

Terry L. Baker, *President*
Jeffrey A. Cline, *Vice
President*



John F. Barr
Wayne K. Keefer
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BOARD OF COUNTY COMMISSIONERS
August 29, 2017
Agenda

- 10:00 A.M. INVOCATION AND PLEDGE OF ALLEGIANCE
CALL TO ORDER, *President Terry L. Baker*
APPROVAL OF MINUTES –AUGUST 22, 2017
- 10:05 A.M. COMMISSIONERS’ REPORTS AND COMMENTS
- 10:10 A.M. REPORTS FROM COUNTY STAFF
- 10:15 A.M. LANCO DAIRY FARMS CO-OP, LLC. – RESOLUTION FOR ENDORSEMENT OF MEDAAF LOAN AND LOCAL INCENTIVE – *Kathleen Lewis, Director, Department of Business Development*
- 10:30 A.M. **PUBLIC HEARING:** REQUESTS BY ORGANIZATIONS TO BE ADDED TO THE LIST OF NON-PROFIT ORGANIZATIONS TO WHICH THE BD OF COUNTY COMMISSIONERS MAY CONTRIBUTE FUNDS, PURSUANT TO §1-108 OF THE CODE OF PUBLIC LOCAL LAWS OF WASHINGTON COUNTY, MD – *John Martirano, County Attorney*
- 10:50 A.M. **PUBLIC HEARING:** APPLICATION FOR WATER AND SEWER PLAN AMENDMENT (WS-17-001) - *Jill Baker, Chief Planner, Planning & Zoning*
- 11:20 A.M. PAYROLL WEEK PROCLAMATION – *Debry Murray, CEO, Budget & Finance and the Washington County Board of Commissioners*
- 11:30 A.M. **PUBLIC HEARING:** MODIFICATION OF CERTAIN LANDFILL USER FEES – *Julie Pippel, Director, Environmental Management and David Mason, Deputy Director, Solid Waste & Watershed Program*
- 11:50 A.M. WASHINGTON COUNTY SOIL CONSERVATION DISTRICT (WCSCD), FEE INCREASE FOR EROSION AND SEDIMENT CONTROL PLAN REVIEW SERVICES – *Elmer Weibley, District Manager and Denise Price, Urban Program Director, WCSCD*
- 11:55 A.M. UNITED WAY “ALICE” PROGRAM PRESENTATION AND DAY OF CARING – *Mark Weldon, Director of Development, United Way of Washington County*

- 12:10 P.M. PROPERTY ACQUISITIONS FOR DRAINAGE IMPROVEMENTS ALONG BOTTOM ROAD AT ROUTE 68 IN WILLIAMSPORT - *Susan Small, Real Property Administrator, Engineering Department*
- 12:15 P.M. CONSTRUCTION BID AWARD: HVAC REPLACEMENT PROJECT, CONTRACT NUMBER MS-HV-253-28, 80 WEST BALTIMORE STREET, HAGERSTOWN – *Scott Hobbs, Director, Engineering*
- 12:20 P.M. CITIZENS PARTICIPATION
- 12:25 P.M. CLOSED SESSION
(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)
- 12:45 P.M. ADJOURNMENT



Agenda Report Form

Open Session Item

SUBJECT: Lanco Dairy Farms Co-op, LLC. – Resolution for Endorsement of MEDAAF Loan and Local Incentive

PRESENTATION DATE: August 29, 2017

PRESENTATION BY: Kathleen A. Lewis, Director, Department of Business Development

RECOMMENDED MOTION: Approve the Resolution for endorsement of the State of Maryland's \$225,000 MEDAAF loan and to provide a matching \$180,000 conditional loan.

REPORT-IN-BRIEF: The Maryland Department of Commerce, under the Maryland Economic Development Assistance Authority, has agreed to conditionally loan Lanco Dairy Farms Co-op, LLC up to \$225,000 from the Maryland Economic Assistance Fund (MEDAF) (the "Loan").

The MEDAF Loan proceeds will be used by Lanco Dairy Farms Co-op LLC, to expand its operations in Washington County (the "Project"). The Project plans call for Lanco Dairy Farms Co-op LLC, to purchase, refurbish and equip the existing facility located at 14738 Warfordsburg Road, Hancock, Maryland to establish a cheese making operation. Lanco Dairy Farms Co-op, LLC, will be investing approximately \$24,000,000 into the Project site. The Company will retain its existing 64 full-time employees and hire an additional 26 new full-time permanent employees for a total of 90 permanent employees at the Project site by December 31, 2017.

In accordance with MD Code, Economic Development Article, Section 5-319(d), the County is required to endorse the making of the MEDAF Loan for the Project and approve the required local match.

DISCUSSION: To complement the State of Maryland's offer of assistance, the County will contribute \$180,000 toward the Project in the form of a conditional loan.

FISCAL IMPACT: Any incentive will have an impact on the Hotel Rental Fund Revenue balance.

CONCURRENCES: County Administrator
Assistant County Administrator
Director, Department of Business Development

ALTERNATIVES: Provide no incentives or a lesser amount toward this project.

ATTACHMENT(S): Resolution



Agenda Report Form

Open Session Item

SUBJECT: PUBLIC HEARING – Requests by organizations to be added to the list of nonprofit organizations to which the Board of County Commissioners may contribute funds, pursuant to §1-108 of the Code of the Public Local Laws of Washington County, Maryland (the "1-108 List")

PRESENTATION DATE: Tuesday, August 29, 2017; 10:30 a.m.

PRESENTATION BY: John M. Martirano, County Attorney

RECOMMENDED MOTION: None. The Board may discuss, take action, and/or make any motion after the public hearing is closed.

REPORT-IN-BRIEF: The following five (5) organizations have submitted letters of request to be added to the 1-108 List:

Ladders to Leaders, LTD.
Pressley Ridge, Inc., a/k/a Pressley Ridge
Court Appointed Special Advocates of Washington County, Maryland, Inc.
Hagerstown Fairgrounds Softball Association, Inc.
Office of Consumer Advocates, Inc.

DISCUSSION: The approval by the Board of County Commissioners of a request of a nonprofit organization to be added to the list does not assure that the organization will receive funding from the Board; that decision is made separately as a part of the Community Organization Funding process and ultimately the County's budgetary process.

FISCAL IMPACT:

CONCURRENCES:

ALTERNATIVES:

ATTACHMENTS: Letters of Request.

AUDIO/VISUAL NEEDS:



644 Frederick Street
Hagerstown, MD 21740
240-452-4652

June 2, 2017

Office of the County Attorney
100 West Washington St, Suite 1101
Hagerstown, MD 21740

Dear Sir,

This letter is to request that our nonprofit, Ladders to Leaders, be included on the list of organizations eligible for funding by the Board of County Commissioners of Washington County, pursuant to Section 1-108(b) of the Code of the Public Local Laws of Washington County, Maryland.

Ladders to Leaders was begun in 2015 exclusively to house and employ individuals in recovery to help them bridge the gap from short-term recovery programs to sustainable long-term recovery and to help them become contributing members of society again.

We do this through supervised work programs. While we are a social enterprise, with our clients paying their own way, we do apply for any grants which can help us better manage, staff, and expand our programs.

Our 501(c)(3) letter is attached and we are in Good Standing with the state of Maryland.

Thank you,

A handwritten signature in black ink, appearing to read "S. Lynn Shaw". The signature is fluid and cursive, written over a horizontal line.

S. Lynn Shaw, Treasurer



May 1, 2017

To: Board of County Commissioners of Washington County

From: Pressley Ridge of Western MD

I am writing to request that Pressley Ridge be considered to be listed as an organization eligible to receive funding by the Board of County Commissioners of Washington County, pursuant to Section 1-108(b) of the code of public laws in Washington County. Pressley Ridge has provided treatment foster care services in Washington County for over twenty years and has provided services through the Washington County Diversion program for over 5 years. Since 1832, Pressley Ridge has done whatever it takes to create success for children, adults and families. Pressley Ridge's innovative programming helps to rebuild communities and families who are facing difficult challenges and complex situations. From mental health and foster care services to residential treatment facilities and education for children with special needs, including autism and deafness, Pressley Ridge empowers 6,800 kids and families each year with the ability and confidence to succeed. Pressley Ridge serves communities in Pennsylvania, Ohio, West Virginia, Maryland, Virginia and Delaware. We are requesting approval to be listed with Washington County, MD so that we may continue to partner with County officials to develop innovative programming to meet the ever changing needs of children and families.

I am attaching supportive documentation for your review. Should you need any additional information, please don't hesitate to contact me.

Sincerely,

Mary Beth DeMartino, LCSW-C

Program Director



**COURT APPOINTED
SPECIAL ADVOCATES**

FOR CHILDREN

WASHINGTON COUNTY, MD

Board of Officers

President:

Joseph Tischer

Vice-President:

Joseph Chukla, Jr., Esquire

Secretary:

Jeanne Davis

Treasurer:

Lindsey Close

Board Members

Frances Cade

Gregg DeLauney

Ronald Keyser, MD

Elizabeth Krell

Susan Levin

Carlton Munson, Ph.D, LCSW-C

Deanne Schleigh

Honorary Director

Susanne Kass

March 28, 2017

**Office of the County Attorney
100 West Washington Street
Room Suite 1101
Hagerstown, MD 21740
Attention: Vicki Grimm**

Dear Ms. Grimm,

Please find enclosed, State of Maryland, Department of Assessments and Taxation - Certification of Good Standing, as it regards Court Appointed Special Advocates of Washington County, Maryland, Inc., received March 24, 2017.

I hope that this certification releases the hold on same organization's request for inclusion on the list of organizations eligible for funding by the Board of County Commissioners of Washington County, Maryland, pursuant to Section 1 – 108(b) of the Code of the Public Local Laws of Washington County.

Thank you for your attention and consideration in this matter.

Please do not hesitate to contact me if additional information is required, and/or if concerns and questions arise.

With much appreciation,

**David Bonebrake, Program Director
Court Appointed Special Advocates
of Washington County, Maryland, Inc.**

**140 West Franklin Street, Suite 100
Hagerstown, MD 21740**

dave@casaofwcmd.org

**240-347-4979 (O)
240-349-4980 (F)**

Please consider including the CHILD ADVOCACY ENDOWMENT FUND, providing advocacy services for children who are victims of abuse and neglect, in your will, estate planned giving, and your legacy of love, care, and concern for children.



Hagerstown Fairgrounds Softball Association

16902 Hastings Drive, Williamsport, MD 21795
Phone 301-223-4556

Hi John,

Hope all is well. My name is Mike Kelbaugh and I am President of the Hagerstown Fairground Softball Association, Inc. We are a 501(c)3 organization. We would like to be placed on the 1108 list. I was told to send a copy of our taxes which is included. If you have any questions please call me at 301-800-3701. THANK YOU for all you do and for allowing us to be a part of this.

God Bless,
Mike Kelbaugh
Hagerstown Fairground Softball Association, Inc.



121 EAST ANTIETAM STREET
HAGERSTOWN, MD 21740
301-790-5054
OCAMD.ORG

PEER SUPPORT & ADVOCACY · SELF-DIRECTED CARE · TRANSITION AGED YOUTH
FAMILY NAVIGATION SERVICES · LISTENING LINE · RECOVERY ORIENTED SYSTEMS OF CARE

May 3, 2017

Office of the County Attorney
Washington County Maryland
100 West Washington Street, Suite 1101
Hagerstown, Maryland 21740

Dear Ms. Grimm:

Pursuant to Section 1-108(b) of the Code of Public Local Laws of Washington County Maryland, I hereby submit a request the Office of Consumer Advocates be incorporated into the list of organizations eligible for public funding by the Board of County Commissioners of Washington County.

The Office of Consumer Advocates was organized in 1999 and is recognized by the IRS as a 501 (c) (3) tax exempt organization. We likewise conform to all filings with the State of Maryland as a member in "good standing" with the Maryland State Department of Assessments and Taxation.

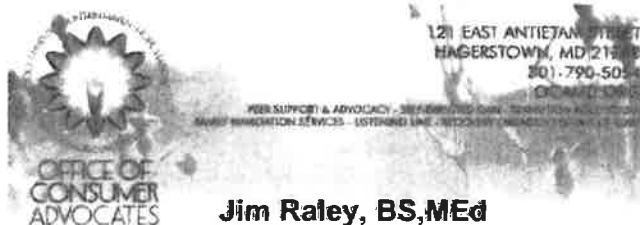
While the organization operates in Allegany, Garrett and Washington Counties, the main headquarters is in Washington County. We operate programs in Washington County in cooperation with the Mental Health Authority and the Washington County Health Department. The primary funding source is the Maryland Behavioral Health Administration.

The programs in Washington County includes: Listening Line, Self-Directed Care, Peer Support and Advocacy, Transition Aged Youth, Recovery Oriented Systems of Care and Soul Haven Wellness and Recovery Center. In total, we operate grants totaling \$367,436.00 in Washington County.

I am enclosing documentation including our recent filings of 990's, independent financial audit, IRS determination letter, and several of our program brochures. I look forward to your response and am most happy to provide additional information or appear at a formal hearing if necessary. Once again, thank you for your service and support of community non-profit organizations in Washington County.

Sincerely,


James M. Raley, Executive Director



Jim Raley, BS, MEd
Executive Director
jmraley2@gmail.com



Agenda Report Form

Open Session Item

SUBJECT: PUBLIC HEARING – Application for Water and Sewerage Plan Amendment – WS-17-001

PRESENTATION DATE: August 29, 2017; 10:50 am

PRESENTATION BY: Jill Baker, Chief Planner, Washington County Department of Planning and Zoning

RECOMMENDED MOTION: Move to approve the Water and Sewerage Plan amendment #WS-17-001 which will adjust the water service area boundary to include parcels 1188-1 & 1188-2 and a portion of Parcel 499, designate that portion of the expanded service area and the existing water line as a restricted service area and will change the service priority designation of that area from W-7 to W-1.

REPORT-IN-BRIEF: The subject properties are located in a Sensitive Area designated by the Washington County Health Department due to groundwater under the direct influence of surface water contamination (GWUDI). Property owner Clarence Horst has initiated multiple attempts to establish a new on-site well to serve a newly subdivided lot. All of those attempts have failed to produce a potable water supply and on-site treatment is not an option. During this process it was determined by the Health Department that the existing well that serves Lot 2 is also contaminated and must be abandoned. There is an existing City of Hagerstown water line in Garden View Drive at the front of the property. The City of Hagerstown created and then approved a new category of exemption to allow these water line connections outside of its existing service area and Medium Range Growth Area. In order to comply with State laws governing long range planning for public water and sewer services the Plan needs amendment so this arrangement can be permitted and potable water from the public system can be provided to these 2 lots.

DISCUSSION: Detailed discussion of the amendment can be found in the Staff Report and Analysis dated July 25, 2017, attached hereto. The City of Hagerstown created and approved an exemption to its policies regarding providing public water service outside of its growth area boundaries. The Planning Commission held a public information meeting to receive feedback from the applicant and the general public on August 7, 2017. The Planning Commission recommends approval of the application.

FISCAL IMPACT: None

CONCURRENCES: Washington County Planning Commission

Washington County Division of Environmental Management
City of Hagerstown
Washington County Health Department

ALTERNATIVES: n/a

ATTACHMENTS: Application for Water and Sewerage Plan amendment
Staff Report and Analysis dated July 25, 2017
Maps depicting the request change
Planning Commission Recommendation dated August 14, 2017
*ATTACHMENTS AVAILABLE WITH THE ONLINE
VERSION



Agenda Report Form

Open Session Item

SUBJECT: Payroll Week Proclamation

PRESENTATION DATE: August 29, 2017

PRESENTATION BY: Washington County Board of County Commissioners

RECOMMENDED MOTION: Designate September 3 – September 9, 2017 as Payroll week

REPORT-IN-BRIEF: Proclamation will so national support for Payroll professional and National Payroll Week

DISCUSSION: Whereas the American Payroll Association and its more than 21,000 members have launched a nationwide public awareness campaign that pays tribute to the more than 150 million people who work in the United States and the payroll professionals who support the American system by paying wages, reporting worker earnings and withholding federal employment taxes; and

Whereas the payroll professional in Washington County, MD play a key role in maintaining the economic health of the County, carrying out such diverse tasks as paying all employee payroll, providing information for child support enforcement, and carrying out tax withholding, reporting and depositing; and

Whereas payroll departments collectively spend more than \$2.2 trillion annually complying with myriad federal and state wage and tax laws; and Whereas payroll professionals play an increasingly important role ensuring the economic security of American families by helping to identify noncustodial parents and making sure they comply with their child support mandates; and

Whereas payroll professionals have become increasingly proactive in educating both the business community and the public at large about the payroll tax withholding systems; and

Whereas payroll professionals meet regularly with federal and state tax officials to discuss both improving compliance with government procedures and how compliance can be achieved at less cost to both government and businesses; and

Whereas the week in which Labor Day falls has been proclaimed National Payroll Week, I hereby give additional support to the efforts of Stephanie Baker who works for Washington County, MD and of the payroll profession by proclaiming the first full week of September Payroll Week for this Washington County, MD.

FISCAL IMPACT: Not Applicable

CONCURRENCES: County Administrator and Chief Financial Officer

ALTERNATIVES: Not Applicable

ATTACHMENTS: Not Applicable

AUDIO/VISUAL NEEDS: Not Applicable



Board of County Commissioners of Washington County, Maryland
Agenda Report Form

Open Session Item

SUBJECT: PUBLIC HEARING – Modification of Certain Landfill User Fees

PRESENTATION DATE: Tuesday, August 29, 2017; 11:30 a.m.

PRESENTATION BY: Julie Pippel, Director, Division of Environmental Management and David Mason, Deputy Director, Department of Solid Waste and Watershed Program

RECOMMENDED MOTION: *[Note: The Commissioners may move to adopt the proposed new discounted landfill user fee, as presented or as modified, at any point after the closure of the public hearing.]*

REPORT-IN-BRIEF: The Board of County Commissioners will conduct a public hearing to permit any member of the public to appear and testify concerning the proposed modification of certain landfill user fees.

DISCUSSION: A discounted rate of \$40.00/ton for large haulers bringing in 10,000 tons or more per year of general refuse/municipal solid waste (with contract) is being proposed to the schedule of landfill user fees to be effective as of October 1, 2017.

FISCAL IMPACT:

CONCURRENCES:

ALTERNATIVES:

ATTACHMENTS: Proposed Resolution adopting fee schedule change

AUDIO/VISUAL NEEDS:

RESOLUTION NO. RS-2017-___

**RESOLUTION FOR ADOPTION AND
MODIFICATION OF RULES AND REGULATIONS, LANDFILL AND
CONVENIENCE BOX FEES AND CHARGES**

RECITALS

The Board of County Commissioners of Washington County, Maryland (the "Board"), in accordance with Md. Code, Article 25, §14A ("§14A"), as amended from time to time, owns and operates a county landfill and convenience boxes for refuse and garbage disposal purposes.

In accordance with §14A, on June 22, 1995, the Board enacted an ordinance entitled "Ordinance to Provide for Solid Waste Collection Licensing in Washington County, Maryland" (the "Ordinance"), effective July 1, 1995.

The Ordinance and §14A both provide for the adoption by the Board of rules and regulations and landfill and convenience box fees and charges.

By amended resolution dated May 16, 2000, the Board modified certain landfill and convenience box fees and charges but retained certain other fees previously adopted.

By action of the Board on May 8, 2001, a discount of \$12.00 per ton was approved for certain high-volume solid waste haulers (4,000 or more tons annually), municipalities and local government agencies.

By resolution dated September 10, 2002, effective October 1, 2002, the Board modified the amount of the discount given to certain high-volume solid waste haulers (4,000 or more tons annually), municipalities and local government agencies from \$12.00 to \$9.00.

By resolutions adopted May 18, 2004, effective July 1, 2004, and April 19, 2005, effective May 1, 2005, April 18, 2006, effective July 1, 2006 (RS-06-12), and May 13, 2008, effective May 19, 2008 (RS-08-08), the Board modified certain landfill and convenience box fees and charges.

By Resolution No. RS-2011-07 adopted on April 19, 2011, effective July 1, 2011, the Board modified certain landfill and convenience box fees and charges.

By Resolution No. RS-2011-12 adopted on June 14, 2011, effective July 1, 2011, the Board modified the landfill user fees by establishing an optional \$15.00 annual permit fee for the unlimited disposal of residential yard debris to be added to the previously approved \$130.00 and \$95.00 residential municipal solid waste drop-off permit fees.

By Resolution No. RS-2014-08 adopted on April 29, 2014, effective July 1, 2014, and by Curative Resolution No. RS-2014-12 adopted on June 17, 2014, effective July 1, 2014, the Board established a discounted rate of \$45.00/ton for large haulers bringing in 1,000 tons or more per year of general refuse/municipal solid waste (with contract).

The Board now desires to establish a discounted rate of \$40.00/ton for large haulers bringing in 10,000 or more per year of general refuse/municipal solid waste (with contract), to be effective October 1, 2017.

A public hearing was held on Tuesday, August 29, 2017, following due notice and advertisement of the landfill user fees that were proposed to be modified.

After public comment was received, reviewed and considered, the Board determined to continue the following rules and regulations and adopt the following landfill and convenience box fees and charges.

The Board expressly finds that adoption of the following rules and regulations, landfill and convenience box fees and charges would be in the best interests of the citizens of the County.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Washington County, Maryland, that:

1. All previous resolutions adopted by the Board, relating to the adoption of rules and regulations, landfill and convenience box fees and charges, and to charge interest for late payment of fees by landfill and convenience box users, are hereby repealed.

2. **Washington County Trash.** Only trash originating in Washington County will be accepted at the landfill or greenboxes. All vehicles must have proper stickers and have paid the requisite fees for authorization to dispose of trash in the landfill or greenboxes, and all vehicles must be covered or loads secured.

3. **Acts Not Allowed.** The following acts are not allowed at the Washington County landfill facilities or at the greenboxes:

- Maryland;
- (a) dumping trash collected from areas outside Washington County, Maryland;
 - (b) salvaging, scavenging, or animal feeding in the landfill facilities or at the greenbox facilities;
 - (c) speeding or reckless driving;
 - (d) dumping before or after scheduled operating hours; or
 - (e) operating unsafe vehicles, or vehicles not meeting the weight limitations prescribed by the laws of the State of Maryland.

4. The following items will **NOT** be accepted at Washington County landfill facilities or at the greenboxes:

- (a) out-of-county trash
- (b) liquids
- (c) hazardous wastes as defined by the State of Maryland and the United States Government
- (d) septic tank sludge
- (e) dead animals
- (f) firearms
- (g) radioactive materials
- (h) wet paint
- (i) rolled wire
- (j) tree stumps (over 4 ft. in diameter)
- (k) hot ashes
- (l) pesticides
- (m) toxic waste
- (n) explosives
- (o) chemicals
- (p) vehicle bodies
- (q) gas, kerosene, and oil – except for automotive oil and anti-freeze which is collected in special collection tanks
- (r) closed containers or closed drums
- (s) paint sludge from industry unless tested and approved by the Maryland Department of the Environment and Washington County
- (t) no concrete or rocks larger than 4' x 4' x 4'
- (u) batteries which will be accepted only at approved recycling areas

5. Asbestos will be accepted at the Forty West Landfill upon 72 hours prior notice. Paint will be accepted if it is dry or solidified, and rolled wire must be compressed before it will be accepted. No paint sludge from industry will be accepted without the TCLP toxic test having been performed.

6. The green box facilities at Greensburg Road near Smithsburg, Kaetzel Road near Rohrerstown, Dargan, Hancock, and the Forty West Landfill may only be used by cars and pickup trucks for disposal of waste from residences. No non-residential waste will be allowed in the greenbox facilities.

7. Only county residents and county businesses, including county municipalities may deposit solid waste in the County landfill. Only county residents may deposit solid waste in the greenbox facilities.

8. **VIOLATIONS.**

(a) Anyone found violating any of the above rules and regulations of the Washington County Landfill and greenboxes, including anyone failing to pay fees or penalties when due, shall have their right to use the said landfill and greenboxes suspended for an indefinite period of time or for such time as determined by the Deputy Director of the Division of Environmental Management Solid Waste Department.

(b) Anyone who wishes to appeal the decision of the Deputy Director of the Division of Environmental Management Solid Waste Department relating to their use of the landfill and the greenboxes shall have thirty (30) days from the decision of the Deputy Director of the Division of Environmental Management Solid Waste Department to appeal to the Director of the Division of Environmental Management.

(c) The Director of the Division of Environmental Management shall conduct an informal hearing on the appeal in a timely manner and issue a written decision affirming, reversing or modifying the decision of the Deputy Director of the Division of Environmental Management Solid Waste Department. The decision shall be made and issued within thirty (30) days of the hearing.

(d) A person aggrieved by the decision of the Director of the Division of Environmental Management may appeal the decision to the County Commissioners of Washington County within ten (10) days from the date of the decision of the Director. The County Commissioners shall conduct a hearing on any such appeal as soon as practical thereafter and issue a decision in writing on such appeal within thirty (30) days after the hearing thereof.

(e) A person aggrieved by the decision of the County Commissioners may appeal the decision to the Circuit Court pursuant to the Maryland Rules of Procedure within thirty (30) days of the date the decision was issued. Unless stayed by a court of competent jurisdiction, the decision of the Deputy Director of the Division of Environmental Management Solid Waste Department to suspend or revoke a license issued hereunder continues in effect until reversed or modified.

9. For accounts more than thirty (30) days in arrears following billing, interest will be charged at the rate of one and one-half percent (1.5%) per month on the unpaid balance.

10. The following landfill and convenience box fees and charges are as follows:

WASHINGTON COUNTY SOLID WASTE DEPARTMENT

**LANDFILL AND CONVENIENCE BOX
FEE SCHEDULE**

(Effective October 1, 2017)

INBOUND MATERIAL:	
Minimum scale charge	\$10.00 (320 lbs)
General Refuse/Municipal Solid Waste	\$52.00/ton
Large haulers (with contract) – 1,000 tons or more annually	\$45.00/ton
Large haulers (with contract) – 10,000 tons or more annually	\$40.00/ton
Rubble, Building Debris	\$75.00/ton
Yard Debris (grass, leaves, brush)	\$63.00/ton
Auto and Light Truck (less than 22")	(1-5 tires) \$3.00 each (6 or more tires) \$162.00/ton
Equipment and Agriculture Tires	\$250.00/ton
Domestic Sludge	\$60.00/ton
Industrial Sludge	\$60.00/ton
High Volume/Low Weight	\$120.00/ton
Asbestos	\$130/ton \$25 minimum charge
OUTBOUND MATERIAL:	
Minimum scale charge	\$10.00
Fill Dirt	\$4.00/ton
Mulch	\$30.00/ton
Soil Amendment (compost)	\$20.00/ton
OTHER FEES:	
Appliances that used refrigeration	\$5.00/unit
Management/Inspection Fee	\$50.00/load asbestos
Solid Waste Collection License Fee	\$100.00/fiscal year (>5 employees) \$10.00/ fiscal year (<5 employees)

PERMIT FEES FOR RESIDENTIAL DROP-OFF	
Citizens	\$130.00/annual***
Citizens (<i>with permit for unlimited disposal of yard debris</i>)	\$145.00/annual
Senior Citizens (Age 62 & over) and Disabled American Veterans (Under Age 62)	\$95.00/annual***
Senior Citizens (Age 62 & over) and Disabled American Veterans (Under Age 62) (<i>with permit for unlimited disposal of yard debris</i>)	\$110.00/annual
Second Permit – Same Owner	\$65.00/annual
***Permits purchased between January 1 and May 1 will be half price	

11. Landfill and convenience box fees and charges shall be scheduled for review within twelve (12) months of the date of this Resolution.

Adopted this ____ day of _____, 2017.

Effective the 1st day of October, 2017.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY, MARYLAND

Vicki C. Lumm, Clerk

BY: _____
Terry L. Baker, President

Approved as to form
and legal sufficiency:

John M. Martirano
County Attorney

Mail to:
Office of the County Attorney
100 W. Washington Street, Suite 1101
Hagerstown, MD 21740



Agenda Report Form

Open Session Item

SUBJECT: Washington County Soil Conservation District (WCSCD), Fee increase for Erosion and Sediment Control Plan review services

PRESENTATION DATE: August 29, 2017

PRESENTATION BY: Elmer Weibley, CPESC, District Manager, Denise Price CESSWI, Urban Program Director

RECOMMENDED MOTION: Approval of fee increases to become effective October 1, 2017

REPORT-IN-BRIEF: WCSCD has not increased fees for plan review services since 2010. The proposed fee increase will enable WCSCD to maintain existing levels of service. WCSCD is no longer to financially support the plan review program from other sources of funding.

DISCUSSION:

FISCAL IMPACT:

CONCURRENCES:

ALTERNATIVES:

ATTACHMENTS:

1. Memo to BOCC
2. Comparison of existing fees to proposed fees
3. Financial summary
4. Justification for increasing fee for field inspection services
5. Comparison for a selection of recent projects
6. Summary of similar fees charged by the Frederick County Soil Conservation Districts
7. Summary of MD laws that permit WCSCD to charge fees and outlines the process that must be followed

AUDIO/VISUAL NEEDS: None



WASHINGTON COUNTY SOIL CONSERVATION DISTRICT

1260 Maryland Avenue, Suite 101, Hagerstown, MD 21740
301-797-6821, Ext. 3 • Fax: 301-733-5894
facebook.com/wcscd
www.conervationplace.com

TO: Board of County Commissioners

FROM: Elmer Weibley, CPESC
District Manager
Denise Price, CESSWI
Urban Program Director

EDW
DDP

DATE: August 17, 2017

SUBJECT: Proposed Fee Increases

The Washington County Soil Conservation District (WCSCD) is moving forward with the process to increase our fees for Soil Erosion and Sediment Control Plan review services, Pond As-Built approval, as well as, Field Inspection Services.

We have not increased our fees since July 1, 2010. This was due to our commitment to not becoming a financial burden to the development community and homeowners in Washington County during very trying financial times.

We have held the line during very tough financial times and at one point in February 2013, we ran a deficit in our Urban Program of over \$90,000. We were able forego any fee increases due to our ability to subsidize the Urban Program from other funding sources, such as, grants made available to the WCSCD during that time, and increases in our annual budget from Washington County. During Fiscal Year 2017, we subsidized our Urban Program with \$20,289 of WCSCD funds. We are no longer able to financially subsidize the Urban Program going forward into FY2018, and are seeking a fee increase to enable us to remain sound financially and provide for future lean years regarding income we receive from fees. Since Fiscal Year 2011, our fee income has varied from a low of \$77,897 to a high of \$133,232, based on the number of plans and services the local economy generates. This variance of \$55,335 can put our agency in a difficult position during lean years.

District Board of Supervisors

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Chair

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Treasurer

Janet Stiles Fulton
Supervisor

Jere F. DeBaugh
Supervisor

Boyd Michael
Associate

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Associate

Carl P. Weaver
Associate

Joseph K. Scott
Honorary Supervisor

It is important to realize, we operate a very lean staff to accomplish the work we are required to accomplish and do not believe we can reduce staff and continue to provide the basic services needed by the development community and homeowners.

We have attached the following for your consideration:

1. Comparison of the fee increases we are proposing as compared to current fees.
2. Financial summary.
3. Summary justification for increasing our Field Services Inspection Fees.
4. Fee comparison for a selection of recent projects.
5. Summary of similar fees charged by the Frederick County Soil Conservation Districts.
6. Summary of MD laws that allow WCSCD to charge fees for plan review and approval services, Field Services Inspection, and outlines the process we must follow.

We welcome the opportunity to present our request and answer any questions you may have. We are requesting approval of our fee increase to become effective, October 1, 2017.

Please feel free to contact us with any questions you may have at 301-797-6821, Ext. 3.

Attachments

FEE SYSTEM
FOR
SOIL EROSION AND SEDIMENT CONTROL PLAN REVIEW AND
FIELD INSPECTION SERVICES

	Proposed Fee	Current Fee
Standard Plans for Forest Harvest Operations	\$125.00	\$100.00
Standard Grading and Soil Erosion & Sediment Control Plan for Single Lot Single Family Residential Construction and Minor Earth Disturbances (For earth disturbances ≥ 5,000 square feet of area and/or 100 cubic yards of cut/fill and ≤ 30,000 square feet of area and 1,000 cubic yards of cut/fill).	\$150.00	\$125.00
Site Plans, Engineered Soil Erosion and Sediment Control Plans (For earth disturbances > 30,000 square feet of area and/or 1,000 cubic yards of cut/fill).		
Application Fee	\$250.00	\$200.00
Per acre of soil disturbance (0.0 – 50.0 Acres)	\$150.00	\$100.00
(Minimum Fee - \$600)		
Per acre of soil disturbance (50.1 Acres & larger)	\$15.00	Unchanged
Site Plans, Engineered Soil Erosion and Sediment Control Plans 2-Year Updates (Plan approvals are in effect for 24 months and must be reapproved after that time)	\$250.00	\$200.00
Site Plans, Engineered Soil Erosion and Sediment Control Plans 5-Year Updates (Mining-Quarry)	<i>Fee based on adopted fee schedule and disturbed acres.</i>	Unchanged
Pond As-Built Plan Review and Approval	\$310.00	\$250.00
Environmental Site Design Concept Plan	\$250.00	\$200.00
Field Services-Pre, Interim, & Post Construction Inspections (For earth disturbances > 15,000 square feet of area and/or 500 cubic yards of cut/fill).	\$450.00	\$350.00

Budget Deficit/Carry Forward Beginning of FY		Annual Fee Income		Quarry Fees (Included in total fees)		County Budgets	
FY2011	-\$37,895	FY2011	\$77,897	FY2011	\$5,000	FY2011	\$75,050
FY2012	-\$83,254	FY2012	\$98,696	FY2012	\$0	FY2012	\$76,230
FY2013	-\$83,425	FY2013	\$98,192	FY2013	\$9,207	FY2013	\$125,130
FY2014	-\$71,698	FY2014	\$101,675	FY2014	\$6,007	FY2014	\$126,630
FY2015	-\$46,252	FY2015	\$88,211	FY2015	\$0	FY2015	\$132,240
FY2016	-\$44,739	FY2016	\$133,232	FY2016	\$18,034	FY2016	\$195,400
FY2017	\$5,152	FY2017	\$86,083	FY2017	\$5,709	FY2017	\$202,000
FY2018	\$9,503			FY2018		FY2018	\$206,040
		Average	\$85,498				
		Range of fee income since FY2011			\$77,897-\$133,232		
		Difference between high and low years			\$55,335		

No Fee Plan Reviews (County, Municipalities, Fire and Rescue and when requested by County)	
FY 2011	\$22,640
FY2012	\$9,800
FY2013	\$9,370
FY2014	\$18,360
FY2015	\$14,390
FY2016	\$13,380
FY2017	\$13,300
Average	\$14,463.00

FIELD INSPECTION SERVICES FEE JUSTIFICATION

- Average time spent for each pre-construction meeting = 1.75 hours
- Average time spent for each interim inspection = 1.75 hours
- Estimate of average time spent for final site stabilization reviews = 2 hours
- Total time for field services per project = 11.125 hours
- Average mileage per each Pre-construction meeting = 12 miles
 - Mileage rate set by Maryland State Gov. = **\$.535 per mile**
 - Mileage cost per project 12 miles X \$.535 = **\$ 6.42 per project**
- Staff cost per hour (average of 3 salaries) = **\$41.10/Hour**
- Average site visits per project 1 Pre-construction + 2.5 Interim +2.5 final site stabilization reviews
- Fee calculation 11.125 hours X \$41.1 per hour + \$ 6.42 (mileage) = **\$ 463.65**

- **Based on calculation fee should be set at \$450.00 per project**

Urban Program Fee Comparison (FY2018)

Commercial

<u>Site Name</u>	<u>Disturbed Area (acres)</u>	<u>WCSCD Current Fees</u>	<u>WCSCD Proposed Fees</u>
Meritus Health North End Practice	6.7	\$870.00	\$1,255.00
Hopewell Station	5.0	\$700.00	\$1,000.00
Volvo (Volvo Way Entrance)	0.5	\$250.00	\$600.00

Residential

<u>Site Name</u>	<u>Disturbed Area (acres)</u>	<u>WCSCD Current Fees</u>	<u>WCSCD Proposed Fees</u>	<u>#Lots</u>	<u>Fee Increase per Lot</u>
Sycamore Run Subdivision (Phase I)	27.3	\$2,930.00	\$4,345.00	29	\$48.79
Westfields (Section 7)	61.3	\$5,369.50	\$7,919.50	126	\$20.24
Freedom Hills (Phase III - Lots 100-167)	10.9	\$1,290.00	\$1,885.00	68	\$8.75

Frederick and Catoclin SCD Review Fees

Standard Plans	\$60.00 flat fee
Forest Harvest Plans	\$65.00 flat fee
Site Plans:	
Flat fee for initial review and any subsequent reviews needed	\$100.00 per review
Final review and signature of plans	\$300.00 Base Fee + \$100.00/Ac of soil disturbance
Inspection Services Inspections are only conducted in City of Frederick	\$500.00 or 3% of the cost estimate of required erosion and sediment controls whichever is greater
Income from all fees FY2017	\$373,658

FEE INCOME DETAIL FISCAL YEAR 2017

Standard Plans/Forest Harvest Etc.	\$41,700
<u>Site Plans:</u>	
Initial reviews	\$36,300
Final reviews	\$240,612
Inspection services	\$54,941

**Washington County Soil Conservation District
Proposed Fiscal Year (FY2018) Fee Increase**

Below are the pertinent excerpts from MD Codes relating to fees charged by SCD's for plan review services and inspection services.

The Washington County Soil Conservation District (WCSCD) currently has a contractual agreement with the Maryland Department of the Environment to conduct; Pre-Construction Meetings, Interim Inspections during construction for conversion of SWM facilities, and final stabilization inspections. The agreement has been in place since December 17, 2007 with fees beginning January 1, 2008.

Code excerpts are as follows:

**2016 Maryland Code
Agriculture
Title 8 - Soil Conservation
Subtitle 3 - State Soil Conservation Districts
§ 8-306. Powers of supervisors**

(17) Approve or disapprove plans for clearing, grading, transporting, or otherwise distributing soil pursuant to § 4-105(a) of the Environment Article and to adopt general criteria and specific written recommendations concerning the control of erosion and siltation of pollution associated with these activities;

(18) Recommend a fee system to cover the cost of reviewing the grading and sediment control plans. Subject to § 8-311 of this subtitle, any recommended fee shall take effect upon enactment by the local governing body. Any fees collected pursuant to this fee system shall be supplementary to county and State funds and may not (i) be used to reduce county or State funds, and (ii) exceed the cost of reviewing the plans;

(19) Establish and implement a fee system to cover the cost of inspecting sites with approved sediment control plans pursuant to a contractual agreement with the Department of the Environment under § 4-103(f) of the Environment Article;

**2013 Maryland Code
ENVIRONMENT**

§ 4-103 - Grading and building permits; adoption of grading and building ordinances; fees for reviewing grading and sediment control plans; copies of plan; compliance with subtitle enforced by Department; delegation of enforcement authority; inspection of sites

(c) Each soil conservation district may recommend a fee system to cover the cost of reviewing the grading and sediment control plans. Subject to § 8-311 of the Agriculture Article, any recommended fee shall take effect upon enactment by the local governing body. Any fees collected pursuant to this fee system shall be supplementary to county and State funds and may not (1) be used to reduce county or State funds, and (2) exceed the cost of reviewing the plans.

2. The Secretary may delegate a specific portion of the enforcement authority under this subtitle to a county or municipality.

3. Delegate a specific portion of the enforcement authority under this subtitle.

(f) (1) Subject to paragraph (2) of this subsection, the Secretary, by contractual agreement, may authorize a soil conservation district to inspect sites for compliance with approved sediment control plans.

(2) The Secretary may not authorize a soil conservation district to inspect sites over which a county or municipality has been delegated enforcement authority under subsection (e) of this section.

(3) (i) A district authorized to perform inspections under this subsection may establish a fee system providing for the assessment and collection of inspection fees on all sites in the district with approved plans.

(ii) The fees shall be based on the reasonably anticipated cost of inspections to be performed under the contractual agreement.

Maryland Agriculture Section 8-311

Article - Agriculture

§ 8-311.

(a) In order to develop a fee system to be implemented under § 8-306(a)(18) of this subtitle and § 4-103(c) of the Environment Article, a soil conservation district shall each year determine the reasonable costs of review of grading and sediment control plans for the succeeding year.

(b) The soil conservation district shall develop the fee system based on the costs determined under subsection (a) of this section, and shall submit the fee system to the local governing body.

(c) Within 90 days after the soil conservation district submits the final fee system, the local governing body may:

(1) Enact the fee system of the soil conservation district, to take effect within 90 days after the soil conservation district submits the final fee system to the local governing body; or

(2) Enact a different fee system or otherwise provide funding.

(d) If the local governing body fails to accept or modify the fee system submitted by the soil conservation district, the final fee system submitted by the soil conservation district shall take effect on the 91st day after the district submits the fee system to the local governing body, without requiring enactment by the local governing body.



Agenda Report Form

Open Session Item

SUBJECT: Property Acquisitions for Drainage Improvements along Bottom Road at Route 68 in Williamsport.

PRESENTATION DATE: August 29, 2017

PRESENTATION BY: Susan Small, Real Property Administrator, Engineering Department

RECOMMENDED MOTION: Move to approve option agreements for easement acquisitions on Bottom Road for the purpose stated and to adopt an ordinance approving the purchase of said areas and to authorize the execution of the necessary documentation to finalize the acquisitions.

REPORT-IN-BRIEF: Three properties in the area of Bottom Road require perpetual drainage easements and one will require a temporary construction easement, to allow for drainage improvements on Bottom Road.

DISCUSSION:

Property Address	Temporary Construction Easement (square feet)	Perpetual Drainage Easement (square feet)
14645 Clear Spring Road	N/A	100 SF
14706 Bottom Road	N/A	679 SF
14923 Clear Spring Road	2,871 SF	1,031 SF

FISCAL IMPACT: \$2,500.00. This is a budgeted CIP project

CONCURRENCES: Director of Engineering

ALTERNATIVES: N/A

ATTACHMENTS: Aerial map, Ordinance

AUDIO/VISUAL NEEDS: N/A

Bottom Road Drainage



ORDINANCE NO. ORD-2017-_____

**AN ORDINANCE TO APPROVE THE PURCHASE OF AN EASEMENT INTEREST
IN REAL PROPERTY**

*(Bottom Road Drainage Project: Easement acquisition – part of 14923 Clear Spring Road,
Clear Spring, Washington County, Maryland)*

RECITALS

1. The Board of County Commissioners of Washington County, Maryland (the “County”) believes that it is in the best interest of the citizens of Washington County to purchase an easement interest in real property identified on the attached Schedule A (the “Easement”) to be used for public purposes.

2. The County approved the purchase of the Easement on August 29, 2017.

3. A public hearing was not required by Section 1-301, Code of the Public Local Laws of Washington County, Maryland as the funds utilized to purchase the Easement are not to be expended from the General Fund of the County.

4. The purchase of the Easement is necessary for the Bottom Road Drainage Improvement Project in Washington County, Maryland.

THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Washington County, Maryland that the purchase of the Easement be approved and that the President of the Board and the County Clerk be and are hereby authorized and directed to execute and attest, respectively, all such documents for and on behalf of the County relating to the purchase of the Easement.

ADOPTED this ____ day of _____, 2017.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY, MARYLAND

Vicki C. Lumm, Clerk

BY: _____
Terry L. Baker, President

Approved as to legal sufficiency:

John M. Martirano
County Attorney

Mail to:
Office of the County Attorney
100 W. Washington Street, Suite 1101
Hagerstown, MD 21740

SCHEDULE A--DESCRIPTION OF PROPERTY

EASEMENT PROPERTY ACQUISITION: (Perpetual and Permanent Drainage Easement):

All that parcel of land consisting of 1,031 square feet or 0.0237 acres of land, more or less, situate along the easterly margin of Bottom Road in Election District No. 7, Washington County, Maryland, and shown and/or indicated as "PERPETUAL EASEMENT FOR DRAINAGE FACILITY AREA NO. 5" on a plat entitled "Bottom Road Drainage Improvement Perpetual Drainage and Maintenance Easements," dated April 6, 2017 and intended to be recorded among the Land Records of Washington County, Maryland, in the Washington County Lands and Roads Record Book as Right-of-Way Plat No. 100-10-595.

The above parcel of land being a portion of that tract or parcel of land conveyed unto Mark Alan Forsythe by Mark Alan Forsythe and Michele Tonya Forsythe, by Quitclaim Deed dated February 16, 2006 and recorded among the Land Records of Washington County, Maryland, in Liber 2968, folio 580.



Agenda Report Form

Open Session Item

SUBJECT: Construction Bid Award: HVAC Replacement Project, Contract No. MS-HV-253-28

PRESENTATION DATE: Tuesday, August 29, 2017

PRESENTATION BY: Scott Hobbs, P.E., Director, Division of Engineering

RECOMMENDED MOTION: Move to award the bid for the heating, ventilation, and air conditioning (HVAC) replacement project at the 80 West Baltimore Street Administrative Annex to the responsible, responsive bidder, M.S. Johnston Company of Hagerstown, MD in the amount of \$186,000.00.

REPORT-IN-BRIEF: The project was advertised in the Herald Mail, on the County's website, and on the State of Maryland's website, e-Maryland Marketplace. Three (3) bids were received on August 16, 2017 as listed below and on the attached bid tabulation.

<u>Contractor:</u>	<u>Total Bid:</u>
M.S. Johnston Company	\$186,000.00
Warner Mechanical	\$300,500.00
Denver-Elek, Inc.	\$390,000.00

The bids were evaluated and the low bid from M.S. Johnston Company is in order. The engineer's estimate for this work was \$175,000.

DISCUSSION: The existing HVAC system has been in the building for over 20 years and exceeded its useful life expectancy. The system is insufficient in providing the appropriate heating and cooling needs of the building. The upgrade will consist of installing new heating/cooling units with new duct work and controls that allow for adjustment within each of the offices and zones in the building.

FISCAL IMPACT: The project will utilize available funds from the Systemic Improvements-Buildings account (BLD078) in the Capital Improvement Plan (CIP).

CONCURRENCES: Director of Public Works

ALTERNATIVES: N/A

ATTACHMENTS: Bid Tabulation

AUDIO/VISUAL TO BE USED: N/A

**WASHINGTON COUNTY DIVISION OF ENGINEERING & CONSTRUCTION MANAGEMENT
 BID TABULATION**

**80 W. Baltimore HVAC Replacement
 Contract No. MS-HV-253-28**

Bid Opening: August 16, 2017 at 2:00 p.m.



DESCRIPTION	ITEM NO.	QTY.	UNIT	M.S. Johnston Co., Inc. Hagerstown, MD		Warner Mechanical Frederick, MD		Denver-Elek Inc. Baltimore, MD	
				UNIT PRICE	ITEM TOTAL	UNIT PRICE	ITEM TOTAL	UNIT PRICE	ITEM TOTAL
HVAC Replacement	1001	1	L.S.	\$ 165,000.00	\$ 165,000.00	\$ 288,000.00	\$ 288,000.00	\$ 345,000.00	\$ 345,000.00
Contingent - Temporary Heating	1002	1	L.S.	\$ 8,500.00	\$ 8,500.00	\$ 7,500.00	\$ 7,500.00	\$ 20,000.000	\$ 20,000.00
Contingent - Temporary Cooling	1003	1	L.S.	\$ 12,500.00	\$ 12,500.00	\$ 5,000.00	\$ 5,000.00	\$ 25,000.00	\$ 25,000.00
Total					\$ 186,000.00		\$ 300,500.00		\$ 390,000.00