ellerslie, Maryland, in the amount of \$299,223, and authorized the President of the County Commissioners to sign any and all necessary contract agreements or documents.

**Item 9 – Declaration of Surplus Property** – Board of County Commissioners authorized Public Works Maintenance Division to declare a 2001 Ford F250 pickup truck VIN # 1FTNF21L61EC24367, as surplus and dispose of in accordance with county policy.

**Item 10 – Declaration of Surplus Property** – Board of County Commissioners authorized Public Works Roads Division to declare the following vehicles surplus and dispose of in accordance with

county policy: 1994 International dump truck VIN #1HTSDAARORH582795, 1996 International dump truck VIN # 1HTSDAAR6YH369065, 1998 Dodge 4X4 pickup truck VIN #3B7HF13ZSWG235550, 1999 International dump truck VIN # 1HTGBAAR7XH671255, 1989 John Deere boom mower tractor VIN #LO2755G644578, and a 2011 GMC Model 1500 pickup truck VIN #1GTN2TEA4BZ383314.

**Item 11 – Request to Purchase a Used Pickup Truck** – Board of County Commissioners authorized Public Works Roads Division to purchase a used Ford F250 pickup truck from Bedford Ford Lincoln, Bedford, Pennsylvania, in the amount of \$40,728.

**Item 12 – Solid Waste Management Board Appointment** – Board of County Commissioners authorized the appointment of John R. Kirby, Jr. to the Solid Waste Management Board representing the City of Frostburg.

**Item 13 – LaVale Sanitary Commission Board Appointment** – Board of County Commissioners authorized the re-appointment of Russel W. Hensel to the LaVale Sanitary Commission. His term will expire on March 25, 2027.

**Item 14 – Garden City Mobile Home Park Partial Acquisition Bid Award** – Board of County Commissioners authorized the President of the County Commissioners to sign a contract with Green Ridge Environmental, LLC, Grasonville, Maryland, for appraisal services for 15 mobile homes for an estimated amount of \$21,750, and an estimated amount of \$55,276 per mobile home for replacement of mobile homes in the Garden City Mobile Home Park Partial Acquisition Project.

**Item 15 – Emergency Rental Assistance Program 1 Homelessness Solutions Program Grant Agreement** – Board of County Commissioners authorized the President of the County Commissioners to sign an ERAP 1 Homelessness Solutions Program Grant Agreement accepting an award of up to \$3,389,068, on behalf of the Human Resources Development Commission, Allegany County Department of Social Services, and Horizon Goodwill Industries. Further, the Board of County Commissioners authorized the President to sign the sub-recipient agreements with each of these organizations for the administration of the Grant.

**Item 16 – Governor’s Office of Crime Control and Prevention Grant Award** – Board of County Commissioners authorized the President of the County Commissioners to sign a grant agreement with the Governor’s Office of Crime Control and Prevention to accept funding in the amount of \$4,980 for the Allegany County Sheriff’s Office to send five deputies to the Tactical Training Conference & Expo 2021 in Arlington, Virginia from September 7-10, 2021.

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

**County Administrator Jason Bennett** announced that the first round of budget hearings was held today, with the second round of budget hearings to be held on April 8, 2021. He added that the first budget workshop will hopefully also take place on April 8.

**Commissioners’ statements, comments, recognition –**

**Commissioner Caporale** had no further comments to make at this evening’s meeting.

**Commissioner Brodie** thanked Mr. Adam Forshee of Tracks and Yaks for bringing his business to Allegany County. He commented that it may be possible for the business to expand and grow here in Allegany County, and that he hopes the Commissioners will be able to work with Mr. Forshee on that in the near future.

Commissioner Brodie also remarked that it was good to see everyone and welcomed back Mr. Danny Williams and Mr. Kenneth Wilmont to the public meeting.

**Constituents –** In order of sign-up sheet –

**Mr. Kenneth Wilmont**, of Cumberland, asked for an update on pending charges against Karl Brubaker, who previously worked for Allegany County. Mr. Bennett told Mr. Wilmont that Mr. Brubaker has not worked for the County for many years. None of the Commissioners had any information on Mr. Brubaker. County Attorney Beeman suggested to Mr. Wilmont that he reach out to the State’s Attorney’s Office for information. Commissioner Shade also told Mr. Wilmont that Mr. Brubaker has not been employed by Allegany County for a long time.

**Mr. Harold Fike**, of 81 LaVale Court, LaVale, informed the Commissioners that he last attended a Commissioners public meeting in 2019 to bring attention to a sinkhole that appeared on a paper street adjacent to his property and subsequently began to erode his driveway and his property. Mr. Fike described this situation as very dangerous and said that the sinkhole is now about six feet deep and six to eight feet wide. He provided some additional information about the sinkhole. Mr. Fike explained that he brought the sinkhole to the attention of the County Engineer and corresponded with the County Engineer for a while, and then County personnel came out for investigation of the site by a contractor. Mr. Fike reported that several options were proposed to fix the issue, with the requirement that his family would cover fifty (50%) percent of the cost because it was on a paper street that wasn't maintained. He pointed out that later it was discovered that the options proposed would not be a permanent solution, and that he would have spent money without fixing the problem. Mr. Fike said that he brought this to the attention of County officials; and after a number of months, he received an e-mail that a complaint about the sinkhole from another concerned citizen had been received, and that the County's legal team was looking into the best way to deal with the issue. He reported that more months went by, and that during that time, the sinkhole continued to grow. Mr. Fike explained that he ultimately received a letter telling him that the County was not responsible for the problem. He discussed his reasons for disagreeing with the contents of the County's letter and decision.

Mr. Fike concluded by saying that the situation is worsening and that he does not have the capability to fix it. He again asked the County for help. He said that he would appreciate any help he could get with this issue.

Commissioner Brodie pointed out that the issue was not caused by anything the County did but rather by what the developer, Cover, did; but that he was concerned about the sinkhole, He said that he does not want anyone to fall into it. Commissioner Brodie suggested the possibility of getting this into the CIP.

County Engineer Dan DeWitt discussed a temporary fix for safety's sake, and what this would involve. It was also discussed that a complete assessment of the situation would also be needed, and that multiple properties would need to be dealt with to completely fix the problem. Mr. DeWitt will meet with Mr. Fike to discuss how to move forward.

Mr. Fike thanked the Commissioners, who in turn thanked him.

**Reminders/Upcoming Meetings –**

**Next Public Business Meeting – Thursday, April 8, 2021, 5:00 p.m.**

**Announcement – Allegany County Government Schedule (See News Release)**

**Announcement – Yard Trimmings and Mulch Site Spring and Summer Schedule (See News Release)**

**ADJOURNMENT:**

There being no further business to come to the attention of the Board, the meeting was adjourned at 5:45 p.m.

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Jacob C. Shade, President

True Copy  
Attest:

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Cynthia A. Young  
Recording Secretary



Item 2

## STAFF REPORT

**TO:** Jason Bennett, County Administrator  
**FROM:** Ashli Workman, Director of Tourism  
**DATE:** March 17, 2021  
**RE:** Memorandum of Understanding (MOU) Between Board of County Commissioners and Tracks and Yaks

For the Agenda of: March 25, 2021

**BACKGROUND:** Tracks and Yaks approached Allegany County in the Fall of 2020 looking to open a new business in the city of Frostburg, and in order to do so, they would need to lease an 8–10-mile portion of the Western Maryland Railway Company’s line.

The Board of County Commissioners of Allegany County, MD, assumed the Western Maryland Railway Company’s property and the 15.72-mile right-of-way from Maryland Transit Administration in 2003.

Therefore, Tracks and Yaks is looking to enter into a three-year lease agreement with Allegany County for use of the line to open a rail biking business that will offer a mix of tandem and quad bikes for scenic excursions.

Rail biking is riding pedal-powered machines along rail lines. Rail biking tours are a new and expanding outdoor attraction all over the world, making use of rail lines that traverse scenic, natural settings on rail lines.

This partnership will enable Allegany County, MD, to currently be home to the only rail biking experience in the state of Maryland.

**ISSUES:** None.

**FINANCIAL IMPACT:** There is no cost to the county to enter into this MOU agreement. In fact, the county will generate revenue through the lease arrangement.

**ALTERNATIVES:** County could choose not to enter into MOU agreement with Tracks and Yaks.

**OTHER CONSIDERATIONS:** The decision to pursue this MOU could support a new small business in Allegany County that will offer job opportunities, community enhancement, and drive visitor spending and overnight travel to the region.

**CONFORMITY TO COUNTY POLICY:** Meets County requirements and procurement policies.

**RECOMMENDATION:** Approve the motion to authorize a MOU agreement with Tracks and Yaks to lease a portion of the tracks so it may begin operating a rail biking business starting in May 2021.