



Board of County Commissioners of Washington County, Maryland

Open Session Minutes

February 25, 2020

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 9:01 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 Wagner, seconded by Commissioner Baker, moved to approve the minutes of February 11, 2020. The motion passed 4-0-1, Commissioner Meinelschmidt abstained.

CONVENE IN CLOSED SESSION

Commissioner Meinelschmidt, seconded by Commissioner Wagner, moved to convene in closed session at 9:01 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; 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), (4), (7), and (13) 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 local services boards over which the Commissioners have appointing authority and the employment assignment of personnel and the filling of certain vacancies. The Commissioners also discussed the proposal for a business organization to locate, expand, or remain in the State and County as well as possible financing options of said business locating, expansion or other activity, and received legal advice concerning contractual matters involving the same; the Commissioners provided direction to Counsel with respect to those matters. Additionally, the Commissioners discussed matters which are protected by the attorney-client privilege and/or the work-product doctrine in order to receive legal advice on said matters.

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 Kirk C. Downey, County Attorney/Interim County Administrator; Krista L. Hart, County Clerk; Kendall Desaulniers, Deputy County Attorney; and at various times; Rachel Brown, Director, Human Resources, and Sara Greaves, CFO.

RECONVENE IN OPEN SESSION

Commissioner Meinelschmidt, seconded by Commissioner Keefer, moved to reconvene in open session at 9:57 a.m. The motion passed unanimously.

COMMISSIONERS' REPORTS AND COMMENTS

Commissioners provided a brief insight into events attended and support provided throughout Washington County.

Vice-President Baker would like Commissioner consideration to submit a Letter of Opposition for the Public Solar Commission regarding the Perennial Solar application.

Commissioner Keefer shared a petition from residents of Hancock regarding opposition to the address changes in Hancock, adding that there will be a public meeting tonight at 5pm. He additionally shared that it has been brought to his attention by staff members that some agenda requests are being denied and not presented to the Board as an entirety; he has requested that all Agenda Request Forms be shared with the Commissioners, even if they are not placed on the Agenda.

Commissioner Meinelschmidt shared updates on House Bills 1485, 1496, and 737. He requested the Board consider submitting letters of support for each bill. Additionally, he shared his support for an increase to the Capital Improvement funding with the Washington County Public Schools with a match from the Board of Education. He discussed the Public Safety Training Center and shared concern for the ability to fund the operation of said facility in future years. Commissioner Meinelschmidt also shared his opinion by stating that the Board should consider a 5-year budget approval for future planning.

President Cline recognized Commissioner Keefer for his participation in the Radio-A-Thon to benefit Doey's House/Hospice and mentioned his personal involvement. He shared a thank to you Hospice for its services.

REPORTS FROM COUNTY STAFF

Office of Grant Management

Susan Buchanan, Director, shared that up to \$5,000 of Hotel Rental Tax funding has been awarded to the Antietam Velo Club for the cost of funding the Washington County Sheriff's Office overtime for the traffic control for the Tour of Washington County bike race planned for June 19-21st.

Ms. Buchanan also shared that \$1,992 of General Fund Contingency Grant funding has been awarded to the Sharpsburg Volunteer Fire Company to assist with the cost of replacing a damaged fire hose. The Contingency Fund grants are intended to assist organizations with unexpected and unbudgeted expenses or emergencies. The request and organization are eligible for Contingency Funding.

County Attorney's Office

Kirk C. Downey, County Attorney / Interim County Administrator requested consideration for the submission of letters of support for the following matters:

Commissioner Meinelschmidt, seconded by Commissioner Keefer, moved to submit a letter of support on behalf of the Board of County Commissioners for House Bill's 1496 & 1485. The motion passed unanimously.

Commissioner Meinelschmidt, seconded by Commissioner Keefer, moved to submit a letter of support on behalf of the Board of County Commissioners for House Bill 737. The motion passed unanimously.

Commissioner Wagner, seconded by Commissioner Meinelschmidt, moved to submit a letter of support on behalf of the Board of County Commissioners for House Bill 1275. The motion passed unanimously.

Commissioner Meinelschmidt moved to submit a letter of support for House Bill 1367; motion failed from lack of second motion. Commissioner Meinelschmidt withdrew his motion. The Commissioners reached a consensus to hear the matter in detail at a future meeting.

Commissioner Keefer, seconded by Commissioner Meinelschmidt, moved to submit a letter of support for House Bill 893. The motion passed unanimously.

The Commissioners discussed the request for a letter of support of House Bill 1518 and reached a consensus to hear the matter in detail at a future meeting.

Commissioner Wagner, seconded by Commissioner Keefer, moved to submit a letter of support for the completion of a Hydrological Survey Study as requested by the Interagency Environmental Health Group. The motion passed unanimously.

Commissioner Meinelschmidt, seconded by Commissioner Wagner, moved to submit a letter of support for the Town of Sharpsburg application to the Maryland Historical Trust for a portion of the roof at Antietam Station. The motion passed unanimously.

Appointment / Reappointment to Boards and Commissions; Krista Hart, County Clerk

Board of Social Services

Commissioner Wagner, seconded by Commissioner Meinelschmidt, moved to appoint Cynthia Brown to serve an unfulfilled term through June 30, 2020. This is NOT a paid board. The motion passed unanimously.

Antietam Battlefield Advisory Committee

Commissioner Baker, seconded by Commissioner Meinelschmidt, moved to appoint Howard Ford to serve a first full three-year term from March 1, 2020 through February 28, 2023 and Landon Grove to serve an unfulfilled term through February 28, 2021. This is NOT a paid board. The motion passed unanimously.

Washington County Veterans Advisory Committee

Commissioner Wagner, seconded by Commissioner Baker, moved to appoint the following members to each serve a first three-year term from March 1, 2020 through February 28, 2023: Starlene Hamilton, Gregory Edens, Teresa Spruill, and David Swain. This is NOT a paid board. The motion passed unanimously.

County Administrator's Office

Kirk Downey, County Attorney/Interim County Administrator, presented a new position request for an Assistant to the County Clerk and requested approval for advertisement of said position.

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

CITIZENS' PARTICIPATION

Greg Snook, Chair, Board of Directors, Meritus Medical Center, introduced Dr. Maulik Joshi as the new President and Chief Executive Officer of Meritus Health.

Roger Vincent, 16845 Longfellow Court, Hagerstown; Steven McDonough, 16906 Pickwick Lane, Hagerstown, and Jessica Lumen, 16926 Alcott Road, Hagerstown, each shared opposition to the Mobile Home Park tax.

Dr. Boyd Michael, Superintendent of Washington County Public Schools, presented challenges faced in the local schools and additional support necessary for the students through funding requirements.

Lt. Josh McCauley, Washington County Sheriff's Office, and Emily Keller, Washington Goes Purple, discussed information as previously provided by Delegate Parrott regarding the Harm Reduction program and the Syringe Program; she requested that the Board reconsider its position of opposition in the matter. Lt. McCauley spoke on behalf of the Washington County Sheriff's Office, and Sheriff Doug Mullendore and shared full support of the Harm Reduction and Syringe Program in Washington County.

Robert Zellner, Director of Client Services, Awakenings Recovery Center, Hagerstown, and Cathy Dorman, shared support for the Syringe Program and Harm Reduction Program.

Tom Grosh, Clear Spring, MD discussed the laws surrounding gun owners and requested that the States Attorney's office end the plea bargaining and the dismissing of gun charges in Washington County. Additionally, he discussed the Hotel Rental Tax and address changes under the NextGen 911 project.

Kelly Fitzgerald and Brandon Bushey, 550 Highland Way, Hagerstown, shared support for the Syringe Exchange Program and the Harm Reduction Program.

Raj Patel, 13672 Oliver Drive, Hagerstown; Mr. Patel, Red Roof Inn, and representation of the Ecolodge, Hagerstown, discussed the Hotel Rental Tax proposed increase currently in legislation.

Craig Marley, Sabillisville, MD discussed the Fort Ritchie contract and concessions entered after the contract of the property. Additionally, he represents an interested party in the property.

PRESENTATION OF CERTIFICATE OF RECOGNITION TO REBECCA MASSIE LANE

The Commissioners, and Roger Fairbourn on behalf of the Washington County Museum of Fine Arts, presented Rebecca Massie Lane with a Certificate of Recognition and congratulated her for being a recipient of the Sue Hess Maryland Arts Advocate of the Year Award.

CONTRACT AWARD (PUR1421) ENGINEERING SERVICES

Scott Hobbs, Director, Engineering, recommended award of the Traffic Count Data Collection and Pavement Condition Survey projects (PUR1421) to the lowest, responsible proposer, Pennoni Associates, Inc. and Development Facilitators, Inc. (DFI), Joint Venture (JV) in the amount of \$176,100.00 and \$143,040.00, respectively. Mr. Hobbs added that the project will utilize available funds from the Pavement Maintenance & Rehabilitation Program budget (RDI024) in the Capital Improvement Plan (CIP).

Commissioner Meinelschmidt, seconded by Commissioner Wagner, moved to award PUR1421 to Pennoni Associates, Inc. and Development Facilitators, Inc. (DFI), Joint Venture (JV) in the amount of \$176,100.00 and \$143,040.00, respectively. The motion passed unanimously.

INTERGOVERNMENTAL COOPERATIVE PURCHASE (INTG-19-0029) PERSONAL PROTECTIVE EQUIPMENT, EMERGENCY SERVICES

Rick Curry, Director, Purchasing, and Dave Hays, Director, Emergency Services, recommended authorizing by Resolution, the approval for purchase of twenty-four (24) sets of Personal Protective Equipment (PPE) (coats \$1,370.60 each and pants \$971.30 each) for the Division of Emergency Services from Witmer Public Safety Group, Inc. of Williamsport, Maryland at contracted unit prices totaling \$56,205.60 based on the contract awarded by the State of New Jersey (Solicitation #17DPP00100; New Jersey Contract T0790). Mr. Curry shared that funding is available in the department's FY20 operating budget account 599999-10-11525.

Commissioner Keefer, seconded by Commissioner Meinelschmidt, moved to authorize by Resolution, INTG-19-0029 for the purchase of twenty-four sets of PPE in the total amount of \$56,205.60 as presented. The motion passed unanimously.

(Resolution No. RS-2020-04 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the originals are located in the County Commissioners' Office.)

BID AWARD (PUR1456) AR15 RIFLES WITH ACCESSORY BUNDLE, SHERIFF'S OFFICE

Mr. Curry, and Captain Mark Knight, Sheriff's Office, recommended award of the contract for the purchase of sixty-six (66) AR15 rifles with accessory bundle (PUR1456) to the responsive, responsible bidder with the lowest price per unit of \$1,450 for the Total Sum Bid of \$95,700 to Precision Firearms, of Martinsburg, West Virginia and the procurement is contingent upon the company being registered and providing proof of being in "Good Standing" with the Department of Assessment and Taxation. Mr. Curry shared that funds are available in the Sheriff's Office budget, account 51-51010 for the purchase.

Commissioner Wagner, seconded by Commissioner Baker, moved to award PUR1456 to Precision Firearms in the amount of \$95,700, as presented. The motion passed unanimously.

HOTEL RENTAL TAX FUNDING REQUEST, HagerstownBMX Track

Scott Cantner, Marketing Director, and Lori Swain, Track Director, HagerstownBMX Track; and Dan Spedden, Executive Director, Hagerstown-Washington County Convention and Visitor's Bureau, presented a request for funding support from the Hotel Rental Tax fund in the amount of \$150,000 for direct expenses associated with the HagerstownBMX Track Capital Improvement project.

Commissioner Wagner, seconded by Commissioner Meinelschmidt, moved to approve the request for funding support from the Hotel Rental Tax fund in the amount of \$150,000 to HagerstownBMX, as presented. The motion passed unanimously.

SECOND QUARTER ADJUSTMENTS TO THE WASHINGTON COUNTY BOARD OF EDUCATIONS FISCAL YEAR 2020 GENERAL FUND BUDGET

Jeffrey Proulx, Chief Operating Officer, and David Brandenburg, Executive Director of Finance, Washington County Public Schools presented for approval, the second quarter budget adjustments to the Board of Education's (BOE) Fiscal Year 2020 (FY20) General Fund Budget. Mr. Proulx reviewed the changes to the budget as approved by the BOE on February 18, 2020.

Commissioner Keefer, seconded by Commissioner Wagner, moved to approve the second quarter budget adjustments to the BOE FY20 General Fund Budget as presented. The motion passed unanimously.

WATER AND SEWER BONDS – TERM OF BONDS

Sara Greaves, CFO, requested consensus to move forward with a 30-year term rather than the previously used 20-year term for the FY20 bond issue for water and sewer projects only.

The Commissioners reached a consensus that additional information and discussion would be needed on the matter.

Commissioner Wagner left the meeting at 12:07 p.m. and returned at 12:10 p.m.

PRESENTATION OF THE FY21-FY30 CAPITAL BUDGET, DRAFT TWO

Ms. Greaves and Kelcee Mace, Deputy Director, Budget and Finance, brought forth draft two of the 2021-2030 Capital Budget for the Boards review. Ms. Greaves outlined the various portions

of the budget where changes occurred to the proposed budget of \$60,631,000. Ms. Greaves shared that in this draft, no substantial funding changes or difference in assumption has been made, except for an increase to tax supported bonds of \$12 million.

The Commissioners asked staff to contact the Board of Education (BOE) regarding the potential for funding contributions from the BOE.

FY21 HEALTH INSURANCE RATE INCREASE AND ALLOCATION

Ms. Greaves, Ms. Brown, and Steve Dillman, CBIZ, presented a review of the FY19 and FY20 medical expenses, which recommend an increase of 5% for FY21 over the FY20 budget. Ms. Greaves proposed the employee's portion at 7.5% for the low medical plan option and 12.5% for the high medical plan option. Additionally, the FY21 budget includes a proposed 2.5% step and a 1% COLA. Ms. Greaves added that there will be no recommended increase to the Vision and/or Dental portion of the insurance, to include the co-pays.

The Commissioners reached a consensus to move forward with a 5% budget increase, with the employees portion at 7.5% and 12.5% respectively.

MOBILE HOME PARK TAX ORDINANCE FOR WASHINGTON COUNTY

Andrew Bright, Assistant County Attorney; Ms. Greaves; and Todd Hershey, Treasurer, presented information regarding the Mobile Home Park Tax Ordinance and proposed that the Board consider the matter of changes to the tax rate and/or a monthly cap amount prior to adopting the proposed Ordinance.

The Commissioners discussed options to include double taxation, repealing the tax, or changes to the tax.

Commissioner Meinelschmidt, seconded by Commissioner Wagner, moved to authorize a 7.5% fee or \$20 per month, whichever is less, as seen on the tax bill. The motion passed 3-2 (Commissioner Baker and Commissioner Keefer voted "NAY").

(Ordinance No. ORD-2020-04 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the originals are located in the County Commissioners' Office.)

ETHICS ORDINANCE REVISION

Mr. Bright presented the matter of changes as recommended by the Ad Hoc Ethics Committee and requested direction to schedule proposed revisions to the Ethics Ordinance for public hearing.

Commissioner Meinelschmidt recommended that the Commissioners be removed from the process of appointing members and asked for consideration of said recommendation. Additionally, Commissioner Meinelschmidt added that this matter is a subject of discussion with the State of Maryland Ethics Commission and it would be his suggestion that the local discussion be postponed until the State completes its review.

Commissioner Keefer recommended that the County Attorney's Office be removed from the complaint review process by the Ethics Committee. The Commissioners discussed the potential for community stakeholders to form a nominating committee and who that committee could consist of.

The Commissioners reached a consensus to discuss the matter at a future meeting, pending review by the Maryland State Ethics Commission.

AGREEMENT BETWEEN CITY OF HAGERSTOWN AND BOARD OF COUNTY COMMISSIONERS FOR NORTHPOINT DEVELOPMENT PROJECT ROADWAY IMPROVEMENTS

Susan Small, Director, Business Development, and Jill Thompson, City of Hagerstown Economic Development, recommended approval of an agreement between the City of Hagerstown (City) and the Board of County Commissioners (County) for funding towards reconstruction of Wesel Boulevard in Hagerstown. Ms. Small shared that the agreements confirm funding for up to \$6,000,000 and define respective role contributions from the City, County, and Developer of Northpoint Development.

Commissioner Wagner, seconded by Commissioner Meinelschmidt, moved to approve the agreement between the City of Hagerstown and the Board of County Commissioners for funding towards reconstruction of Wesel Boulevard for funding up to \$6,000,000 as requested. The motion passed unanimously.

RECONVENE IN CLOSED SESSION

Commissioner Meinelschmidt, seconded by Commissioner Baker, moved to convene in closed session at 1:00 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 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; 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), (4), (7), and (13) of the General Provisions Article of the Annotated Code of Maryland. The motion passed unanimously.

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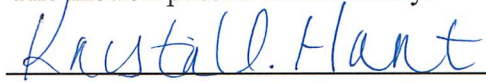
Present during closed session were Commissioners Jeffrey A. Cline, Terry L. Baker, Wayne K. Keefer, Cort F. Meinelschmidt, and Randall E. Wagner. Also present were Kirk C. Downey, County Attorney/Interim County Administrator; Krista L. Hart, County Clerk; Kendall Desaulniers, Deputy County Attorney; and at various times; Rachel Brown, Director, Human Resources; Dave Hays, Director, Emergency Services; Oley Griffith, Volunteer Coordinator; Jeremy Mose, Director, Environmental Management; Lindsay Rader, Bond Counsel (via phone); Sara Greaves, CFO; Susan Small, Director, Business Development; and Dave Mason, Deputy Director, Solid Waste.

RECONVENE IN OPEN SESSION

Commissioner Meinelschmidt, seconded by Commissioner Wagner, moved to reconvene in open session at 2:14 p.m. The motion passed unanimously.

ADJOURNMENT

Commissioner Meinelschmidt, seconded by Commissioner Wagner, moved to adjourn at 2:15 p.m.
The motion passed unanimously.



Krista L. Hart, *County Clerk*