

BOARD OF GARRETT COUNTY COMMISSIONERS
ADMINISTRATIVE SESSION
April 22, 2014

IN ATTENDANCE

Chairman Robert G. Gatto

Commissioner Gregan T. Crawford

Commissioner James M. Raley

County Administrator R. Lamont Pagenhardt

County Attorney Gorman Getty (Sessions 1 – 9)

1. The Board of County Commissioners authorized Chairman Gatto to execute a letter to the Maryland Department of Planning requesting \$250,000 in Appalachian Regional Commission funds to be used for the Last Mile Wireless Network Broadband Phase 2 Project. Submittal of this letter commits the County to matching funds of \$250,000.
2. The Board of County Commissioners was asked to execute a Modification of Lease between the Board and Strata Safety Products, LLC. Department of Planning and Community Development Executive Director Michael Koch and Assistant Director Frank Shap were in attendance and presented this to the Board. The Board authorized Chairman Gatto and Mr. Pagenhardt to execute.
3. The Board of County Commissioners was asked to execute a Lease Agreement between Beitzel Corporation and the Board. Mr. Koch and Mr. Shap presented this to the Board. The Board authorized Chairman Gatto and Mr. Pagenhardt to execute.
4. Mr. Getty presented his recommendation on the BFS Wastewater Treatment Plant Consent Order – Stipulated Penalty to the Board of County Commissioners. The Board directed Mr. Getty to work with the Maryland Department of the Environment on the assessed stipulated penalty.
5. Update and Final Approval of Substantive Recommendations on natural gas development and risk management. This was presented to the Board of County Commissioners by Mr. Koch on April 15, 2014 and it was determined to take this under advisement and review again on this date. The Board agreed with the Recommendations attached to these minutes as **Exhibit 1**, which will be forwarded to the Chair of the Garrett County Marcellus Shale Natural Gas Advisory Committee.
6. The Board of County Commissioners discussed the proposed Marsh Hill Road turnaround. Mr. Getty will work on an agreement to include the scope of County involvement that will be executed by Wisp Resort and the County. Mr. Koch; Jay Moyer, Director, Department of Public Works; and Dwight Emory, County Engineer, Engineering Department was in attendance.
7. The Board of County Commissioners reviewed matters related to the Wisp Mountain Road and Overlook Pass. Mr. Koch, Mr. Moyer, and Mr. Emory were in attendance. After an extended discussion the Board directed Mr. Getty to receive deed from bankruptcy board to take ownership of Wisp Mountain Road. The justification for this decision is the future real estate development by National Land Partners on parcels subject to access by and from the road. The Board will not change their position on any transfer of ownership to the County for Overlook Pass.

8. Mr. Moyer explained the status of final road improvements on Samson Rock Road. An agreement had been concluded between the County and Everbright Power.
9. The Board of County Commissioners discussed and reviewed the road entrance design issue for Thousand Acres Development (TAD). Mr. Koch; Mr. Moyer; Mr. Emory; Chad Fike, Planner, Department of Community Planning and Development; David Ritchie, Project Engineer, Engineering Department; and Deborah Carpenter, Assistant Director, Department of Community Planning and Development were in attendance for this session. TAD had posted a bond and agreed to complete the required improvements to be in compliance with the Garrett County Roads Ordinance. It was concluded that an upgraded turn-around was needed because the intensification of use and change of use within the Thousand Acres Development was not in compliance with nor consistent with provisions of the Ordinance outlining Garrett County Road design standards. Thousand Acres had agreed to post a surety bond to guarantee construction and completion of this work which was accepted by the County. This work when completed would allow a continuation of additional private road design review and approval. As of this date, the entrance project has not been constructed and therefore the bond cannot be returned. It was the recommendation of staff in attendance to bring this matter to a conclusion with a recommendation to revoke the bond and have the County Department of Public Works complete the required construction.

After deliberation, the Board agreed to schedule a meeting with TAD principals on this matter.

10. Mr. Pagenhardt, Mr. Moyer, and DaVina Griffith, Risk Manager again reviewed the proposed County Commercial Driver's License Policy. The Board will continue to take this policy adoption under advisement.
11. Mr. Pagenhardt and John Frank, Director, Department of Public Safety and Emergency Management presented a recommendation for the location of the County Emergency Operations Center (EOC). Mr. Frank cited continual restrictions and deterrents with Federal Aviation Authority and Maryland Aviation Authority that remain with the temporary EOC Building at the County Airport. The Board, on a motion by Commissioner Crawford, which was seconded and carried by Chairman Gatto, agreed to proceed with concept design to construct a permanent EOC at the McHenry Industrial and Business Park. Commissioner Raley expressed concern over vacating the existing plan without further investigation in that cost estimates for a separate standalone facility may be prohibitive due to current financial priorities and constraints for capital projects.
12. The Board of County Commissioners, on a motion by Commissioner Crawford, which was seconded by Chairman Gatto, and made unanimous by Commissioner Raley, approved a bid award for Deep Creek 2014 Capital Improvements (bid #14-0410) to Harbel, Inc. for a total bid price of \$627,500.00. Terms and conditions of this bid award are on file with the Purchasing Department.
13. Mr. Pagenhardt reviewed a number of administrative and managerial issues under his jurisdiction and responsibility.

Attest:

By Order of the Board,

R. Lamont Pagenhardt,
County Administrator

Robert G. Gatto, Chairman
Board of County Commissioners

Date

DATE: April 22, 2014

TO: John Quilty, Chairperson, Garrett County Shale Gas Advisory Committee

FROM: Garrett County Board of Commissioners

SUBJECT: Call for Specific Recommendations

First, the Board extends its sincere thanks to you and your committee members for your service to Garrett County. The work of your committee is very important to the economic and environmental health of Garrett County.

In that spirit, this memorandum serves to express the Board's priorities regarding your work. It serves to make a specific request for substantive recommendations to this Board on matters of Shale gas development and risk management.

As background, the following recent occurrences have focused the Board on these risk management issues:

- In January, the initial results of a privately funded study on the risks associated with Shale Gas development in Maryland conducted by Ricardo AEA were released. While this study, and the risks it highlights, was preliminary and did not reflect the implementation of any State-mandated Best Management Practices (BMPs), it highlights the need to better understand these risks and the local regulatory framework that exists or might be implemented to more effectively mitigate them.
- In March 2014, the Board received a letter from the Garrett County Board of Realtors expressing their position regarding Shale Gas Development:

Garrett County government and our elected representatives should not promote or endorse shale gas development, nor should it occur, until the effects of shale gas development are evaluated and an effective local government regulatory framework is put in place to protect the rights of property owners and the investments they have made.

The full letter received from the Garrett County Board of Realtors can be accessed at the following link:

http://origin.library.constantcontact.com/download/get/file/1103718504525-134/GCBoR_Letter_03-2014.pdf

- Last week, the Shale Gas Advisory Committee and subsequently this Board received a memorandum from the State of Maryland regarding an initial list of changes to their Draft Best Practices Report. When finalized, these BMPs will constitute the State's perspective and form the basis for regulatory mandate directed at mitigating these risks in our communities. This memo can be accessed at the following link:

<http://origin.library.constantcontact.com/download/get/file/1103718504525-136/Memorandum-re-changes-to-best-practices.pdf>

- Last week, the Multi-State Shale Research Collaborative held a Media Conference Call to highlight the results of its recently completed Case Studies: Assessing the Cost and Benefit of Natural Gas Development. One of the recurring themes of these case studies was the lack of sufficient county preparation. Audio of this Media Conference call can be accessed at the following link:

<http://www.multistateshale.org/case-studies>

While the level of risk associated with various Shale Gas development activities has yet to be fully defined and is subject to further evaluation through the Governor's Marcellus Shale Safe Drilling Initiative, this Board acknowledges that risks exist. In addition to State-led risk mitigating regulation, the Board seeks specific recommendations regarding:

1. The areas of risk that are likely to fall outside the State's jurisdictional control and require Garrett County to lead any risk mitigating effort; and,
2. Local regulatory frameworks – existing or otherwise -- that might be implemented to effectively mitigate these locally-managed risks.

To be clear, we seek your recommendations for further review and possible action by this Board and other appropriate county personnel.

Again, thank you for your important service to Garrett County.