

**BOARD OF GARRETT COUNTY COMMISSIONERS**  
**PUBLIC MEETING**  
**February 19, 2013**

**IN ATTENDANCE**

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

*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 and no deletion to the Public Meeting Agenda for February 19, 2013. The Board will defer approval of the Public Meeting Minutes until later in the agenda. The Board of County Commissioners, on a motion by Commissioner Crawford, which was seconded by Commissioner Raley, and made unanimous by Chairman Gatto, approved the Public Meeting Agenda for February 19, 2013.
2. John H. Frank, was administered the oath of office by Garrett County Clerk of the Court Sondra Buckel as the Governor's Appointee as the Garrett County Director of Emergency Management. Each Commissioner provided their thoughts on the appointment and wished Mr. Frank well in this capacity. Mr. Frank publically thanked the Governor, the Board of County Commissioners, and County Administrator for their support and confidence and he pledged to provide his best effort to this responsibility.
3. The Board of County Commissioners publically recognized the Garrett County Detention Center for receiving the Maryland Commission on Correctional Standards entitled "Recognition of Achievement Award" for 100% compliance with standards for Adult Correctional Facilities. The Commission conducted an in-depth week-long audit in March 2012 where members reviewed procedures and documentation to assure that the detention center met certain correctional standard criteria. This audit is conducted every 3 years and covers an extensive area relating to security and inmate control, inmate safety, food services, housing, medical care, sanitation, and inmate rights. Detention Center Administrator Terry Schlossnagle stated that obtaining 100% compliance for all of the correctional standards is difficult but through the efforts of dedicated Garrett County Detention Center employees they were able to excel.
4. The Board of County Commissioners provided an update of the boards, committees, and commission meetings they have attended and participated in since the last public meeting.
5. AJ Fleming with Quality Deer Management Association (QDMA) provided an overview of this organization to the Board of County Commissioners. This organization's mission is to "ensure

the future of white-tailed deer, wildlife habitat, and our hunting heritage". QDMA is supporting HB 990 which was introduced by Delegate Wendell Beitzel which would prohibit a person from hunting an antlered deer in Garrett County unless the deer has at least three points measuring 1 inch or longer on the main beam of one antler and specifying that a point does not include a brow tine. QDMA requested that the Board support and provide testimony in favor of this legislation with a hearing scheduled for March 13.

Commissioner Raley asked what the position of QDMA was on the re-introduction of elk in Maryland/Garrett County. QDMA stated at they have taken "no position" on this proposal which is being lobbying for during this Session of the General Assembly.

6. The Board of County Commissioners presented the results of the following survey that was completed by Members of the Garrett County Marcellus Shale Natural Gas Advisory Committee. (The Committee currently meets every other month).
  - Option 1. Continue meeting on a frequent basis. 38% of the Members voted for/supported this option.
  - Option 2. Discontinue meeting until such time as the Governor's Advisory Committee makes its final recommendation, the State completes the necessary studies contained in the Governor's Executive Order, and/or proposed regulations regarding permitting of wells utilizing hydro-fracking of horizontal laterals constructed into the shale formation are on the table. 62% of the Members voted for/supported this option.
  - Option 3. Consider our work to be complete and disband the Commissioner's Advisory Committee. No members voted for/supported this option.

County Health Officer Rodney Glotfelty, who is Chairperson of the Committee, was in attendance and provided his thoughts on this subject. Commissioner Raley stated that he understands the Committee's response to the survey and would support having the Committee meet on an "as needed basis" on related matters that the Board concurs is important or relevant and he understands the frustration of the Committee members with the process and with the Board of County Commissioners providing guidance and direction to the Committee.

Commissioner Crawford thanked Mr. Glotfelty for serving on the Committee and would support the Members of the Committee reflected in the survey. Chairman Gatto also agreed with the comments of Commissioner Raley and Commissioner Crawford.

It was the consensus of the Board to accept Option 2 of the survey and Mr. Glotfelty will advise the Committee of this determination. The Board also agreed to provide direction and objectives to the Committee prior to the next meeting and after that time.

7. Public Commentary.
8. Carol Riley-Alexander, Executive Assistant to the Board of County Commissioners and County Administrator, reviewed the Board's meeting and committee schedule for the forthcoming weeks.

9. The Board of County Commissioners, on a motion by Commissioner Raley, which was seconded by Commissioner Crawford, and made unanimous by Chairman Gatto, approved the Public Meeting Minutes for February 5, 2013 and Executive Session Minutes of February 5, 2013.
10. In compliance with the Maryland Open Meetings Act under section 10-509, a record of the Executive Sessions for January 22 and 29, 2013 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 Commissioner Raley, and made unanimous by Chairman Gatto, 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 and moved into Administrative Session.

The Board met with County Health Officer Rodney Glotfelty to conduct his annual performance review. The following areas of management and responsibility were rated: communication, budget management, program development, public relations, availability to the county administrator and other agencies, and participation in other human service boards and committees.

#### **ADMINISTRATIVE SESSION**

1. Mr. Pagenhardt reviewed a number of administrative, personnel, and managerial matters under his authority and jurisdiction with the Board of County Commissioners.
2. The Board of County Commissioners met with Michael Koch, Director, Department of Economic Development who provided an overview and status report.
3. The Board of County Commissioners, at the request of Commissioner Crawford, reviewed the Energy Enterprise Production Zone in Western Maryland. Mr. Koch was in attendance for this session and advocated for more discussion and research on this matter. The Board requested that Mr. Koch continue to be the principal staff person on this matter and that he provide an update in April.
4. The Board of County Commissioners reviewed a number of legislative matters. In attendance for this session were County Attorney Gorman Getty; Carol Riley-Alexander, Executive Assistant, Board of County Commissioners/County Administrator; and Mr. Koch.
5. The Board of County Commissioners met with Wendy Yoder, Director, Department of Financial Services; Jay Moyer, General Superintendent, County Roads Department; and Mr. Getty to discuss the County coal haul tax municipal distribution formula. On May 22, 2012 the Board had agreed to a recommendation from the Department of Financial Services and County Administrator to remitting the tax revenue to municipalities that met the requirements of the Statue that defines the criteria to aid in the reconstruction, repair, or maintenance of municipal roads that had deteriorated due to heavy volume of truck traffic traveling on municipal streets and/or bridges while in the act of hauling coal. After that review, Kitzmiller was the only municipality that qualified for the tax distribution. Also, the Board had agreed to add this matter to the annual county/municipal meet and confer meeting.

The Mayor and Town Council of Grantsville have requested time to meet and confer with the Board on this matter on March 18, 2013. The Board has accepted this invitation and will attend.

6. The Board of County Commissioners reviewed a draft consent order from Maryland Department of the Environment relative to coal combustion byproducts storage. Mr. Moyer and Mr. Getty were in attendance for this session. The County had recently been issued a citation by Maryland Department of the Environment (MDE) for the storage of this material which prompted the Board to request legislation to continue to allow the storage at 3 locations. MDE has drafted a Consent Order for the County to review and provide suggestions on how to continue the storage of this byproduct as it has been for many years. The Board unanimously agreed that Mr. Getty and Mr. Moyer revise the Consent Order to read that the County can continue to maintain 3 material storage locations in the same method as it is applied at this time and has been for many years.
7. The Board of County Commissioners discussed matters related to the Four Mile Ridge Wind Project. James Torrington, Chief, Department of Planning and Land Development, Division of Permits and Inspections; Mr. Koch; and Mr. Getty were in attendance.

**Attest:**

**By Order of the Board,**

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R. Lamont Pagenhardt,  
County Administrator

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Robert G. Gatto, Chairman  
Board of County Commissioners

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Date