

**BOARD OF GARRETT COUNTY COMMISSIONERS**  
**PUBLIC MEETING**  
**April 15, 2014**

**IN ATTENDANCE**

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

*County Administrator R. Lamont Pagenhardt*

**ADMINISTRATIVE SESSION**

1. The Board of County Commissioners was presented with an update on the turn-around portion of the Thousand Acres Development (TAD) outstanding issues. A letter dated March 3, 2009 from the County to TAD that noted the acceptance of site plans for the turn-around at the Thousand Acres Road/Little Snaggy Mountain Road Intersection was referenced. TAD submitted a \$25,000 cash bond soon after, which is still being held by the County. (The County accepted their plan although the proposed location of the turn-around is not the preferred location of the Engineering and Roads Departments). TAD has not proceeded with construction.

The Engineering Department recommended that due to the fact that TAD has not proceeded with their agreement to construct the required turn-around, that TAD's cash bond be revoked for this required work and that the County would construct the turn-around at the location the County determines which would be at the end of County maintenance on Sky Valley Road. This action would require some land acquisition and probably condemnation of approximately 200 square feet of land.

The County Attorney, County Engineer, Department of Public Works, Department of Planning and Community Development, and Mr. Pagenhardt have all reviewed this request and are in agreement with the recommendation as presented on this date. The Board will take this matter under advisement with consideration to schedule a meeting with TAD principals.

2. The Board of County Commissioners met with Michael Koch, Executive Director, Department of Community Planning and Development on the following matters. Attachments and supporting documents are on file with the Department of Community Planning and Development.
  - FISE and the Garrett County Bid Process
    - a) Seeking Board support to proceed with 2015, 2016, 2017 FISE Bid Proposal
    - b) Review and alignment on next steps
      - i) Payment of 2,000 (\$3,500) Euro Bidding Application Fee
      - ii) Schedule conference call with organizers this week
      - iii) Attend FISE Workshop May 28th through June 1st, Montpelier France
      - iv) Submit final bid submission June 27, 2014
      - v) Selection of final host cities July 15, 2014

Mr. Koch asked for Board approval for the County to proceed with the County's submittal of bid application which will be in conjunction with the Chamber of Commerce and Wisp Resort. The Board agreed to fund the application fee and directed Mr. Koch to proceed.

- Proposed Memorandum to the Garrett County Marcellus Shale Natural Gas Advisory Committee asking for a call for specific recommendations. A comprehensive Risk Analysis Summary was also presented and reviewed. The Board will review the proposed memorandum prior to approval.
3. Mr. Pagenhardt and Risk Manager DaVina Griffith, County Human Resources Office presented the Board of County Commissioners with a recommended Garrett County Government Commercial Driver's License Policy. Commissioner Crawford entered a motion to approve the policy as presented on this date. The motion did not receive a second. Subsequently, the Board decided to take this matter under advisement and finalize a decision on April 22, 2014.
  4. Mr. Pagenhardt and Scott Weeks, Director, Department of Financial Services met with the Board of County Commissioners to present and receive guidance on the following request. The Garrett County Board of Education (BOE) has requested that the Board of County Commissioners approve itemized budget transfers between major categories. The BOE has noted that funds are available within the current fiscal year budget that will allow for fund transfers to these categories.
    - Operations - Utilities – Transfer \$250,000 from "Salaries" and "Fixed Charges" to "Operations Other - Utilities." Based upon severity of the winter and utility increases.
    - Special Education – Occupational and Physical Therapy Services – Transfer \$50,000 from "Salaries" and "Fixed Charges" to "Special Education-Contracted Services." Actual costs exceeded the projected Medicaid grant allowance and the budget.
    - Instruction - Computer Science Pathway Development – Transfer \$29,000 (\$14,500 per high school) from "Salaries" and "Fixed Charges" to "Instruction CTE Equipment" to meet the State equipment requirements necessary to offer this Career Pathway to our students.
    - Instruction - Middle School Project Lead the Way (PLTW) (Robotics Strand)- Transfer \$40,000 (\$20,000 per middle school) from "Salaries" and "Fixed Charges" to "Instruction - Equipment" to implement PLTW in the middle schools emphasizing the robotics strand and complementing a State grant to the district designed to enhance the middle school program by adding PLTW.
    - Maintenance - Contracted Services and Maintenance - Equipment – Transfer \$90,000 from "Salaries" and "Fixed Charges" to Maintenance for prioritized systemic needs in relationship with QZAB funding opportunities which will provide air handler units in a wing at Southern High School.

The Board, on a motion by Commissioner Raley, which was seconded by Commissioner Crawford, and made unanimous by Chairman Gatto, approved the budget transfers as presented.

5. The Board of County Commissioners reviewed a financial request from Garrett College for additional funding for Fiscal Year 2014. Mr. Pagenhardt and Mr. Weeks asked that the Board take this matter under advisement pending further review by the Department of Financial Services. Mr. Weeks was in attendance for this session.

6. The Board of County Commissioners met with the following persons and organization representatives to discuss a number of matters of interest relative to Deep Creek Lake and State of Maryland Department of Natural Resources (DNR).
  - Robert Hoffmann, Deep Creek Lake Property Owners Association
  - David Myerberg, Deep Creek Lake Policy and Review Board
  - John Forman, Deep Creek Lake Watershed Management Plan Committee
  - Michael Koch, Executive Director, Department of Planning and Community Development
  - Deborah Carpenter, Assistant Director, Department of Planning and Community Development
  - Mr. Weeks

Points of discussion included:

The purchase of County real property by the State. The primary concern that County Government has is that the loss of real property tax revenue.

Proceeds from timber harvest sales on State owned land are appropriated to County Government but timber harvest management has declined significantly. Perhaps a change in the policy application and implementation between the DNR and the County could be discussed and ultimately be put in place for mutual benefits.

The County's budgetary deficits could be better met with more financial resources secured through an increase in timber sales. DNR could utilize one state resource (timber) in order to improve another state resource (the Lake). The County keeps its general revenue fund share (the rolling average of "x" number of years) of a baseline from past timber sales. If additional timber could be cut the determined dollars over the rolling average could be placed into a couple of restricted funds that would be held by the County. This could be accomplished through a Deep Creek Lake Trust Fund that would be operated under a "threshold and cap" scenario whereby once a threshold is reached, revenue could be reallocated in accordance with the trust document.

Those in attendance agreed to continue dialog and discussion on these on other matters and at some point in the near future to involve DNR.

7. Mr. Pagenhardt reviewed a number of administrative, personnel, and managerial matters under his authority and jurisdiction with the Board of County Commissioners.

### **PUBLIC SESSION**

#### **CALL TO ORDER OF PUBLIC SESSION**

#### **PRAYER & PLEDGE OF ALLEGIANCE**

1. Additions/deletions to public meeting agenda. Mr. Pagenhardt indicated there was one addition and no deletions to the Public Meeting Agenda for April 15, 2014. Accident Community Housing Corporation has submitted a request for an exemption of real property tax for Fiscal Year 2015. The Board, on a motion by Commissioner Raley, which was seconded by Chairman Gatto, and made unanimous by Commissioner Crawford, approved the Public Meeting Agenda for April 15, 2014.

2. The Board of County Commissioners, on a motion by Commissioner Crawford, which was seconded by Commissioner Raley, and made unanimous by Chairman Gatto, approved the Public Meeting Minutes for April 1, 2014, Executive Session of April 1, 2014, and Administrative Session for April 7, 2014.
3. The Board of County Commissioners provided an update of the boards, committees, and commission meetings they have attended and participated in since the last public meeting.
4. The Board of County Commissioners recognized and executed Proclamations for:
  - a) Designation of May 1, 2014 as "National Day of Prayer"
  - b) Designation of April 2014 as "Autism Awareness Month"
5. The Purchasing Department presented a recommendation of bid award for Deep Creek Lake 2014 Sound System Rental (bid #14-0327) to the Board of County Commissioners. The Board, on a motion by Commissioner Raley, which was seconded by Commissioner Crawford, and made unanimous by Chairman Gatto, approved an award to RCI Systems for a total cost of \$24,988.00.
6. The Board of County Commissioners presented an update on 2014 Maryland General Assembly legislation which is included with these public meeting minutes as **Exhibit 1**.
7. Students with the Southern Middle School Renovation Committee were in attendance to show a brief presentation on the justification of the renovation and improvements to this school. The Board of County Commissioners expressed their appreciation to the students who participated in this project.
8. The Board of County Commissioners, on a motion by Commissioner Crawford, which was seconded by Commissioner Raley, and made unanimous by Chairman Gatto, approved a real property tax exemption for Accident Community Housing Corporation.
9. Public Commentary. None on this date.
10. The Board of County Commissioners approved a waiver of tipping fees for Oakland Youth Baseball Inc. associated with the disposal of approximately 20 tons of stumps as a result of a project to clearing for additional parking areas.
11. Carol Riley-Alexander, Executive Assistant to the Board of County Commissioners and County Administrator, reviewed the Board's meeting and committee schedule for the forthcoming weeks.

**ADJOURNMENT OF PUBLIC SESSION**

**Attest:**

**By Order of the Board,**

\_\_\_\_\_  
 R. Lamont Pagenhardt,  
 County Administrator

\_\_\_\_\_  
 Robert G. Gatto, Chairman  
 Board of County Commissioners

\_\_\_\_\_  
 Date

**EXHIBIT 1**

TITLE	BILL #	HEARING DATE	COMMITTEE	CHAIR	SPONSOR	TESTIFY	POSITION	1 <sup>st</sup> Reading	2 <sup>nd</sup> Reading	3 <sup>rd</sup> Reading	Favorable	Unfavorable
GC – Industrial Wind Energy Conversion Systems-Setback Requirement												
	<a href="#">SB 2</a>	1/16	Finance	Middleton	Edwards	Written	FOR				√	
Vehicle Laws – Maximum Speed Limit – Interstate 68	<a href="#">HB 252</a>		Environmental Matters	McIntosh		Written	FOR	1/20				√
	<a href="#">SB 158</a>	1/23	Judicial	Frosh								
Public Safety – Statewide Interoperability Radio Control Board – Established	<a href="#">HB 308</a>		Health & Gov't	Hammen		Written	FOR				√	
	<a href="#">SB 338</a>	2/18	Finance	Middleton			FOR				√	
Garrett County – Salary Study Commission – Member Replacement	<a href="#">HB 318</a>		Environmental Matters	McIntosh		Written	FOR				√	
Economic Development - Green Business Incentive Zones	<a href="#">HB 473</a>	2/19	Ways & Means	Hixson								
	<a href="#">SB 787</a>	3/11	Budget & Taxation Finance	Kasemeyer Middleton								
Bond Bill – Garrett Cooperative Ministry (Christian Crossing)	<a href="#">HB 515</a>		Appropriations	Conway		Written						√
	<a href="#">SB 532</a>	3/8	Budget & Taxation	Kasemeyer	Edwards	Written						
Garrett County - Enterprise Zone Property Tax Credit - Extension	<a href="#">HB 541</a>	Hearing Cancelled	Ways & Means	Hixson								
	<a href="#">SB 474</a>	Hearing Cancelled	Budget & Taxation	Kasemeyer			FOR					
Renewable Energy Portfolio Standard – Qualifying Biomass	<a href="#">HB 747</a>	2/20	Ec. Matters	Davis		Written	AGAINST					
	<a href="#">SB 734</a>	3/4	Finance	Middleton		Written	AGAINST					
Creation of a State Debt – Garrett County – HART Animal Center	<a href="#">HB 987</a>		Appropriations	Conway		Written	FOR					√
Transportation – Motor Fuel Tax & Highway User Revenue – Increased Local Share	<a href="#">HB 1067</a>	3/4	Appropriations	Conway		Written	FOR					
	<a href="#">SB 664</a>	2/19	B&T	Kasemeyer		Written	FOR					
Maryland – Minded Coal Tax Credit – Repeal	<a href="#">HB 1085</a>	2/27	Ways & Means	Hixson		Written	AGAINST					
Maryland Consolidated Capitol Bond Loan on 2013 – Garrett County – Adventure Sports Center International	<a href="#">HB 1446</a>		Appropriations	Conway		Written	FOR					√
	<a href="#">SB 1036</a>		B & T	Kasemeyer			FOR					

ALCOHOL											Favorable	Unfavorable
Garrett County – Alcoholic Beverages – Sunday Sales for Off-Premises Consumption	<a href="#">HB 690</a>		Economic Matters	Davis							√	
Garrett County – Alcoholic Beverages – Class A2 Light Wine Licenses – Repeal	<a href="#">HB 836</a>		Economic Matters	Davis							√	
Garrett County – Alcoholic Beverages – Refillable Containers	<a href="#">SB 856</a>		Ed Health & Environmental	Conway								
Garrett County – Alcoholic Beverages – Sunday Sales for on-premises consumption	<a href="#">HB 1097</a>		Economic Matters	Davis							√	
MARCELLUS SHALE											Favorable	Unfavorable
Natural Gas – Hydraulic Fracturing – Prohibition	<a href="#">HB 292</a>	2/28	Environmental Matters	McIntosh	Robinson	Written Joint w/A	AGAINST					√
	<a href="#">SB 360</a>	1/22	Ed Health & Environmental	Conway		Written Joint w/A	AGAINST					√
Environment – Hydraulic Fracturing Wastewater – Prohibited Acts	<a href="#">HB 409</a>	2/28	Environmental Matters	McIntosh	Robinson	Written	AGAINST					√
Natural Gas Severance Tax and Impact Account	<a href="#">SB 535</a>	2/19	Budget & Taxation	Hixson		Written	FOR					
Generating Stations – Certificate of Public Convenience and Necessity – Consideration of Water Usage	<a href="#">HB 731</a>	Hearing Cancelled	Economic Matters	Davis	Robinson							
Natural Gas – Hydraulic Fracturing – Rural Residential Drinking Water Protection Act	<a href="#">HB 865</a>	2/28	Environmental Matters	McIntosh	Mizeur		AGAINST					
Shale Gas Drilling Safety Review Act of 2014	<a href="#">HB 1122</a>	2/28	Environmental Matters	McIntosh	Mizeur							√
	<a href="#">SB 745</a>	2/25	Ed Health & Environmental	Conway	Young							√
EDUCATION											Favorable	Unfavorable
Allegheny and Garrett Counties – Board	<a href="#">HB 343</a>	2/19	Ways & Means	Hixson		Written	FOR				√	

of Education – Removal of Ex Officio Member	<a href="#">SB 383</a>	2/12	Ed, Health & Environ	Conway		Written Testified	FOR					√	
Education - Bridge to Excellence - State Hold-Harmless Requirement	<a href="#">SB 431</a>	2/21	Ed, Health & Environ	Conway		Written Testified	FOR						
Education – Community Colleges Collective Bargaining	<a href="#">HB 490</a>	2/11	Appropriations	Conway		Written Bob/ Gregan	FOR						
	<a href="#">SB 749</a>	3/6	Finance	Middleton		Written Bob/ Gregan	FOR						
Education - State Grant to Counties With Small and Declining Student Enrollment	<a href="#">HB 814</a>	3/5	Ways & Means Appropriations	Hixson Conway	Beitzel	Written	FOR					√	
	<a href="#">SB 534</a>	2/12	Budget & Taxation	Kasemeyer	Edwards	Written Testified	FOR					√	
Libraries – Regional Resource Centers and County Public Libraries	<a href="#">HB 1063</a>	3/5	Ways & Means	Hixson		Written	FOR					√	
	<a href="#">SB 430</a>	2/19	B & T	Kasemeyer		Written	FOR					√	