

April 22, 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 April 8, 2021, public business meeting.

PRESENTATION

Item 1 – 2020 Comprehensive Annual Financial Report – Financial Audit – Jason M. Bennett, CPA, County Administrator, and Rick Hoover, CPA, Turnbull, Hoover, & Kahl, PA. Jason M. Bennett, CPA, County Administrator, reminded the Commissioners that the County's audit is done each year and announced that Mr. Rick Hoover, CPA, with Turnbull, Hoover, & Kahl was at this meeting to report on the County's 2020 Comprehensive Annual Financial Report. Mr. Bennett called Mr. Hoover forward to present the Report.

Rick Hoover, CPA, reported that, once again, Turnbull, Hoover, & Kahl has issued an unmodified, clean opinion. Mr. Hoover explained that means that the financial statements were presented fairly in all material respects and conformed with generally accepted accounting principles. He presented some details as set forth on the 2020 Comprehensive Annual Financial Report, a copy of which is available online on the Allegany County Government website, alleganygov.org, and is attached to and made a copy of these Minutes by reference. He thanked County staff for their cooperation and assistance.

The Commissioners all thanked Mr. Hoover.

PUBLIC HEARING

Item 2 – Fiscal Year 2022 Preliminary Budget Public Hearing – Jason M. Bennett, CPA, County Administrator told the Commissioners that this evening was the first Preliminary Budget Hearing for the budget for Fiscal Year 2022. He informed them that the current plan is to adopt this budget on May 27, 2021.

Mr. Bennett gave a power point presentation on the preliminary budget. Highlights included:

- This is a balanced budget of \$96,458,503
- Property taxes have experienced a little bit of growth, which is a positive change from prior years, with \$798,000 coming in this year thanks to 1.8 percent growth
- Income taxes are up \$650,000. Mr. Bennett pointed out that this is due to continued strong performance in spite of the Covid-19 situation, and that the County will need to watch revenues closely going forward.
- \$661,993 more of the Fund Balance is being used this year, but this is excess fund balance, with the County still keeping the required reserves, including two months' operating reserves, and a budget stabilization amount in the fund balance

Mr. Bennett briefly discussed expenditures, and also pointed out that Kirwan and also the Covid-19 situation will have an effect on the budget going forward.

Commissioner Shade acknowledged the cooperation of the Board of Education and the good relationship between them and County Government.

Mr. Bennett asked for any comments this evening, and announced that a second public hearing will be held on May 13, 2021. He added that the preliminary budget information presented at this meeting would be available online after the meeting.

In conclusion, Mr. Bennett acknowledged and thanked Finance Department staff members Pam Diaz and Kierstan O'Donnell for their efforts and assistance in preparation of the budget. He also

thanked both the outside agencies and County Departments for their cooperation and modest budget requests.

Commissioner Shade opened the Public Hearing and asked for any public comment. There being none, the Hearing closed.

ACTION AGENDA

Item 3 – Calumet Enterprises, LLC – Board of County Commissioners to authorize the President of the County Commissioners to sign the necessary legal documents to transfer the property adjacent to 11201 Hoffman Hollow Road, Frostburg, Maryland (Lot 8 – Frostburg Business Park) to Calumet Enterprises, LLC – T. Lee Beeman, Jr., County Attorney, reminded the Commissioners that in February 2021, representatives from Calumet Enterprises, as well as from the County’s Economic Development Department, came to a public meeting, and at that time the Commissioners approved transfer of a piece of land in the Frostburg Business Park to Calumet Enterprises (Webstaurant). Mr. Beeman reported that since that time, the company realized that they needed additional space to expand further. He pointed out that before the Commissioners this evening was a request for them to approve the transfer of Lot 8 of the Frostburg Business Park to Calumet Enterprises for \$50,000.

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 the necessary legal documents to transfer the property adjacent to 11201 Hoffman Hollow Road, Frostburg, Maryland (Lot 8 – Frostburg Business Park) to Calumet Enterprises, LLC.

Item 4 – Washington Street Bridge Resolution – Board of County Commissioners to authorize the County Attorney to file a formal complaint against CSX Transportation with the National Surface Transportation Board regarding the destruction and disputed repairs of the Washington Street bridge. Board of County Commissioners to authorize the County Attorney to secure outside counsel, if necessary, to assist in filing – Jacob C. Shade, President, first called two citizens forward to comment on the CSX Bridge issue.

Ms. Teri Murphy, President of the Washington Bridge Alliance, thanked the Commissioners for their efforts regarding the issue, and remarked that the community is very much behind Commissioner Shade. She pointed out that nothing has changed since a press conference was held by the Alliance at the site of the Bridge seven months ago.

Commissioner Shade thanked Ms. Murphy for her remarks.

Mr. Ed Mullaney echoed the comments made by Ms. Murphy and referred to Washington Street as a “majestic street”. He talked about the impact of the closing of three bridges on the West Side of Cumberland and the resulting effect on tourism in the community.

The Commissioners thanked Mr. Mullaney for his comments.

Commissioner Shade then discussed the issue of the Washington Street Bridge, reading from a written statement, a copy of which is attached to and made a part of these Minutes. He said that he is very optimistic that going to the Surface Transportation Board will result in a resolution of the matter. He asked for approval of the Board of County Commissioners to do this.

Commissioner Shade moved that the Board of County Commissioners authorize the County Attorney to file a formal complaint against CSX Transportation with the National Surface Transportation Board regarding the destruction and disputed repairs of the Washington Street bridge, and that the Board of County Commissioners also authorize the County Attorney to secure outside counsel, if necessary, to assist in filing. Commissioner Caporale seconded the Motion. Motion carried to approve and authorize.

There followed a round of applause.

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 5 – Resolution 21-8– Rules & Regulations Governing Employees of Allegany County, Maryland Amendments – Board of County Commissioners approved and passed Resolution 21-8, the amendments to the Rules & Regulations Governing Employees of Allegany County, Maryland.

Item 6 – CareFirst BlueCross BlueShield Dental Plan Renewal – Board of County Commissioners adopted the renewal of the CareFirst BlueCross BlueShield group dental plan for Allegany County employees for the period of July 1, 2021 through June 30, 2022, and authorized the President of the County Commissioners to sign.

Item 7 – US General Services Administration Lease Amendment – Board of County Commissioners approved an amendment to the General Services Administration Lease, 11400 PPG Road, SE, Cumberland, Maryland, effective April 22, 2021. This amendment provides for a two-year extension with the option to extend up to five-years by April 1, 2023.

Item 8 – Penn-Mar Recycling Agreement – Board of County Commissioners approved an Agreement with Penn-Mar Recycling, LLC from July 1, 2021 to June 30, 2022 to provide for recovery, processing, reporting, and marketing of recyclable materials.

Item 9 – Maryland Judiciary Security Grant – Board of County Commissioners authorized Allegany County Circuit Court to apply for a grant from the Maryland Judiciary Administrative Office of the Courts for the installation of a new security camera system for the Courthouse and a portion of the Courthouse Annex in the amount of \$168,500.

Item 10 – Scattered Sites Housing Program – Board of County Commissioners approved the acceptance of an offer of \$41,500 from Jean Christophe Demarque, Cumberland, Maryland, to purchase the property known as 706 Gephart Drive, Cumberland, Maryland, Property Tax Account Number 06-033199, and authorized the President of the County Commissioners to sign the closing documents and the deed for the sale of the property.

Item 11 – Scattered Sites Housing Program – Board of County Commissioners approved the acceptance of a net offer of \$54,100 from Greater Trails, LLC, Alexandria, Virginia, to purchase the property known as 540 Fairview Avenue, Fairview Addition, Cumberland, Maryland, Property Tax Account Number 05-004268, and authorized the President of the County Commissioners to sign the closing documents and the deed for the sale of the property.

Item 12 – Scattered Sites Housing Program – Board of County Commissioners approved the acceptance of an offer of \$35,000 from Bernard Aesthetic, LLC, Cumberland, Maryland, to purchase the property known as 127 Polk Street, Cumberland, Maryland, Property Tax Account Number 14-003312, and authorized the President of the County Commissioners to sign the closing documents and the deed for the sale of the property.

Item 13 – Allegany County Emergency Housing Program Grant Agreement – Board of County Commissioners authorized the President of the County Commissioners to sign a grant agreement for submission of an application for the Emergency Housing Program to the Maryland Department of Housing and Community Development in the amount of \$151,112 on behalf of Human Resources Development Commission, Inc. (\$78,112), Allegany County Department of Social Services (\$50,000) and Family Crisis Resource Center, Inc. (\$23,000).

Item 14 – State Fiscal Year 2022/Federal Fiscal Year 2021 Homelessness Solutions Program Grant Agreement – Board of County Commissioners authorized the President of the County Commissioners to sign a grant agreement with the Maryland Department of Housing and Community Development accepting \$236,900 in SFY 2022/FFY 2021 Homelessness Solutions Program Grant funds on behalf of Human Resources Development Commission, Inc. (\$174,653), Family Crisis Resource Center, Inc. (\$30,626), Allegany County Department of Social Services (\$15,865), and YMCA of Cumberland, Maryland, Inc. (\$15,756). Also, authorized the President to sign sub recipient agreements with each of these organizations for the administration of the SFY 2022/FFY 2021 Homelessness Solutions Program Grant.

Item 15 – Declaration of Surplus Property – Board of County Commissioners authorized the Department of Public Works Roads Division to declare a 1995 John Deere 410D Extendahoe Backhoe VIN: TO410DG807844 as surplus and dispose of in accordance with county policy.

Item 16 – Declaration of Surplus Vehicles – Board of County Commissioners authorized the Allegany County Sheriff's Office to declare a 2008 Ford Crown Vic VIN: 2FAFP71V88X111990, and a 2014 seized Chrysler 200 VIN: 1C3CCBLG9EN134402 as surplus and sold by public auction.

Item 17 – Allegany County Mental Health Advisory Board Appointments – Board of County Commissioners appointed the following as members on the Mental Health Advisory Board: Kristin Thomas will be filling a vacant position through a resignation. Her term will expire on June 30, 2024; Kayla Long and Ula Slider will be filling positions vacant through resignations. Their terms will expire on June 30, 2022; Stephanie Hutter-Thomas will be filling a vacant position through a resignation. Her term will expire on June 30, 2023; and reappointed David Bena, Carey Moffatt,

and Ginger Lee, whose terms will expire on June 30, 2024.

Constituents – In order of sign-up sheet –

Siddappa Nagabhushan, of 16327 Harwood Drive, SW, Frostburg, talked about a situation affecting his property on Harwood Drive. He told the Commissioners about mailboxes that had been installed in front of his home, commenting that this created a dangerous situation and safety hazard, and asked the Commissioners if they could assist him in any way regarding this issue. Commissioner Shade remarked that this would have to be researched, and Administrator Bennett told Mr. Nagabhushan that the County's Public Works Department would look into the matter and report back to him in a week or two.

Toni VanMeter, Sweitzer Lane, Cumberland, brought concerns regarding an OP road, Sweitzer Lane off of Bedford Road, to the Commissioners' attention and asked for any assistance that could be offered. This was referred to Public Works.

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

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

Commissioner Jacob Shade announced that Restaurants and Caterers Relief Grants would open the next day, April 23, 2021, at 9 a.m. He reported that Allegany County would be receiving \$251,597.99 through the Department of Commerce, which would be the third round of restaurant relief. He pointed out that this would include caterers, drinking establishments, restaurants and other eateries, which would all be eligible and would need to demonstrate a need for assistance. Commissioner Shade added that businesses that have already received a grant may apply again and funds could be used for capital, rent, job training, expansion of outdoor dining, etc. He explained that applications will be accepted from 9 a.m. on Friday, April 23, 2021 through 4 p.m. on Friday, May 7, 2021, and will be available on the County's website.

Commissioner Shade then announced that the first Relief Grant for Non-Profits will open on May 17, 2021, totaling \$232,000, with applications to be made through the County's Department of Economic Development. He explained that this grant will only be open to Allegany County non-profits with a physical address, and that the non-profits must be 501(c)(3) entities. Commissioner Shade pointed out that awards will be made based on need due to Covid-19, and that the awards will be in the amounts of \$5,000 to \$50,000.

Reminders/Upcoming Meetings –

Next Public Business Meeting – Thursday, May 13, 2021, 5:00 p.m.

ADJOURNMENT:

There being no further business to come to the attention of the Board, the meeting was adjourned at 6:00 p.m.

Jacob C. Shade, President

True Copy
Attest:

Cynthia A. Young
Recording Secretary

Cumberland/ CSX

On Sunday February 21, 2021, a CSX train derailed in Cumberland, affecting 47 railcars.

This seems to be a trend with CSX in recent years.

In August 2017, a CSX train struck and destroyed the Washington Street Bridge in Cumberland, Maryland. To this day, three and a half years later, CSX has not fixed the bridge. More so, a solution supported by Comptroller Franchot and Senators Cardin, Van Hollen, and Congressman Trone and requested by local officials has been met with opposition. This compromise would allow for the bridge to be replaced at current height, with Allegany County and the City of Cumberland paying the entire cost.

Not only does CSX refuse to repair or replace the Washington Street Bridge, they actively oppose and block local government from fixing the problem. They seem to be fine with the blighted eyesore on one of Cumberland's finest streets. They managed to operate for over 90 years with the bridge, and yet suddenly they cannot function with its existence and clearance.

The following year, in June 2018 another CSX train crashed into a different bridge in Cumberland- the Fayette Street Bridge. The train kept traveling and also struck the already closed Washington Street Bridge. Local officials have been assured that a solution has been reached on Fayette Street, and eventually the tax-paying residents will have another fully functioning bridge.

The letter from James M. Foote, CEO of CSX, reads like it was written in an alternate reality:

"CSX and the City are engaged not in a dispute but rather a joint effort to navigate conflicting priorities"

Yes, CSX destroyed a bridge and have refused to repair or rebuild it as they use the modern federal standards as the excuse for not allowing any solution outside of demolishing homes, which they know has no public support.

"The current Washington Street structure is failing and need of replacement."

Left unsaid is why the structure is failing and needs replacing, the reason being CSX destroyed it with a train striking it on two separate occasions in August 2017 and June 2018. The CSX letter to Comptroller Franchot 12/10/2020 actually never mentions a CSX train striking a bridge at all.

"Vehicular clearance at Green Street is also currently substandard and CSX's railroad bridge is frequently struck by trucks."

CSX is very concerned about tractor-trailers striking *their* bridge and impacting their operations, but could care less about the ongoing safety issues and inconveniences they have caused the residents of Cumberland.

“...CSX is actively engaged on this matter and intends to work expeditiously towards a resolution that benefits all stakeholders.”

It was been three and a half years without a resolution and all attempts for a solution have been met with resistance. That is the opposite of “expeditiously”