

**BOARD OF GARRETT COUNTY COMMISSIONERS**  
**PUBLIC MEETING**  
**AUGUST 20, 2013**

**IN ATTENDANCE**

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

*County Administrator R. Lamont Pagenhardt*

**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. Wendy Yoder, Director, Department of Financial Services and Jeanie Hetrick, Assistant Director and DaVina Griffith, Risk Manager with the Office of Human Resources briefed the Board of County Commissioners on the Garrett County Employees Healthcare Plan Wellness Program.
3. 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 economic development matters. The same motion ended the Executive Session.
4. The Board of County Commissioners discussed a number of issues related to the Deep Creek Lake Western Conveyance Sewer Extension and McHenry Water Extension Project. Also discussed was a review of a Sequence of Events for the Thayerville Water Project. In attendance for this session were the following staff:
  - a) Linda Lindsey, Director, Department of Public Utilities
  - b) Gorman Getty, County Attorney
  - c) John Nelson, Director, Department of Planning and Land Development
  - d) Deborah Carpenter, GIS Specialist, Department of Planning and Land Development
  - e) Michael Koch, Director, Department of Economic Development

Attached to these Public Meeting Minutes is a Project Timeline for the Deep Creek Lake Western Conveyance Sewer Extension and McHenry Water Extension Project (Exhibit 1) and Sequence of Events for the Thayerville Water Project (Exhibit 2) that the Board reviewed on this date.

5. The Board of County Commissioners addressed the Petition submitted to the Board requesting that the County take over ownership of Wisp Mountain Road. This issue was discussed and taken under consideration by the Board in a *Public Hearing* on July 16, 2013 and Public Session on August 13, 2013.
6. 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

## 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 one deletion to the Public Meeting Agenda for August 20, 2013. The Recommendation of Bid Award - Water Line Replacement – Towns of Mountain Lake Park and Loch Lynn Heights will be postponed until the Public Meeting of September 3, 2013. The Board of County Commissioners, on a motion by Commissioner Raley, which was seconded by Chairman Gatto, and made unanimous by Commissioner Crawford, approved the Public Meeting Agenda for August 20, 2013.
2. 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 August 13, 2013.
3. 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. Commissioner Raley provided an update and construction status schedule for the wall repair on Route 219 at Deep Creek Lake.
4. 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.
5. The Board of County Commissioners conducted a **Public Hearing** to review and take public comment on a proposal to update and re-adopt the County's Floodplain Management Ordinance to assure compliance with the National Flood Insurance Program. Nicole Christian, President and CEO of the Garrett County Chamber of Commerce addressed questions on the nominated floodplain manager and cooperation with the Department of Public Safety and Emergency Management and at this time there are more commercial businesses in the identified floodplain area which would require the additional cost of flood insurance.

The Board, on a motion by Commissioner Crawford, which was seconded by Commissioner Raley, and made unanimous by Chairman Gatto, closed the **Public Hearing**. The same motion adopted/executed the Ordinance with an effective date of October 2, 2013.

6. The Purchasing Department presented the following recommendations of bid award to the Board of County Commissioners:
  - a) Recommendation Bid Award - Deep Creek 2014 LED Video Screen Rental (bid#13-0801). The Board, on a motion by Commissioner Crawford, which was seconded by Commissioner Raley, and made unanimous by Chairman Gatto, approved an award to GoVision for \$20,300.00 each/\$40,600 for 2 modular LED Screen units for a rental period of September 13, 2014 to September 22, 2014 and a bid award to Motionway, Inc. d/b/a Upstage Video for 1 Mobile LED Screen unit for \$6,500.00. Total bid award for these units is \$47,100.00.
  - b) Recommendation of Bid Award - Prefabricated Bridges (bid #13-0801B). The Board, on a motion by Commissioner Raley, which was seconded by Commissioner Crawford, and made unanimous by Chairman Gatto, approved an award to Contech Engineered Solutions for

\$140,353.00 for Oakland Sang Run Road Bridge No. G-21 and \$71,361.00 for Chet Kelly Bridge No. G-84. Total bid award is \$211,714.00.

7. The Board of County Commissioners listened to commentary and questions from James Stanton who had requested time on the public agenda to discuss the Mountain Maryland Energy Advisory Committee. Mr. Stanton used a power point presentation to explain in detail his questions. Michael Koch, Director, Department of Economic Development and Brian Bowers, Purchasing Agent were in attendance for this session.
8. The Board of County Commissioners executed a Proclamation designating September 2013 as "Cancer Prevention Month".
9. The Board of County Commissioners executed a Proclamation asking the citizens of Garrett County to celebrate September as "2013 Recovery Month". (This item was not on the public meeting agenda).
10. Mr. Koch presented an update on current and pending issues with the Department of Economic Development. These included a review and if appropriate, action by the Board of County Commissioners.
  - a) Mr. Koch responded to comments and questions posed by Mr. Stanton on this date. All issues of concern addressed by Mr. Stanton have been taken into consideration by the Department.
  - b) American Woodmark Update (AMW)
    - AMW request for 5-year extension on their Loan Agreement. The Board, on a motion by Commissioner Crawford, which was seconded by Commissioner Raley, and made unanimous by Chairman Gatto, approved the execution of the Agreement. Employment period term to be extended another 5 years through 12/2017.
  - c) Appalachian Regional Commission (ARC) Grant Update
    - ARC Award Letters have been received for:
      - Broadband Grant
      - Adventure Sports Center International (ASCI) Local Access Road (LAR) Grant
      - ASCI Area Development/Infrastructure (AD) Grant
  - d) Agribusiness – Serve It Up Local Event
    - First annual event held successfully on 8/10/2013
    - Funding for event obtained through USDA Specialty Crop Grant
    - 250 attendees over course of day-long programming
    - Local Foods and Farms Guide produced for distribution
  - e) Tractor Supply
    - Construction of new Oakland location progressing well
    - Grand opening/ribbon-cutting event anticipated in October
  - f) Keyser's Ridge Business Park (KRBP) /Strata Safety Products Update
    - Construction of KRBP building on schedule

- Site-work/prep bids requested
- Design/Build bids requested

11. Public Commentary.

- Barbara Beelar. Questions on public access to the Board's public meeting on this date. Ms. Beelar stated that Court Security officers were not at their post to allow persons to attend the public meeting. Mr. Pagenhardt reported that officers were on duty to allow persons to enter the building.
- Jerry Plauger. Supported Mr. Pagenhardt on access to the Court House during afterhours public meetings.
- Eric Robison. Question on the involvement and connection of The Greater Cumberland Committee with the Board of County Commissioners' Marcellus Shale Natural Gas Advisory Committee and the decision by the Board to discontinue the Committee. It was clarified by the Board that the Committee was not disbanded but suspended/placed on hold.
- Paul Durham. Additional questions and comments on the Board of County Commissioners' Marcellus Shale Natural Gas Advisory Committee.
- James Stanton. Comments and suggestions that the County work towards a clear economic development plan and opinion on the Board of County Commissioners' Marcellus Shale Natural Gas Advisory Committee.

12. Adjournment of Public Session

**Attest:**

**By Order of the Board,**

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R. Lamont Pagenhardt,  
County Administrator

\_\_\_\_\_  
Robert G. Gatto, Chairman  
Board of County Commissioners

\_\_\_\_\_  
Date

**Deep Creek Lake Western Conveyance Sewer Extension  
And  
McHenry Water Extension**

**Project Timeline**

September 10, 2003	Petition to extend boundaries of Deep Creek Lake Sanitary District in order to extend public sewer service to Shingle Camp Terrace, Brenneman Drive, Sandy Shores, Stockslager Road Extension, Penelacres, Slide Hollow and Marsh Hill Subdivision
April 6, 2004	Public Hearing on amendment of Deep Creek Lake Sewer Sanitary District boundaries to include the areas
April 20, 2004	Resolution by the Board to approve annexation of the areas into the service area boundaries
October 9, 2004	Public Information Meeting on Western Sewer and Water Expansion Project
March 25, 2005	Letter sent to residents in service area from the Board regarding proposed system and estimated costs
June, 2005	County solicited proposals for engineering services
July, 2005	Proposals received for engineering services
October 11, 2005	County engaged the services of CLSI, Inc., for design and construction engineering services
April 5, 2006	Preliminary Engineering Report issued by CLSI, Inc.
November 21, 2006	Public Hearing held on Water and Sewerage Master Plan Amendment for proposed project
August, 2007	Preliminary Design Plans Completed
2007 to 2013	Design review and comment by DPU and permitting agencies and design revisions
	Permitting Process: Permits obtained:
	<ul style="list-style-type: none"><li>• Garrett County Grading, Erosion &amp; Sediment Control, and Stormwater Management</li><li>• MDE Construction Permit – 16-inch Pressure Sewer</li></ul>

- MDE / US Army Corps of Engineers Non-Tidal Wetlands Permit
- MDE NPDES Discharge Permit for Stormwater

Mainline easement acquisition including surveying and plat preparation, easement document preparation and condemnation proceedings

Individual property easements for grinder pump and water meter installations along with property layout sheets

Realignment of 16-inch pressure sewer between Pump Station 8-2 and Overlook Pass due to County Roads requirement

July 25, 2013

Representatives from Garrett County met with reps from Brookfield Power to finalize the agreement for installation of the 16-inch pressure sewer line below the dam on Brookfield's property. Brookfield reps requested that alternative routes be evaluated due to the close proximity to some of their monitoring weirs. Brookfield also requested copies of all project permits, environmental reviews and preliminary engineering reports for their review. One option discussed was an underwater crossing which would require DNR and MDE concurrence.

July 29, 2013

Linda Lindsey contacted DNR regarding the possibility of an underwater crossing near the dam.

August 10, 2013

Linda Lindsey forwarded requested documentation to Brookfield Power.

August 14, 2013

Garrett County reps met with reps from Brookfield Power, H. D. Supply, CLSI and DNR regarding an underwater crossing (copy of report attached).

August 16, 2013

Pat Hudnall contacted MDE's Wetlands & Waterways Permitting Division regarding the proposed underwater crossing

**EXHIBIT 2**

**Thayerville Water Project  
Sequence of Events**

May 16, 2005	Letters sent from Commissioner's Office to residents in the Thayerville area regarding proposed Trade/Enterprise Center and development of water source for the Center and inquiry as to if there was public support for a community water system to serve the Thayerville area.
September 3, 2005	Petition received in accordance with 9-649 requesting creation of a service area
September 13, 2005	County Commissioners reviewed and approved the petition and decided to obtain a preliminary engineering report (PER) that describes the feasibility and probable cost of providing water service to the proposed service area (9-649)
September, 2005	County solicited engineering proposals for PER based on water source being located on Keystone Lime Co. property
February, 2006	Draft PER and Environmental Report issued based on water source being located on Keystone Lime Co. property
May, 2007	Revised PER issued based on County's review comments
2008	New water source developed on Mt. Side Marina Club property due to poor quality and low quantity of water encountered on Keystone Lime Co. property
December, 2008	County requested revised PER based on new water source
February, 2009	Draft PER issued based on new water source at Mt. Side Marina Club property
April, 2009	Final PER issued
June 23, 2009	Public Hearing held to consider a petition received requesting that a water service area be designated for the Thayerville area. Hearing notice published on June 4, 11, and 18, 2009 in accordance with 9-649. Notice stated: "The proposed service area includes properties located along Route 219/Garrett Highway in the vicinity of Thayerville beginning at the Route 219 bridge, south to Glendale Road, Glendale Road from Route 219 to the Glendale Bridge, and south along Route 219 for approximately 6-tenths of a mile from the intersection of Glendale Road and Route 219." Information presented included project history, latest estimate of cost to creating the proposed service area, latest estimate of the cost of providing facilities in the proposed service area, and how much of the cost would be funded by issuing bonds/debt.

June 23, 2009	Based on information presented at the hearing and public comment received, the Board of County Commissioners executed a resolution designating the Thayerville Water Service Area in accordance with 9-649.
December, 2009	County issued RFP for design and construction related engineering services
January 27, 2010	Application for Financial Assistance submitted to MDE. The project did not score high enough on the funding list to receive MDE funding.
February, 2010	County signed engineering contract with RK&K for design and construction related engineering services
February 16, 2010	Casselberry & Associates issued final report on the Well Installation and Test Results, Sustained Yield Assessment, and Evaluation of the Potential Impacts of Pumping on Off-Site Water Supply Wells for the wells located on the Mt. Side Marina Club property.
March 30, 2010	Public Hearing held to present the Thayerville Water System amendment to the Garrett County Water and Sewerage Master Plan. Hearing notice published on March 11 and 18, 2010 in accordance with 9-503. A summary of the proposed project was presented at the public hearing.
March 30, 2010	Based on information and comments received at the public hearing, the Board of County Commissioners executed a resolution approving the amendment to the Water and Sewerage Master Plan for the proposed Thayerville Water System.
June, 2010	County applied for State Water Appropriation Permit for wells located on Mt. Side Marina Club property
September 1, 2010	MDE issued Water Appropriation Permit for a daily average of 188,000 gallons on a yearly basis and a daily average of 320,000 gallons for the month of maximum use. (2 wells in the Greenbrier Formation)
January 26, 2011	Application for Financial Assistance resubmitted to MDE. The project did not score high enough on the funding list to receive MDE funding.
March 19, 2011	Public Hearing held to present information on the proposed water system improvements to the Thayerville Water Service Area. Hearing notice published on March 3, 10, and 17, 2011 in accordance with 9-652. Proposed improvements presented along with project cost estimate and debt repayment estimate.
April 5, 2011	Decision to proceed with the Thayerville Water Project adopted by the Board of County Commissioners in accordance with 9-652.
May, 2011 – March, 2012	Easement acquisition, design revisions and permitting process

April, 2012	Letters sent to all property owners in service area informing them that County is preparing to construct the Thayerville Public Water System. Letter included history of system, service area and required connection. Letter also included Property Layout Sheet to be completed by property owner and returned noting requested location of water meter barrel.
April – May, 2012	Advertise for Construction Bids
May 16, 2012	Pre-Bid Meeting – Contract 1
May 23, 2012	Pre-Bid Meeting – Contract 2
June 7, 2012	Received Construction Bids for Contract 1
June 21, 2012	Received Construction Bids for Contract 2
June 26, 2012	Commissioners Awarded Construction Contracts
July 10, 2012	Pre-Construction Meetings held for Contracts 1 & 2
July 30, 2012	Notice to Proceed issued to Contractors
August 23, 2012	Bond issued in the amount of \$7,499,000 to finance the project with an interest rate of 3.5% for a 20 year period.
August, 2012	Construction Commenced
March, 2013	Follow-up letters sent to property owners who have not returned their Property Layout Sheets to date.
May 21, 2013	The Department of Financial Services presented Fiscal Year 2013-2014 Ad Valorem Tax rates to the Board of County Commissioners at the Board's public meeting.
June 4, 2013	The Board of County Commissioners presented and approved the Fiscal Year 2013-2014 Operating and Capital Budget and all applicable tax rates in public session
July 1, 2013	In accordance with Title 9-694 of the Environment Article of the Annotated Code of Maryland, the ad valorem tax for the Thayerville Water Project was included on the Fiscal Year 2013-2014 real estate tax bills at a rate of \$0.20 per \$100 of assessed valuation. The law provides that the County shall determine the principal and interest that will be due on a loan for a project through the end of the next full taxable year (2013-2014) and collect monies from the service area in order to make the debt payments. Debt payments are due in 2013-2014 therefore the ad valorem tax was implemented this taxing year.