

**BOARD OF GARRETT COUNTY COMMISSIONERS**  
**PUBLIC MEETING**  
**June 5, 2012**

**IN ATTENDANCE**

*Chairman James M. Raley*  
*Commissioner Gregan T. Crawford*  
*Commissioner Robert G. Gatto*

*County Administrator R. Lamont Pagenhardt*

**PUBLIC SESSION**

**CALL TO ORDER OF PUBLIC SESSION**

**PRAYER & PLEDGE OF ALLEGIANCE**

1. Additions/deletions to public meeting agenda. Mr. Pagenhardt indicated one addition and one deletion to the Public Meeting Agenda for June 5, 2012. Sheriff Corley has requested to defer his office update until June 26, 2012 at which time he will present a comprehensive overview of the Inmate Labor Program. Chairman Raley asked that appointments to the Board of Directors of Tri-County Council of Western Maryland be added. This session will be added to the agenda. The Board of County Commissioners, on a motion by Commissioner Gatto, which was seconded by Commissioner Crawford, and made unanimous by Chairman Raley, approved the Public Meeting Agenda for June 5, 2012. Mr. Pagenhardt also noted matters to be discussed during the administrative session.
2. The Board of County Commissioners, on a motion by Commissioner Crawford, which was seconded by Commissioner Gatto, and made unanimous by Chairman Raley, approved the Public Meeting Minutes for May 15, 2012, Administrative Session of May 22, 2012 and Administrative Session of May 31, 2012.
3. The Board of County Commissioners presented an overview of board, committee, and commission meetings they have attended individually and as a Board.
4. The Board of County Commissioners met with John Nelson, Director, Department of Planning and Land Development to address the following matters:
  - a) In furtherance of the *Public Hearing* conducted on May 31, 2012, the Board of County Commissioners, on a motion by Commissioner Crawford, which was seconded and carried by Commissioner Gatto approved an amendment to the Deep Creek Zoning Ordinance. Chairman Raley voted in opposition to the motion.
  - b) Update of Legislation that was approved by the Maryland General Assembly during the 2012 Session to include Senate Bill 236 -Sustainable Growth and Agricultural Preservation Act of 2012. Mr. Nelson explained that the Bill allows local jurisdictions to amend their definition of minor subdivisions to include up to 7 new lots on septic systems. The Bill also provides that local Governments can submit mapping and related documents to delineate boundaries for the 4 tiers of growth related to subdivision of

new lots on septic systems. The Tier III areas are the only areas where major subdivisions on septic systems will be allowed (over 7 lots) after implementation. The Board agreed to proceed with required legal proceedings to address these matters.

- c) The Board executed a Resolution that lists Maryland Agricultural Land Preservation Districts for Garrett County.
  - d) Update on building codes issues for adoption to include the Federal Emergency Management Administration (FEMA) Flood Map final report; sediment and erosion control standards; and Maryland Building Code as it applied to residential sprinkler systems and Energy Conservation Code Requirements.
  - e) Year-to-date approved building permits report
  - f) Other departmental issues.
- 5) The Board of County Commissioners reviewed a request from the Allegany-Garrett Chapter of the Maryland Municipal League to confirm an appointment to the Board of Directors of Tri-County Council of Western Maryland. The Board, on a motion by Commissioner Crawford, which was seconded by Commissioner Gatto, and made unanimous by Chairman Raley, confirmed the appointment of Town of Grantsville Mayor Paul Edwards as the municipal representative on the Tri-County Council of Western Maryland. An official letter confirming this appointment will be sent to Mr. Edwards under the signature of Chairman Raley. Chairman Raley asked that the other Commissioners consider replacements for vacancy on the Council to fill a Council position in the category of private citizen and a vacancy on the Council's Revolving Loan Fund Committee.
- 6) The Board of County Commissioners, on a motion by Commissioner Crawford, which was seconded by Commissioner Gatto, and made unanimous by Chairman Raley, executed a Resolution to refinance debt obligations for the Garrett County Sanitary District, Inc.
- 7) The Board of County Commissioners met with Department of Economic Development staff to publically discuss a proposed "Fractured Rock Study", which is planned to complete a statewide assessment of water resources in parts of Maryland. The Board had previously addressed this on May 22, 2012. The study, by Maryland Department of the Environment (MDE), Maryland Department of Natural Resources, and the United States Geological Service, would determine water supply resources to provide data and tools "...to ensure that water is allocated and used in a sustainable fashion, without causing ecological damage." This has the potential to affect residential, commercial and other development in the state (including Marcellus shale natural gas drilling). The Fractured Rock Study started in 2009, was funded for a couple years, and is now in danger of ceasing because of lack of funding.

The Department of Economic Development has been in contact with MDE and was informed that State funding would not be available after June 30, 2012 and the current phase of the study could not continue. This phase is studying the biological communities (potential impacts to plants, animals, and other living things if water were removed). MDE is looking for \$70,000 to complete this portion of the study and possibly \$4-5 million in funding for the last 4-5 years of study left to complete. Mr. Pagenhardt has contacted the Office of the Governor because of the Governor's historically strong support for environmental issues to inquire about continued funding by the State.

- 8) Jay Moyer, General Superintendent, County Roads Department met with the Board of County Commissioners to present the following matters:
- a) Update and status of County roads for the upcoming Gran Fondo Event particular Shingle Camp Road. Mr. Moyer was asked to come with best case estimates for improving this roadway for not only the Gran Fondo Event but also Deep Creek 2014 World Races.
  - b) Designation of Harold Brant Road into the County Roads System and provide a temporary easement to Linda Norman for use of the road for adjacent property owners to access property. The Board agreed to proceed with the legal process to approve this which will be referred to the County Attorney.
- 9) Edward Kelly, County Airport Manager and Carol Riley-Alexander, Executive Assistant to the Board of County Commissioners and County Administrator updated the Board of County Commissioners on the planning process for the 1<sup>st</sup> Annual Garrett County Appreciation Day on August 11, 2012 from 10:00 AM to 2:00 PM. Mr. Moyer was also in attendance for this session.
- 10) Wendy Yoder, Director, Department of Financial Services presented an overview of the Chesapeake Bay Restoration Fee Structure for Garrett County. John Nelson, Director, Department of Planning and Land Development; Debra Carpenter, GIS Specialist, Department of Planning and Land Development; and Linda Lindsey, Director, Department of Public Utilities were also in attendance for this session. Legislation passed by the Maryland General Assembly during the 2012 Session to increase the fee from \$30 to \$60 and excludes properties not in the Bay Watershed from paying the additional amount/fee. It is the legislative responsibility of the County to determine where a qualifying boundary is located. The County's GIS system will be used to determine to the exact location with verification of the actual drain field to be completed by the Garrett County Health Department Environmental Health Division. Final determination and location will be finalized and will be made publically available.
10. The Board of County Commissioners presented the Fiscal Year 2013 Operating and Capital Budget and all applicable tax rates. Official action by the Board was taken as follows:
- a) The Landfill Bond Ad Valorem Tax - \$0.0200  
  
Tax rate approved on a motion by Commissioner Crawford, which was seconded by Commissioner Gatto, and made unanimous by Chairman Raley.
  - b) Supplemental Levy for Special Taxing Areas – The Ad Valorem Tax – Garrett County Sanitary District.
    - 1) Bloomington Sanitary District – Water - \$0.1400
    - 2) Chestnut Ridge Sewer Sanitary District - \$0.2300
    - 3) Deep Creek Lake Sewer Sanitary District - \$0.0600
    - 4) Deer Park Sewer Sanitary District - \$0.1500
    - 5) Deer Park Water Sanitary District - \$0.1500
    - 6) Friendsville Water Sanitary District - \$0.0700
    - 7) Friendsville Sewer - \$0.0900
    - 8) Jennings Sewer Sanitary District - \$0.1300
    - 9) McHenry Water Sanitary District - \$0.0400

- 10) Meadow Mountain Sewer Sanitary District - \$0.0600
- 11) Mountain Lake Park – Loch Lynn Sewer Sanitary District - \$0.0400
- 12) Mountain Lake Park – Loch Lynn Water Sanitary District - \$0.0200
- 13) Keyser’s Ridge Water Sanitary District - \$0.5000

All tax rates approved on a motion by Commissioner Crawford, which was seconded by Commissioner Gatto, and made unanimous by Chairman Raley.

c) The Real Property Tax (to include tax rate excluding fire tax, special fire tax levy per \$100, and Landfill Bond Tax)

- 1) Mountain Lake Park - \$0.9330
- 2) All other areas - \$0.9900

All tax rates approved on a motion by Commissioner Gatto, which was seconded by Commissioner Crawford, and made unanimous by Chairman Raley.

d) Public Utilities Tax (to include tax rate excluding fire tax, special fire tax levy per \$100, and Landfill Bond Tax)

1. Mountain Lake Park - \$2.3325
2. All other areas - \$2.4750

All tax rates approved on a motion by Commissioner Gatto, which was seconded by Chairman Raley, and made unanimous by Commissioner Raley.

e) Fiscal Year 2013 Operating and Capital Budget - \$73,441,985

Budget approved on a motion by Commissioner Crawford, which was seconded by Commissioner Gatto, and made unanimous by Chairman Raley.

Each Commissioner made comments on the budgetary review and approval process.

11) Public Commentary.

12) Carol Riley-Alexander, Executive Assistant to the Board of County Commissioners and County Administrator, reviewed the meeting and committee schedule for the forthcoming weeks

13) The Purchasing Department presented the following recommendations of bid awards to the Board of County Commissioners:

- a) Crushed Stone Aggregates (bid #11-0519CS). The Board, on a motion by Commissioner Crawford, which was seconded by Chairman Raley, and made unanimous by Commissioner Gatto awarded an award to a number of vendors for specific products which are on file with the Purchasing Department.
- b) Liquid Asphalt (bid #12-0531HM). The Board, on a motion by Commissioner Crawford, which was seconded by Commissioner Gatto, and made unanimous by Chairman Raley

awarded an award to Hammaker East, LTD for specific unit prices for specific points of delivery which are on file with the Purchasing Department.

- c) Chain and Augers (bid #12-0531CA). The Board, on a motion by Commissioner Gatto, which was seconded by Commissioner Crawford, and made unanimous by Chairman Raley awarded an award to Chemung Supply Corp. for a variety of chain size which is on file with the Purchasing Department.
- d) On May 24, 2012 the Board of County Commissioners approved a bid award for a Self-Propelled Broom Truck to Anderson Equipment Company (bid #12-0510) for total price of \$46,109. This action of approval is reflected in these public meeting minutes.

- 14) The Board of County Commissioners met with staff and representatives from the Garrett County Board of Education, Garrett County Community Action Committee, Inc., Ruth Enlow Library of Garrett County, and residents from the Town of Kitzmiller to discuss the potential use of Kitzmiller Elementary School. The School will be closed at the end of this school year and the facility current houses a branch of the Library and a Head Start Center.

All parties will continue to work towards a cooperative effort to find a viable, best use, and practical usage for the facility that is affordable at all levels.

- 15) James Hinebaugh, Director, Department of Economic Development presented Appalachian Regional Commission (ARC) Fiscal Year 2013 Preliminary Project Requests to the Board of County Commissioners. A comprehensive review of each project to include County Government matching funds requirement was presented for the following projects:

Area Development Projects (50/50 Match)

- a) Asset Based Infrastructure Improvements at Adventure Sports Center International (telecommunications upgrade, construction of pavilion, amphitheater seating, and construction of stairs) due to requirements for Deep Creek 2014
- b) Last Mile Wireless Network
- c) Penn Alps to Meadow Mountain Trail
- d) Accident Waste Water Treatment Plant

Local Access Road Projects (80/20 Match)

- a) Cherry Glade Phase II Revision
- b) Asset Based Infrastructure Improvements at Adventure Sports Center International (access roads, parking lot upgrade, and 2 pedestrian bridges) due to requirements for Deep Creek 2014

The Board of County Commissioners, on a motion by Commissioner Crawford, which was seconded by Commissioner Gatto, and made unanimous by Chairman Raley, approved the priority

16. The Board of County Commissioners, on a motion by Commissioner Crawford, which was seconded by Commissioner Gatto, and made unanimous by Chairman Raley, moved into Executive Session under section 10-508 of the Maryland Open Meetings Law on this date to discuss economic development, personnel, and financial matters. The same motion ended the Executive Session.

**ADMINISTRATIVE MATTERS**

1. Mr. Pagenhardt reviewed informational, administrative and pending issues with the Board of County Commissioners.
2. Chairman Raley, on behalf of the Board of County Commissioners, executed a Fifth Amendment to Lease Agreement between the Board of County Commissioners of Garrett County, Maryland and Mountain Kennels, LLC.

**Attest:**

**By Order of the Board,**

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R. Lamont Pagenhardt,  
County Administrator

\_\_\_\_\_  
James M. Raley, Chairman  
Board of County Commissioners

\_\_\_\_\_  
Date