



Board of County Commissioners of Washington County, Maryland

Open Session Minutes

July 16, 2019

MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

A moment of silence was observed, followed by the Pledge of Allegiance to the Flag by the full assemblage.

CALL TO ORDER

President Jeffrey A. Cline called the regular meeting of the Board of County Commissioners of Washington County, Maryland, to order at 9:33 a.m. at 100 West Washington Street, Room 1113, Hagerstown, Maryland, with the following members present: Vice President Terry L. Baker and Commissioners Wayne K. Keefer, Cort F. Meinelschmidt, and Randall E. Wagner.

APPROVAL OF MINUTES

Commissioner Baker, seconded by Commissioner Meinelschmidt, moved to approve the minutes of July 9, 2019. The motion passed 4-1, Commissioner Wagner abstained.

CONVENE IN CLOSED SESSION

Commissioner Baker, seconded by Commissioner Meinelschmidt, moved to convene in closed session at 9:34 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, in accordance with Sections 3-305(b)(1), (4), (7), and (8) of the General Provisions Article of the Annotated Code of Maryland. The motion passed unanimously.

In closed session, the Commissioners discussed the potential appointment of specific individuals to a local advisory committee over which the Commissioners have appointing authority; discussed a specific employment recommendation with staff; and received information regarding the employment status of a specific employee and gave staff further direction regarding the matter. Also, the Commissioners received information regarding the proposals for business organizations to locate, expand, or remain in the State. Additionally, the Commissioners received legal advice concerning property rights and contractual rights and gave staff direction regarding these matters. The Commissioners were also updated on the status of pending or potential litigation.

Present during closed session were Commissioners Jeffrey A. Cline, Terry L. Baker, Wayne K. Keefer, Cort F. Meinelschmidt, and Randall E. Wagner. Also present were Robert J. Slocum, County Administrator; Krista L. Hart, County Clerk; Kirk C. Downey, County Attorney; Kendall McPeak, Deputy County Attorney, and at various times Andrew Bright, Assistant County Attorney; Deborah Condo, Deputy Director, Human Resources; Ashley Holloway, Director of Plan Review and Permitting; Jonathan Horowitz, Business Leader, Business Development; Garrison Plessinger, Director of Hagerstown Regional Airport; Scott Hobbs, Director of Engineering; Todd Moser, Real Property Administrator; Andrew Eshleman, Director of Public Works; John Pennesi, Deputy Director of Parks and Recreation; Dave Hays, Director of Emergency Services (DES); Dave Chisholm, Assistant Director, DES; Todd Smith, Vice-President, WCVFRA; Joanie Gerber, President, Smithsburg EMS; and Bruce Poole, Esquire, and Kathy Poole, The Poole Law Group.

RECONVENE IN OPEN SESSION

Commissioner Wagner, seconded by Commissioner Meinelschmidt, moved to reconvene in open session at 11:58 a.m. The motion passed unanimously.

COMMISSIONERS' REPORTS AND COMMENTS

Vice-President Baker thanked all participants at the Agricultural Education Center Expo.

Commissioner Keefer shared that he attended the second Ad Hoc Ethics Ordinance Review Committee.

President Cline made note of several events he attended in support of Washington County.

REPORTS FROM COUNTY STAFF

Division of Engineering

Scott Hobbs, Director, shared that he will be attending the evening meeting in Sharpsburg.

Washington County Detention Center

Major Craig Rowe, Warden, provided the Commissioners with an update on the status of the former Comprehensive Health Care Services for Inmates contract, as requested in the June 11th meeting. Major Rowe shared that he initiated contact with the Regional Vice President to discuss payment for services not rendered but was unsuccessful in his effort. He advised the Board that he currently holds a final invoice in the amount of \$122,559.35.

Commissioners reached a consensus to submit a letter stating the County intends to withhold payment in the amount of \$122,559.35 until negotiation effort is made regarding the discrepancy in services provided.

County Administrator

Rob Slocum discussed the transition of the 911 Emergency Services to the back up location at 100 West Washington Street. He noted that proactive actions of Brennan Garrett, Engineering and 911 staff have created an effective transition. He reminded staff of an evening meeting in Sharpsburg at 6:00 p.m.

CITIZENS' PARTICIPATION

None

COMMUNITY COALITION RECAP

Paul Frey, President/CEO, Washington County Chamber of Commerce, and Jim Kercheval, Executive Director, The Greater Hagerstown Committee, presented an update on the 2019 legislation promoted by the Community Coalition, of which the County is a member.

CONVENE AS THE BOARD OF HEALTH

Commissioner Baker, seconded by Commissioner Meinelschmidt, moved to convene as the Board of Health at 12:38 p.m. The motion passed unanimously.

AWARD OF THE MOBILE FARMERS' MARKET

Earl Stoner, Deputy Health Officer, and Daniel Triplett, Administrator, Washington County Health Department, recommended award of the Mobile Farmers' Market project to Edward Kilpatrick, Boonsboro, in the amount of \$62,000; grant award in the amount of \$135,000 has been received by the MD Department of Health.

Commissioner Baker, seconded by Commissioner Keefer, moved to award the Mobile Farmers' Market project as presented. The motion passed unanimously.

AWARD OF PERSONAL RESPONSIBILITY EDUCATION PROGRAM FOR THE WASHINGTON COUNTY HEALTH DEPARTMENT

Mr. Stoner and Mr. Triplett recommended award of the Personal Responsibility Education Program for July 1, 2019 – June 30, 2020 to Girls, Inc. of Hagerstown, in the amount of \$35,000; grant award in the amount of \$55,000 has been received from the MD Department of Health.

Commissioner Baker, seconded by Commissioner Meinelschmidt, moved to award the Personal Responsibility Education Program as presented. The motion passed unanimously.

AWARD OF THE SEXUAL RISK AVOIDANCE EDUCATION PROGRAM FOR 6TH GRADERS PROGRAM

Mr. Stoner and Mr. Triplett recommended award of the Sexual Risk Avoidance Education Program for July 1, 2019 – June 30, 2020 to Girls, Inc. of Hagerstown, in the amount of \$68,000; grant award in the amount of \$107,877 has been received from the MD Department of Health.

Commissioner Meinelschmidt, seconded by Commissioner Keefer, moved to award the Sexual Risk Avoidance Education Program as presented. The motion passed unanimously.

RECONVENE IN REGULAR SESSION AS THE BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY

Commissioner Wagner, seconded by Commissioner Meinelschmidt, moved to reconvene in regular session as the Board of County Commissioners of Washington County at 12:44 p.m. The motion passed unanimously.

BUDGET TRANSFER FOR FIRE TRUCK REPAIR - AIRPORT

Garrison Plessinger, Director of Hagerstown Regional Airport, recommended approval of a budget transfer in the amount of \$145,000 to EQP031 – Capital Equipment, Airport for repair to a fire truck.

Commissioner Wagner, seconded by Commissioner Baker, moved to approve the budget transfer in the amount of \$145,000 as requested. The motion passed unanimously.

BUDGET TRANSFER FOR COMPACTOR REPAIR – SOLID WASTE

Dave Mason, Deputy Director of Solid Waste, recommended approval of a budget transfer in the amount of \$249,800 to VEH011 – SW Equipment/Vehicle Replacement for repair to the Caterpillar 826H Compactor.

Commissioner Keefer, seconded by Commissioner Wagner, moved to approve the budget transfer in the amount of \$249,800 as requested. The motion passed unanimously.

APPROVAL OF THE BYLAWS OF THE BUILDING CODE BOARD OF APPEALS

Rich Eichelberger, Director of Construction, and Krista Hart, County Clerk, recommended approval of the bylaws as revised for the Building Code Board of Appeals.

Commissioner Keefer thanked Ms. Hart for her efforts in renewing Boards and Commissions as necessary.

Commissioner Keefer, seconded by Commissioner Wagner, moved to approve the bylaws as presented. The motion passed unanimously.

APPROVAL OF THE BYLAWS OF DIVERSITY AND INCLUSION COMMITTEE

Arthur Hicks, Chair, and Ms. Hart, recommended approval of the bylaws as revised for the Diversity and Inclusion Committee. Revisions include the addition of a non-voting, ex-officio, City of Hagerstown Council person.

Commissioner Keefer, seconded by Commissioner Baker, moved to approve the bylaws as presented. The motion passed unanimously.

REJECTION OF CONTRACT RENEWAL (PUR1387) – RECYCLING DROP OFF CENTER SERVICES

Brandi Naugle, Buyer, Purchasing, and Mr. Mason, recommended that the bid renewal for contract PUR1387 with Apple Valley Waste Services, Inc. of Kearneysville, WV be denied based on its letter dated May 14, 2019 requesting an increase of 257% for FY20; services will be resolicited.

Commissioner Wagner, seconded by Commissioner Keefer, moved to reject contract PUR1387 as presented. The motion passed unanimously.

REJECTION OF CONTRACT RENEWAL (PUR1388) – TRANSFER STATIONS, ON-SITE AT FORTY WEST LANDFILL AND CARDBOARD TRANSPORTS

Ms. Naugle and Mr. Mason recommended that the bid renewal for contract PUR1388, also with Apple Valley Waste Services, be denied based on its letter dated May 1, 2019 requesting an increase for FY20, and to extend the contract at the current contract rates for a one (1) month period beginning August 1, 2019 to solicit new pricing.

Commissioner Wagner, seconded by Commissioner Meinelschmidt, moved to reject contract PUR1388, and to extend the current contract for one (1) month as presented. The motion passed unanimously.

The Commissioners recessed at 1:02 p.m. and returned to the meeting at 1:15 p.m.

SMITHSBURG EMERGENCY MEDICAL SERVICES (SEMS) UPDATE

Dave Hays, Director, Emergency Services (EMS); Dave Chisholm, Assistant Director, EMS; Todd Smith, Vice-President, Washington County Volunteer Fire and Rescue Association; and Joanie Gerber, President, SEMS, provided the Board with an update on the SEMS staffing and financial efforts; as well as business inefficiencies found.

Commissioners discussed future accounting review for other Fire and EMS agencies throughout Washington County and a need for future audits of same.

Vice-President Baker left the meeting at 1:41 p.m. and returned during Closed Session at 2:08 p.m.

RECONVENE IN CLOSED SESSION

Commissioner Meinelschmidt, seconded by Commissioner Wagner, moved to reconvene in closed session at 1:43 p.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 consult with counsel to obtain legal advice on a legal matter; to consult with staff, consultants, or other individuals about pending or potential litigation, and to comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter, in accordance with Sections 3-305(b) (1), (7), (8), and (13) of the General Provisions Article of the Annotated Code of Maryland. The motion passed unanimously (4-0, Vice-President Baker was absent.)

In closed session, the Commissioners received information regarding employment status of specific individuals. The Commissioners also received legal advice/information on certain matters, including potential legal action, alternative dispute resolution, and reviewed a legal document with Counsel.

Present during closed session were Commissioners Jeffrey A. Cline, Terry L. Baker, Wayne K. Keefer, Cort F. Meinelschmidt, and Randall E. Wagner. Also present were Robert J. Slocum, County

Administrator; Krista L. Hart, County Clerk; Kirk C. Downey, County Attorney; and Kendall McPeak, Deputy County Attorney.

RECESS

The Commissioners recessed at 2:57 p.m.

EVENING MEETING – TOWN OF SHARPSBURG

The evening session of the regular meeting of Board of County Commissioners of Washington County was held at Sharpsburg Town Hall, 106 East Main Street, Sharpsburg.

MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

A moment of silence was observed followed by the Pledge of Allegiance to the Flag by the full assemblage.

CALL TO ORDER

President Jeffrey A. Cline called the evening session of the regular meeting of the Board of County Commissioners of Washington County, Maryland, to order at 5:59 p.m. with the following members present: Vice President Terry L. Baker and Commissioners Wayne K. Keefer, Cort F. Meinelschmidt, and Randall E. Wagner. Also present: Kirk C. Downey, County Attorney, Robert J. Slocum, County Administrator, and Krista L. Hart, County Clerk.

COMMISSIONERS' REPORTS AND COMMENTS

Commissioners thanked the Council for hosting the evening meeting. Commissioners Baker, Keefer, and Cline shared that they participated in the Sharpsburg Parade.

REPORTS FROM COUNTY STAFF

In attendance was Doug Levine, Skye Spradlin, and Zane Rowe, Highway Department; Dan DiVito, Environmental Management; Tom Brown, and Oley Griffith, Emergency Management; Jonathan Horowitz, Business Development; Ashley Holloway, Plan Review and Permitting; Scott Hobbs and Blair Reynolds, Engineering; Rich Eichelberger, Construction, and Andrew Eshleman, Public Works.

Environmental Management

Mr. Divito provided information regarding the current process of bagged fire hydrants in the Town of Sharpsburg. He shared that this routine maintenance will include the removal of the water tank, cleaning, resurfacing, fill and disinfection of the tank. The service is expected to be completed July 30th with no interruption of service to the community.

Division of Construction

Mr. Eichelberger provided an update on the Sharpsburg Elementary School project.

Division of Engineering

Mr. Hobbs provided an update on the roads involved in the South County flood. Mr. Reynolds provided an update regarding Pavement Maintenance projects.

Division of Plan Review and Permitting

Mr. Holloway shared that Tasha Shifflett has recently been promoted to the position of Permit Technician.

County Administrator

Mr. Slocum discussed several changes to the Division of Planning and Zoning, to include the promotion of Chris Boggs. He also discussed the upcoming advertising of positions within that Division.

MAYOR AND TOWN COUNCIL COMMENTS

Russ Weaver, Vice-Mayor, discussed County's involvement in unpermitted short-term rentals. Mr. Holloway shared that his team has been involved in that matter.

Mr. Weaver also discussed the future of solar energy farms and the effect they may have on the environment. Commissioners responded to Mr. Weavers concern by addressing the State mandates, MD Public Service Commission requirements, and County regulations on Solar Energy, and PILOT programs.

CITIZENS' PARTICIPATION

Oscar Evans, 16943 Sprecher Road, Sharpsburg, discussed various decisions made by the County Commissioners and shared his dissatisfaction with said decisions.

Kerry Anderson, 205 South Church Street, Sharpsburg, discussed traffic issues on Burnside Bridge Road.

Amy Vincent, 138 West Main Street, Sharpsburg, discussed unpermitted, untaxed short-term rentals, adding that she currently runs a permitted bed and breakfast.

Chris Vincent, 138 West Main Street, Sharpsburg, asked if there are any grants or funding that the County could provide to the Town of Sharpsburg to assist with sidewalk repair, or any type of beautification due to high quantity of tourists and visitors to the Antietam National Battlefield.

ADJOURNMENT

Commissioner Wagner, seconded by Commissioner Keefer, moved to adjourn at 7:04 p.m. The motion passed unanimously.



Krista L. Hart
Krista L. Hart, *County Clerk*