

**BOARD OF COUNTY COMMISSIONERS OF
WASHINGTON COUNTY, MARYLAND**

Open Session Minutes

November 13, 2018

INVOCATION AND PLEDGE OF ALLEGIANCE

Commissioner John F. Barr offered the Invocation followed by the Pledge of Allegiance to the Flag by the full assemblage.

CALL TO ORDER

President Terry L. Baker called the regular meeting of the Board of County Commissioners of Washington County, Maryland, to order at 8:09 a.m. at 100 West Washington Street, Room 1113, Hagerstown, Maryland, with the following members present: Vice President Jeffrey A. Cline and Commissioners John F. Barr, Wayne K. Keefer and LeRoy E. Myers, Jr.

APPROVAL OF MINUTES – October 23, 2018 and October 30, 2018

October 23, 2018

Commissioner Myers, seconded by Commissioner Keefer, moved to approve the minutes of October 23, 2018. The motion passed unanimously.

October 30, 2018

Commissioner Myers, seconded by Commissioner Keefer, moved to approve the minutes of October 30, 2018. The motion passed 4-0-1. (Commissioner Cline abstained)

CONVENE IN CLOSED SESSION

Commissioner Keefer, seconded by Commissioner Myers, moved to convene in closed session at 8:11 a.m. to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation or performance evaluation of appointees, employees or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals; to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State; to consult with counsel to obtain legal advice on a legal matter; to consult with staff, consultants, or other individuals about pending or potential litigation, or to conduct or discuss an investigative proceeding on actual or possible criminal conduct, in accordance with Section 3-305(b)(1), (4), (7), (8), and (12) of the General Provisions Article of the Annotated Code of Maryland. The motion passed unanimously.

In closed session, the Commissioners received legal advice from Counsel concerning pending and potential litigation and gave direction to Counsel concerning same. They also discussed the potential appointment of specific individuals to a local boards over which the Commissioners have appointing authority;; discussed a variety of specific employment recommendations with staff regarding certain vacancies; discussed the performance of specific employee; received information on proposals for certain business entities to locate or remain in the State and County; discussed an investigation regarding potential or actual criminal conduct; and discussed; and discussed a contractual matter and potential litigation related thereto, and received legal advice the matter.

During closed session, the Commissioners provided direction regarding the filling of certain vacancies boards and commissions, including the further discussion and presentation for approval of an individual or individuals during today's open session meeting; provided guidance to staff relating to employment recommendations and vacancies; and provided staff with direction concerning a variety of matters discussed in closed session.

Present during closed session were Commissioners Terry L. Baker, Jeffrey A. Cline, John F. Barr, Wayne K. Keefer, and LeRoy E. Myers Jr. Also present were Robert J. Slocum, County Administrator; Krista L. Hart, County Clerk; Kirk C. Downey, Interim County Attorney, and at various times Jim Hovis, Chief Operations Officer; Deb Peyton, Director, Health and Human Services; Dave Hays, Director, Emergency Services; Dan DiVito, Director, Environmental Management; Jennifer Swisher, Administrative Manager, Emergency Services, Sheri Alidoosti, Chief of Laboratory Testing, Environmental Management; Susan Small, Director, Business Development; and Kevin Karpinski, Esquire.

RECONVENE IN OPEN SESSION

Commissioner Cline, seconded by Commissioner Myers, moved to reconvene in open session at 10:41 a.m. The motion passed unanimously.

Commissioners recessed at 10:41 a.m. and returned to the meeting at 10:46 a.m.

CITIZENS' PARTICIPATION

Carlos Mellott, 77 Amanda Drive, Hagerstown, a representative of the Maryland State Education Association and the Washington County Teacher's Association, shared comments which were submitted to the Board of County Commissioners via email on November 13, 2018 by Neil Becker, MD, President, regarding American Education Week.

NATIONAL APPRENTICE WEEK (November 12th – 19th)

Dan DiVito, Director, Environmental Management, and Lacey Capshaw, Administrative Assistant, Environmental Management, recognized November 12, 2018 through November 19, 2018 as National Apprentice Week. As part of that celebration and in recognition of the importance of training our local workforce to promote economic development in Washington County, the Board of County Commissioners proclaimed this week as Registered Apprentice Week throughout Washington County. Mr. DiVito introduced Wendy Moore, Youth Apprentice Coordinator, Washington County Public Schools, adding that Ms. Moore played an essential role in development of the Apprentice Program. Ms. Moore introduced Colleen White, a senior from South Hagerstown High School, who has been chosen to participate in the Youth Apprentice Program with the Division of Environmental Management as a Laboratory Technician Assistant.

PRESENTATION OF CERTIFICATE FOR PALMYRA FARM

Leslie Hart, Agricultural Business Specialist, and Susan Small, Director, Business Development, recognized Palmyra Farm as being an internationally and nationally recognized leader in Ayrshire cattle breeding and performance. A certificate was presented by Commissioner Keefer on behalf of the Board of County Commissioners recognizing the achievements of Palmyra Farm and the Creek and Shank families.

MARYLAND AGRICULTURAL LAND PRESERVATION PROGRAM

Eric Seifarth, Rural Preservation Administrator, Planning and Zoning, recommended approval of a commitment from the local share of the Agricultural Transfer Tax in the amount of \$80,000, and Real Estate Transfer Tax in the amount of \$200,000 to the 60/40 match component of the Maryland Agricultural Land Preservation Program (MALPP) for the fiscal year 2019 (FY19) cycle; for a total amount of \$280,000.

Mr. Seifarth explained that each year, MALPP asks counties to obligate funds to the 60/40 match portion of the Land Preservation Easement Program. Land Preservation staff has recommended that Washington County designate \$280,000 as its 40% local match in order to receive the 60% State match of \$420,000. This commitment would result in a total funding of approximately \$1,650,000 for easement purchases in FY19, to include \$950,000 of general allotment funds received by all counties. Mr. Seifarth stated that the 60/40 match commitment and General Allotment money would result in funds for land preservation easement purchases for four (4) farms.

Commissioner Barr, seconded by Commissioner Myers, moved to approve the recommendation of a commitment from the local share of the Agricultural Transfer Tax in the amount of \$80,000, and Real Estate Transfer Tax in the amount of \$200,000, as presented. The motion passed unanimously.

APPROVAL OF CLOTHING AND SHOE COLLECTION PROGRAM

Dave Mason, Deputy Director, Solid Waste, Environmental Management, requested approval for a clothing and shoe collection program to be implemented at the 40 West Landfill. Mr. Mason stated that in an effort to reduce the amount of material being sent to the landfill, Solid Waste staff has developed a program which would allow non-profit organizations in Washington County to place collection boxes at the 40 West Landfill and the Transfer Stations. Mr. Mason shared that Solid Waste staff has compiled a list of non-profit organizations, thrift stores and consignment shops in Washington County. The Department of Solid Waste will allow up to five (5) vendors at the 40 West Landfill location, two (2) vendors at each of the Greensburg and Hancock Transfer Stations, and one (1) vendor at each of the Kaetzel and Dargan Transfer Stations; two (2) spots will be reserved at the 40 West Landfill location for non-profit organizations. Mr. Mason stated that, upon approval, a deadline for applications will be established and those vendors meeting the deadline will be considered first; other vendors will be placed on a waiting list.

Commissioner Barr, seconded by Commissioner Myers, moved to approve the clothing and shoe collection program to be implemented as presented. The motion passed unanimously.

ENHANCED NUTRIENT REMOVAL AT WASHINGTON COUNTY'S WASTEWATER TREATMENT PLANT

Mark Bradshaw, Deputy Director, Environmental Management, requested approval of Change Order number 14 for Buchart-Horn, Inc. in the amount of \$140,126, and to approve a budget adjustment in the amount of \$150,000 for the Conococheague Wastewater Treatment Plant Upgrades (TRP018). Due to the construction duration being extended by four (4) months, Buchart Horn has requested an additional four (4) months of project management and inspection services. Mr. Bradshaw stated that the project does not have funds available to cover the change order

amount; however, existing 2016 bond funds do remain because of bond premium. Mr. Bradshaw stated that using bond premium is limited to original projects associated with the 2016 issue.

Commissioner Myers, seconded by Commissioner Barr, moved to approve Change Order number 14 for Buchart Horn in the amount of \$140,126, and to approve a budget adjustment in the amount of \$150,000 for the Conococheague Wastewater Treatment Plan Upgrades (TRP018) as presented. The motion passed unanimously.

PROPERTY ACQUISITION FOR MOUSETOWN ROAD CULVERT PROJECT

Todd Moser, Real Property Administrator, Engineering, requested approval of option agreements for fee simple easement acquisitions, to adopt an ordinance approving the purchases, and to authorize the execution of the necessary documentation to finalize the acquisition for the Mousetown Road Culvert project. Mr. Moser stated that the County has presented the following offers: 20815 Mousetown Road \$450 for 449 square feet of fee simple area and 198 square feet of easement area; 20912 Mousetown Road - \$750 for 2,522 square feet fee simple area and 3,832 square feet easement area; and 20977 Mousetown Road - \$300 for 1,060 square feet fee simple area and 2,509 easement area. The project will replace existing culverts with a new concrete box culvert and pipe culvert. The road culverts will be constructed to carry two (2) lanes of traffic. Both temporary construction easements and fee simple acquisitions are needed for the project.

Commissioner Barr, seconded by Commissioner Myers, moved to approve the option agreements for fee simple and easement acquisitions, to adopt an ordinance approving the purchases, and to authorize the execution of the necessary documentation to finalize the acquisition for the Mousetown Road Culvert project as presented. The motion passed unanimously. (Ordinance No. ORD-2018-32 is recorded among the Acts, Ordinance, and Resolutions of Washington County and the original is located in the County Commissioners' Office.)

PROCESS FOR COLLECTION OF TAP FEES ASSOCIATED WITH PERMITS

Tim Lung, Director, Plan Review and Permitting; Sara Greaves, Chief Financial Officer; and Dan DiVito, Director, Environmental Management, discussed a process for collection of tap fees consistent with the Board's direction during the regularly-scheduled October 30, 2018 Board of County Commissioners meeting. Mr. Lung explained that staff will confirm payment of any applicable tap fees prior to the acceptance of town permit applications. Mr. Lung shared that a paid receipt or letter of acknowledgment from the town or service provider would be required upon submission of the permit application.

REVISIONS TO THE WASHINGTON COUNTY, MARYLAND'S AMERICANS WITH DISABILITIES (ADA) GRIEVANCE PROCEDURE

Deb Peyton, Director, Health and Human Services; Kendall McPeak, Assistant County Attorney, and Scott Hobbs, Director, Engineering, presented revisions to the Washington County, Maryland's Americans with Disabilities (ADA) Grievance Procedure for approval. The Procedure was originally adopted in 1992. Ms. Peyton discussed the recommended changes which would provide complainants with the specific information required to file a complaint, and detailed timelines for filing a response.

Commissioner Barr, seconded by Commissioner Myers, moved to approve the revisions to the ADA Grievance Procedure as presented. The motion passed unanimously.

SPIRIT SERVICES LEASE AMENDMENT

Dan DiVito, Director, Environmental Management, and Kirk Downey, Interim County Attorney, requested approval of a Second Amendment to the Lease and a Leachate Agreement with Spirit Services. Mr. DiVito explained that in 2006, Spirit Services and Washington County (County) entered into a lease/purchase agreement to operate the County's pre-treatment facilities, to include an abandoned Nicodemus treatment plant and the Conococheague Industrial Pre-treatment Facility (CIPF). According to the agreement, after the first year, the Nicodemus Plant ownership was to transfer to Spirit, while the ownership of the CIPF remained with the County. Mr. DiVito stated that the Leachate Agreement and Second Amendment would extend the current leachate treatment provisions past the purchase option date contained in the current lease and would expand the agreement to include a guaranteed minimum and maximum amount of capacity allocated to leachate. Mr. DiVito added that the amendment would also extend rate protection for both the County leachate and septic from commercial haulers. In return for approving the amendment, Spirit Services agrees to complete the transfer of the Nicodemus facility, discount the cost to the County for processing leachate for a period of six (6) months retroactive to July 1, 2018, and participate both monetarily and informationally in the County's septic tank pumping promotional program. Sara Greaves, Chief Financial Officer, offered her concurrence with the request.

Commissioner Myers, seconded by Commissioner Barr, moved to approve the Second Amendment to the Lease and Leachate Agreement with Spirit Services as presented. The motion passed unanimously.

FORT RITCHIE – CONVEYANCE OF HISTORIC PRESERVATION EASEMENT

Jim Sterling, Director, Public Works, and Kirk Downey, Interim County Attorney, recommended approval for conveyance of a historic preservation easement, known as the parade ground and surrounding buildings at Fort Ritchie to the Maryland Historical Trust, to adopt an ordinance authorizing the transfer, and to authorize the execution of all necessary documentation to finalize the conveyance.

Commissioner Myers, seconded by Commissioner Keefer, moved to approve the conveyance of the historic preservation easement, to adopt a resolution authorizing the transfer, and to authorize the execution of all necessary documentation to finalize the conveyance. The motion passed unanimously. (Resolution No. RS-2018-26 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is located in the County Commissioners' Office.)

COMMISSIONERS' REPORTS AND COMMENTS

Commissioner Keefer provided the Board with an update on the Diversity and Inclusion Committee, stating that the committee held its second meeting yesterday, November 12th, and added that the members have voted on Arthur Hicks as Chair, Zsun-nee Matema-Miller as Vice-Chair, and Carlos Mellott as Recording Secretary. He also thanked the participants and volunteers involved with the Board of Elections.

Commissioner Cline thanked the Election Board members for a successful election cycle, as well as the citizens for their votes. Additionally, Commissioner Cline shared that he attended several Veteran's Day ceremonies over the weekend, offering thanks to all those who have served in the military.

President Baker thanked the members of the Election Board for a successful voting cycle.

All Commissioners congratulated Commissioner elects Wagner and Meinelschmidt, who were in attendance during the open session of today's meeting.

REPORTS FROM COUNTY STAFF

Planning and Zoning

Eric Seifarth, Rural Preservation Administrator, stated that in 2015, the Board of County Commissioners gave Land Preservation staff in the department of Planning and Zoning, the approval to seek 50% matching easement dollars for two (2) separate projects, with the expectation that the County would have 50% funding from the Rural Legacy Program and 50% funding from the Natural Resources Conservation Services (NRCS). Mr. Seifarth stated that after three (3) years of unsuccessful communication with Department of Natural Resources and NRCS; County staff has opted to proceed with 100% funding from the Rural Legacy Program for the two (2) projects. Additionally, Mr. Seifarth stated that the Maryland Environmental Trust is forming a regional conservational partnership, "Heart of Maryland, Conservation Alliance" and that Planning and Zoning staff has been working with Frederick County on all levels of conservation efforts. Mr. Seifarth explained that the purpose of the proposed partnership would be to involve different organizations in the conservation efforts.

Susan Small, Director, Business Development, requested approval to send a letter on behalf of the Board of County Commissioners to the City of Hagerstown regarding the water service for Citicorp Drive and Breeze Hill Drive, Hagerstown. Ms. Small stated that the letter will request that the City of Hagerstown consider granting an exception as allowed by Exception #6 of the City's Water and Wastewater Policy, in consideration of the proposed economic development project of a 100-room hotel on the property. Commissioner Barr, seconded by Commissioner Myers, moved to approve the submission of a letter of request to the City of Hagerstown, as presented. The motion passed unanimously.

Dave Hays, Director, Emergency Services and Jennifer Swisher, Administrative Manager, Emergency Services, recognized Kelly Fisher, Supervisor, 911 Communication Center, Emergency Services, for receiving the Telecommunicator of the Year 2018 award. Commissioner Keefer presented Ms. Fisher with a certificate of recognition on behalf of the Board of County Commissioners.

Health and Human Services Position Recommendations

Deb Peyton, Director, introduced several position recommendations for approval by the County Commissioners, as follows:

Commissioner Myers, seconded by Commissioner Barr, moved to promote Andrew Eshleman to the Director of the Division of Public Works, due to the retirement of Jim Sterling. The motion passed unanimously.

Commissioner Myers, seconded by Commissioner Barr, moved to promote Charles (Tom) Brown to the position of Assistant Director, Division of Emergency Services, due to the retirement of Charles Summers. The motion passed unanimously.

County Administrator

Rob Slocum shared that Jim Sterling, Director of Public Works, has submitted his resignation for November 27, 2018. In addition, he congratulated Andrew Eshleman and Charles (Tom) Brown for their promotions.

County Clerk – Appointment / Reappointment to Boards and Commissions:

Washington County Plumbing / HVAC Board

Commissioner Myers, seconded by Commissioner Barr, moved to reappoint Gary Price to serve a third, three (3) year term as the Master HVAC representative, from November 1, 2018 through October 31, 2021. The motion passed unanimously.

Washington County Agricultural Education Center


Commissioner Cline, seconded by Commissioner Keefer, moved to appoint Jay Miller to serve a first full, three (3) year term from May 1, 2018 through April 30, 2021. The motion passed unanimously.

Area Agency on Aging Advisory Council

Commissioner Myers, seconded by Commissioner Keefer, moved to appoint Harry Wagaman to serve an unexpired term through January 31, 2019, and to serve a first full, three (3) year term from February 1, 2019 through January 31, 2022. The motion passed unanimously.

ADJOURNMENT

Commissioner Myers, seconded by Commissioner Barr, moved to adjourn at 12:05 p.m. The motion passed unanimously.



Robert J. Slocum, County Administrator



Kirk C. Downey, Interim County Attorney



Krista L. Hart, County Clerk