

BOARD OF GARRETT COUNTY COMMISSIONERS
PUBLIC MEETING
February 7, 2012

IN ATTENDANCE

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

County Administrator R. Lamont Pagenhardt

PUBLIC SESSION

CALL TO ORDER OF PUBLIC SESSION

PRAYER & PLEDGE OF ALLEGIANCE

1. Additions/deletions to Public Meeting Agenda. Mr. Pagenhardt indicated there were no additions or deletions to the Public Meeting Agenda for February 7, 2012.
2. The Board of County Commissioners, on a motion by Commissioner Gatto, which was seconded by Commissioner Crawford, and made unanimous by Chairman Raley, approved the Public Meeting Minutes for January 17, 2012, Executive Session for January 17, 2012, Administrative Session of January 24, 2012, Executive Session of January 24, 2012, Executive Session for January 30, 2012, and Executive Session of February 2, 2012.
3. The Board of County Commissioners was presented with an update of broadband connectivity in Garrett County. Joanne Hovis with Columbia Technology Corporation; Frank Shap, Assistant Director, Department of Economic Development; and Nathaniel Watkins, Director, Department of Information Technology spoke to the status, parameters, summary of tasks, and review of this project.
4. Allegany County Goodwill Volunteer Fire Department Chief Bobby Ritchie met with the Board of County Commissioners to speak to a concern the Department has relative to a boundary dispute with Eastern Garrett Volunteer Fire Department. A letter was sent to the Department from the Emergency Services Advisory Board outlining the process for mediating such a dispute that begins with the Garrett County Fire and Rescue Association consistent with Department by-laws and provisions of the Emergency Services Advisory Board legislation. The process for appeal is outlined in the letter to the Department and the Board of County Commissioners has no jurisdiction or authority in this matter. Chief Ritchie also presented other mitigating circumstances to the Board. Bradley Frantz and Steven Smith, representing the Department of Public Safety and Emergency Management, were in attendance and provided clarity to the question of boundary and dispatch.
5. The Board of County Commissioners were briefed on the following matters with the Garrett County Roads Department:

- a) Status of Westernport and Lower New Germany Road. A video showing road damage due to heavy coal haul truck traffic was reviewed and a summary of associated cost for past paving and road repair was presented. A solution to this specific problem would be to adopt countywide zoning - traffic and infrastructure to support land use as subjects that can be addressed in zoning. The details would be significant but it may be worth the effort to get those doing the damage to pay for it. Estimated cost to pave the 16 mile section of road is in excess of \$9 million. The Board will take this matter under advisement with legal counsel and develop a long-term solution to include dialog with the coal company using the road for haulage.
 - b) Federal Government mandate for radio equipment. Discussion on this FCC requirement to include estimated and associated cost (\$300,000) was presented by Roads Department and Department of Public Safety and Emergency Management staff. The Department of Financial Services will be evaluating and identifying line item savings within the current budget therefore not adding to additional non-budgeted costs.
 - c) Other departmental matters
6. The Board of County Commissioners were briefed on the following matter with the Garrett County Airport:
 - a) Subjects of review were current year fuel sales comparison with prior years, operation report to include air traffic counts, year-to-date profit loss statements, developing a long term airport improvement plan, and other matters.
 - b) Announcement and Update of plans for 1st Annual Garrett County Appreciation Day in conjunction with the 50th Anniversary of the Garrett County Airport – Wings and Wheels Fly-In Celebration that is scheduled for August 11, 2012.
7. The Board of County Commissioners provided an update on 2012 Legislative Matters. Attached to the public meeting minutes as Exhibit 1 is a list of these items and status as of this date.
8. The Board of County Commissioners announced that a Land Use Management Work Session will be scheduled for February 14, 2012 at 1:30 PM.
9. The Board of County Commissioners made the following statement on the Garrett County Public School System Fiscal Year 2013 Budget which is attached to these public meeting minutes as Exhibit 2. Public commentary was listened to and questions were answered.
10. The Board of County Commissioners made the following statement on Adventure Sports Center International which is attached to these public meeting minutes as Exhibit 3. Public commentary was listened to and questions were answered.
11. Public Commentary.
12. Carol Riley-Alexander, Executive Assistant to the Board of County Commissioners and County Administrator, reviewed the meeting and committee schedule for the forthcoming weeks.
13. The Board of County Commissioners, on a motion by Commissioner Crawford, which was seconded by Commissioner Gatto, and made unanimous by Chairman Raley, moved into

Executive Session under section 10-508 of the Maryland Open Meetings Law on this date to discuss legal, personnel, and financial matters. The same motion ended the Executive Session.

14. In compliance with the Maryland Open Meetings Act under section 10-509, a record of the Executive Session for January 17, 2012 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 Crawford, which was seconded by Chairman Raley, and made unanimous by Commissioner Gatto, moved into Executive Session under section 10-508 of the Maryland Open Meetings Law on this date to discuss economic development matters. The same motion ended the Executive Session.
15. In compliance with the Maryland Open Meetings Act under section 10-509, a record of the Executive Session for January 24, 2012 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 Crawford, which was seconded by Chairman Raley, and made unanimous by Commissioner Gatto, moved into Executive Session under section 10-508 of the Maryland Open Meetings Law on this date to discuss economic development matters. The same motion ended the Executive Session.
16. In compliance with the Maryland Open Meetings Act under section 10-509, a record of the Executive Session for January 30, 2012 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 Crawford, which was seconded by Chairman Raley, and made unanimous by Commissioner Gatto, moved into Executive Session under section 10-508 of the Maryland Open Meetings Law on this date to discuss economic development matters. The same motion ended the Executive Session.
17. In compliance with the Maryland Open Meetings Act under section 10-509, a record of the Executive Session for February 2, 2012 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 Crawford, which was seconded by Chairman Raley, and made unanimous by Commissioner Gatto, moved into Executive Session under section 10-508 of the Maryland Open Meetings Law on this date to discuss economic development, financial, and budgetary matters. The same motion ended the Executive Session.

ADMINISTRATIVE SESSION

1. The Board of County Commissioners, on a motion by Commissioner Crawford, which was seconded by Commissioner Gatto, and made unanimous by Chairman Raley, approved a line of credit advance for Adventure Sports Center International in the amount of \$50,000. This request was due to employee payroll, capital expenditures, and emergency cash flow requirements in advance of the opening of the 2012 season. A revised amortization schedule for repayment will be prepared by the Garrett County Department of Financial Services.
2. The Board of County Commissioners, on a motion by Commissioner Gatto, which was seconded by Commissioner Crawford, and made unanimous by Chairman Raley, appointed Dorothy Andreas, BJ Gallagher, and Beth Little-Terry to the Garrett County Commission for Women.

Specific terms of appointment will be outlined in an official letter under the signature of Chairman Raley.

3. The Board of County Commissioners, on a motion by Commissioner Crawford, which was seconded by Commissioner Gatto, and made unanimous by Chairman Raley, approved an allocation of \$500 for the 35th Grantsville Days.
4. Mr. Pagenhardt reviewed and asked for an agreement from the Board of County Commissioners to proceed with an assessment by the Department of Engineering to include Frank Custer and Rockville Court in the County Roads System. The Board agreed with this proposal.

Attest:

By Order of the Board,

R. Lamont Pagenhardt,
County Administrator

James M. Raley, Chairman
Board of County Commissioners

Date

EXHIBIT 1

2012 LEGISLATIVE STATUS AS OF FEBRUARY 7, 2012
BOARD OF GARRETT COUNTY COMMISSIONERS

1. A request by the Board of County Commissioners that the Maryland General Assembly amend Annotated Code of Maryland, Article – Correctional Services, Subtitle 10. Correctional Officers' Bill of Rights by adding Garrett County to the Article. For the purpose of providing for certain rights of a correctional officer in Garrett County relating to employment, investigation, and discipline. Copy of Garrett County Government Correctional Officers Bill of Rights Act is included.

⇒ Legislation has been drafted and hearings scheduled

2. A request by the Board of County Commissioners that the Maryland General Assembly provide the Board with enabling authority to amend provisions the Code of Ordinances for Garrett County, Maryland under Salary Study Commission §32.41; Composition, (B), (3). Under this provision it reads that composition consists of 1 member from the League of Women Voters of Garrett County. The League has disbanded and the inclusion/reference of the League in this Section should be deleted and replaced with a member of the Garrett County Mayor's Association to be appointed by the Board of County Commissioners.

⇒ Legislation has been drafted and hearings scheduled

3. A request by the Board of County Commissioners that the Maryland General Assembly provide the Board with enabling authority to amend provisions of Article 24, Section 9-301, et seq., of the Annotated Code of Maryland, (the "State Code") authorize the Board of County Commissioners of Garrett County, Maryland (the "Board") to impose a tax on a transient charge paid to an establishment that offers sleeping accommodations for compensation located in Garrett County. Pursuant to the provisions of Section 9-304 of the State Code, Garrett County may not set a hotel rental tax rate that exceeds five percent (5%). The current hotel rental tax rate in Garrett County is five percent (5 %). The Board is requesting legislation to increase the hotel rental tax rate that will not exceed six percent (6 %).

⇒ Legislation has been drafted and hearings scheduled

4. A request by the Board of County Commissioners in Garrett County, notwithstanding any other provisions of law that the Board, acting as the Garrett County Sanitary Commission may (1) charge a parcel serviced by or connected to a project that the district operates a late fee for any unpaid usage charge that is based on the use of the project by the parcel and (2) may require, before reconnecting water service, payment of any applicable late fees in addition to any other charge authorized by this section. The Department of Public Utilizes would assess a late fee on water and sewer quarterly bills when not paid by the due date. The Department has estimated that the fee would generate additional revenue and will help offset the cost of producing and mailing Past Due billings.

⇒ Legislation has been drafted and hearings to be scheduled

5. A request by the Garrett County Animal Issues Advisory Commission that the Board of County Commissioners support legislation that add Garrett County to existing provisions of the Annotated Code under Article 25, §236A (2011). See attached pages.
⇒ Legislation has been drafted and hearings to be scheduled
6. A request by the Board of County Commissioners to be granted legislative authority to mandate collective bargaining for Garrett County Roads Department employees currently represented by American Federation of State, County, and Municipal Employees, Council 67, Local 1834.
⇒ Garrett County Delegation will not support this request for legislative action. (Letter attached)
7. A request by the Board of County Commissioners based on a request by the Garrett County Snowdrifters that the Annotated Code of Maryland §25-102 be amended to read as written in the attached pages:
⇒ Legislation has not been drafted as of this date

Other legislation of interest to Garrett County Government and the Board of County Commissioners:

- Natural gas and oil leases – recordation requirement – intake sheet
- Public education lost limitation legislation
- Building codes – sprinkler exemption for modular home construction
- Septic system legislation and the impact on rural jurisdictions
- Possible legislation on wind generation as it pertains to review by the Public Service Commission
- Other pending legislation that MACo is following
- Other pending matters

EXHIBIT 2

BOARD OF COUNTY COMMISSIONERS PUBLIC STATEMENT

February 7, 2012

In response to the funding issues and proposals concerning the Board of Education, The Board of Garrett County Commissioners offers the following public statement relative to the Garrett County Board of Education and an appropriation of funding for Fiscal Year 2013.

It is important to understand that while the State of Maryland has cut funding to education in Garrett County due to the wealth factor formula and the declining student population, the County has increased funding in excess of requirements known as the maintenance of effort by \$860,000. In fiscal year 2012, the Board of Education funding level was reduced by the State by \$1.5 million while Garrett County increased funding by \$1.7 million which is equivalent to all of new tax revenue due the county.

The Commissioners recognize the serious financial situation the Garrett County Public School System is faced with at this time and also into subsequent fiscal years. All three County Commissioners have been present at each of the public hearings conducted by the Board of Education regarding the proposed school closings of Friendsville, Kitzmiller and Dennett Road Elementary. As such we had heard the concerns of hundreds of citizens. The Commissioners also recognize and emphasize that the issues and actions regarding school budgets, closure of schools, and the overall decisions about our school system rest in the elected members of the Board of Education. Any action on the part of the Board of Commissioners as the funding source is not intended to usurp their difficult decisions.

The closing of community elementary schools, eliminating instructional programs, and reducing personnel are all very complex decisions that will have long term implications on the public schools, ancillary programs and many affected communities. We have deliberated and identified the fact that public education is not only our number one fiscal priority, but also a notable objective of our future economic development vision. The downturn in the economy, reductions in school state level school funding require that all parties cannot continue to operate under the same paradigm. The new paradigm insists that we must not only do more with less, we must do better with less. Cost shifts from the state to the county, such as the teacher's pension, may significantly impact the county in the coming years. Vigilance towards containing costs is a must.

Garrett County Government has been experiencing a financial shortfall status and there are numerous challenges to secure funding for the provision of all public services for the residents, property owners, and visitors to Garrett County without operating with a structural deficit. Initial estimates reveal that the County real estate values have declined for Fiscal 2013 and likely will result in a loss of \$1.5 million in revenues to the County.

Therefore, we are willing and open to increase County Government's financial appropriation to the Garrett County Public School System but are unable to provide a solid figure at this time due to several variables.

1. *The Board of County Commissioners will support legislation currently being proposed by Senator Edwards and Delegate Beitzel to cap the loss of State funding to any school district to a 5.5% limit and encourage the public to do the same.*
2. *The Board of Education is encouraged to review retirement incentives in order to encourage retirements that will allow for the reduction of staff numbers without eliminating the jobs of new employees.*
3. *The Board of Commissioners encourages the Board of Education to collaborate with the county in order to identify areas where overlapping services and practices may be consolidated and or reduced in order to mitigate costs related to maintenance of effort .*
4. *The Board of Commissioners encourages the Board of Education to continue to engage the public, central office staff, instructional staff, and administrative personnel for input in ways to enhance and maximize operations as well as consider all options and proposals that can generate savings.*
5. *The Board of County Commissioners will provide and direct additional funding, within affordability parameters, thus allowing the Board of Education the opportunity to look at a long range vision of school needs based on projected enrollments and community interests as contained in the reports to be presented by the school communities. The budget process is still in an early stage and with many funding related issues.*

Again, we appreciate the commitment, fortitude, and effort that the Board of Education, employees, and Mrs. Waggoner have dedicated over the past demanding and difficult months. We applaud the many citizens and members of the local education community who know that education is a key to our overall economic future and have been willing to speak out for our children. Garrett County will emerge from this “temporary” crisis in funding and when we do we hope to be a stronger community in many respects. We ask that we remain respectful of one another as we continue to work through this evolving process. We know some may have lost faith and confidence but please be assured that “we listen” and “we care” about the future of Garrett County. This process will take time and long range vision of what we want our County to look like 25 or even 50 years from now.

Exhibit 3

BOARD OF COUNTY COMMISSIONERS
PUBLIC STATEMENT

February 7, 2012

The Adventure Sports Center International (“ASCI”) is a facility located at Marsh Mountain in McHenry, Garrett County, Maryland. The ASCI facilities, which include a self-contained manmade whitewater course, were constructed and completed through public and private funding.

In early January 2012, the Board of Directors of ASCI presented to the Board of County Commissioners (the “County”) a Resolution reflecting the ASCI Board’s desire to convey its property to the County. The offer by ASCI, as reflected in the Resolution, included an offer to convey all of ASCI’s facilities, assets, and operations to the County. The offer was contingent upon the County assuming ASCI’s liabilities. The County has taken this matter under advisement and the transfer of proprietary ownership would not be considered or undertaken if the existing debt obligations remained. The assumption that the County will appropriate the amount of \$3 million towards the debt is unfounded and is not being considered.

The County believes that ASCI is an asset to Garrett County and is part of the overall and comprehensive tourism objective that will enhance and grow the Garrett County economy for many years. The Adventure Sports Center International (“ASCI”) is a facility located at Marsh Mountain in McHenry, Garrett County, Maryland. The ASCI facilities include a self-contained manmade whitewater course and 550 acres in the Fork Run Recreational Area. ASCI became operational in 2006 through public and private sector funds. ASCI was selected to host the World Championship Canoe and Kayak Slalom Races in 2014.