

**BOARD OF GARRETT COUNTY COMMISSIONERS**  
**PUBLIC MEETING**  
**July 17, 2012**

**IN ATTENDANCE**

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

*County Administrator R. Lamont Pagenhardt*

**ADMINISTRATIVE SESSION**

1. The Board of County Commissioners met with Cecil Holtschneider to further discuss plans for his subdivision. Dwight Emory, County Engineer and David Ritchie, Project Engineer with the Engineering Department were in attendance for this session. Mr. Ritchie provided the Board with a history of the proposed subdivision. The Board will take under advisement with consultation from the County Attorney a proposal to relocate Haenftling Road to the original location on Pysell Road which should satisfy what Mr. Holtschneider would like to accomplish.
2. The Board of County Commissioners reviewed potential candidates for the vacant position as the Elected Member on the Garrett County Board of Education. The Board determined to poll persons who submitted their interest in the vacancy created when Chairman Raley resigned as a Member of the Board of Education and to also send out a Press Release to solicit interested individuals from the general public who reside in Election District 3. All interested parties need to submit a Letter of Interest by July 31, 2012. The Board will review submissions received and make an official appointment during the Public Meeting on August 7, 2012.
3. 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 personnel and legal matters. The same motion ended the Executive Session.
4. Mr. Pagenhardt updated/reviewed informational, administrative, and pending issues under his jurisdiction/authority with the Board of County Commissioners.
5. Mr. Pagenhardt informed the Board of County Commissioners on the following matter involving the Garrett County Detention Center Bond Bill 06-G195. In 2007, the County completed the certification of the matching funds for this project for the design of the Garrett County Detention Center or Public Safety Center. In August of 2008, due to other capital project obligations and commitments at that time, the Board decided to postpone the Detention Center Project and cancelled the project. Upon cancelling the contract, the County paid the engineering contractor \$679,195.00 in design services for the Detention Center. Based on the circumstances surrounding this project, the County was eligible for reimbursement under the terms and conditions of the project and will be reimbursed for 50% of this cost (\$339,597.50).

6. Chairman Raley asked for an agreement from the Board to provide prints of areas of Garrett County for the First Energy Regional Office Deep Creek Lake conference room. Purchase of select prints will come from the Garrett County Arts Council Gallery. Commissioners Crawford and Gatto agreed with this expenditure of funds.
7. The Board of County Commissioners, on a motion by Commissioner Crawford, which was seconded by Commissioner Gatto, and made unanimous by Chairman Raley, appointed Henrietta Lease to the Local Management Board. Official letter of appointment under the signature of Chairman Raley will be sent to Ms. Lease.
8. 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 real property tax abatement for the following parcels:
  - a) Account # 17013254, Lots 61-69 Pythian Avenue
  - b) Account # 317004115, 15.94 acres W/S Pythian Avenue
  - c) Account # 17013262, Lots 70-80 Pythian Avenue
  - d) Account # 17002813, 307 North Fourth Street
  - e) Account # 16024996, S/S Francis Sanders Drive W
  - f) Account # 17008412, 222 North Fourth Street
  - g) Reimbursement for taxes paid on Accounts #14016260, 79.98 Acres (Lapp Land) and #14035095 (Lapp Land).
9. Brian Bowers, Purchasing Agent, presented an update on the County Energy Conservation Plan to the Board of County Commissioners. Also in attendance for this was Rebecca Glotfelty, Administrative Coordinator and Edgar Uphold, Supervisor, Facilities and Maintenance Department. The key points of this Plan are listed as an attachment to the Minutes as Exhibit 1.
10. The Purchasing Department presented the following recommendations of bid and contract award to the Board of County Commissioners:
  - a) Contract Extension – General Carpentry Services (bid 310-0819C). The Board, on a motion by Commissioner Crawford, which was seconded by Commissioner Gatto, and made unanimous by Chairman Raley, approved a contract extension to Thomas & Thomas Construction LLC for a basis labor rate of \$28.00 per hour and a 12% mark up for materials.
  - b) Refuse Containers (bid #12-0705C). The Board, on a motion by Commissioner Gatto, which was seconded by Chairman Raley, and made unanimous by Commissioner Crawford, approved a bid award to Custom Container Solutions for a total cost of \$18,550.00. { (1) 40 yard closed recycling container @\$4,300.00; (1) 40 yard open top container @\$4,200.00; and (3) 20 yard open top containers at \$3,350.00).
  - c) Contract Extension - Custodial Cleaning Services (bid #11-1013}. The Board, on a motion by Commissioner Crawford, which was seconded by Commissioner Gatto, and made unanimous by Chairman Raley, approved a contract extension to Appalachian Crossroads for \$46.50 per time for Oakland Roads Department Garage; \$41.00 per time for Accident Roads Department Garage; and \$42.50 per time for Grantsville Roads Department Garage.

## 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 17, 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 17, 2012.
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 July 3, 2012 and Executive Session of July 3, 2012.
3. The Board of County Commissioners provided an update on boards, commissions, and committees dates.
4. The Board of County Commissioners conducted a **Public Hearing** to review and receive comment on a proposed amendment to the current 10 Year Solid Waste Management Plan for Garrett County for an expansion of waste disposal capacity. There was no public commentary on this matter. The key points of this Plan are listed as an attachment to the Minutes as Exhibit 2.

The Board, on a motion by Commissioner Crawford, which was seconded by Commissioner Gatto, and made unanimous by Chairman Raley, closed the **Public Hearing**, approved the Amendments as presented, and in compliance with the Code of Maryland Regulations authorized Chairman Raley and Mr. Pagenhardt to execute a Resolution noting this approval.

5. Michael Bell presented the Board of County Commissioners with a Restoring Fairness to Garrett County Real Property Taxes by Taxing Marcellus and Utica Mineral Rights proposal. The Board thanked Mr. Bell for his effort and noted that they would take this under advisement. Mr. Pagenhardt will request a copy of the presentation slides and review with the Department of Financial Services.
6. The Board of County Commissioners publically recognized The Greater Cumberland Committee and David Moe for their efforts on securing for funding for the North-South Appalachian Highway project. Staff Representatives from the offices of Senator Mikulski, Senator Cardin, Governor O'Malley, and the Garrett County Chamber of Commerce were in attendance for this session. A summary of this project status is as follows:

*Completing of the north-south highway is a coordinated effort between Pennsylvania, Maryland and West Virginia. Maryland has more than \$98 million available for linking Route 219 to Pennsylvania. West Virginia has more than \$92 million for Corridor H work. The Greater Cumberland Committee and numerous state and local officials throughout our tri-state area pushed hard for the north-south bill via passage of the surface transportation bill. The Board noted that the entire project would not have been possible without the hard work of so many in our region led by The Greater Cumberland Committee.*

7. The Board of County Commissioners discussed Maryland Codes Administration legislation. John Nelson, Director, Department of Planning and Land Development and James Torrington, Division Chief, Permits and Inspections Division, Department of Planning and Land Development were in attendance for this session. Mr. Nelson provided a brief summary of the legislative action that the 2012 General Assembly took regarding sprinkler system requirements for one and two family residences. HB 366 and its companion SB 602 were adopted by the General Assembly and signed by the Governor on May 2, 2012. MACo and Local Governing Bodies were of the understanding that local jurisdictions would no longer have the ability to opt out of the sprinkler requirements after the October 1, 2012 effective date of the Bills and that building permits issued after that date would require installation of sprinkler systems.

Recently, all local jurisdictions received an announcement from the MD Codes Administration that effectively reversed the understanding of local governments. DHCD, through the Codes Administration announced that local jurisdictions that desire to weaken the requirements for sprinkler systems contained in the 2012 International Residential Code may do so if those jurisdictions adopt the new building codes before October 1, 2012. Any local amendments enacted to opt out of the 2012 International Residential Code sprinkler requirements would be in effect locally until the next code cycle in 2015. Local jurisdictions will not be permitted to weaken the sprinkler system requirements in the International Residential Code for the 2015 cycle.

In consideration of this information, the Board agreed to schedule a Public Hearing on the new 2012 International Building Code and International Residential Code on August 21, 2012 at 4:15 p.m. and voted to include a provision in local amendments that would opt out of the sprinkler system requirements contained in the 2012 International Residential Code.

8. Mr. Nelson presented a list of requests for Fiscal Year 2013 Program Open Space funds. The Board of County Commissioners will look at this in more detail on a later date.
9. As part of the July 3, 2012 Public Meeting, the Board of County Commissioners discussed funding for Garrett Partners After School Programs. A request to allocate \$45,000 for the continuation of programs for the entire 2012 – 2013 school year was for all 3 locations (Grantsville Elementary School, Southern Middle School/Board Ford Elementary School, and Accident Elementary School). Commissioner Crawford entered a motion to fund the requested amount; Commissioner Gatto seconded the motion which was made unanimous by Chairman Raley. The funds will be taken from the Fiscal Year 2012 unspent revenue of \$197,000 to be returned to the County from the Garrett County Health Department.
10. Public Commentary. Nicole Christian, President, Garrett County Chamber of Commerce reviewed Heritage Plan Program grant allocations. The Board of County Commissioners expressed their appreciation for the efforts of the Chamber in successfully securing these program funds.
11. Carol Riley-Alexander, Executive Assistant to the Board of County Commissioners and County Administrator, reviewed the meeting and committee schedule for the forthcoming weeks.
12. In compliance with the Maryland Open Meetings Act under section 10-509, a record of the Executive Session for July 3, 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 personnel matters. The same motion ended the Executive Session.

Mr. Pagenhardt presented a recommendation of appointment of Cynthia Sharon as Project Manager with the Department of Economic Development. James Hinebaugh, Director, Department of Economic Development was in attendance for this session. The Board concurred with this recommendation and Mr. Pagenhardt will send an official letter of appointment to Ms. Sharon outlining the terms and conditions of employment.

**Attest:**

**By Order of the Board,**

\_\_\_\_\_  
R. Lamont Pagenhardt,  
County Administrator

\_\_\_\_\_  
James M. Raley, Chairman  
Board of County Commissioners

\_\_\_\_\_  
Date

**EXHIBIT 1**

## Energy Conservation Plan Key Points

1. The plan is a living document and may be modified in the future to reflect emerging “best practice” energy conservation, and energy management strategies and initiatives.
2. Establishes an Energy Conservation Team with representation from various County Departments. Team representation can be amended at any time.
3. References Governor Martin O’Malley’s “Empower Maryland” initiative of reducing energy consumption by 15% statewide by 2015.
4. Key initiative of the plan is the reduction in energy costs by 5% for Fiscal Year 2013. By 2015, reducing energy consumption by 15% meeting the “Empower Maryland” initiative.
5. Plan will focus on five (5) major utility cost contributors, which include electric, fuel oil, natural gas, propane and water/sewerage.
6. The effective management of energy is based on three basic principles:
  - a. Changing the philosophy about energy usage
  - b. Initiating changes within the facilities environment
  - c. Promoting educational awareness for energy conservation success. Employee awareness is a key fundamental part of the plan.
7. Plan provides immediate, short term and long term measures for energy conservation.
8. Plan recognizes the need to have third party energy audits performed on buildings identified as high priority (i.e. highest energy usage per square foot, etc.).
9. An energy accounting software program (Energy Watchdog, Energy Star) will need to be purchased and used as the measurement component of the plan. Initially, at least 2 years of utility bill data will be loaded into the program for County facilities. The program will be able to provide detailed reporting on the usage of electric, natural gas, fuel oil, water and sewer. It will help identify accomplishments and shortfalls regarding energy usage and savings.
10. The success of the plan is dependent upon the support of the Board of County Commissioners, County Administrator and all County employees. State and County funding cuts could impact energy conservation initiatives.

## EXHIBIT 2

## GARRETT COUNTY 10 YEAR SOLID WASTE MANAGEMENT PLAN

### REVISED PROPOSED AMENDMENT FOR EXPANSION OF WASTE DISPOSAL AREA

#### **Brief Facility History:**

Garrett County's current landfill facility, the Garrett County Solid Waste Disposal & Recycling Facility (Landfill), is located at 3118 Oakland Sang Run Road, Oakland, Maryland, 21550, and operates under the provisions of Refuse Disposal Permit # 2011-WMF-0094 (Permit). Waste disposal areas within this facility and authorized by the Permit are identified in the Garrett County Ten Year Solid Waste Management Plan (Plan) as Cells 1 through 4 for municipal waste and Cells A & B for rubble. The purpose of this amendment is to modify the Plan to identify the need and to make the commitment to expand waste disposal areas at this facility.

#### **Purpose: Expansion of Waste Disposal Capacity**

In 2011 after review of remaining currently permitted waste disposal capacity at the Garrett County Solid Waste Disposal & Recycling Facility, the County identified the desire to expand waste disposal capacity beyond that available by utilization of the originally designed and permitted four municipal solid waste cells. The purpose of the proposed expansion is to provide additional waste disposal capacity such that the current facility can continue to accept waste for disposal beyond the original four cell, 20 year landfill life concept. The proposed expansion area is identified as Cell 5 and is located between Cells 1-2 and Cells 3-4, within the property boundaries of the current facility.

#### **Proposed modifications to the Plan:**

Garrett County proposes to amend the Plan by modifying the language of Chapter 5 as stated below.

- 1 Page 5-4, Goal 3, paragraph one; replace paragraph one with the following:

*"The County currently operates a landfill and six refuse collection sites for disposal of solid waste and collection of recyclables. Permitted Cells 1-4 at the Landfill are projected to provide waste disposal capacity through 2019. The County plans to expand waste disposal capacity at the current Landfill facility by developing Cell 5 that will be located between permitted Cells 1-2 and Cells 3-4. In order to accomplish this, the County will seek approval of necessary modifications to the Refuse Disposal Permit and cell design.*

- 2 Implementation Schedule:

*Garrett County has submitted an application to the Maryland Department of the Environment for permit modification approval to expand waste disposal areas at the current Landfill facility. In 2012, Garrett County will continue to pursue permit modification approval and, upon such approval, will immediately proceed with construction of Cell 5.*