

**BOARD OF GARRETT COUNTY COMMISSIONERS**  
**PUBLIC MEETING**  
**October 1, 2018**

**IN ATTENDANCE**

**Chairman Paul C. Edwards**  
**Commissioner James C. Hinebaugh, Jr.**  
**Commissioner S. Larry Tichnell**

**County Administrator Kevin G. Null**

**ADMINISTRATIVE SESSION**

The Administrative Session was opened at 3:00 P.M.

- Appointment – Garrett County Health Planning Council. The Nominating Committee of the Garrett County Health Planning Council requested that Regina Gearhart fulfill the unexpired term of Pam Hageman who retired. Ms. Gearhart’s term would end June 30, 2020.

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 Appointment. An official letter will be sent to Ms. Gearhart under the signature of Chairman Edwards outlining the terms of appointment

- Discussion on a letter received from the Garrett County Planning Commission requesting to appoint a “Deep Creek Watershed Signage Committee”. The Board of County Commissioners approved this request and will ask that the Garrett County Planning Commission submit recommendations for appointment to this Ad-Hoc Committee.
- County Administrator, Kevin Null, provided an update on the status of negotiations with the American Federation of State, County and Municipal Employees, Council 67, AFL-CIO 1834.
- Mr. Null reviewed a number of administrative, non-privileged personnel, and managerial matters under his authority and jurisdiction with the Board of County Commissioners.

The Administrative Session was closed at 3:50 P.M.

**CALL TO ORDER OF PUBLIC SESSION at 4:00 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 October 1, 2018.
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 September 17, 2018.

3. **RECOGNITION: 2018 School Librarian of the Year**

Ali Schilpp, Library Media Specialist at Northern Garrett Middle School, was named ***Librarian of the Year*** by the School Library Journal. This award recognizes library professionals for outstanding achievement and the exemplary use of 21<sup>st</sup> Century tools and services to engage children and teens toward fostering multiple literacies.

The Board of County Commissioners presented Ms. Schilpp with a Certificate of Commendation and commended her for this outstanding achievement. Senator George Edwards presented Ms. Schilpp with a Maryland State Senate Resolution.

4. Proclamation: Breast Cancer Awareness Month – October 2018

5. The Garrett County Purchasing Department presented the following recommendations:

**Bid #18-0906SR – Contractual Snow Removal Services**

Four (4) Bids were received for this Bid: DBK Snow Removal, RC Newman, George’s Creek Stone & Gravel, Inc., and Here to Help.

After reviewing the Bids for compliance with administrative requirements and based on the feedback from the Garrett County Department of Facilities & Maintenance, the Garrett County Purchasing Department recommended awarding the Bid to:

- **DBK Snow Removal** – Locations – Garrett County Visitors Center, Bumble Bee Refuse Site, and Friendsville Refuse Site.
- **Georges Creek Stone & Gravel** – Locations – Michael Road and Russell Road
- **Here to Help** – Locations – Oakland Garage Surrounding Areas Only and Bloomington and Surrounding Areas.

**Bid #18-09013WA – Winter Abrasives and Road Salt**

Twelve (12) Bids were received for this Bid: George’s Creek, Keystone Lime – Zehner, Keystone Lime – Cranesville, Maryland Minerals, Fairfax Concrete – Petersburg, WV, Allegany Aggregates – Morgantown, WV, Belmont Aggregates – Morgantown, WV, Buckeye Aggregates – Morgantown, WV, Stone Asphalt – Reedsville, WV, Cargill, Inc. – Baltimore, American Rock Salt – Bell Vernon, PA, Eastern Salt Company, Inc. – Baltimore, and Government Mlo Supplies – Baltimore.

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 Purchasing Department recommended awarding the Bid to: George’s Creek Stone & Gravel, Inc., Keystone Lime Company, Inc. (Zehner), Keystone Lime Company, Inc. (Cranesville), Maryland Minerals, Inc., Fairfax Concrete Product (Petersburg), Allegany Aggregates, Belmont Aggregates, Inc., Cargill, Inc., American Rock Salt Co., LLC.

Specifics of the award for type of product and vendor are on file with the Purchasing Department. The Garrett County Department of Public Works – Roads Division will determine the quarry to buy the winter abrasives and road salt from based on the garage locations, hauling costs, and availability.

**Bid #18-0902 – Shallmar Landslide Emergency Project** – This project is to stabilize the landslide along Shallmar Road and is funding through an Agreement with the Maryland Department of Environment and Materials Administration Abandoned Mine Division.

Two (2) Bids were received for this Bid: First Fruits Excavating - \$321,330.00 and Excavating Associates - \$463,826.00.

After reviewing the Bids for compliance with administrative requirements and based on the feedback from the Maryland Department of the Environment, the Garrett County Purchasing Department recommended awarding the Bid to First Fruits Excavating, Inc. for the amount of \$321,330.00. Funding for this project in the amount of \$625,000.00 is available through a Memorandum of Agreement between the County and the Maryland Departments of the Environment Land and Materials Administration Mining Program Abandoned Mine Land Division.

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

6. The Board of County Commissioners recognized the 32<sup>nd</sup> Garrett County Most Beautiful Person 2018 and each of the nominees. Each nominee was introduced and a brief biography was read by Jim Shaffer, member of the Garrett County's Most Beautiful Person Committee. The eight (8) nominees included: Kelee Wilson, Tom Wenzel, Katie Collins, Kathy Cheshire, Daniel Clark, Kaylin Paugh, Mark Marucci, and the B&O Steam Engine Restoration Volunteers. The 2018 Most Beautiful Person chosen for 2018 was Daniel Clark. Senator George Edwards was in attendance and presented a Resolution to Mr. Clark on behalf of the Maryland State Senate and Maryland House of Delegates.

## 7. **RESOLUTIONS:**

- Garrett County Sanitary District – United States Department of Agriculture Loan

A Resolution of the Garrett County Sanitary District authorizing the issuance of a general obligation bond, in the amount of Seven Million Four Hundred and Twenty Thousand Dollars (\$7,420,000.00) for the purpose of refinancing certain cost of a project known as the Western Conveyance Sewer Collection System Project.

Acting as the Garrett County Sanitary District, the Board of Garrett County Commissioners authorized the issuance of the bond, in the amount of \$7,420,000.00 to refinance certain cost of the Western Conveyance Sewer Collection System Project, on a motion by Commissioner Hinebaugh, which was seconded by Commissioner Tichnell, and made unanimous by Chairman Edwards, adopted the Resolution of the Garrett County Sanitary District.

- Board of Garrett County Commissioners – United States Department of Agriculture Loan

A Resolution of the Board of County Commissioners of Garrett County concerning the adoption of the resolution passed by the Board, authorizing the issuance of a general obligation bond, in the amount of Seven Million Four Hundred and Twenty Thousand Dollars (\$7,420,000.00) for the purpose of refinancing certain cost of the Western Conveyance Collection System Project.

The Board of Garrett County Commissioners authorized the issuance of a bond, in the amount of \$7,420,000.00 to refinance certain cost of the Western Conveyance Sewer Collection System Project, on a motion by Commissioner Tichnell, which was seconded by Commissioner Hinebaugh, and made unanimous by Chairman Edwards, adopted the resolution.

**PUBLIC HEARING**

**MOTION TO CLOSE PUBLIC MEETING AND OPEN PUBLIC HEARING – 4:38PM**

8. The Board of County Commissioners, on a motion by Commissioner Tichnell, which was seconded by Commissioner Hinebaugh and made unanimous by Chairman Edwards, closed the Public Meeting at 4:38 P.M. and opened the Public Hearing on the Northern Garrett Industrial Park – Application for Enterprise Zone Re-Designation.
  
9. **PUBLIC HEARING:** The Garrett County Department of Economic Development requested that the Board of County Commissioners of Garrett County, Maryland, sponsors the submittal of an application to the Maryland Department of Commerce for re-designation of the Northern Garrett Enterprise Zone as an Enterprise Zone with Resolution No. 2018 – 7.

Public Comments – None.

**MOTION TO CLOSE PUBLIC HEARING**

The Board of County Commissioners, on a motion by Commissioner Hinebaugh, which was seconded by Commissioner Tichnell, and made unanimous by Chairman Edwards, closed the Public Hearing and opened the Public Meeting at 4:40 P.M.

10. Resolution 2018 – 7: Authorizes the submittal of an application to the Maryland Department of Commerce for re-designation of the Northern Garrett Industrial Park as an Enterprise Zone.

The Board of County Commissioners, on a motion by Commissioner Tichnell, which was seconded by Commissioner Hinebaugh, and made unanimous by Chairman Edwards, adopted Resolution 2018 – 7.

11. Public Comments:

- William Hebden requested that the Board of County Commissioners halt the Mountain Lake Park cell tower operations and presented written comments to the Board. (Attached)

12. The Board of Garrett County Commissioners announced that the next Public Meeting will be held on Tuesday, October 16, 2018 at 4:00 p.m. at the Garrett County Courthouse.

**EXECUTIVE SESSION - MOTION TO CLOSE PUBLIC MEETING AND OPEN IN EXECUTIVE SESSION**

The Board of County Commissioners, on a motion by Commissioner Tichnell, which was seconded by Commissioner Hinebaugh, and made unanimous by Chairman Edwards, closed the Public Meeting and adjourned to Executive Session at 4:48 PM.

The Board of County Commissioners meet in Executive Session under General Provisions Article 3-305(b)(1) of the Maryland Open Meetings Law to consider a matter that concerns the proposal for a business or industrial organization to locate, expand or remain in the County.

**ADJOURNMENT:** The Board of County Commissioners, on a motion by Commissioner Hinebaugh, which was seconded by Commissioner Tichnell, and made unanimous by Chairman Edwards, adjourned the Executive Session at 5:08 P.M.

**Attest:**

**By Order of the Board,**

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**KEVIN G. NULL**  
County Administrator

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

## **Cell Tower Commissioners Meeting**

Would you reconsider halting the Mountain Lake Park (MLP) Cell Tower's operation and location in light of it posing a potential threat to children, teachers, staff, playground, walking track, and the public within its fall radius, and the negative impacts and exposures to our neighborhood and property values?

Many of us have owned our property on Pensinger Blvd, Mountain Lake Park( MLP), for decades. We pay our town and property taxes and are fortunate that after working hard for all of our lives, we are able to invest in and live our twilight years in a nice community with an interesting history that cares for its residents by establishing some good proactive town regulations such as the building height restrictions of 35 feet, setbacks, and sensitive areas. Further, our neighborhood has covenants that help maintain aesthetics, character, and home values.

Then you go and spoil it all by allowing a 125 feet Cell tower, that dominates our neighborhood, to be built in our back yards in violation of MLP zoning, without notice to affected property owners or the town and then ignoring the pleas of MLP government, and your constituents residing in this neighborhood that elected you to protect us from such conflicts.

Many people and MLP Government have stated they have contacted Commissioners and office expressing concern about the tower's negative impacts. There have also been articles of concern and editorials in the newspaper. Our group of concerned property owners requested the Garrett County Commissioners to stop the MLP Cell Tower construction until and unless adequate and proper "rules, regulations, or ordinances" are established, including meaningful oversight, that will be more protective of Garrett County citizens, their health, properties and "well-being," but our requests appear to have been sloughed off by the Commissioners in favor of a "laissez-faire" policy on cell tower placement.

### **Cell tower negative influences, exposures, and consequences include:**

- The Cell tower is literally in our backyards. There is no screening/shielding. The towers dominating height, with blinking and commercial lighting, and direct exposures to operations 24/7/365 is disturbing and changes our residential neighborhood into a commercial site.
- The distance from the tower base to Dennett Road School property line is 28 feet. This setback violates standard practices of matching height to setback. So, when there is a Tower collapse, 97 feet of the 125 feet tower crashes on to the in-use playground, children and the public that are in the fall zone. Falling and wind flung ice sheets, equipment, tools, and fire have been determined to cause fatal injuries within cell tower's fall zones creating massive liabilities for the school system, local government, and ultimately the community when the insurance policy won't pay any more. Students, staff, and neighbors are subjected to additional and more intense tower transmissions and other influences because of the insufficient setback. Why would you or the other parties involved even allow this? Without adequate oversight, monitoring, and testing, transmission levels are influenced by pressures from the competition, corporate performance goals, and overzealous corporate objectives to maximize and add more capacity to each tower location and many even rent tower space to the competition multiplying the impacts.

- This tower has reduced the value of our properties by 20% or more base on industry studies. This constitutes significant investment losses that hurts many of us living on fixed incomes and counting on future property values for retirement stability.
- The aesthetics and character of our neighborhood and community is irreparably damaged. We live in a neighborhood with protective covenants, and a community with town regulations to protect our properties and families but has been ignored.
- There are wetlands/sensitive areas and an underground stream under our and the cell tower properties that create flooding and undermines our properties. These conditions appear to have been overlooked because the MLP Cell Tower Application And Permit indicates NA (not applicable) in the categories of “Sensitive Areas” and “Floodplain Management.” The tower also influences weather conditions (lightning). This location is severely flawed.
- Permitting this tower and construction has allowed and enabled the creation of a public hazard, nuisance, adverse risks, and liability exposures without notification and community participation and have negatively impacted our “quality of life” and safety. Because of this, and the above reasons, it appears that “due diligence” is lacking.
- There are health issues associated with cell tower transmissions. See Ramazzini Institute and U.S. National Toxicology Program findings. The cell phone industry has admitted in court that transmissions are harmful and are required to limit workers exposures. Wendel Beitzel suggested a “zoning provision” for cell towers be established. Changes in FCC regulations and health risk study assessments are expected shortly. John Delaney sent me a letter of support and the actions he is taking as follows:

**“The STREAMLINE Small Cell Deployment Act** was introduced in the Senate by Sen. John Thune on June 28, 2018. This bill would establish deadlines for state and municipal governments to make final decisions on applications to place, construct, or modify small personal wireless facilities. The **bill would allow denials on the basis of structural, safety, aesthetic concerns**, but requires any denial to be supported by substantial evidence. The small cell towers referenced in the STREAMLINE Act are used to support 5G wireless service, a new technology that could provide faster internet and communication.”

**“I understand your concerns about the aesthetic and Radio Frequency (RF) safety implications of these small cell towers, which is why I recently wrote a letter to Federal Communications Commission (FCC) Chairman Pai urging the FCC to complete its study on the RF health risks associated with high levels of exposure. Our letter also asks that the FCC provide guidance on how much flexibility the county and other localities have in making zoning decisions where aesthetic concerns are raised by residents. I will continue to monitor this situation closely, and I will be sure to keep your thoughts in mind should related legislation be introduced in the House of Representatives.”**

On August 5, 2018, we requested to meet with the County Commissioners and/or be put on the meeting agenda. No opportunities have been provided for at Oakland meetings. Perhaps a moratorium on cell tower permits should be placed until issues are resolved?

Sincerely,

Will Hebden