

**BOARD OF GARRETT COUNTY COMMISSIONERS**  
**PUBLIC MEETING**  
**Monday, June 20, 2022**  
**Held at Friendsville Town Hall**

**IN ATTENDANCE**

**Chairman Paul C. Edwards**  
**Commissioner James C. Hinebaugh**  
**Commissioner S. Larry Tichnell**  
  
**County Administrator Kevin G. Null**

**CALL TO ORDER OF PUBLIC SESSION at 5:00 PM**

**PRAYER & PLEDGE OF ALLEGIANCE – Invocation by Commissioner Tichnell**

**PUBLIC SESSION**

1. Mr. Null indicated there was no addition or deletion to the Public Meeting Agenda. The Board of County Commissioners, on a motion by Commissioner Hinebaugh, which was seconded by Commissioner Tichnell, and made unanimous by Chairman Edwards, approved the Public Meeting Agenda for June 20, 2022.
2. The Board of County Commissioners, on a motion by Commissioner Tichnell, which was seconded by Commissioner Hinebaugh, and made unanimous by Chairman Edwards, approved the Public Meeting Minutes of June 6, 2022.
3. Garrett County Health Planning Council – Reappointments – 3-Year Terms  
Reappointments  
Edgar Harman  
Dr. Karl Schwalm  
Brian Boal

The Board of County Commissioners, on a motion by Commissioner Hinebaugh, which was seconded by Commissioner Tichnell, and made unanimous by Chairman Edwards, approved the appointments to the Garrett County Health Planning Council.

4. Garrett Regional Medical Center Board of Governors – Appointments  
Reaffirmed Appointments  
Dr. Karl Schwalm  
Tonya Sturm  
Tracy BeMiller  
Patty Manown Mash

The Board of County Commissioners, on a motion by Commissioner Hinebaugh, which was seconded by Commissioner Tichnell, and made unanimous by Chairman Edwards, approved the appointments to the Garrett Regional Medical Center Board of Governors.

5. The Garrett County Department of Financial Services – Purchasing Division presented the following Bid Awards:

**Bid #22-0519CS – Crushed Stone Aggregates**

Five (5) Bids were received for this Bid: Keystone Lime Company, Inc., George’s Creek Stone & Gravel, Inc., Allegany Aggregates, Inc., Fairfax Concrete Products, and Maryland Minerals, Inc.

After reviewing the Bids for compliance with administrative requirements and based on the feedback from the County Departments, the Garrett County Department of Financial Services - Purchasing Division recommended awarding the Bid to each of the five bidders, based upon their per item bid, the location of the project, and hauling costs. Specifics of the award are on file with the Purchasing Division.

**Bid #22-0505S – Prefabricated Steel Bridges**

Two (2) Bids were received for this Bid: Contech Engineered Solutions, LLC (Big Run Road Bridge \$88,212.00/Sang Run Road Bridge \$68,443.00) and U.S. Bridge (Big Run Road Bridge \$137,090.00/Sang Run Road Bridge \$95,250.00). After the bid opening, the Purchasing Division received a letter from Contech Engineered Solutions, LLC citing an error in its bid and requested to withdraw from the bid.

After reviewing the Bids for compliance with administrative requirements and based on the feedback from the Garrett County Department of Public Works – Roads Division, the Garrett County Department of Financial Services - Purchasing Division recommended awarding the Bid to U.S. Bridge for the following:

Big Run Bridge G-132 (New Bridge) – Bid Price: \$137,090.00  
Sang Run Bridge G-58 – Bid Price: \$95,250.00

**Bid #22-0505C – Prefabricated Concrete Beam Bridges**

One (1) Bid was received for this Bid: PennStress

After reviewing the Bids for compliance with administrative requirements and based on the feedback from the Garrett County Department of Public Works – Roads Division, the Garrett County Department of Financial Services - Purchasing Division recommended awarding the Bid to PennStress for the following:

Bridge G-80 over Mill Run on Alan Fike Road – Bid Price \$173,700.00  
Shallmar Road Bridge – Bid Price \$261,100.00

The Board of County Commissioners, on a motion by Commissioner Tichnell, which was seconded by Commissioner Hinebaugh, and made unanimous by Chairman Edwards, approved the Bid Awards as recommended.

**6. ADOPTION: Garrett County Parks & Recreation Plan – Resolution 2022-5 (Attached)**

The Board of County Commissioners, on a motion by Commissioner Tichnell, which was seconded by Commissioner Hinebaugh, and made unanimous by Chairman Edwards, approved the Garrett County Parks & Recreation Plan - Resolution 2022-5.

**7. Payment in Lieu of Taxes (PILOT) with CPV Backbone Solar – Resolution 2022-6 (Attached)**

The PILOT Agreement with CPV Backbone Solar will require an annual payment of \$1.8 million for 30 years.

The Board of County Commissioners, on a motion by Commissioner Tichnell, which was seconded by Commissioner Hinebaugh, and made unanimous by Chairman Edwards, Resolutions 2022 – 5 and 2022 -6.

**8. ADOPTION OF AGREEMENT: Garrett County Volunteer Length of Service Award Program (LOSAP)**

The current agreement was adopted in 2008 and revised in 2013. This update defines “eligible volunteer” and the “vesting” requirements. The Garrett County Volunteer Rescue association requested and approved the changes.

The Board of County Commissioners, on a motion by Commissioner Tichnell which was seconded by Commissioner Hinebaugh, and made unanimous by Chairman Edwards approved and adopted updates to the LOSAP Plan.

9. Comments from Friendsville Mayor & Town Council

Mayor Schlosnagle thanked the Board of County Commissioners for working with the Town of Friendsville with roads and Program Open Space (POS) projects. He also requested assistance with a Town bridge that may need repaired/replaced. The Board of County Commissioners offered the help of the County Engineer.

Discussion on the possible of the Friendsville Elementary School. Local enrollment has been consistent, not declining and the building is in good condition. The school is a “community” school, and many activities take place in and around the school-there wouldn’t be as much of an impact on Accident or Rt. 40 if either of those schools were closed. Also concerns of busing children and the length of time on the bus. Also concerned with the impact on economic development.

Chairman Edwards reminded the Friendsville Town Council that the Garrett County Board of Education has complete control and authority of school closures and suggested the Council contact the elected members of the local Board of Education. The Board of County Commissioners agreed that the Friendsville Elementary School is important to the community.

10. **PUBLIC COMMENTARY:** Two citizens spoke against the development of the Youghiogheny Trail along the Wild River Scenic Corridor. They requested that a public hearing(s) be held before any funds are spent on this project.

Written comments were also submitted.

11. **ANNOUNCEMENTS:**

- The Board of County Commissioners will hold a Public Hearing on June 28, 2022 on the following Ordinances:
  - Ordinance to establish the Garrett County Police Accountability Board
  - Ordinance to establish the Garrett County Office of the Fire Marshal – Revising the Ordinance to add National Fire Prevention Standards to County Building Code.These proposed Ordinances can be found on the Garrett County Government website or at the Board of Garrett County Commissioners office.
- The next Public Meeting will be held on Monday, July 5, 2022, at 5:00 p.m. at the Bloomington Volunteer Fire Department.

**ADJOURNMENT:** The Board of County Commissioners, on a motion by Commissioner Tichnell, which was seconded by Commissioner Hinebaugh, and made unanimous by Chairman Edwards, adjourned the Public Meeting at 6:03 P.M.

**Attest:**

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**KEVIN G. NULL**  
County Administrator

**By Order of the Board,**

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**PAUL C. EDWARDS**, Chairman  
Board of County Commissioners



**THE BOARD OF GARRETT COUNTY COMMISSIONERS**

203 South Fourth Street – Courthouse – Room 207, Oakland, Maryland 21550

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**Board of Commissioners**Paul C. Edwards  
James C. Hinebaugh, Jr  
S. Larry Tichnell**County Administrator**

Kevin G. Null

**County Attorney**

Gorman E. Getty III

**RESOLUTION 2022 – 5**

WHEREAS, Subsection 5-905(c) 2 Natural Resources Article of the Annotated Code of Maryland authorizes and requires counties to prepare and adopt a Plan for the general purpose of establishing a comprehensive strategy for the protection and appropriate use of land-based and water-oriented resources of the County including acquisition goals and projected needs for recreational facilities; and

WHEREAS, a Plan entitled the GARRETT COUNTY 2022 LAND PRESERVATION PARKS AND RECREATION PLAN has been prepared in cooperation with the County Planning and Land Management department; and

WHEREAS, Garrett County has by duly adopted resolution of the Board of County Commissioners appointed a Planning Commission to exercise the powers and duties conferred by Article 66B; and

WHEREAS, Said Garrett County Planning Commission, acting with the advice and assistance of the citizens of the County has recommended adoption of the GARRETT COUNTY 2022 LAND PRESERVATION PARKS AND RECREATION PLAN; and

WHEREAS, Said Plan is designed and intended to determine needs for agricultural and forest preservation, demand for recreation areas and protection of unique natural areas for the present and future residents of Garrett County; and

WHEREAS, Said Plan has been subject to public review and to public hearing; and

WHEREAS, the Board of County Commissions have carefully considered said Plan together with the comments and suggestions regarding said Plan and find that said Plan constitutes a suitable rational and timely plan to preserve agricultural and forest land, provide recreation areas and facilities and protect unique natural areas.

NOW, THEREFORE, BE IT RESOLVED that the document entitled "GARRETT COUNTY 2022 LAND PRESERVATION PARKS AND RECREATION PLAN" is hereby adopted as the Recreation Plan for Garrett County.


DULY ADOPTED BY UNANIMOUS VOTE OF THE BOARD OF  
COUNTY COMMISSIONER OF GARRETT COUNTY, MARYLAND  
THIS 20<sup>th</sup> DAY OF JUNE 2022.

  
 PAUL C. EDWARDS  
 Chairman

  
 JAMES C. HINEBAUGH  
 County Commissioner

  
 S. LARRY TICHNELL  
 County Commissioner

I certify that the foregoing resolution was duly passed and adopted by the Board of County Commissioners at a regular meeting held June 20, 2022; and I further certify I am the County Administrator for the said County Commissioners charged with the responsibility of keeping and recording all minutes, records and acts of the said Board of County Commissioners; and I further certify that Paul C. Edwards, James C. Hinebaugh, and S. Larry Tichnell to be the appropriate officials to sign the same resolution.

  
 Kevin G. Null  
 County Administrator



**THE BOARD OF GARRETT COUNTY COMMISSIONERS**

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**Board of Commissioners**Paul C. Edwards  
James C. Hinebaugh, Jr  
S. Larry Tichnell**County Administrator**Kevin G. Null  
**County Attorney**  
Gorman E. Getty III**RESOLUTION 2022 - 6****PAYMENT IN LIEU OF TAXES AGREEMENT**

The Board of County Commissioners of Garrett County Maryland, a body politic and corporate and a political subdivision of the State of Maryland (the “County Commissioners”) and CPV Backbone Solar, LLC, a limited liability company duly organized and validly existing under the laws of the State of Delaware and authorized to do business in the State of Maryland (the “Owner”) desire to enter into a Payment in Lieu of Taxes Agreement (“PILOT”).

**WHEREAS**, the Owner desires to construct a solar generation facility located in Garrett County, Maryland (the “Project”);

**WHEREAS**, Section 7-514(a)(1) of the Tax-Property Article of the Annotated Code of Maryland (the “PILOT Statute”) provides that the governing body of a county or a municipal corporation may enter into an agreement with the owner of a facility for the generation of electricity that is located or locates in the county for a negotiated payment by the owner in lieu of taxes on the facility;

**WHEREAS**, the PILOT Statute further provides that an agreement for a negotiated payment in lieu of taxes shall provide that, for the term specified in the agreement, the owner shall pay to the county or municipal corporation a specified amount each year in lieu of the payment of county or municipal corporation personal property tax, and all or a specified part of the personal property at the facility shall be exempt from county or municipal corporation property tax for the term of the agreement;

**WHEREAS**, because both Owner and the County need an accurate projection of their respective expenses and revenues with respect to the personal property that is taxable under law, the Parties believe that it is in their mutual best interests to enter into this Agreement fixing the payments that will be made with respect to all taxable personal property incorporated within the Project for the term of this Agreement;

**WHEREAS**, the Parties seek to enter into, for a specified term, this Agreement such that the Owner shall pay a specified amount each tax year in lieu of the payment personal property taxes that would otherwise be due and payable to the County, and that all property at the Project shall be exempt from all County personal property taxes;

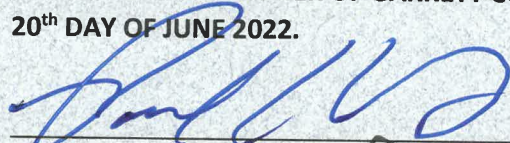
**WHEREAS**, the Parties intend that, during the term of the Agreement, Owner will not be assessed for any statutory personal property taxes on account of the Project to which it might otherwise be subjected under (i) State or local law with respect to personal property, and this Agreement will provide for the exclusive tax payments for personal property taxes that Owner (or any successor owner of the Project) will be obligated to make to the County with respect to the Project during the term hereof  
and



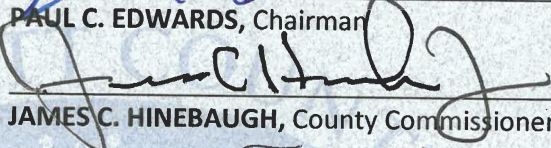
**WHEREAS**, CPV Backbone Solar and the County have reached this PILOT as a result of good faith negotiations so that CPV Backbone payments to the County shall be the equivalent of the property tax obligations which would otherwise be owed to the County by CPV Solar during the term of this PILOT based on full and fair cash valuation.

**NOW, THEREFORE**, in consideration of the mutual promises and Board of County Commissioners of Garrett County hereby authorize the execution of the This Payment in Lieu of Taxes Agreement ("PILOT").

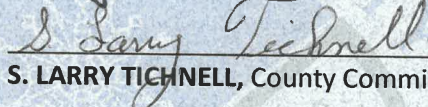
**DULY ADOPTED BY UNANIMOUS VOTE OF THE BOARD OF COUNTY COMMISSIONER OF GARRETT COUNTY, MARYLAND THIS 20<sup>th</sup> DAY OF JUNE 2022.**



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**PAUL C. EDWARDS, Chairman**

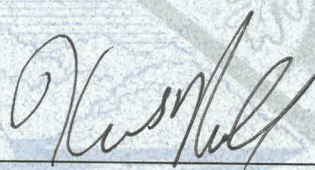


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**JAMES C. HINEBAUGH, County Commissioner**



\_\_\_\_\_  
**S. LARRY TICHNELL, County Commissioner**

I certify that the foregoing resolution was duly passed and adopted by the Board of County Commissioners at a regular meeting held June 20, 2022; and I further certify I am the County Administrator for the said County Commissioners charged with the responsibility of keeping and recording all minutes, records and acts of the said Board of County Commissioners; and I further certify that Paul C. Edwards, James C. Hinebaugh, and S. Larry Tichnell to be the appropriate officials to sign the same resolution.



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**Kevin G. Null**  
County Administrator

