

BOARD OF GARRETT COUNTY COMMISSIONERS
PUBLIC MEETING
April 16, 2013

IN ATTENDANCE

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

County Administrator R. Lamont Pagenhardt

ADMINISTRATIVE SESSION

1. The Board of County Commissioners reviewed the recommendation of the Garrett County Government LEAN Committee to amend the Employee Travel Policy. The Board approved the Policy as drafted and previously reviewed and will official adopt during the Public Meeting on this date.

2. The Board of County Commissioners reviewed a request by the Purchasing Department and County Roads Department to waive independent appraisals for the purchase of a user roller. Brian Bowers, Purchasing Agent and Jay Moyer, General Superintendent, County Roads Department were in attendance. (Granting this waiver, as requested, is in compliance with the Garrett County Code of Ordinances and the Purchasing Policy). Justification for the waiver and purchase was presented to the Board and is documented and on file in the Purchasing Department. The Board, on a motion by Commissioner Crawford, which was seconded by Chairman Gatto, and made unanimous by Commissioner Raley, approved the waiver and purchase of the roller as recommended.

3. The Board of County Commissioners, in furtherance of a presentation and request for funding during the April 2, 2013 Public Meeting, discussed if approval will be granted for an appropriation to Canaan Valley Institute. Dwight Emory, County Engineer was in attendance for this session. On this date the County is in receipt of notification from the Department of Homeland Security's Federal Emergency Management Agency (FEMA) that the Savage River Stabilization and Stream Restoration Project for the Metz properties will now require a final permit approval from FEMA through a conditional revision to the Flood Insurance Rate Map and Flood Boundary and Floodway Map.

Commissioner Crawford recommended that the Board consider providing funding for the properties consistent with the Garrett County Shoreline Stabilization and Erosion Program for Deep Creek Lake property owners. Funds have been designated for this program.

The Board will take this matter under advisement and finalize a decision during the scheduled public session on this date.

4. Mr. Pagenhardt reviewed a recommendation to amend the County Emergency Leave Policy. The Board will take this policy recommendation under advisement.

5. The Board of County Commissioners will adopt the Fiscal Year 2014 Budget on June 4, 2013. Also, the Board will conduct a public informational meeting on May 8, 2013 at Garrett College to present and

receive commentary on the draft budget. The draft will be placed on the County's website the week of April 22, 2013.

6. The Board of County Commissioners discussed an invitation from the Elected Members of the Board of Education to participate in an open/public forum on the future of the Garrett County Public School System. The Board of Education had proposed a meeting on April 24, 2013 which is a date that precludes final approval of the County's Fiscal Year 2014 Budget therefore this date will not be agreed to. On behalf of the Board of County Commissioners, Mr. Pagenhardt will respond with the following message:

The Board of County Commissioners appreciates your invitation to meet and discuss the "Future of the Garrett County Public School System". Planning for future year funding/budgets is now more significant than at any time in the past. County Government has for some time now reviewed current budgets along with 5 impending years and this practice has proven to be a wise judgment which is evident when comparing actual/final budgets to initial budget estimates. County Government and the Board of County Commissioners have made public education a priority for many years. Now more than ever open dialog and cooperation to include the participation of the County Administrator, Superintendent of Schools, and senior staff from both our organizations is imperative. The Board of County Commissioners will be adopting Fiscal Year 2014 Budget on June 4, 2013. The proposed public meeting date of April 24 is untimely and premature therefore, I am requesting that you present several dates that would be open. Also, I would suggest that prior to such a public forum, presentation and points of interest from both organizations be exchanged and reviewed by me and Dr. Wilson. We will then review with our respective boards.

7. The Board of County Commissioners reviewed a request for a tipping fee waiver at the County Landfill by the Mayor and Town Council of Oakland. The Town requested this waiver to allow for the disposal of debris not yet collected or disposed of as result of Hurricane Sandy damage. The Board will take this matter under advisement pending further discussion with the Department of Solid Waste and Recycling.
8. The Board of County Commissioners met with Michael Koch, Director, Department of Economic Development to discuss the following matters with specific information deferred until the Board convened into Executive Session.
 - a) Preview of subject matter to be presented on this date in public session relative to Deep Creek 2014. Frequently Asked Questions are drafted and will be posted on all public sources of review.
 - b) Potential interest in a transfer of property in the Northern Garrett Industrial Park.
 - c) Further discussion on reconvening the Board of County Commissioners Marcellus Shale Natural Gas Advisory Committee to serve in a broader capacity as part of a County Energy Commission.
 - d) Informational status of the State of Maryland Department of Business and Economic Development Economic Development Impact Study.
 - e) Status of property transfer at the Keyser's Ridge Business Park between the County and Maryland Economic Development Corporation (MEDCO).
 - f) Update on the marketing of the County Branding Study.
 - g) Preliminary Project Description for Appalachian Regional Commission funding.

9. 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.
10. Mr. Pagenhardt reviewed a number of administrative, personnel, and managerial matters under his authority and jurisdiction with the Board of County Commissioners.

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 April 16, 2013. 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 April 16, 2013.
2. 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 Minutes for March 26, 2013, Public Meeting Minutes of April 2, 2013, and Executive Session Minutes of April 2, 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.
4. The Board of County Commissioners executed a Proclamation declaring May 2, 2013 as "A Day of Prayer in Garrett County".
5. The Board of County Commissioners was presented with an update on Deep Creek 2014 and the ICF Canoe Slalom World Championship. Todd Copley, Executive Director, Deep Creek 2014 and Mr. Koch were attendance for this session. Copies of this presentation are available from Deep Creek 2014.
6. The Purchasing Department presented the following contract amendments, contract awards, and contract extensions to the Board of County Commissioners:
 - a) Recommendation of Contract Amendment – Department of Solid Waste and Recycling – Engineering Services for County Landfill Development Project (RFP # 11-0308). The Board, on a motion by Commissioner Crawford, which was seconded by Commissioner Raley, and made unanimous by Chairman Gatto, approved the Contract Amendment (\$171,653.00) as presented/recommended.
 - b) Presentation of Analysis and Recommendation of Contract Award – Garrett County Employee Health Care Plan Wellness Program (RFP #13-0221). The Board, on a motion by Commissioner Raley, which was seconded by Commissioner Crawford, and made unanimous by Chairman Gatto, moved action of approval to a vote to approve an award to Wellness Corporations Solutions. Commissioner Crawford abstained from the vote of approval because his wife is an employee of Garrett County Memorial Hospital who was a bidder for the service. Specifics of fee structure are on file with the County Human Resources Office.

- c) Recommendation of Contract Award – Independent Auditing Services (RFP #13-0305). The Board, on a motion by Commissioner Raley, which was seconded by Commissioner Crawford, and made unanimous by Chairman Gatto, approved an award to Rodeheaver & Associates, P.C. for Garrett County Government and Garrett College, while Turnbull, Hoover, & Kahl, P.A. was selected to perform the requested auditing services for the Garrett County Local Management Board. Specific awarded contract amounts are on file with the Office of the Board of County Commissioners, Department of Financial Services, and the Purchasing Department.
 - d) Recommendation of Contract Extension – Custodial Cleaning Services (Contract #12-1013). The Board, on a motion by Commissioner Crawford, which was seconded by Commissioner Raley, and made unanimous by Chairman Gatto, approved an award to Appalachian Crossroads for an annual contract total of \$20,774.00.
 - e) Recommendation of Contract Extension – Electrical Services (Contract #11-0623E). The Board, on a motion by Commissioner Raley, which was seconded by Commissioner Crawford, and made unanimous by Chairman Gatto, approved an award to Evergreen Electrical, LLC for basic labor rates for master electrician at \$45 per hour and percentage mark-up for materials at 15%.
 - f) Recommendation of Contract Extension – Inmate Dental Services (bid #12-1001). The Board, on a motion by Commissioner Crawford, which was seconded by Commissioner Raley, and made unanimous by Chairman Gatto, approved an award to the Garrett County Health Department. Specific cost for dental procedures in on file with the Office of the Board of County Commissioners and the Purchasing Department.
7. In furtherance of the discussion on this date in Administrative Session, the Board of County Commissioners, on a motion by Commissioner Raley, which was seconded by Commissioner Crawford, and made unanimous by Chairman Gatto, approved an appropriation to Savage River Watershed Association who would have the discretion to direct funds to Canaan Valley Institute. The following conditions were applied to this approval appropriation: (Specifics of this subject are listed in the # 3 of these Administrative Meeting Minutes and in the Public Meeting Minutes for April 2, 2013).
- a) The identified project must secure final permit approval from the Department of Homeland Security’s Federal Emergency Management Agency (FEMA) through a conditional revision to the Flood Insurance Rate Map and Flood Boundary and Floodway Map.
 - b) The Board will appropriate \$3,200 (\$1,600 for each parcel) to Savage River Watershed Association to be directed to the stabilization and stream restoration project as presented. This per parcel amount is consistent with the Garrett County Shoreline Stabilization and Erosion Program.

Commissioner Raley requested that the public record reflect that he was disappointed the property owner (Metz), Canaan Valley Institute, or Savage River Watershed Association was not in attendance for this session. Also, the owner of the property (Metz) has not been required to co-share in this project.

8. The Board of County Commissioners approved a recommendation from the Garrett County Government LEAN Committee to amend the Reimbursable Travel Policy on a motion by Commissioner Crawford, which was seconded by Commissioner Raley, and made unanimous by Chairman Gatto. Copy of policy in on file with the County Administrator.
9. Public Commentary.

10. 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.
11. In compliance with the Maryland Open Meetings Act under section 10-509, a record of the Executive Session for April 2, 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 legal and financial matters related to Adventure Sports Center International (ASCI). The same motion ended the Executive Session and moved back into Administrative Session.

The Board of County Commissioners reviewed the current Lease Agreement between Adventure Sports Center International and I.R. Rudy's, Inc. County Attorney Gorman Getty and Scott Weeks, Assistant Director, Department of Financial Services were in attendance for this session. Mr. Pagenhardt had met with Robert Rudy on March 28, 2013 at which time Mr. Rudy had expressed his interest in terminating the Lease Agreement under these conditions:

- Rudy's will agree to end the retail arrangement in October when ASCI closes for the 2013 season.
- The County will agree to not hold Rudy's to the \$10,000 default and/or breach of leave provision of the Lease Agreement.
- The County will not invoice Rudy's for any cost of propane after June 30, 2013.

After deliberation and advice from Mr. Getty, the Board, on a motion by Commissioner Crawford, which was seconded and carried by Chairman Gatto, approved proceeding with Mr. Getty drafting a Lease Termination Agreement. Commissioner Raley voted in opposition to the motion. Mr. Pagenhardt will convey this decision by the Board to I.R. Rudy's, Inc.

Attest:

By Order of the Board,

R. Lamont Pagenhardt,
County Administrator

Robert G. Gatto, Chairman
Board of County Commissioners

Date