

BOARD OF GARRETT COUNTY COMMISSIONERS
PUBLIC MEETING
DECEMBER 7, 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 agenda.
2. Minutes of the Public Meeting of November 30, 2004 were read and approved on a motion by Commissioner Beard, which was seconded by Commissioner Holliday, and made unanimous by Chairman Gregg.
3. Mark Tonkovich, Director, Department of Public Utilities updated the Board of County Commissioners on the following issues:
 - a) Budget amendment in the amount of \$24,000 to fund an influent pump replacement for the Trout Run Wastewater Facility. This was approved on a motion by Commissioner Holliday, which was seconded by Commissioner Beard, and made unanimous by Chairman Gregg. This additional cost will be funded out of Department reserve revenues.
 - b) Update on final draft of the Garrett County Water and Sewer Master Plan.
 - c) ERU Assessment for Pine Lodge Steak House and Smiley's facility. A prior agreement between the principal of these businesses and the Garrett County Sanitary Commission was executed in March of 2003. The County is legally obligated to comply with the provisions of this agreement that state those actual meter readings will be used to calculate sewer service charges. The Board concurred with the recommendation to honor this agreement for this customer.
 - d) The Department recommended that properties proposed for annexation in the October 26, 2004 Public Hearing not be included at this time. The development of specific new properties will be served out of district but

annexation for properties located in the Paradise Acres Subdivision, Blakeslee Subdivision, Four Hoophole South, Rothers Point Subdivision, Penn Point Road, Penn Oaks Subdivision, and Penn Point will not be included at this time.

- e) Contractor has been approved to install fencing around the Landon's Dam Facility.
 - f) Installation of public water and sewer to the Garrett County Airport, which will be funded, by the Federal Aviation Administration, Maryland Aviation Administration, and Garrett County Government at the standard funding percentages used for all parallel projects.
 - g) Update of Keyser's Ridge Water Project. Funding approval to extend to the Cove Overlook section.
 - h) Execution of service agreement between the Board of County Commissioners and the Town of Loch Lynn Heights.
 - i) Presentation of Comprehensive Capital Project Time Line Report.
4. The Board of County Commissioners, on a motion by Commissioner Beard, which was seconded by Commissioner Holliday, and made unanimous by Chairman Gregg, approved a recommendation of bid award for Hydrogeologic Consulting Services (RFP # 04-1118) to Casselberry & Associates for \$107,130. Mr. Tonkovich briefly reviewed proposed projects that will be used under the agreement for this service.
5. The Board of County Commissioners reviewed local legislative issues for the upcoming 2005 Maryland General Assembly Session. These included:
- a) Request enabling legislation that will provide the Board of County Commissioners and the Sheriff of Garrett County the legal authority to establish and administer expanded alternate sentencing options to include home detention.
 - b) Request enabling legislation that will provide the Board of County Commissioners the legal authority to establish and amend water disconnect and reconnect fees.
 - c) Support legislation that pertains to the Garrett County Health Department as it relates to developing a secure mechanism for funding Medbank of Maryland. This will probably require the Governor to reinstate the line item for Medbank of Maryland in the State budget at a level of \$2,000,000. This will allow for all Medbank programs throughout the State, including ours, to be funded at their current levels and probably allow for some modest expansion in certain areas such as the Eastern Shore. The Western Maryland Delegation has already sent a letter to Governor Ehrlich requesting this line item change.

- d) Support legislation on the tobacco placement bill proposed during the 2004 Legislative Session. The Carroll County Delegation is considering co-sponsoring such legislation during the 2005 Session. Health Officer Rodney Glotfelty will request that the Board of County Commissioners approve and execute a resolution for the inclusion of Garrett to be covered under the provisions of the bill.
 - e) Request enabling legislation that will provide the Board of County Commissioners the legal authority to increase the maximum weight limit on all County roads by special exception to the tonnage allowable for State highways. Include in actual bill that a public hearing will be conducted by the Board of County Commissioners prior to any actual change in the weight limit on a special County road.
 - f) Request enabling legislation that will provide the Board of County Commissioners with the legal authority to impose special event permitting. The Department of Planning and Zoning and the County Attorney will draft the specifics of this issue.
 - g) Request enabling legislation that will provide the Board of County Commissioners with the legal authority to impose paper gaming regulations. Proceeds from this process will be directed to local fire departments and rescue squads. In attendance for this issue were representatives from fire and rescue associations and companies.
6. Carol Riley, Executive Assistant to the Board of County Commissioners and County Administrator, reviewed the meeting and committee schedule for the forthcoming week.
7. The Board of County Commissioners met with representatives from the Friends of Backbone Mountain on the issue of wind power and wind turbine placement in Garrett County. Mr. Pagenhardt; John Nelson, Director, Department of Planning and Zoning; and Jim Hinebaugh, Director, Department of Economic Development had previously met with these individuals a which time a number of reasons for opposition were expressed. Opinions were presented by this group that included a summary of what was discussed at a prior meeting conducted on November 11, 2004 to include property values, migratory bird and bat killings, wildlife and habitat impacts, nuisance/noise, and visual. Friends of Backbone Mountain also requested that the Board withdraw their support for applications sent the Public Service Commission. A letter of legal opinion prepared by the county attorney on the authority to approve or disapprove was distributed to those in attendance. The Board will take all information presented under advisement as it may apply to the approval and placement of additional wind turbines in Garrett County. The Board informed those in attendance for this session that the

County had already been in discussions with staff and legal counsel that would look at approving criteria and guidelines for the evaluation of future wind turbine development.

ADMINISTRATIVE SESSION

1. Mr. Pagenhardt reviewed a number of correspondences and communications with the Board of County Commissioners.
2. Chairman Gregg and Mr. Pagenhardt executed a deed of property transfer (map 79, grid 13, parcel (part of 157)) to Chad T. Harvey and Ag-Future Inc. in the amount of \$31,000.

ADJOURNMENT

Attest:

By Order of the Board,

R. Lamont Pagenhardt,
County Administrator

Ernest J. Gregg, Chairman
Board of County Commissioners

Date