

**BOARD OF GARRETT COUNTY COMMISSIONERS**  
**PUBLIC MEETING**  
**JANUARY 20, 2004**

**IN ATTENDANCE**

Chairman Ernest J. Gregg  
Commissioner David C. Beard  
Commissioner Frederick A. Holliday  
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 that there were no additions or deletions to the Public Meeting of January 20, 2004.
2. Minutes of the Public Meeting of January 13, 2004 and Executive Session of January 13, 2004 were read and approved on a motion by Commissioner Beard, which was seconded by Commissioner Holliday, and made unanimous by Chairman Gregg.
3. Gary Mullich, Director, Department of General Services briefed the Board of County Commissioners on the following issues:
  - ⇒ An introduction of Nathaniel Watkins, who was appointed as computer information management systems coordinator.
  - ⇒ Update on the proposed fiber optic connection for all County facilities and buildings.
  - ⇒ Plans for the Department to coordinate the comprehensive permit process on-line.
  - ⇒ Notification from the Federal Aviation Administration that the percentage of federal participation in capital improvement projects would be increased to ninety-five percent (95%). The State and County percentage will most likely be set at two and one-half percent (2 ½%) each. This increase will calculate to a savings of approximately \$250,000 for the planned expansion project at the Garrett County Airport.
  - ⇒ The Airport was mentioned as a potential site for a terminal-shipping site under the Homeland Security Act.
  - ⇒ The proposed State fee to be applied to actual landfill tonnage previously directed to the Board by Mr. Mullich will not be enacted.

- ⇒ A brief explanation of the Department's maintenance work order tracking program was addressed.
  - ⇒ An update on the Airport Jet A Fuel Ten-Year Reimbursement Plan was presented. A copy of this report was prepared to show how the fuel surcharge and estimated/actual gallons per year are calculated.
4. Wendy Yoder, Director, Department of Financial Services briefed the Board of County Commissioners on the following issues:
- ⇒ The Board approved amendments to Fiscal Year 2004 Operating and Capital Budget as recommended by Ms. Yoder on a motion by Commissioner Beard, which was seconded by Commissioner Holliday, and made unanimous by Chairman Gregg.
  - ⇒ Notification to the Board that final date for the Audit and Official Statement of Financial Condition for Fiscal Year 2003 was extended until January 31, 2004. Ms. Yoder and Mr. Pagenhardt will be completing a narrative and management discussion for the final report.
  - ⇒ The on-line payment of taxes is operating effectively.
  - ⇒ The Department is preparing Fiscal Year 2005 Budget request packages, which will be distributed by the end of January.
  - ⇒ Ms. Yoder explained that Calendar Year 2004 would have twenty-seven pay dates, which requires an adjustment to the annual salaries of all elected officials.
5. Cheryl DeBerry, Department of Economic Development Agriculture Marketing Specialist introduced representatives from Basile, Baumann, Prost, and Associates who have been retained to complete a Year Round Market Feasibility Study. This firm will evaluate the concept of marketing local products at locations in the County. The Board of County Commissioners was receptive to the study and indicated that the end result would be an asset to the rural communities.
6. The Board of County Commissioners reviewed a letter from the Town of Oakland requesting that the County pay for the cost of electrical service to the U.S. Cellular Communications Tower. The County and State communications equipment is located on this tower. Brad Frantz, Director, Department of Emergency Management informed the Board and Town of Oakland Mayor Asa McCain, who was in attendance for this session, the emergency communications equipment was actually owned by the State and operated by the County. Also, there was no formal agreement between the County and the Town on the payment of this service. Mayor McCain indicated that he would take this determination by the County under advisement and correspond with the State.
7. Carol Riley, Secretary to the Board of County Commissioners and County Administrator, reviewed the meeting and committee schedule for the forthcoming week.

8. In compliance with the Maryland Open Meetings Act under section 10-509, a record of the Executive Session for January 13, 2004 is hereby documented on this date, the next open/public meeting of the Board of County Commissioners. The Board of County Commissioners, on a motion by Commissioner Holliday, which was seconded by Commissioner Beard, and made unanimous by Chairman Gregg, moved into Executive Session under section 10-508 of the Maryland Open Meetings Law on this date to address legal issues with County Attorney Gorman Getty. The same motion moved back into Public Session.

- ⇒ In attendance for the first legal matter before the Board were John Nelson, Director, Department of Planning and Zoning and Meg Ellis, representing the Department of Economic Development. Mr. Getty reviewed the most recent status of the *Petition of the East Huntington Corporation for Judicial Review of the Decision of the Board of County Commissioners* in the Circuit Court for Garrett County, Maryland. Primarily, this session dealt with final determination of land classification of certain property planned for and contiguous to the proposed Keyser's Ridge Industrial Park.
- ⇒ Commissioner Holliday requested the Board of County Commissioners, Mr. Pagenhardt, and Mr. Getty considers drafting legislation that would allow Garrett County to have legalized paper gaming. Mr. Getty will review the ordinances and law from other Maryland counties and advise the Board on this matter.
- ⇒ Mr. Getty reviewed the Garrett County Forfeiture Agreement between the Board of County Commissioners, the State's Attorney, the Maryland State Police, the Sheriff, and the Director of Financial Services. Mr. Getty approved the agreement as written and the Board approved and executed the Agreement.
- ⇒ Mark Tonkovich, Director, Department of Public Utilities attended the Session to review with Mr. Getty the decision of the Board and the Department to enter into a financial agreement with the Wisp Hotel Council of Unit Owners for public water service. Mr. Getty requested that the final approval of the agreement be put on hold and that Mr. Tonkovich provide more substantive information. The Board agreed to this legal opinion.

#### **ADMINISTRATIVE SESSION**

1. Mr. Pagenhardt reviewed a number of correspondences and communications with the Board of County Commissioners.
2. The Board of County Commissioners attended a retirement reception for Mary Lyons and Fred Bowser who retired from the Garrett County Roads Department and Garrett County Government.

**ADJOURNMENT**

**Attest:**

**By Order of the Board,**

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R. Lamont Pagenhardt,  
County Administrator

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Ernest J. Gregg, Chairman  
Board of County Commissioners

\_\_\_\_\_  
Date

