

BOARD OF GARRETT COUNTY COMMISSIONERS
PUBLIC MEETING
July 3, 2012

IN ATTENDANCE

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

County Administrator R. Lamont Pagenhardt

Prior to the Call to Order of the Public Session the Board of County Commissioners and Bradley Frantz, Director, Office of Public Safety and Emergency Management provided an update on matters related to the power outage from the storm on July 30, 2012. Sheriff Robert Corley was in attendance for this session.

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 July 3, 2012. 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 Agenda for July 3, 2012. Mr. Pagenhardt also noted matters to be discussed during the administrative session.
2. The Board of County Commissioners, on a motion by Commissioner Crawford, which was seconded by Commissioner Gatto, and made unanimous by Chairman Raley, approved the Public Meeting Minutes for June 26, 2012 and Executive Session of June 26, 2012.
3. The Board of County Commissioners presented an overview of board, committee, and commission meetings they have attended individually and as a Board. Chairman Raley also noted the Garrett County Historical Society event conducted on June 30, 2012 that showcased the photography of Leo Beachy.
4. The Board of County Commissioners executed a Proclamation recognizing the 20th Anniversary of Garrett County Lighthouse.
5. The Board of County Commissioners met with Rodney Glotfelty, County Health Officer; Fred Polce, Executive Director, Core Service Agency; and Tiffany Fratz representing the Partners After School Program under the authority of the Garrett County Health Department – Partnership For Children and Families who requested approval to utilize unused funding during the school year for summer program time. Mr. Polce presented statistical outcomes for the past year programs. Mr. Glotfelty noted that the Health Department will return \$191,000 +/- in unspent funds from Fiscal Year 2012 to the County. The request from Partner's After School was to use

the unspent portion of the allocation for after school programming to fund summer programs at Accident Elementary School, Grantsville Elementary School, and Southern Middle School. Mr. Glotfelty noted that he believes that amount to be \$20,100 and will provide the exact number probably no later than next week. Mr. Polce stated that a letter from the Board allowing this rollover of funds from Fiscal Year 2012 to 2013 fund the summer program would be required. The Board, on a motion by Commissioner Crawford, which was seconded by Commissioner Gatto, and made unanimous by Chairman Raley approved the designation of funds for this purpose.

The second request was for the Board to appropriate \$45,000 for Fiscal Year 2013 to allow for continuation of After School Programs at all three locations for the entire 2012-2013 school year. Funding has been identified that will effectively fund the Grantsville Elementary School Program and the Southern Middle School/Broadford Elementary sites. The \$45,000 funding from the Board would allow the programming to continue at Accident Elementary School. The Commissioners deferred the decision on this until July 17, 2012.

6. Dr. Brenda McCartney and Matthew Paugh, representing the Kitzmiller Charter School Initiative, Inc. met with the Board of County Commissioners to present an overview of their application for the formation of a Charter School which is due by September 1, 2012. The Committee requested that the Board grant their approval to utilize the former Kitzmiller Elementary School for their charter school for School Year 2013 – 2014 and for School Year 2012 – 2013 for programs (to be determined) on home school and community functions under the jurisdiction of the Kitzmiller Learning Co-Op.
7. Sheriff Robert Corley presented the Board of County Commissioners with an exposition on the Inmate Labor Work Program. The program was implanted in the last quarter of Fiscal Year 2012 with inmates assigned to mowing, grounds maintenance, and other work on public facilities and properties.
8. Jon Wynn with Western Maryland Consortium briefed the Board of County Commissioners on the following agencies matters:
 - a) Served 300 clients during the past fiscal year in job search, resume development, job preparatory assistance, occupational job training, and other services.
 - b) 2 Rapid Response targets for Fechheimer and the Board of Education with 87 people who were laid off served.
 - c) Update on Summer Youth Program.
 - d) Information on collaboration with other County and State agencies who serve many of the same clients.
 - e) Other agency matters.
9. Public Commentary. None on this date.
10. Carol Riley-Alexander, Executive Assistant to the Board of County Commissioners and County Administrator, reviewed the meeting and committee schedule for the forthcoming weeks.
11. In compliance with the Maryland Open Meetings Act under section 10-509, a record of the Executive Session for June 26, 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 Gatto, which was seconded by Commissioner Crawford, 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 and personnel matters. The same motion ended the Executive Session.

Mr. Pagenhardt presented a number of matters related to the **Agreement** between the Board of County Commissioners and the American Federation State, County and Municipal Employees Council 67 Local 1834. Gorman Getty, County Attorney and Wendy Yoder, Director, Department of Financial Services were in attendance. Mr. Pagenhardt, at the direction and on behalf of the Board, sent an official letter to AFSCME Business Representative James Bestpitch on April 24, 2012 that read as follows:

The Board of County Commissioners of Garrett County, Maryland is in the process of designing and implementing the budget for the next fiscal year. As a part of that undertaking, the County is required to look at all expenses particularly in light of its ever decreasing income. As a part of that process it has undertaken a review of employee expenses and has determined that it is necessary to again review the existing agreement with American Federation of State, County, and Municipal Employees, Council 67, Local 1834 and its Roads Department Employees.

I am sure you and the members of Local 1834 are very much aware of the difficult financial situation Garrett County Government has experienced over the past several years. Unfortunately it appears that the difficult financial situation will continue to be an issue of concern for years to come. State revenues to the County have all but been eliminated, real property assessments have declined and overall general fund revenue is significantly less than it was just several years ago. These factors have contributed to many financial issues including the potential closure of several elementary schools.

County Government is making every effort to maintain current staffing levels, avoid a reduction in personnel, to maintaining employee health care and retirement benefits and avoid the necessity of furloughs. To assist with the preservation of each of these financial and human resource areas and to maintain a quality service to the public, the Board is asking that AFSCME Council 67, Local 1834 agree to decline the hourly wage rate adjustment that would be effective July 1, 2012. We realize that this is a significant request. Please appreciate that it is the County's intent to treat all of its employees equally and fairly. We are not asking anything from the Roads Department Employees that we are not prepared to require of all of our employees.

We thank you for your consideration of this request. We would appreciate a prompt response so that we can move forward with our economic plans for the year ahead.

On June 24, 2012, AFSCME responded that the membership had voted not to decline the hourly wage increase that would be effective July 1, 2012. This increase is an unbudgeted expenditure for Fiscal Year 2013. Chairman Raley and Commissioner Gatto agreed to proceed with applying the hourly rate increase of 4% consistent with the provisions of the *Agreement* and with an effective date of July 1, 2012. Commissioner Crawford was not in agreement. Mr. Pagenhardt asked that the Board agree to review year to date Fiscal Year 2013 revenue and expenditures monthly to determine budget versus actual on an continuing schedule. The Board unanimously agreed to this recommendation.

ADMINISTRATIVE MATTERS

1. Mr. Pagenhardt updated/reviewed informational, administrative and pending issues under his jurisdiction/authority with the Board of County Commissioners.
2. The Board of County Commissioners met with Garrett County Arts Council to discuss the distribution of funds approved in Fiscal Year 2013 Budget. There were questions from Garrett Lakes Arts Festival on how additional funds appropriated to the Council would be distributed to the Festival and other events.
3. The Board of County Commissioners met with Adrienne Ottaviani, Executive Director, Maryland Coal Association; Thomas Moran, Corsa Capital – Casselman Mine; Tim Wilhelm, Wilhelm Trucking; Jay Moyer, General Superintendent, County Roads Department; Dwight Emory, County Engineer; Wendy Yoder, Director, Department of Financial Services; and James Hinebaugh, Director, Department of Economic Development to discuss the use of coal haul trucks and the damage to County roads. Coal tonnage tax received by the County prepared by Ms. Yoder was reviewed and the cost of infrastructure and repair cost to Westernport Road was presented. It was decided by all parties to continue open dialog quarterly on matters discussed on this date. It was a very positive session as viewed by all in attendance.
4. Dr. Brenda McCartney and Matthew Paugh, representing the Kitzmiller Charter School Initiative, Inc. met with the Board of County Commissioners to discuss more specifics of the potential use of the former Kitzmiller Elementary School. (See # 6 of Public Session Minutes).
5. The Board of County Commissioners met with Phil Rodeheaver, Chairman of the Garrett County Chamber of Commerce Board of Directors and Nicole Christian, President, Garrett County Chamber of Commerce. The purpose of the session was to present initiatives and goals for the forthcoming year.
6. Chairman Raley presented potential appointments for Tri-County Council of Western Maryland (TCCWM) Revolving Loan Committee. The Board agreed to appoint Tracy Bemiller and Nancy Jo Fratz to the Committee. Official letters of appointment outlining the term of appointment will be sent to each appointee under the signature of Chairman Raley.
7. Mr. Hinebaugh was in attendance to review the following matters with the Board of County Commissioners:
 - a) Mountain Maryland Angel Investors Group
 - b) Concern by the trout fishing community with the loss of the North Branch fishery and the matter of water releases to maintain water temperature, flow, etc.
 - c) Recommendation of re-classification of the position of Natural Resources Development Officer. The Board agreed with the recommendation based on a justification presented and supported by Mr. Pagenhardt.
8. The Board on a motion by Commissioner Gatto, which was seconded by Commissioner Crawford, and made unanimous by Chairman Raley moved into Executive Session to discuss personnel matters moved into Executive Session under section 10-508 of the Maryland Open Meetings Law on this date to discuss legal and personnel matters. The same motion ended the Executive Session.

9. The Board of County Commissioners discussed the following matters with John Nelson, Director, Department of Planning and Land Development:
- a) Appointment to the Deep Creek Watershed Board of Zoning Appeals. The Board, on a motion by Commissioner Gatto, which was seconded by Commissioner Crawford, and made unanimous by Chairman Raley, appointed Bruce Swift as a member of the Board to fill the unexpired term of Charles McCrobie. Mr. Swift currently as an alternate on the Board. The Board of County Commissioners will solicit names to serve as an alternate to replace Mr. Swift.
 - b) Discussion on the voting status of the county commissioner who serves as an ex-officio member of the Planning Commission. This practice is listed in the Planning Commission Bylaws. Currently this member is a full voting member and often times elects to abstain or recuse themselves due the fact that certain subjects of review and agreement by the Commission are subsequently moved the Board of County Commissioners level. Commissioner Gatto, who now serves as the Ex-Officio member of the Commission and Mr. Nelson will add this to the July 11, 2012 Planning Commission meeting.
 - c) Fiscal Year 2014 Waterway Improvement Fund application and project agreement grant request letter from the State of Maryland Department of Natural Resources. The Board will submit for consideration a request for lake access at Deep Creek Lake with a site to be determined. Chairman Raley and Mr. Nelson will work on this matter with Lake Management and Brookfield Power to be contacted.
10. The Board of County Commissioners discussed issues related to the 1st Annual Garrett County Appreciation Day/Garrett County Airport 50th Anniversary Celebration at the Airport scheduled for August 11, 2012.
11. The Board of County Commissioners reviewed current practice of dispensing public meeting agenda, meeting dates/times, and other information.

Attest:

By Order of the Board,

R. Lamont Pagenhardt,
County Administrator

James M. Raley, Chairman
Board of County Commissioners

Date