

**BOARD OF GARRETT COUNTY COMMISSIONERS**  
**PUBLIC MEETING**  
**Monday, September 11, 2023**  
**Held at Deer Park Town Hall**

**IN ATTENDANCE**

**Chairman Paul C. Edwards**  
**Commissioner Ryan S. Savage**  
**Commissioner S. Larry Tichnell**

**County Administrator Kevin G. Null**

**CALL TO ORDER OF PUBLIC SESSION at 6:04 PM**

**PRAYER & PLEDGE OF ALLEGIANCE – Invocation by Commissioner Tichnell**

**PUBLIC SESSION**

1. Mr. Null indicated one addition to the Public Meeting Agenda. Addition of a proclamation for American Legion Day. The Board of County Commissioners, on a motion by Commissioner Savage, which was seconded by Commissioner Tichnell, and made unanimous by Chairman Edwards, approved the Public Meeting Agenda for September 11, 2023.
2. The Board of County Commissioners, on a motion by Commissioner Tichnell, which was seconded by Commissioner Savage, and made unanimous by Chairman Edwards, approved the Public Meeting Minutes of August 28, 2023.
3. **PROCLAMATIONS:**
  - Civic Club of Oakland – National Day of Service - September 30, 2023. The Civic Club of Oakland will be holding a food drive to help fight food insecurity and food safety.
  - American Legion Day – September 16, 2023. Promoting “*Be the One to Stop*” to stop just one veteran from committing suicide.

4. The Garrett County Department of Financial Services - Purchasing Division – Recommendation to Reject All Bids – Garrett County Airport Terminal Roof Project Bid #23-0810

Two (2) responses were received for this project: Mill Creek & Company (\$50,379.22) and Ruff Roofing and Sheet Metal (\$81,062.35). Brian Bowers, Purchasing Agenda, recommended that all bids be rejected as the prices quoted were significantly higher than the \$30,000 project budget. The scope of the work for this project will be revised and rebid.

The Board of County Commissioners, on a motion by Commissioner Savage, which was seconded by Commissioner Tichnell, and made unanimous by Chairman Edwards, rejected the Bid as recommended.

5. **ANNOUNCEMENTS:**
  - The next Public Meeting will be held on Monday, October 2, 2023, at 4:00 p.m. at the Garrett County Courthouse. This Board of County Commissioners has made a point of getting out in the community to meet with citizens.
  - Thanks to Mayor Dawson and the Council for having us. Mayor Dawson thanked the county and appreciated everything the County does for the Town which allows the Town to keep the tax rate low. Chairman Edwards mentioned that Mayor Dawson is the second or third longest mayor in the County and thanked Mayor Dawson for his service.

- The Board of Garrett County Commissioners announced that the next Public Meeting will be held on Monday, October 2, 2023, at 4:00 p.m. at the Garrett County Courthouse.

## 6. PUBLIC COMMENTARY:

- Mr. Steven Storck spoke on the Swallow Falls Bridge - his comments are attached.
- Swallow Falls Bridge - Ms. Annie Bristow expressed several concerns about environmental impacts with the bridge replacement and applicability of the Irreplaceable Natural Areas (INA) Act 2022, whose implementation was delayed from the Act's July 1<sup>st</sup> deadline for regulations until September 4<sup>th</sup> and heard no reason from Department of Natural Resources (DNR) for this delay. DNR was in the process of finalizing its regulations during the bridge replacement project review and working closely with Greenman-Pedersen Inc. (GPI), but GPI did not address INA's in its application and environmental assessment.

There are three (3) INA's that this bridge replacement would affect. The DNR environmental review letter in the GPI application was 4 years old — 5/7/19. Furthermore, DNR's environmental review fails to mention the Youghiogheny Grove Natural Area.

Chairman Edwards responded that the Board appreciated Ms. Bristow's concerns and provided the following concerning the bridge. The Board of County Commissioners position is to keep the bridge open. The County has safety concerns and defers and respects the opinion of the experts. Local fire chiefs, fire & rescue personnel, and the Sheriff also have safety concerns about closing the bridge and deemed it a public safety issue. Our opinion as a Board, and the people who live there, do not want to see the bridge closed.

Question - If the bridge is a safety hazard, then why leave it open? Response - A temporary structure was used until funding was secured to put a permanent structure in place. The Board of County Commissioners has been working on this project for the past nine (9) years. The bridge has been a priority which the County has set federal funds aside until funding was available to replace the bridge, and we are at that point now.

The Board of County Commissioners has worked with DNR and SHA for years on the design of the bridge and DNR has now agreed to the design. The temporary bridge is not unsafe - it is a temporary bridge. When the experts deem it important to keep the bridge open that is what the County defaults to.

Commissioner Tichnell stated that as a member of the Garrett County Forestry Board he does not want to see anything destroyed more than it has to be. He added that he is also a farmer and can relate to the farmer and the people who live there. To close bridge access for the farmer would cause a 17-mile detour. To drive a tractor on the back roads is a hazard itself.

Commissioner Tichnell also stated that his concern was that if the bridge is taken out and a delay occurs it could be pushed back until the following spring until work could be done causing the road to be closed for over a year. He stated that he respected everyone's opinion but needed to do what he feels is best for the people that live there. He also stated that the design of the bridge at 35 feet and he asked to narrow it to 28 feet. Until the County gets the final plan, we really don't know the impact.

Commissioner Savage agreed with what has been said by the Board of County Commissioners. Stating our experts deem it a public safety issue and he agreed with their opinion. Also, there is infrastructure there for disabled people to view the waterfall. Without the bridge it is a 20 minute longer drive.

- Cunningham Swamp RV Park Proposal - Ms. Bristow stated that she has not had time to thoroughly review the Cunningham Swamp proposal for a 100 site RV park and was told that perc testing was completed, but given proximity to the low-lying wet areas, she requested information about special septic system permitting, including any pressurized distribution system requirements (pumping away from wetlands) — stipulations that may be attached to this site. Also, she requested the expected water usage by this park and what is the impact on area water wells been assessed.

Chairman Edwards stated that he would try to answer questions on the RV park but does not have answers to specific questions due to most, if not all, will be out of the hands of the County Government. The County does not have zoning in the proposed RV park area so the County's only responsibility will be for stormwater and grading permits. As long specific requirements are met, the County will issue permits. The Garrett County Health Department has requirements for wells and septic, and stated the County could get Ms. Bristow that information.

**ADJOURNMENT:** The Board of County Commissioners, on a motion by Commissioner Tichnell, which was seconded by Commissioner Savage, and made unanimous by Chairman Edwards, adjourned the Public Meeting at 6:40 P.M.

**Attest:**

**By Order of the Board,**

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**KEVIN G. NULL**  
County Administrator

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**PAUL C. EDWARDS**, Chairman  
Board of County Commissioners

## Attachment

Comments made by Steve Storck  
9/11/23 Garrett County Commissioner's Meeting

Thank you Commissioners for an opportunity to speak.

My name is Steve Storck and I've lived in Garrett County for 32 years and own property in the Youghiogheny Wild River scenic corridor. I'd like to talk tonight about the Swallow Falls Road bridge replacement project as I am still trying to understand how we as a community are poised to throw away 100 years of protection for our old-growth forest at Swallow Falls State Park and 50 years of protection for the Wild Yough to build a bridge in protected public lands, just listed are Irreplaceable Natural Areas, next to an existing right-of-way set aside 66 years ago for that very purpose.

I thought I knew; public safety right, several community leaders had said this and the Secretary of DNR concurred stating it as his primary reason for approving Option 2D. Then a man came up to me at Swallow Falls State Park last week and demanded to know why I was advocating to replace the current bridge. He liked the current bridge as it brought back memories of building them when he was in the military. I repeated what I was told that it was necessary for public safety, but I also thought I like that bridge too; crossing it is a unique experience reminiscent of the original 1920s iron bridge that the Vagabonds used to get to this ancient hemlock grove and waterfalls.

So, I began a new journey, to find the answer to why are we replacing this bridge. TEMPORARY is all over the DNR application but this bridge has been traversed by hundreds of thousands of people over the last 12 years since it was installed. Maybe it has reached the end of its useful life, State Highway Administration inspection records say it is in "Good" condition structurally, a 7 out of 10, while the Liberty Street bridge up Herrington Manor Road over the Youghiogheny is 33 years old and rates 5 out of 10 with almost 4 times the estimated daily traffic and 3 times as much truck traffic. Surely that bridge would be a higher priority if public safety was the issue.

So I went back to the County's DNR application, surely the reason must be there? I read through, NO justification for replacing the bridge is included. Three reasons were given for needing the parallel road so the current bridge could stay open during construction though:

- 1) Closing it would interfere with school bus routes making them longer and more expensive.

OK that would be bad, so I called the Board of Ed transportation manager, no children get on the bus on the other side of the bridge so no negative impact from the closure. In fact, it would make the route slightly shorter with a turnaround on the western side of the bridge and safer as there would not be any through traffic with the bridge closed.

- 2) Closing it would interfere with State Troopers getting there for emergencies from the McHenry barracks due to a long detour

Bad right? So, I stopped in to the McHenry barracks and asked the desk Trooper if it was true. He said that Troopers don't dispatch from the barracks, they drive around the County in their cruisers and position themselves where they think they might be needed. Also, he said there was no difference between a County Sheriff responding vs a Trooper, 911 dispatchers make that call based on who is closest. County Deputies tend to stay closer to Oakland so again limited impact. Hmm

- 3) Closing the bridge would create a public safety hazard due to Deep Creek VFD not being able to get there in time due to the detour in the event Oakland, the primary responder, can't respond. It has to be this right, Retired County Emergency Manager John Frank said so, DNR said so, Commissioner Tichnel said so, Delegate Hinebaugh said so

Well, county expert witnesses at the July 10<sup>th</sup> public hearing on the project, Chief King and Chief Feather, said that condition exists right now and has since the County installed the bridge in 2011.

Chief King stated: "Single lane bridge, what's there, really does not work for us. If I've got to get my ladder truck to Nevin Sine's farm right now because John's (Oakland FD) is out of service its 30 minutes. His barn is going to burn down, everything he's worked for through his life is just gone. "

Chief Feather said: "We have dealt with this situation for what seems like forever. This project is 12 years past due in my opinion." and "Our neighboring company Jason the Chief of Deep Creek they have to go all the way around by Oakland to access that with their apparatus. Our apparatus weighs in the neighborhood of 50 to 70 thousand pounds, that's 25 to 35/40 tons. We cannot get across this bridge because the bridge is too narrow. So we need to get this project going, we need to have a bridge that is heavy enough, wide enough no matter what it takes."

The Governor, and the Board of Public Works, are the **only** ones who can stop this damaging project by denying the required easements for Option 2D. While it is true that they can do this, and we are pursuing that option, you 3 gentlemen could also stop this. You could ask Jay Moyer and GPI to abandon Option 2D and shift back to Option 1C, replacing the bridge where it is, in the existing legal right-of-way. With the 28' width limit this would have a very limited impact on the area. GPI described this option in 2018 saying - "The construction of the new bridge along the existing alignment with no adjacent temporary bridge or roadway construction keeps the impacts to a minimum. By eliminating the temporary roadway, ABC Option 1c would result in considerably fewer impacts to adjacent property which would limit impacts to forested areas, specimen trees, and right-of-way." (Application for Exceptions, PDF page 59)

Thank you for your consideration of my comments.