

**BOARD OF GARRETT COUNTY COMMISSIONERS**  
**PUBLIC MEETING**  
**December 14, 2010**

**IN ATTENDANCE**

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

*County Administrator R. Lamont Pagenhardt*

**CALL TO ORDER OF PUBLIC SESSION**

**PRAYER & PLEDGE OF ALLEGIANCE**

**PUBLIC SESSION**

1. Additions/deletions to Public Meeting Agenda. Mr. Pagenhardt indicated there no additions or deletions for the December 14, 2010 Public Meeting. Mr. Pagenhardt also noted several matters to be discussed during the administrative and executive sessions on this date.
2. Commissioner Elect Raley officially announced his resignation as an Elected Member of the Garrett County Board of Education. The effective date of this resignation will be December 14, 2010 prior to Mr. Raley being sworn in as County Commissioner.
3. ***Gregan T. Crawford, Robert G. Gatto, and James M, Raley were officially sworn in to the Office of Board of Garrett County, Maryland Commissioners.*** Clerk of the Circuit Court Sondra Buckel presided over this official action.
4. The Board of County Commissioners, on a motion by Commissioner Raley, which was seconded by Commissioner Gatto, and made unanimous by Commissioner Crawford, appointed Commissioner Crawford as Chairman of the Board of County Commissioners for a one year period. The Board also determined to appoint Commissioner Raley Chairman for the second year of the term of office and Commissioner Gatto to serve in this capacity for the third year of the term of office. The Board will determine at a later date who will serve as Chairman for year four of the term of office.
5. Chairman Crawford, Commissioner Gatto, and Commissioner Raley addressed persons in attendance expressing their appreciation to the many persons who have supported them during their intent to serve in the capacity of County Commissioner and articulated their commitment to the future of the County.
6. The Board of County Commissioners, on a motion by Commissioner Raley, which was seconded by Commissioner Gatto, and made unanimous by Chairman Crawford, agreed initiate a formal process to appoint a member of the Garrett County Board of Education to replace Commissioner Raley. The Board will solicit letters of interest through end of business day of December 20, 2010, review applications received during administrative session on December 28, and make a final determination of appointment during the public session on January 4, 2010.

7. A greeting and welcome reception for the newly elected Board of County Commissioners was conducted.
8. The Board of County Commissioners, on a motion by Commissioner Raley, which was seconded by Commissioner Gatto, and made unanimous by Chairman Crawford, appointed Gorman E. Getty, III as County Attorney.
9. As part of the Board of County Commissioners orientation sessions, Garrett College President Richard MacLellan presented a briefing to the Board of County Commissioners. Topics of discussion included:
  - a) General information on the College to include enrollment, program disciplines, student fees, statistics (student transferring from Garrett College to 4 year institutions), and other pertinent data.
  - b) County Scholarship Program and Career Trade and Technology Center.
  - c) Workforce development partnership with the County Department of Economic Development and the Garrett Information Enterprise Center.
  - d) Training and professional development focuses.
  - e) Community Athletic Recreation Center construction, wellness, services, and program update.
  - f) Reciprocity agreements with neighboring states for programs that may be offered at one college and not the other.
  - g) Other issues.

Commissioner Raley expressed his opinion that he personally and also the Board of County Commissioners wanted to be informed on the status of the County Scholarship Program to assure of accountability and the expenditure of tax revenue.

10. As part of the Board of County Commissioners orientation sessions, Garrett County Board of Education Superintendent of Schools Wendell Teets presented a briefing to the Board of County Commissioners. Topics of discussion included:
  - a) Economic impact of Board of Education on the County as the largest County employer.
  - b) Overview of funding sources and funding formulas (State Aid and Local) to include historical statistics and wealth factor data. Garrett County is currently ranked 7<sup>th</sup> statewide on the per student wealth factor formula. This ranking and a decreasing student enrollment will result in less State revenue for the Board of Education budget.
  - c) Shift of teacher pension costs to local jurisdictions.
  - d) Overview on future funding of employee health care benefit cost.
  - e) Proposal to close 2 elementary schools.
  - f) Other financial points of interest and budget plans for Fiscal Year 2012.
  - g) Instructional program summary.
  - h) Facility and building maintenance and capital improvement review..
  - i) Board of Education perspective on County Scholarship Program.
  - j) Other matters of priority for the Board of Education.

The Board of County Commissioners spoke on the issue of school closures, particularly the long-term consequence on effected local communities. Commissioner Raley addressed issues of paying for planned/future capital projects.

11. The Board of County Commissioners, on a motion by Commissioner Gatto, which was seconded by Commissioner Raley, and made unanimous by Chairman Crawford, moved into Executive Session under section 10-508 of the Maryland Open Meetings Law on this date to discuss personnel and legal matters. The same motion ended the Executive Session and the Board moved back into Public Session.
12. The Department of Economic Development discussed the following matters with the Board of County Commissioners. In attendance for this session was Wendy Yoder, Director, Department of Financial Services; Scott Weeks, Assistant Director, Department Financial Services; and County Attorney Gorman Getty.
  - a) Status of General Obligation Bond payoff
  - b) Report - Year to Date revenue and expenditures
  - c) Report – Undesignated/Unreserved Fund Balance
  - d) Report – All other fund balances
13. The Board of County Commissioners discussed issues related to potential development of wind generation projects in the County. In attendance for this session was Mr. Getty; James Hinebaugh, Director, Department of Economic Development; John Nelson, Director, Department of Planning and Land Development; and James Torrington, Chief, Division of Permits and Inspections, Department of Planning and Land Development.
  - a) Four Mile Ridge Wind Project
  - b) Legal Opinion – Citizen request for countywide moratorium on future projects. The Board unanimously agreed to waive the attorney privilege to discuss opinions from Mr. Getty. These opinions were publically shared at this time.
14. The Board of County Commissioners discussed issues related to Marcellus Shale natural gas drilling. In attendance for this session were Mr. Getty, Mr. Hinebaugh, and Mr. Nelson.
  - a) Status of Board of County Commissioners Marcellus Shale Advisory Committee. Mr. Hinebaugh reviewed this matter with the Board of County Commissioners and noted that 2 public meetings will be scheduled (December 20 at 7:00 PM at Garrett College and 1:00 PM December 21 as part of the Board of County Commissioners public meeting on that date. Both sessions will include a presentation by Penn State University Extension). A report showing all land owner drilling leases was presented.
  - b) Focus/goals of Committee and list of members was presented.
  - c) Commentary was presented by DeCorsey Bolden, Chairman of the Citizens for Smart Growth.
15. The Board of County Commissioners discussed issues under the jurisdiction of the Department of Planning and Land Development. In attendance for this session were Mr. Nelson, Mr. Hinebaugh, Mr. Torrington, and Mr. Getty.
  - a) Report/Review – Sensitive Areas Ordinance. Mr. Nelson presented an overview of these specific provisions of the Ordinance. Public commentary from the Board of Realtors, Jeff Connors, and Mountain Lake Park Mayor Leo Martin on this matter was also presented and taken under advisement.

- b) Noise/Nuisance Ordinance. There is no existing County ordinance and jurisdiction for complaints or violations is under the authority of the Maryland Department of the Environment.
  - c) Legal Opinion – Ordinances discussed
16. The Board of County Commissioners discussed issues under the jurisdiction of the Department of Economic Development. In attendance for this session were Mr. Hinebaugh and Mr. Getty.
- a) Status and update on broadband access areas in the County where service is provided or requested. A Garrett County existing fiber network map was presented for discussion.
  - b) Status of MD One Project
  - c) Discussion – Central Garrett Industrial Park
  - d) Status on all County Business, Technology and Industrial Parks
17. Public Commentary.
- 1. Mayor Martin requested that County Government consider participating in an energy review that local municipalities are considering entering.
  - 2. Jeff Connors presented a copy of a legal opinion on an Amendment to the County Comprehensive Plan relative to zoning that was prepared by William Wantz. Mr. Connors requested that the Board of County Commissioners read this document. Mr. Connors also voiced his opinion on natural gas drilling activity.
18. The Board of County Commissioners, on a motion by Commissioner Raley, which was seconded by Commissioner Gatto, and made unanimous by Chairman Crawford, adjourned the Public Session.

**Attest:**

**By Order of the Board,**

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R. Lamont Pagenhardt,  
County Administrator

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Gregan T. Crawford, Chairman  
Board of County Commissioners

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Date