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**BOARD OF COUNTY COMMISSIONERS**  
**September 10, 2019**  
**OPEN SESSION AGENDA**

- 08:00 A.M.    **MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE**  
                  **CALL TO ORDER, *President Jeffrey A. Cline***  
                  **APPROVAL OF MINUTES – August 27, 2019**
- 08:05 A.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; 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.)*
- 10:00 A.M.    **RECONVENE IN OPEN SESSION**
- 10:05 A.M.    **COMMISSIONERS' REPORTS AND COMMENTS**
- 10:15 A.M.    **REPORTS FROM COUNTY STAFF**
- 10:25 A.M.    **CITIZENS PARTICIPATION**
- 10:30 A.M.    **SENIOR CENTER FITNESS PARK PARTNERSHIP AGREEMENT AND OPERATIONS AND MAINTENANCE AGREEMENT AMENDMENT – *Andrew Eshleman, Director, Public Works; Susan Buchanan, Director, Office of Grant Management; and Brad Tritsch, COO, Washington County Commission on Aging***
- 10:35 A.M.    **ILLCIT DISCHARGE DETECTION AND ELIMINATION (IDDE) ORDINANCE – *Mark Bradshaw, Deputy Director, Engineering Services, Division of Environmental Management, John Swauger, Stormwater Regulatory Coordinator, Division of Environmental Management, and Alex Reed, Watershed Specialist, Division of Environmental Management***
- 10:40 A.M.    **BATTERY STORAGE PROJECTS – PAYMENT IN LIEU OF TAXES AGREEMENTS (PILOT) – *Bill Schofield, Customized Energy Solutions, Ltd., and Stephen Wiley, Innolith Snook LLC***
- 11:00 A.M.    **PUBLIC HEARING – TEXT AMENDMENTS TO BUILDING EXCISE TAX ORDINANCE – *Ashley R. Holloway, Director, Division of Plan Review & Permitting and Kirk C. Downey, County Attorney***

- 11:10 A.M. TOWN OF HANCOCK MEMORANDUM OF UNDERSTANDING (MOU) – *Rich Eichelberger, Director, Division of Construction, Ashley Holloway, Director, Division of Plan Review and Permitting, Joseph Gilbert, Town Manager, Town of Hancock*
- 11:20 A.M. HOUSE KEYS PROGRAM – *Sara Greaves, Chief Financial Officer and Deborah Condo, Deputy Director, Human Resources*
- 11:25 A.M. INTERGOVERNMENTAL COOPERATIVE PURCHASE (INTG-19-0017) OF TWO (2) DUMP TRUCKS FOR THE HIGHWAY DEPARTMENT – *Rick Curry, CPPO, Director, Purchasing Department and Jack Reynard, Fleet Manager, Highway Department*
- 11:30 A.M. INTENT TO CONVEY REAL PROPERTY – *Todd Moser, Real Property Administrator, Division of Engineering*
- 11:35 A.M. FY20 SCHOOL RESOURCE OFFICER / ADEQUATE COVERAGE GRANT - *Jeffrey Proulx, Chief Operations Officer, Washington County Public Schools and Stephanie Lapole, Senior Grant Manager, Office of Grant Management*
- 11:45 A.M. FOURTH QUARTER ADJUSTMENTS TO THE WASHINGTON COUNTY BOARD OF EDUCATION’S FY2019 GENERAL FUND BUDGET – *Jeffrey Proulx, Chief Operating Officer, Washington County Public Schools and David Brandenburg, Executive Director of Finance, Washington County Public Schools*
- 12:00 P.M. ADJOURNMENT



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Open Session Item

**SUBJECT:** Senior Center Fitness Park Partnership Agreement and Operations and Maintenance Agreement Amendment

**PRESENTATION DATE:** September 10, 2019

**PRESENTATION BY:** Andrew Eshleman, Director, Public Works; Susan Buchanan, Director, Grant Management; and Brad Tritsch, COO, Washington County Commission on Aging

**RECOMMENDED MOTION:** Move to approve executing the Fitlot Partnership Agreement and Maintenance and Operations Agreement Amendment for the Washington County Senior Center.

**REPORT-IN-BRIEF:** The Washington County Commission on Aging (COA) has successfully secured a capital and operational grant from AARP to construct a fitness park that includes the design, planning, installation, construction management, and funds to offer programmatic fitness classes.

**DISCUSSION:** The Washington County Commission on Aging has secured a capital and operational grant for the construction and operation of a fitness park. The fitness park will have outdoor fitness stations that are designed to use a person's own body weight as resistance. The park is contained within a 40 foot diameter area and covered by a shade structure. The facility will be located on the grounds of the Washington County Senior Center at 535 E. Franklin Street which is owned by the Washington County Board of Commissioners. The facility will be available for Senior Center activities and for the general public to use.

The capital grant includes 100% of the construction costs associated with the fitness park. The County will assist with securing all necessary permits and site preparation needed for AARP and their approved installers to construct the fitness park. The grant includes at least a \$3,000 operations grant to the County Parks and Recreation Department to support community fitness classes over the next three years. There is no obligation for the County to continue funding these classes beyond the grant period and the intent is that if the classes are offered beyond this period, that the Commission on Aging will be responsible for either funding or providing those services through volunteer staff.

The execution of a partnership agreement is required to identify roles and responsibilities for the project between the County, Commission on Aging and AARP. The Operations and Maintenance Agreement between the County and Commission on Aging will be amended to include responsibilities for the facility that are not covered in the current Agreement. The County will provide all required safety inspections, complete minor safety related repairs. The COA will be responsible for all repairs or replacement of equipment not associated with the safety compliance standards. At the end of the facility's service life, the County is under no obligation to rehabilitate or replace the structure and consideration for the decision will be based on demand and availability of local and grant funds. If the structure no longer remains in service, the County agrees to remove all above ground portions of the Fitness Park.

**FISCAL IMPACT:** The grant requires no matching capital or operational funds. Minimal in-kind personnel time and material costs on project preparation, permitting, and future safety inspections and repairs.

**CONCURRENCES:** County Attorney

**ALTERNATIVES:** Deny this request. Do not accept grant for fitness park

**ATTACHMENTS:** None

**AUDIO/VISUAL NEEDS:** None





Open Session Item

**SUBJECT:** Illicit Discharge Detection and Elimination (IDDE) Ordinance

**PRESENTATION DATE:** September 10, 2019

**PRESENTATION BY:** Mark Bradshaw, Deputy Director, Engineering Services, Division of Environmental Management, John Swauger, Stormwater Regulatory Coordinator, Division of Environmental Management, and Alex Reed, Watershed Specialist, Division of Environmental Management

**RECOMMENDED MOTION:** Move to formally adopt Ordinance.

**REPORT-IN-BRIEF:** Washington County has been identified, by the Maryland Department of Environment (MDE) as being located within an urbanized area according to the 2010 U.S. Census. After applying the designation criteria, MDE has found that the County's stormwater discharges result in or have the potential to result in exceedances of water quality standards or other significant water quality impacts. As a result, the County has been designated for coverage under the National Pollutant Discharge Elimination System (NPDES) general permit for discharges from Small Municipal Separate Storm Sewer Systems (MS4).

One of the minimum control measures (MCM) of the permit is the requirement to develop, implement, and enforce a program to detect and eliminate illicit discharges into the MS4 in accordance with 40 CFR § 122.34(b)(3). A permittee will satisfy this MCM by adopting an ordinance or other regulatory means that prohibits illicit discharges into the MS4, field screening outfalls, inspecting the MS4 to identify sources of illicit discharges, eliminating illegal connections or illicit discharges, and enforcing penalties where appropriate. The illicit discharge program must also address illegal dumping and spills. The program sets up guidelines for identifying potential sources of illegal discharges and implements methods to promote remediation.

Once the ordinance is adopted, the county can then move forward with Memorandums of Understanding (MOU) with the towns of Williamsport, Boonsboro, and Smithsburg. The MOU establishes a basis for cooperation between the towns and county in implementing the NPDES MS4 general permit. The towns will use the adopted county IDDE Ordinance as a template to develop and implement their own ordinances.

**DISCUSSION:** N/A

**FISCAL IMPACT:** N/A

**CONCURRENCES:** County Attorney

**ALTERNATIVES:** Do not start ordinance adoption process.

**ATTACHMENTS:** IDDE Ordinance

**AUDIO/VISUAL NEEDS:** None

**WASHINGTON COUNTY  
ILLICIT DISCHARGE DETECTION AND ELIMINATION  
ORDINANCE**



**Board of County Commissioners for Washington County, Maryland**

Approved by BCC:

Effective:

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# ARTICLE I

## General Provisions

### SECTION 1. PURPOSE AND INTENT

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of Washington County, Maryland, through the regulation of Non-Storm Water Discharges to the Storm Drainage System to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of Pollutants into the Municipal Separate Storm Sewer System (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are:

- (1) To regulate the contribution of Pollutants by any user to the Municipal Separate Storm Sewer System (MS4) by Storm Water Discharges;
- (2) To prohibit Illicit Connections and Discharges to the Municipal Separate Storm Sewer System; and
- (3) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance.

### SECTION 2. DEFINITIONS

For the purposes of this ordinance, the following shall mean:

**BEST MANAGEMENT PRACTICE (BMPs):** Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the Discharge of Pollutants directly or indirectly to Storm Water, receiving waters, or Storm Water conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

**CLEAN WATER ACT:** The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

**CONSTRUCTION ACTIVITY:** Activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of one (1) acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

**COUNTY:** Washington County, Maryland.

**DIVISION OF ENVIRONMENTAL MANAGEMENT:** Employees or designees of the Washington County Division of Environmental Management designated to enforce this ordinance.

**AZARDOUS MATERIALS:** Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

**ILLICIT DISCHARGE :** Any direct or indirect Non-Storm Water Discharge to the Storm Drainage System, except as exempted in Section 8 of this ordinance.

**ILLICIT CONNECTIONS:** An illicit connection is defined as either of the following:

- A. Any drain or conveyance, whether on the surface or subsurface, which allows an Illicit Discharge to enter the Storm Drainage System including but not limited to any conveyances which allow any Non-Storm Water Discharge including sewage, process wastewater, and wash water to enter the Storm Drainage System and any connections to the Storm Drainage System from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an Authorized Enforcement Agency or,
- B. Any drain or conveyance connected from a commercial or industrial land use to the Storm Drainage System which has not been documented in plans, maps, or equivalent records and approved by an Authorized Enforcement Agency.

**INDUSTRIAL ACTIVITY:** Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26(b)(14).

**MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4):** Means municipally-owned facilities where Storm Water is collected and/or conveyed, including, but not limited to, any sidewalks, roads with drainage systems, municipal streets, retention and detention basins, curbs, gutters, inlets, ditches, piped storm drains, pumping facilities, natural and human-made or altered drainage channels, reservoirs, and other drainage structures designed or used for collecting or conveying Storm Water, and that is not used for collecting or conveying sewage.

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORM WATER DISCHARGE PERMIT:** A permit issued by the United States Environmental Protection Agency (EPA) (or by a state under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the Discharge of Pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

**NON-STORM WATER DISCHARGE** : Any Discharge to the Storm Drainage System that is not composed entirely of Storm Water.

**PERSON:** Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

**POLLUTANT:** Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, Sediments and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

**PREMISES:** Any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

**SEDIMENT:** Settleable solid material that is transported by runoff, suspended within runoff, or deposited by runoff away from its original location.

**STORM DRAINAGE SYSTEM:** Publicly-owned facilities by which Storm Water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

**STORM WATER:** Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation.

**STORMWATER POLLUTION PREVENTION PLAN (SWPPP):** A document which describes the Best Management Practices and activities to be implemented by a Person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce Pollutant Discharges to Storm Water, Storm Water conveyance systems, and/or receiving waters to the maximum extent practicable.

**WASTEWATER:** Any water or other liquid, other than uncontaminated Storm Water, discharged from a facility.

**WATERCOURSE:** Any waters of the United States and any conveyance that would drain to waters of the United States.

### **SECTION 3. APPLICABILITY**

This ordinance shall apply to all flows entering the Storm Drainage System generated on any developed and undeveloped lands unless explicitly exempted by the County.

### **SECTION 4. RESPONSIBILITY FOR ADMINISTRATION**

The Division of Environmental Management shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the Division of Environmental Management may be delegated in writing by the Director of the Division of Environmental Management, or his or her duly authorized agent, to persons or entities acting in the beneficial interest of or in the employ of the Division.

### **SECTION 5. SEVERABILITY**

The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this ordinance.

### **SECTION 6. COMPATIBILITY WITH OTHER REGULATIONS**

This ordinance is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this ordinance are in addition to the requirements of any other ordinance, rule, regulations, or other provision of law, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

### **SECTION 7. LIMITS ON LIABILITY**

The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore, this ordinance does not intend nor imply that compliance by any Person will ensure that there will be no contamination, pollution, nor unauthorized discharge of Pollutants.



## ARTICLE II

### Illicit Discharges

#### SECTION 8. DISCHARGE PROHIBITIONS

##### A. Prohibition of Illicit Discharges:

No Person shall discharge or cause to be discharged into the municipal Storm Drainage System or Watercourses any materials, including but not limited to Pollutants or waters containing any Pollutants that cause or contribute to a violation of applicable water quality standards, other than Storm Water.

The commencement, conduct, or continuance of any Illicit Discharge to the Storm Drainage System is prohibited.

The following Discharges are exempt from Discharge prohibitions established by this ordinance:

- (1) Water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wet-land flows, swimming pools (if dechlorinated – typically less than one PPM chlorine), and any other water source not containing Pollutants.
- (2) Discharges or flow from firefighting and other discharges specified in writing by the Division of Environmental Management as being necessary to protect public health and safety.
- (3) Dye testing subject to a verbal notification to the Division of Environmental Management prior to the time of the test.
- (4) The prohibition shall not apply to any Non-Storm Water Discharge permitted under an NPDES permit, waiver, or waste Discharge order issued to the discharger and administered under the authority of the United States Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any Discharge to the Storm Drainage System.

**B. Prohibition of Illicit Connections:**

- (1) The construction, use, maintenance or continued existence of Illicit Connections to the Storm Drainage System is prohibited.
- (2) This prohibition expressly includes, without limitation, Illicit Connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (3) A Person is considered to be in violation of this ordinance if the Person connects a line conveying sewage to the MS4 or allows such a connection to continue.
- (4) Improper connections in violation of this ordinance must be disconnected and redirected, if necessary, to an approved onsite Waste Water management system or the sanitary sewer system upon approval of the Division of Environmental Management.
- (5) Any drain or conveyance that has not been documented in plans, maps or the equivalent, and which may be connected to the Storm Drainage System, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the Division of Environmental Management requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be determined, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the Storm Drainage System, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the Division of Environmental Management.

**SECTION 9. WATERCOURSE PROTECTION**

Every Person owning property through which a Watercourse passes, or such Person's lessee, shall keep and maintain that part of the Watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the Watercourse. In addition, the owner or lessee shall maintain existing privately-owned structures within or adjacent to a Watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the Watercourse.

**ARTICLE III**  
**Compliance Requirements**

**SECTION 10. INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES**

**A. Submission of Notice of Intent to the Division of Environmental Management.**

- (1) Any person subject to an industrial or construction activity NPDES Storm Water Discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Division of Environmental Management prior to the allowing of discharges to the MS4.
- (2) The operator of a facility, including construction sites, required to have an NPDES permit to Discharge Storm Water associated with Industrial Activity shall submit a copy of the Notice of Intent (NOI) to the Division of Environmental Management at the same time the operator submits the original NOI to the Maryland Department of the Environment or the Environmental Protection Agency as applicable.
- (3) The copy of the NOI may be delivered to the Division of Environmental Management either in person or by mailing it to:

Notice of Intent to Discharge Storm Water  
Washington County Division of Environmental Management  
Department of Water Quality  
16232 Elliott Parkway  
Williamsport, MD 21795

**SECTION 11. MONITORING OF DISCHARGES**

**A. Applicability**

This section applies to all facilities that have Storm Water Discharges associated with Industrial Activity, including Construction Activity.

**B. Right of Entry to Facilities having a NPDES Permit for Industrial Activity or Construction Activity.**

- (1) The Division of Environmental Management shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance. If a

discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to the Division of Environmental Management.

- (2) Facility operators shall allow the Division of Environmental Management ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge Storm Water, and the performance of any additional duties as defined by state and federal law.
- (3) The Division of Environmental Management shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the Division of Environmental Management to conduct monitoring and/or sampling of the facility's Storm Water Discharge.
- (4) The Division of Environmental Management has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure Storm Water flow and quality shall be calibrated to ensure their accuracy.
- (5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the Division of Environmental Management and shall not be replaced. The costs of clearing such access shall be borne by the operator.
- (6) Unreasonable delays in allowing the Division of Environmental Management access to a permitted facility is a violation of a Storm Water Discharge permit and of this ordinance. A person who is the operator of a facility with a NPDES permit to Discharge Storm Water associated with Industrial Activity commits an offense if the person denies the Division of Environmental Management reasonable access to the permitted facility for the purposes of conducting any activity authorized or required by this ordinance.

**C. Right of Entry to Facilities without a NPDES Permit for Industrial Activity or Construction Activity.**

- (1) The Division of Environmental Management shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to the Division of Environmental Management.
- (2) The Division of Environmental Management shall have the right to set up such devices as are necessary in the opinion of the Division of Environmental Management to conduct monitoring and/or sampling of the facility's Storm Water Discharge.
- (3) The Division of Environmental Management has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure Storm Water flow and quality shall be calibrated to ensure their accuracy.
- (4) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the Division of Environmental Management and shall not be replaced. The costs of clearing such access shall be borne by the operator.

**D. Search Warrants.**

If the Division of Environmental Management has been refused access to any part of the premises from which Storm Water is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the Division of Environmental Management may seek issuance of a search warrant from any court of competent jurisdiction.

## **SECTION 12. REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORM WATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES**

The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental Discharge of prohibited materials or other wastes into the municipal Storm drainage System or Watercourses through the use of structural and non-structural BMPs. Further, any Person responsible for a property or premise, which is, or may be, the source of an Illicit Discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further Discharge of Pollutants to the MS4. Compliance with all terms and conditions of a valid NPDES permit authorizing the Discharge of Storm Water associated with Industrial Activity, to the extent practicable, shall be deemed in compliance with the provisions of this section. These BMPs shall be part of a Storm Water Pollution Prevention Plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

## **SECTION 13. NOTIFICATION OF SPILLS**

Notwithstanding other requirements of law, as soon as any Person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in Illegal Discharges or Pollutants discharging into Storm Water, the Storm Drainage System, or water of the United States, said Person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of Hazardous Materials, said Person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the Division of Environmental Management in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Division of Environmental Management, Department of Water Quality, 16232 Elliott Parkway, Williamsport, Maryland, 21795 within three (3) business days of the phone notice. If the Discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for a least three (3) years. Failure to provide notification of a release, as indicated above, is a violation of this ordinance.

This section does not apply to Sanitary Sewer Overflows as defined by COMAR 26.08.10.

## **ARTICLE IV**

### **Violations; Enforcement**

#### **SECTION 14. VIOLATIONS, ENFORCEMENT, AND PENALTIES**

##### **A. Violations.**

It shall be unlawful for any Person to violate any provision or fail to comply with any of the requirements of this ordinance. Any Person who has violated or continues to violate the provisions of this ordinance, may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise abated in a manner provided by law. In the event the violation constitutes an immediate danger to public health or public safety, the Division of Environmental Management is authorized to enter upon the subject private property, without given prior notice, to take any and all measures necessary to abate the violation and/or restore the property. The Division of Environmental Management is authorized to seek costs of the abatement as outlined in Section 17.

##### **B. Warning Notice.**

When the Division of Environmental Management finds that any Person has violated, or continues to violate, any provision of this ordinance, or any order issued hereunder, the Division of Environmental Management may serve upon that Person a written warning notice, specifying the particular violation believed to have occurred and requesting the discharger to immediately investigate the matter and to seek a resolution whereby any offending discharge will cease. Investigation and/or resolution of the matter in response to the warning notice in no way relieves the alleged violator of liability for any violations occurring before or after receipt of the warning notice. Nothing in this subsection shall limit the authority of the Division of Environmental Management to take any action, including emergency action or any other enforcement action, without first issuing a warning notice.

##### **C. Notice of Violation.**

Whenever the Division of Environmental Management finds that a person has violated a prohibition or failed to meet a requirement of this ordinance, the Division of Environmental Management may order compliance by written notice of violation to the responsible person. The notice of violation shall contain:

- (1) The name and address of the alleged violator;
- (2) The address when available or a description of the building, structure or land upon which the violation is occurring, or has occurred.
- (3) A statement specifying the nature of the violation;

- (4) A description of the remedial measures necessary to restore compliance with this ordinance and a time schedule for the completion of such remedial action;
- (5) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
- (6) A statement that the determination of violation may be appealed to the Washington County Environmental Management Advisory Committee by filing a written notice of appeal within ten (10) business days of service of notice of violation; and
- (7) A statement specifying that, should the violator fail to restore compliance within the established time schedule, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator. Such notice may require without limitation:
  - (a) The performance of monitoring, analysis, and reporting;
  - (b) The elimination of Illicit Connections or Discharges;
  - (c) That violating Discharges, practices, or operations shall cease and desist;
  - (d) The abatement or remediation of Storm Water pollution or contamination hazards and the restoration of any affected property;
  - (e) Payment of a fine to cover administrative and remediate costs; and
  - (f) The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

#### **D. Compensatory Action**

In lieu of enforcement proceedings, penalties, and remedies authorized by this ordinance, the Division of Environmental Management may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.



**E. Suspension of MS4 Access**

**(1) Emergency Cease and Desist Orders**

When the Division of Environmental Management finds that any Person has violated, or continues to violate, any provision of this ordinance, or any order issued hereunder, or that the Person's past violations are likely to recur, and that the Person's violation(s) has (have) caused or contributed to an actual or threatened discharge to the MS4 or waters of the United States which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, the Division of Environmental Management may issue an order to the violator directing it to immediately cease and desist all such violations and directing the violator to:

- (a) Immediately comply with all ordinance requirements; and
- (b) Take such appropriate preventive action as may be needed to properly address a continuing or threatened violation, including immediately halting operations and/or terminating the Discharge. Any person notified of an emergency order directed to it under this subsection, shall immediately comply and stop or eliminate its endangering Discharge. In the event of a discharger's failure to immediately comply voluntarily with the emergency order, the Division of Environmental Management may take such steps as deemed necessary to prevent or minimize harm to the MS4 or waters of the United States, and/or endangerment to persons or to the environment, including immediate termination of a facility's water supply, sewer connection, or other municipal utility services. The Division of Environmental Management may allow the person to recommence its Discharge when it has demonstrated to the satisfaction of the Division of Environmental Management that the period of endangerment has passed, unless further termination proceedings are initiated against the discharger under this ordinance. A person that is responsible, in whole or in part, for any Discharge presenting imminent endangerment shall submit a detailed written statement describing the causes of the harmful Discharge and the measures taken to prevent any future occurrence, to the Division of Environmental Management within thirty (30) days of receipt of the emergency order. Issuance of an

emergency cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the violator.

(2) **Suspension due to Illicit Discharges in Emergency Situations**

The Division of Environmental Management may, without prior notice, suspend MS4 Discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the Division of Environmental Management may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the United State, or to minimize danger to persons.

(3) **Suspension due to the Detection of Illicit Discharge**

Any Person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an Illicit Discharge. The Division of Environmental Management will notify a violator of the proposed termination of its MS4 access. The violator may petition the Division of Environmental Management for a reconsideration and hearing. A Person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section, without the prior approval of the Division of Environmental Management.

**F. Municipal Infraction**

In the event the alleged violator fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten (10) business days, or such greater period as the Authorized Enforcement Agency shall deem appropriate, the violation shall constitute a municipal infraction and the violator shall be fined as provided in Md. Code, Ann., Local Gov't, §6-102 for each day the violation remains unremedied after receipt of the notice of violation.

**G. Criminal Prosecution**

Any person who is found guilty of violating this ordinance shall be guilty of a misdemeanor and shall be subject to a criminal fine not exceeding One Thousand Dollars (\$1,000.00) per violation per day and/or imprisonment for a period not to exceed six (6) months. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

## **SECTION 15. APPEAL OF NOTICE OF VIOLATION**

Any person aggrieved by the action of any official charged with the enforcement of this ordinance, as the result of issuance of a written notice of violation, or an alleged failure to properly enforce the ordinance in regard to a specific application, shall have the right to appeal the action to the Washington County Environmental Management Advisory Committee. The appeal must be filed in writing within five (5) business days from the date of the notice of violation or determination to the applicant and shall clearly state the grounds on which the appeal is based.

## **SECTION 16. ENFORCEMENT MEASURES AFTER APPEAL**

If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal within thirty (30) days of the decision of the Washington County Environmental Management Advisory Committee upholding the decision of the Division of Environmental Management, then representatives of the Division of Environmental Management shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

## **SECTION 17. COST OF ABATEMENT OF THE VIOLATION**

Within sixty (60) days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within ten (10) business days. If the amount due is not paid within a timely manner, as determined by the decision of the Division of Environmental Management, or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

Any person violating any of the provisions of this ordinance shall become liable to the County by reason of such violation. The liability shall become due and payable thirty (30) days from the billing date and will incur interest at the rate of one and one-half percent (1 ½%) per month until paid.

All unpaid costs shall constitute a lien against the property. For the purpose of collection, the County may include unpaid costs on the annual tax bill of the property. The unpaid costs shall be collected in the same manner as ordinary taxes are collected, subject to the same interest and penalty for nonpayment as provided by law for nonpayment of County taxes.

## **SECTION 18. INJUNCTIVE RELIEF**

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this ordinance. If a person has violated or continues to violate the provisions of this ordinance, the Authorized Enforcement Agency may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

## **SECTION 19. VIOLATIONS DEEMED A PUBLIC NUISANCE**

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

## **SECTION 20. REMEDIES NOT EXCLUSIVE**

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, State, or local law and it is within the discretion of the County to seek cumulative remedies. The County may recover all attorney's fees, court costs, and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.



Open Session Item

**SUBJECT:** Battery Storage Projects – Payment in Lieu of Taxes Agreements (PILOTs)

**PRESENTATION DATE:** September 10, 2019

**PRESENTATION BY:** Bill Schofield, Customized Energy Solutions, Ltd., and Stephen Wiley, Innolith Snook LLC

**RECOMMENDED MOTION:** Motion to authorize the execution of the proposed PILOT agreements.

**REPORT-IN-BRIEF:** In 2016 the Board of County Commissioners approved PILOT agreements for three utility scale battery storage projects proposed in cooperation with the Hagerstown Light Department, one project by Mitsubishi Heavy Industries (MHI) and the other two with Alevo USA. Customized Energy Solutions, Ltd., provided consulting and operations support. Only the MHI project, subsequently assigned to Alevo, was built. Alevo went bankrupt before constructing the other two projects. Innolith Snook LLC has acquired the existing project and seeks to revive the other two projects as well.

**DISCUSSION:** Since first proposed in 2016, the introduction of utility scale batteries has progressed slowly in the U.S. and the rest of the world as regulatory and economic structures designed without consideration of such a technology continue to be reformed. Innolith expects that eventually the global market for utility scale batteries will become very large and thus is willing to build projects now that have lower profit margins in order to gain experience and refine designs in anticipation of selling many more batteries, not just in the U.S., but globally, including places such as China and India that have under-developed electric grids or in nations with aggressive renewable energy goals.

Therefore, given the generally slim profit margin that the projects are expected to earn, Washington County's 2.37% business personal property tax is significant. Additionally, given the capital-intensive nature of these projects where the batteries and related equipment cost millions of dollars and are all considered "business personal property (BPP)," any BPP tax is comparatively more significant for such a project than for the average business in which only a relatively small portion of the start-up costs is considered BPP.

Md. Code Ann., Tax-Property Article, provides authority for the County to enter into a negotiated payment in lieu of taxes on personal property owned by Innolith in this circumstance. The Code further provides that publicly owned property leased or otherwise made available to a person with the privilege to use that property in connection with a business that is conducted for profit shall be taxed as though the lessee or user of the property were the owner of the property.

**FISCAL IMPACT:** PILOT payments that would otherwise not be received and the placement of certain property into a taxable status. No expected opportunity cost since the project locations are either adjacent to existing electric substations owned by Hagerstown Light Department or on property otherwise reserved for such use, and thus minimal likelihood of any other business locating taxable assets at such locations.

**CONCURRENCES:** None

**ALTERNATIVES:** Forgo the opportunity presented by the projects and the PILOTs

**ATTACHMENTS:** BOCC Meeting Minutes dated June 7, 2016

**AUDIO/VISUAL NEEDS:** Projector for PowerPoint description of projects by presenters desired

**EXCERPT: Board of County Commissioners OPEN Session Meeting Minutes dated June 7, 2016**

**BOARD OF COUNTY COMMISSIONERS OF  
WASHINGTON COUNTY  
Hagerstown, Maryland**

June 7, 2016

**BATTERY STORAGE PROJECTS PAYMENT IN LIEU OF TAXES**

Attorney Jason Divelbiss and Bill Schofield, Vice President of Corporate Development, Customized Energy Solutions, Inc. (CES) appeared before the County Commissioners to discuss the proposal to bring a 2 megawatt battery storage project to Hagerstown in cooperation with Mitsubishi Heavy Industries (MHI) and two additional projects totaling 10 megawatts in cooperation with Alevo Energy. Mr. Schofield discussed the project to build battery storage centers on city-owned property at three different electric substations and provide 12 megawatts of on-demand energy capacity. Stored power from the project would help regulate the energy grid with increased efficiency and decreased emissions. Instant energy would be supplied during high demand periods and energy would be stored during lower demand times. The proposed scope of projects are:

- 1) 4 megawatt, 30 minute duration project by Alevo located at the Hagerstown Light Department's (HLD) Fairgrounds substation;
- 2) 60 megawatt, 30 minute duration project by Alevo located at the HLD's Wesel Boulevard substation; and,
- 3) 2 megawatt, 15 minute duration project by MHI located at the HLD's Marty Snook Park substation near the City of Hagerstown's wastewater treatment facility.

CES is requesting approval of a payment in lieu of taxes (PILOT) due to the capital-intensive projects that provide a low profit margin. The County's business personal property tax would be waived the first three years of a ten-year lease with the City of Hagerstown, with seven discounted yearly payments throughout the remainder of the initial lease term. The Commissioners discussed the proposal including the fact that the projects would be built on property that cannot be developed and will never be taxable. The City of Hagerstown previously endorsed the projects.

Commissioner Cline, seconded by Keefer, moved to authorize the execution of the proposed Payment in Lieu of Taxes agreements with Customized Energy Solutions, Inc. as presented. The motion passed unanimously. (4-0, Commissioner Barr was absent.)



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**Open Session Item**

**SUBJECT:** PUBLIC HEARING - Text Amendments to Building Excise Tax Ordinance

**PRESENTATION DATE:** September 10, 2019

**PRESENTATION BY:** Ashley R. Holloway, Director, Division of Plan Review & Permitting  
and Kirk C. Downey, County Attorney

**RECOMMENDED MOTION:** Move to approve the text amendments to the Building Excise Tax Ordinance

**REPORT-IN-BRIEF:** This is a public hearing to hear testimony concerning proposed text amendments to the Building Excise Tax Ordinance. Text amendments to the ordinance are proposed as follows: to include fire and EMS companies as exempt from the tax per section 6.02; to extend the sunset provision in section 7.08 regarding certain changes in use; and to remove Article 13 concerning the Advisory School Design Review Committee.

**DISCUSSION:** It is proposed to add fire, rescue, and ambulance companies to the list of items that are exempt from the Building Excise Tax. Construction of these structures is undertaken by non-profit fire, rescue, and ambulance companies whose services are supported with public funds. Exemption is appropriate given the quasi-public nature of these uses and their reliance on public funding. It is also proposed to extend the sunset provision to June 30, 2022, relating to the tax imposed on conversion construction of nonresidential nonretail and nonresidential retail uses to nonresidential retail or nonresidential nonretail uses, respectively. Finally, the enabling legislation authorizing the Advisory School Design Review Committee was repealed by the General Assembly, so Article 13 concerning the Committee should be removed in its entirety.

**FISCAL IMPACT:** N/A

**CONCURRENCES:** N/A

**ALTERNATIVES:** None

**ATTACHMENTS:** Building Excise Tax Ordinance showing proposed amendments

**AUDIO/VISUAL NEEDS:** None



# BUILDING EXCISE TAX ORDINANCE FOR WASHINGTON COUNTY, MARYLAND

Adopted June 17, 2003  
Effective July 1, 2003

Revision 1 (Amended) - Adopted June 22, 2004  
Effective as of July 1, 2004.

Revision 2 - Adopted and effective October 12, 2004

Revision 3 - adopted July 12, 2005  
Effective as of July 12, 2005.

Revision 4 - adopted May 2, 2006.  
Effective as of May 2, 2006, except as otherwise provided herein.

Revision 5 - Repealed and reenacted, with amendments, on June 17, 2008  
Effective July 1, 2008

Revision 6 - Repealed and reenacted, with amendments, on June 23, 2009  
Effective June 26, 2009

Revision 7 (Amended) - Adopted March 1, 2011  
Effective March 1, 2011

Revision 8 (Amended) - Adopted September 13, 2011  
Effective September 13, 2011

Revision 9 (Amended) - Adopted August 28, 2012  
Effective August 28, 2012

Revision 10 (Amended) - Adopted March 26, 2013  
Effective March 26, 2013

Revision 11 (Amended) - Adopted August 4, 2015  
Effective August 4, 2015

BUILDING EXCISE TAX ORDINANCE FOR WASHINGTON COUNTY, MARYLAND

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Revision 12 (Amended) - Adopted  
Effective

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**11. Enforcement** ..... **12**

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**1. Establishment of tax.**

1.01 In accordance with Section 2-701 of the Code of the Public Local Laws of Washington County, as amended from time to time, there is a building excise tax on all building construction in Washington County.

**2. Definitions.**

2.01 The words and phrases used in this Ordinance shall have their usual meaning, unless otherwise defined in this section.

2.02 *Addition construction* means construction that requires a building permit and that increases the gross square footage of an existing nonresidential nonretail structure or nonresidential retail structure, or the habitable gross square footage of an existing residential structure.

2.03 *Applicant* means the individual, partnership, corporation, limited liability company, or other legal entity whose signature or name appears on the building permit application.

2.04 *Basement* means that portion of a building that is partly or completely below grade and has a ceiling height of at least seven feet.

2.05 *Board* or *Board of County Commissioners* or *County Commissioners* means the Board of County Commissioners for Washington County, Maryland.

2.06 *Building* means any permanent structure used or intended for supporting or sheltering any use or occupancy. *Building* does not include an accessory structure or a temporary structure, as defined in the Washington County building code.

2.07 *Common area* means the interior or exterior circulation paths, rooms, spaces or elements that are not for public use and are made available for the shared use of two or more people in a multifamily residential structure, including lobbies and laundry facilities.

2.08 *Construction* means construction or alteration of a building or part of a building that requires a building permit.

2.09 *Director of Finance* means the Director of Budget and Finance for Washington County or the Director's designee.

2.10 *Director of Plan Review and Permitting* means the Director of the Division of Plan Review and Permitting for Washington County or the Director's designee.

2.11 *Farm construction* means construction intended to be actively used for farm use, but does not include residential construction thereon.

2.12 *Farm or agricultural use* means the raising of farm products for use or sale, including animal of poultry husbandry, animal husbandry facilities, aquaculture, and the growing of crops such as grain, vegetables, fruit, grass for pasture or sod, trees, shrubs, flowers, and similar products of the soil.

2.13 *Gross square footage* means the entire interior area of a structure, finished or unfinished.

2.14 *Habitable gross square footage* means the entire interior area of living space in a residential structure, finished or unfinished, including but not limited to bathrooms, toilet rooms, closets, halls, basements, and storage or utility spaces, but not including porches, garages, unfinished attics, and crawl spaces. Habitable gross square footage does not include the common areas of multifamily residential structures having three or more dwelling units.

2.15 *Mixed-use structure* means a structure or part of a structure, but not a separated occupancy, having any combination of residential use, nonresidential nonretail use, or nonresidential retail use.

2.16 *Nonresidential* means the use of a structure for purposes other than living or permanent habitation.

2.17 *Nonresidential nonretail* means the use of a structure for assembly, business, factory, storage, utility, education, institutional, transient accommodations or habitation, or hazardous uses.

2.18 *Nonresidential retail* means the use of a structure open to the public for the display and sale of merchandise, and involves stocks of goods, wares, or merchandise incidental to such purposes, including but not limited to restaurants, stores, members-only discount stores, and other commercial sales enterprises not solely engaged in the wholesale distribution of merchandise.

2.19 *Principal use* means the foremost purpose for the use, its *raison d'être*. A principal use may be accompanied by one or more *accessory uses* that are incidental to or supportive of the principal use. The ratio of the gross square footage of the structure

devoted to any principal and accessory uses is not a factor in determining the principal use of the structure.

2.20 *Redevelopment area* means the "Hagerstown Redevelopment Area," consisting of all that land zoned Downtown Mixed-Use District or within a Hagerstown Conversion District overlay zone as set forth in the Hagerstown Zoning Ordinance as of June 26, 2009, and those areas in other municipal corporations as may be designated by the Board of County Commissioners by resolution upon request.

2.21 *Residential* means the use of a structure for living or permanent habitation, or a structure having one (1) or more dwelling units, including but not limited to boarding houses, but not including institutional uses or transient accommodations such as hotels, country inns, bed and breakfast inns, and the like, which shall be considered nonresidential nonretail uses.

2.22 *Separated occupancy* means a discrete part of a structure having a principal use that is distinct from other uses in the same structure, including but not limited to a store in a mall or an office in a multi-unit office building.

2.23 *Structure* means a building or part of a building.

### **3. Residential Construction.**

3.01 *Base building excise tax.* The base amount of the building excise tax for residential construction is \$1 per square foot of habitable gross square footage.

3.02 *Addition construction.* The amount of the building excise tax for residential addition construction is one-half of the amount per square foot set forth in §3.01.

3.03 *Calculation of amount.* The amount of building excise tax to be paid by an applicant shall be determined by the Director of Plan Review and Permitting.

### **4. Nonresidential Construction**

4.01 *Nonresidential nonretail construction.* The building excise tax for nonresidential nonretail construction is \$1 per square foot of the gross square footage.

4.02 *Nonresidential retail construction.* The building excise tax for nonresidential retail construction is \$1 per square foot of the first 15,000 square feet of gross square footage and \$3 per square foot of any gross square footage over 15,000 square feet.

4.03 *Addition construction.* The amount of the tax due under this section shall be determined according to the increase in the gross square footage of the structure at the same rate per square foot set forth in §§ 4.01 and 4.02, as the circumstance may require.

4.04 *Mixed-use structures.* The building excise tax for mixed-use construction is the tax imposed under this Ordinance for the principal use of the structure as determined by the Director of Plan Review and Permitting.

4.05 *Separated occupancies.* The building excise tax for separated occupancy construction is the tax imposed under this Ordinance for the principal use of the separated occupancy.

## **5. Payment of tax.**

5.01 *Building excise tax paid before issuance of building permit.* An applicant for a building permit shall pay the building excise tax before the building permit for the respective structure is issued.

5.02 *Refunds.* The Director of Finance shall refund to the applicant the building excise tax paid if the building permit is cancelled or expires so long as work has not commenced. If, upon appeal by an applicant pursuant to § 10.03 who has paid the building excise tax, the County Administrator determines that the Director of Plan Review and Permitting has erred in calculating the building excise tax, the Director of Finance shall refund to the applicant the difference between the amount of building excise tax paid by the applicant and the correct amount as determined by the County Administrator.

## **6. Exemptions.**

6.01 *Farm construction.* Farm construction is not subject to the building excise tax so long as the construction continues to be actively used for farm use. Should the construction be used for some purpose other than active farm use, then the building excise tax shall be remitted to the Director of Finance at the then existing amount of the building excise tax.

6.02 *Government construction.* No building excise tax shall be imposed on construction by the Board of County Commissioners, any municipality, the Washington County Board of Education, Hagerstown Community College, the State of Maryland, or the federal government.



BUILDING EXCISE TAX ORDINANCE FOR WASHINGTON COUNTY, MARYLAND

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6.03 *Replacement construction.*\* No building excise tax shall be imposed on construction that replaces an existing structure as long as there is no:

- (a) Increase in the habitable gross square footage of a residential structure;
- (b) Change in the use of a structure from a nonresidential nonretail use to a nonresidential retail use; or
- (c) Increase in the gross square footage of a nonresidential structure.

6.04 *Residential accessory structures.* No building excise tax shall be imposed on residential accessory structures that are not habitable.

6.05 *Schools.* No building excise tax shall be imposed on construction of public or private elementary or secondary schools or higher education institutions issued a certificate of approval by the Maryland Higher Education Commission pursuant to Md. Code Ann., Educ. § 11-202.

6.06 *Redevelopment area.* No building excise tax shall be imposed on construction in a redevelopment area as defined in § 2.20 of this Ordinance.

6.07 *Enterprise zones.* No building excise tax shall be imposed upon nonresidential construction within enterprise zones in the County.

6.08 *Religious corporations.* No building excise tax shall be imposed upon structures:

- (a) Owned by corporations organized and operated exclusively for religious purposes within the meaning of 26 U.S.C. 501, and
- (b) Used primarily for religious purposes.

6.09 *Fire, Rescue, or Ambulance Companies.* No building excise tax shall be imposed upon structures:

- (a) Owned by corporations authorized to provide fire protection or fire fighting service, rescue, or ambulance service as described in Section 10-401 of the Code of Public Local Laws for Washington County, Maryland; and

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\* The building excise tax on any increase in habitable gross square footage or gross square footage created by the construction shall be computed in accordance with §§ 3, 4, and 7 of this Ordinance.

(b) Used primarily for the delivery of fire, rescue, or ambulance service.

(b)

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**7. Change in use.**

7.01 *General.* Upon receipt of a building permit application for a change in use that requires a zoning certification, the building excise tax shall be imposed based on the use applied for in the building permit application, subject to any credit allowed by § 7.07.

7.02 *Conversion from nonresidential to residential.* When an existing structure is subject to construction pursuant to a building permit that converts its use from a nonresidential use to residential use, the building excise tax is 70% of the amount set forth in § 3.01 on all existing gross square footage. Any addition construction will be taxed at the amount set forth in § 3.02. Conversion construction under this § 7.02 is not entitled to the credit set forth in § 7.07.

7.03 *Conversion from nonresidential nonretail to nonresidential retail.*<sup>†</sup> When an existing structure is subject to construction pursuant to a building permit that converts its use from nonresidential nonretail use to nonresidential retail use, the building excise tax is as set forth in § 4.02 on all existing gross square footage. Any addition construction will be taxed at the amount set forth in § 4.03.

7.04 *Conversion from nonresidential retail to nonresidential nonretail.*<sup>†</sup> When an existing structure is subject to construction pursuant to a building permit that converts its use from nonresidential retail use to nonresidential nonretail use, the building excise tax is as set forth in § 4.01 on all existing gross square footage. Any addition construction will be taxed at the amount set forth in § 4.03.

7.05 *Conversion from residential to nonresidential nonretail.* When an existing structure is subject to construction pursuant to a building permit that converts its use from residential use to nonresidential nonretail use, the building excise tax is as set forth in § 4.01 on all existing habitable gross square footage. Any addition construction will be taxed at the amount set forth in § 4.03.

7.06 *Conversion from residential to nonresidential retail.* When an existing structure is subject to construction pursuant to a building permit that converts its use from residential use to nonresidential retail use, the building excise tax is as set forth in § 4.02

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<sup>†</sup> See § 7.08.

on all existing gross square footage. Any addition construction will be taxed at the amount set forth in § 4.03.

7.07 *Credit.* A credit shall be granted for any building excise tax due under this § 7 for any excise tax previously paid upon prior construction of the structure since July 12, 2005. No refund shall be granted if the credit for any building excise tax previously paid exceeds the building excise tax imposed under this § 7.

7.08 *Special provisions; sunset.* Until July 1, ~~2019~~2022, and retroactively to June 30, 2019, the provisions of §§ 7.03 and 7.04 shall not be given effect. Until that date, when an existing nonresidential structure is subject to construction pursuant to a building permit that converts its use, the building excise tax is \$0 on all existing gross square footage. Any addition construction will be taxed at the amount of \$0 per square foot. This § 7.08 shall be abrogated and of no further force or effect on July 1, ~~2019~~2022.

## 8. Special excise tax fund.

8.01 *Establishment of fund.* The Director of Finance shall establish a special nonlapsing fund to be known as the special excise tax fund. All revenues from the building excise tax shall be deposited in the special excise tax fund. Interest earned by money in the special excise tax fund shall accrue to the special excise tax fund.

8.02 *Use of special excise tax fund – nonresidential construction.* Revenues deposited in the special fund that are generated by the building excise tax imposed on nonresidential construction may only be used for:

- (a) Primary, secondary, or higher education capital expenditures;
- (b) Public safety capital expenditures;
- (c) Public infrastructure projects; and
- (d) Debt reduction related to capital improvements expenditures.

8.03 *Use of special excise tax fund - residential construction.* The revenues from the building excise tax imposed on residential construction may only be used as follows:

- (a) 70% for schools;
- (b) 23% for roads;
- (c) 2% for public libraries; and

(d) 5% for parks and recreational facilities, public safety, water and sewer infrastructure, and agricultural land preservation.

8.04 The revenues from the building excise tax imposed on residential construction used for public libraries, water and sewer infrastructure, and parks and recreation may only be used for the capital costs of public works, improvements, and facilities.

8.05 The revenues from the building excise tax imposed on residential construction used for schools may only be used for the capital costs required to accommodate new construction or development in the County.

8.06 At the end of a fiscal year, any unspent or unencumbered balance in the special fund shall remain in the fund, available for use in future fiscal years for purposes specified in this subsection, and does not revert to the general fund of Washington County.

8.07 Capital costs include the costs of land acquisition for public works, improvements, facilities, and schools.

## **9. Municipalities.**

9.01 *Building excise tax applicable.* This building excise tax shall apply to all construction in Washington County, including construction within the boundaries of a municipal corporation.

9.02 *Collection of tax by a municipal corporation without an adequate public facilities ordinance.* This § 9.02 applies to a municipal corporation within Washington County that has not adopted an adequate public facilities ordinance with school adequacy tests substantially similar to or more stringent than the adequate public facilities ordinance adopted by the County Commissioners.

(a) A municipal corporation described in § 9.02 of this paragraph shall assist the County Commissioners in the collection of the building excise tax within the municipal corporation by:

- (i) Collecting the tax prior to the issuance of a building permit and remitting the tax monthly to the Director of Finance, but in no case more than 30 days after the end of the month during which it was collected, and shall deliver therewith a full and

accurate accounting of the collections in a format specified by the County; or

- (ii) Requiring the tax to be paid to the Director of Finance prior to the issuance of a building permit.

(b) The failure of a municipality to comply with the requirements of § 9.02(a)(i) shall disqualify that municipality from retaining any funds for administrative costs provided for in § 9.04 of this Ordinance for the period of non-compliance.

9.03 *Collection of tax by a municipal corporation with an adequate public facilities ordinance.* This § 9.03 applies to a municipal corporation within Washington County that has adopted an adequate public facilities ordinance with school adequacy tests substantially similar to or more stringent than the adequate public facilities ordinance adopted by the County Commissioners.

(a) For residential construction, the municipal corporation:

- (i) Shall assist the County Commissioners in the collection of that portion of the building excise tax that is dedicated to schools and public libraries as provided under § 8.03 of this Ordinance, by collecting and remitting that amount of the tax to the County Director of Finance; and
- (ii) May retain the remaining portion of the building excise tax.

(b) For nonresidential construction, the municipal corporation:

- (i) Shall assist the County Commissioners in the collection of 72% of the building excise tax on nonresidential construction by collecting and remitting that amount of the tax to the County Director of Finance; and
- (ii) May retain the remaining portion of the building excise tax.

(c) The municipal corporation is not required to retain any portion of the building excise tax as provided under § 9.03.

(d) Any portion of the building excise tax not retained by a municipal corporation under §§ 9.03(a)(ii) or 9.03(b)(ii) shall be remitted to the County Director of Finance monthly, but in no case more than 30 days after the end of the

month during which it was collected, and shall deliver therewith a full and accurate accounting of the collections in a format specified by the County. The failure of a municipality to comply with the requirements of § 9.03(d) shall disqualify that municipality from retaining any funds for administrative costs provided for in § 9.04 of this Ordinance for the period of non-compliance.

(e) The director of finance of a municipal corporation retaining any revenue from the building excise tax under §§ 9.03(a)(ii) or 9.03(b)(ii) shall deposit the revenues into a nonlapsing special fund.

(f) The revenues from the municipal corporation's special fund indicated in § 9.03(e) may only be used for the capital costs of public works, improvements, and facilities required to accommodate new construction for development of:

- (i) Roads;
- (ii) New construction or development of parks and recreational facilities;
- (iii) New construction or development of water and sewer infrastructure; and
- (iv) New construction or development of public safety facilities.

(g) At the end of a fiscal year, any unspent or unencumbered balance in the municipal corporation's special fund shall remain in the fund, available for use in future fiscal years for purposes specified in § 9.03(f) of this section, and does not revert to the general fund of the municipal corporation.

9.04 *Administrative fees for collection.*

(a) A municipal corporation that collects and remits the excise tax to the County Commissioners may deduct from the revenues collected a fee of two percent (2%) of the revenues remitted to the County Commissioners under this section, not including any portion retained pursuant to § 9.03, for administrative costs.

(b) If the municipal corporation can demonstrate to the satisfaction of the Board of County Commissioners that the direct administrative costs of collecting the building excise tax exceed the two percent (2%) rate authorized in the § 9.04(a), the Board, in its sole discretion, after receiving the recommendation of the Director of Finance, may authorize the municipal corporation to withhold all or any portion

of the direct administrative costs claimed for collecting the building excise tax remitted to the County Commissioners or may direct that the municipal corporation be reimbursed with the costs.

## 10. Appeals

10.01 *Administrative appeals.* An applicant aggrieved by a decision regarding the calculation of the amount of building excise tax, the granting or denial of an exemption, or otherwise interpreting or applying this building excise tax, may appeal the decision to the County Administrator within 30 days of the date of the written decision of the Director of Plan Review and Permitting, provided that either:

- (a) Processing of the building permit is delayed pending the decision of the County Administrator; or
- (b) The applicant pays the building excise tax prior to filing the appeal.

10.02 *Burden of proof.* The burden of proof shall be on the appellant to demonstrate that the decision of the Director of Plan Review and Permitting is erroneous.

10.03 *Procedures.* Appeals must be filed in writing with the County Administrator, with a copy of the appeal to the Office of the County Attorney, stating the grounds of the appeal. Appeals from any decision of the Director of Plan Review and Permitting under this Ordinance shall be *de novo*. The County Administrator shall hold such hearings as are necessary and may request additional information from the Appellant. The decision of the County Administrator shall be in writing and shall be rendered within a reasonable time.

10.04 *Judicial review.*

(a) Any party aggrieved by a decision of the County Administrator may file for judicial review of the decision in accordance with Maryland Rules 7-201, *et seq.*, provided that such appeal is filed within thirty (30) days of the date of the written decision of the County Administrator. This and all subsequent appeals shall be on the record of the decision of the County Administrator and may not be heard *de novo*.

(b) The decision of the Circuit Court may be appealed to the Court of Special Appeals or, upon certiorari, to the Court of Appeals in accordance with the Maryland Rules.

(c) The County Commissioners may file a responsive pleading and be a party to or file for judicial review in the Circuit Court, or take an appeal to the Court of Special Appeals or, upon certiorari, to the Court of Appeals, of any decision made under this Ordinance.

10.05 *Reports to the Board of County Commissioners.* The County Administrator shall immediately report to the Board of County Commissioners on appeals from decisions of the Director of Plan Review and Permitting including the issues raised, the decision, the decision on any further appeal, and any changes made to County policies and procedures as a result of the appeal.

## **11. Enforcement.**

11.01 *Misdemeanor.* It is unlawful for any person or entity to enlarge, alter or change any use of property or to erect, construct, enlarge, alter, repair, move, improve, make, put together, or convert any building in the County, or attempt to do so, or cause the same to be done, without first paying any building excise tax imposed by this Ordinance. Any person or entity who shall so violate this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined up to five hundred dollars (\$500.00) or imprisoned for up to thirty (30) days, or be both fined and imprisoned. Each day that the violation continues shall be deemed a separate offense.

11.02 *Action to enforce.* In the event the building excise tax is not paid as required, the Office of the County Attorney or its designee may institute an action to recover the building excise tax and enjoin the use of the property until the building excise tax is paid. The person who fails so to pay shall be responsible for the costs of such suit, including reasonable attorney's fees.

11.03 *Lien and enforcement same as County real property taxes.* If not paid as required by this Ordinance, the building excise tax shall automatically constitute a lien against the property being developed and shall be levied, collected, and enforced in the same manner as are County real property taxes, and shall have the same priority and bear the same interest and penalties as County real property taxes for lien purposes.

## **12. Annual reports.**

12.01 *Reports by the municipal corporations.*

(a) On or before September 30 of each year, each municipal corporation that retains revenues under § 9.03 of this Ordinance shall report annually to the Board of County Commissioners:



- (i) The amount of revenues the municipal corporation received and the number of single-family and multifamily residential units that generated these revenues;
- (ii) The amount of revenues remitted to the Board of County Commissioners and the amount retained by the municipal corporation; and
- (iii) A detailed accounting of how the revenues that were retained by the municipal corporation were distributed among the acceptable uses specified in § 9.03(f) of this Ordinance and the specific projects for which the revenues were used.

(b) The report prepared by each municipal corporation shall be based on the fiscal year ending on June 30 of the year the report is submitted.

12.02 *Reports by the Director of Finance.* The Director of Finance shall prepare and submit an annual report on or before November 30 of each year to the Board of County Commissioners that shall include the following information for the prior fiscal year:

- (a) The total amount of building excise taxes collected;
- (b) The amount of funds appropriated from the special excise tax fund;
- (c) The amount of funds expended from the special excise tax fund;
- (d) The amount of funds from County sources appropriated for each of the categories set forth in § 8 of this Ordinance; and
- (e) The funds remaining in the special excise tax fund.

12.03 *Reports by the Board of County Commissioners.* On or before December 31 of each year, the Board of County Commissioners shall:

- (a) Report to the members of the Washington County legislative delegation:
  - (i) The amount of revenues by school district that the Board of County Commissioners received from nonresidential building types, residential units, and the number and types of units that generated these revenues; and

- (ii) The manner in which the revenues were distributed among the acceptable uses specified in § 8 of this Ordinance and the specific projects for which the revenues were used.

(b) Submit to members of the Washington County legislative delegation the report prepared by each municipal corporation under § 12.01 of this Ordinance.

(c) The reports prepared by the Board of County Commissioners shall be based on the fiscal year ending on June 30 of the year the reports are submitted.

**13. Advisory School Design Review Committee.**

~~13.01 The Advisory School Design Review Committee is hereby created.~~

~~13.02 In this section, the following words shall have the meanings indicated.~~

- ~~(a) "Bidding documents stage" means the period of time following the completion of design where all documents are compiled and made suitable for advertisement and competitive bidding.~~
- ~~(b) "Committee" means the Advisory School Design Review Committee established by the Board of County Commissioners.~~
- ~~(c) "Design development stage" means the point when the overall design for a school capital improvement project is approximately 60% complete.~~

~~13.03 The Committee shall:~~

- ~~(a) Review all construction plans for school capital improvement projects that exceed \$2 million; and~~
- ~~(b) Ensure that the construction and operational and maintenance of efficiencies for each capital improvement project provide an effective educational environment in a cost efficient manner.~~

~~13.04 The Committee shall begin its duties specified in § 13.03 at the design development stage for each capital improvement project and conclude its review at the bidding document stage of each capital improvement project.~~

~~13.05 At the conclusion of the Committee's review of a project, the Committee~~

~~shall prepare a report summarizing its findings and making recommendations regarding the capital improvement project to the Board of County Commissioners and the Board of Education.~~

~~13.06 Prior to advertisement for competitive bids, the Board of County Commissioners and the Board of Education shall jointly review the recommendations of the Committee.~~

~~13.07 The Board of County Commissioners shall have the responsibility of determining whether a capital improvement project may proceed to the bidding documents stage.~~

~~13.08 The Board of County Commissioners is not bound by the recommendations submitted by the Committee.~~

**14.13. \_\_\_\_\_ Agricultural land preservation**

~~14.01~~13.01 Each fiscal year, the Board of County Commissioners shall encumber at least \$1,000,000 of local funds for agricultural land preservation.



## Agenda Report Form

### Open Session Item

**SUBJECT:** Town of Hancock Memorandum of Understanding (MOU)

**PRESENTATION DATE:** September 10, 2019

**PRESENTATION BY:** Rich Eichelberger, Director, Division of Construction, Ashley Holloway, Director, Division of Plan Review and Permitting, Joseph Gilbert, Town Manager, Town of Hancock

**RECOMMENDED MOTION:** Move to approve the Memorandum of Understanding with the Town of Hancock to provide Building Code Enforcement, Permitting, and Inspections services.

**REPORT-IN-BRIEF:** The Town of Hancock has requested Washington County to provide Building Code Enforcement, Permitting, and Inspection services within the town limits.

**DISCUSSION:** Washington County provided the Building Code Enforcement, Permitting, and Inspection services within the town limits of Hancock for many years. In 2017, the County was notified of the Town's desire to perform the tasks themselves and the County ceased providing the services. Currently the Town issues the building permit and inspections services are provided by a third-party inspection firm. The permit holder submits the permitting fee to the Town and pays the third-party firm for the inspection service.

The Town of Hancock has requested to reestablish these services with Washington County. A Resolution has been approved by the Town of Hancock Mayor and Council and an MOU has been vetted by the County Attorney's Office and has received signatures by the Mayor and Town Clerk.

**FISCAL IMPACT:** Savings to Town of Hancock residents by foregoing additional inspection fees.

**CONCURRENCES:** County Administrator, County Attorney, Director-Plan Review and Permitting

**ALTERNATIVES:** Town of Hancock continue to provide the listed services

**ATTACHMENTS:** Memorandum of Understanding, Town of Hancock Resolution

**AUDIO/VISUAL NEEDS:** N/A



Washington County

MARYLAND

DIVISION OF CONSTRUCTION

# LETTER OF TRANSMITTAL

To: Town of Hancock Mayor and Council Re: Memorandum of Understanding  
126 West High Street  
Hancock, MD 21750

Attn: Joseph Gilbert-Town Manager Date: August 13, 2019

We are sending you:

SHOP DRAWINGS       CHANGE ORDER       SPECIFICATIONS  
 NOTICE TO PROCEED       PLANS       AGREEMENT

# OF COPIES	DATE	DESCRIPTION
1	8-13-2019	Memorandum of Understanding

These are transmitted as checked below:

FOR APPROVAL       APPROVED AS SUBMITTED  
 FOR YOUR USE & INFORMATION       APPROVED AS NOTED  
 AS REQUESTED       FOR YOUR EXECUTION  
 FOR REVIEW & COMMENT       RETURNED FOR CORRECTIONS

Remarks:

Enclosed is the Memorandum of Understanding between the Town of Hancock and Washington County for the County to provide code enforcement, permitting, and inspection services within the Town of Hancock. Please sign and return to me. Once returned, the MOU will be placed on a future BOCC meeting agenda. You will be notified of the meeting date so may attend.

Copy To: Ashley Holloway-Director of Plan Review and Permitting.

Signed:  Richard W. Eichelberger- Director of Construction/Code Official

**RECEIVED**

AUG 26 2019

If enclosures are not as noted, kindly notify us at once.

**WASHINGTON COUNTY  
PLAN REVIEW DEPARTMENT**

80 West Baltimore Street | Hagerstown, MD 21740-6003 | P: 240.313.2460 | TDD: 711

**WWW.WASHCO-MD.NET**

**MEMORANDUM OF UNDERSTANDING FOR BUILDING CODE  
ENFORCEMENT, PERMITTING, AND INSPECTION SERVICES  
BETWEEN  
THE TOWN OF HANCOCK  
AND  
THE BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY,  
MARYLAND**

This Memorandum of Understanding for Building Code Enforcement, Permitting, and Inspection Services ("MOU") is made this \_\_\_\_\_ day of \_\_\_\_\_, 2019 ("Effective Date"), by and between the Town of Hancock, a Maryland municipal corporation ("Town"), and the Board of County Commissioners of Washington County, Maryland, a body corporate and politic and a political subdivision of the State of Maryland ("County"), for Building Code Enforcement for the receiving and processing of all types of residential and commercial building permits, and performing inspection services for building code compliance by the County for and on behalf of the Town. The Town and the County may sometimes be referred to in this MOU individually as a Party and collectively as the Parties.

**RECITALS**

A. The County has jurisdiction over building code enforcement, building permits, and inspections in various parts of Washington County, Maryland, including some municipalities by mutual agreement.

B. The Town has jurisdiction over building code enforcement, building permits, and inspections within its municipal boundaries, but desires that the County provide such services for and on its behalf.

C. The Parties desire to enter into this MOU and agree upon procedures that will describe how the County will coordinate and provide building code enforcement, building permits, and inspection services that pertain to property inside the Town's municipal boundaries.

NOW, THEREFORE, in consideration of the foregoing Recitals, each of which is incorporated in and made a substantial part of this Agreement, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the Parties, and intending to be legally bound, the Parties hereby covenant and agree as follows:

1. Procedure. The Parties agree that the County, the Town, and an applicant seeking a building permit within the Town's municipal boundaries will take the following steps in the order set forth:

- a. The applicant will apply for and receive planning and zoning approval from the Town on an application form provided by the Town to the applicant;
- b. The County will accept the building permit application(s) directly from the applicant only after the applicant has received planning and zoning approval from the Town;
- c. The County will accept all fees associated with the building permit application(s), including excise tax fees, directly from the applicant;
- d. The County will review the applicant's building permit application(s) for compliance with all applicable building codes;
- e. The County will issue the building permit(s) directly to the applicant;
- f. The County will provide the Town with a copy of the building permit(s) and any other requested documents relating thereto;
- g. The County will perform all required inspections necessary for the issuance of the Use and Occupancy Certificate;
- h. The County will issue the Use and Occupancy Certificate directly to the property owner only after all required inspections have been conducted and passed;
- i. On a semi-annual basis, the County will remit to the Town the Town's portion (25%) of all collected permitting fees. On a monthly basis, the County will remit to the Town the Town's portion, if any, of excise tax fees determined and collected in accordance with the applicable Building Excise Tax Ordinance.
- j. All inspection services shall be scheduled with the County.



j. The County will receive all building code-related compliance complaints and process such complaints for compliance.


2. Termination, Modification, and Amendment. The Parties agree that, with thirty (30) days' notice, this MOU may be terminated by either Party, but the MOU may not be modified or amended except by a writing signed by the Parties.

3. Governing Law. This MOU will be governed by and interpreted in accordance with the laws of the State of Maryland.

IN WITNESS WHEREOF, the Parties have caused this MOU to be duly executed and delivered.

ATTEST:

MAYOR and COUNCIL  
TOWN OF HANCOCK, MARYLAND

  
Jacqueline McCusker, Town Clerk

BY:  (SEAL)  
Dr. Ralph Salvagno, Mayor

ATTEST:

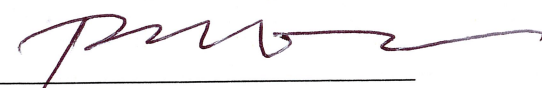
BOARD OF COUNTY COMMISSIONERS  
OF WASHINGTON COUNTY,  
MARYLAND

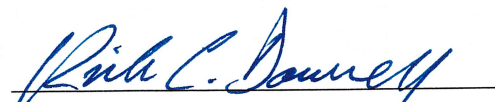
\_\_\_\_\_  
Krista L. Hart, Clerk

BY: \_\_\_\_\_ (SEAL)  
Jeffrey A. Cline, President

Approved as to legal sufficiency  
for execution by the Town:

Approved as to legal sufficiency  
for execution by the County:

  
\_\_\_\_\_  
Brian Kane, Town Attorney

  
\_\_\_\_\_  
Kirk C. Downey, County Attorney





Town of Hancock  
126 West High Street  
Hancock, Maryland 21750

Washington County, Maryland  
Division of Construction  
80 West Baltimore Street  
Hagerstown, MD 21740-6003

**Re: Town of Hancock Request for Washington County Code, Permit and Inspection Services**

9 July 2019


The Town of Hancock requests to be reinstated as a fully participating municipality within Washington County for Coding, Permits and Inspection services through the Washington County Division of Construction.

A formal agreement will be drafted upon approval of this request by Washington County.

The point of contact for this is Joseph Gilbert, Town Manager at 301-678-5622 or [Hancocktownmanager@gmail.com](mailto:Hancocktownmanager@gmail.com).

Signed

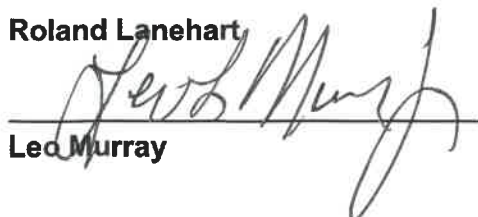
  
\_\_\_\_\_  
Joseph Gilbert  
Town Manager

  
\_\_\_\_\_  
Ralph Salvagno  
Mayor

Town Council:

  
\_\_\_\_\_  
Roland Lanehart

  
\_\_\_\_\_  
Tim Boyer

  
\_\_\_\_\_  
Leo Murray

\_\_\_\_\_  
Tim Smith



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**Open Session Item**

**SUBJECT:** House Keys Program

**PRESENTATION DATE:** August 27, 2019

**PRESENTATION BY:** Sara Greaves, Chief Financial Officer; Deborah Condo, Deputy Director of Human Resources

**RECOMMENDATION:** To eliminate the House Keys Program from County Government

**REPORT-IN-BRIEF:** The House Keys program was established by the County Commissioners more than a decade ago to provide down payment assistance to full time county employees. Unfortunately, the program's burdens and risks outweigh its benefits and staff recommends that the program be discontinued.

**DISCUSSION:** The Policy was adopted on January 20, 2007, to encourage home ownership within Washington County by offering closing cost and down payment assistance in a zero percent (0%) loan provided to full-time employees of the Board of County Commissioners in collaboration with the State of Maryland "More House For Less" DSELP (Down payment and Settlement Expense Loan Program) and MMP (Maryland Mortgage Program) programs.

The employee must meet certain criteria to be eligible for the program including:

- The employee must be eligible for and receive a Maryland Mortgage Program (MMP) loan; and
- The employee must meet the Community Development Association (CDA) guidelines as they relate to income limits and completion of homebuyer education classes.

The employee must repay the loan if:

- The sale of the home or ownership of the home otherwise transferred from the employee;
- Payment in full of the primary mortgage on the home;
- The employee no longer uses the home as his or her primary residence as determined by the County's absolute discretion; or
- The voluntary or involuntary termination or resignation of employment of the eligible employee.

If the only reason for repayment is the termination or resignation of the eligible employee's employment, repayment will be made over a period of five (5) years at \$1,000.00 per year with no interest. In the event of any late payment, interest may accrue at the County's discretion at no more than ten percent (10%) per year.

Only eight (8) employees have utilized the program since its inception more than a decade ago. The County files appropriate paperwork to secure an interest against the properties by way of a recorded deed of trust. However, the County's loan would be junior to the primary loan that would have been used to acquire the property. A foreclosure action on the primary loan would extinguish the security interest of any junior loans, including the County's loan.

The program requires significant employee time to administer while the benefit of the program to the County is relatively minimal. Because the burdens and risks of the program outweigh its benefits, it is suggested that the Commissioners consider termination of the program.

**FISCAL IMPACT:** No capital outlay and no risk of any outlay becoming uncollectible

**CONCURRENCES:** County Attorney

**ALTERNATIVES:** Continue the program

**ATTACHMENTS:** Current House Keys policy

**AUDIO/VISUAL NEEDS:** None



**POLICY TITLE:** House Keys 4 Washington County Employees Program

**POLICY NO.:** EB-12

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**I. PURPOSE**

The purpose of this Policy is to encourage home ownership within Washington County by offering closing cost and downpayment assistance in a zero percent (0%) loan provided to full-time employees of the Board of County Commissioners in collaboration with the State of Maryland “More House For Less” DSELP (Downpayment and Settlement Expense Loan Program) and MMP (Maryland Mortgage Program) programs.

**II. GENERAL POLICY**

**A. Eligible Employees**

1. This program is for full-time employees of the Board of County Commissioners.
2. The employee must be eligible for and receive a Maryland Mortgage Program (MMP) loan.
3. The employee must meet the Community Development Association (CDA) guidelines as they relate to income limits and completion of homebuyer education classes.
4. When more than one purchaser of a specific property is a County employee, only one of the employees is eligible to claim the benefit under this Policy for the purchase of that specific property.

**B. Eligible Property – CDA Regulations**

1. The intended home must be within Washington County, Maryland, and used as the employee’s primary residence.
2. If the property is located outside of the Targeted Area as designated by the CDA, the employee must be a first-time homebuyer (defined as any individual who has not owned property within three [3] years).
3. If the property is located within the Targeted Area, the employee need not be a first-time homebuyer.
4. The purchase price for the property may not exceed the limits set by the CDA.

5. The maximum contribution that the County will make to an employee's home purchase will not exceed Five Thousand Dollars (\$5,000.00).

### **III. PROCEDURE**

- A. The employee should first seek financing approval through a CDA-designated lender. Documentation showing qualification and approval for a CDA loan is required and must be submitted to the Division of Health and Human Services.
- B. Upon receiving and submitting the documentation referenced in paragraph III.A., the employee must complete the HK4E loan application and the Verification of Partner Contribution form, both of which are available upon request from the Division of Health and Human Services.
- C. The employee must provide the completed Verification of Partner Contribution form to his or her CDA-designated lender.
- D. When a settlement date has been scheduled, the employee must notify the Division of Health and Human Services of the settlement date after which the Division of Health and Human Services will notify the County Attorney's Office and the Department of Budget and Finance of the employee's impending settlement.
- E. The County Attorney's Office will prepare a Mortgage or Deed of Trust and a Promissory Note to be signed at settlement.
- F. The Division of Health and Human Services will coordinate with the CDA-designated lender and/or the eligible employee's selected settlement services company to ensure that the County's contribution is available at the time of settlement.

### **IV. REPAYMENT**

- A. An employee must repay the County contribution if any one of the following occurs:
  1. The sale of the home or ownership of the home otherwise transferred from the employee;
  2. Payment in full of the primary mortgage on the home;
  3. The employee no longer uses the home as his or her primary residence as determined by the County's absolute discretion; or

4. The voluntary or involuntary termination or resignation of employment of the eligible employee.
- B. If the only reason for repayment is the termination or resignation of the eligible employee's employment, repayment will be made over a period of five (5) years at \$1,000.00 per year with no interest. In the event of any late payment, interest may accrue at the County's discretion at no more than ten percent (10%) per year.

**V. ADDITIONAL INFORMATION**

- A. Upon the date of hire, a full-time employee will be eligible for the County contribution authorized in this Policy.
- B. An employee may utilize the program authorized in this Policy multiple times. However, given that the employee is required to use the purchased home as his or her primary residence, an employee may not have multiple loans from the program at any given time.
- A. All buyers of a property purchased under the program authorized in this Policy will be required to sign the Mortgage or Deed of Trust and Promissory Note referenced in paragraph III.E.





## Agenda Report Form

### Open Session Item

**SUBJECT:** Intergovernmental Cooperative Purchase (INTG-19-0017) of Two (2) Dump Trucks for the Highway Department

**PRESENTATION DATE:** September 10, 2019

**PRESENTATION BY:** Rick Curry, CPPO, Director, Purchasing Department and Jack Reynard, Fleet Manager, Highway Department

**RECOMMENDED MOTION:** Move to authorize by Resolution, the Highway Department to purchase two (2) 4x2 Mack dump trucks from Potomac Truck Center, Inc. of Bladensburg, MD. The cost of each truck is \$205,500.00 (extended warranty \$3,241.00) for a total amount of \$417,482.00 and to utilize another jurisdiction's contract (#4400003267) that was awarded by Howard County, Maryland - Office of Purchasing.

**REPORT-IN-BRIEF:** The Highway Department is requesting to purchase two (2) dump trucks to replace trucks that are eighteen (18) years old and exceed the County's Vehicle and Equipment Types and Usage Guidelines. The County's replacement guidelines for vehicles greater than 33,000 lbs. GVWR is recommended at a ten (10) year economic life cycle. The replaced trucks will be advertised on GovDeals.com for auctioning.

The Code of Public Laws of Washington County, Maryland (the Public Local Laws) §1-106.3 provides that the Board of County Commissioners may procure goods and services through a contract entered into by another governmental entity, in accordance with the terms of the contract, regardless of whether the County was a party to the original contract. The government of Howard County, Maryland - Office of Purchasing took the lead in soliciting the resulting agreement. If the Board of County Commissioners determines that participation by Washington County would result in cost benefits or administrative efficiencies, it could approve the purchase of the trucks in accordance with the Public Local Laws referenced above by resolving that participation would result in cost benefits or in administrative efficiencies.

The County will benefit with direct cost savings in the purchase of the trucks because of the economies of scale this buying group leveraged. I am confident that any bid received as a result of an independent County solicitation would exceed the spend savings that Howard County, Maryland - Office of Purchasing provides through this agreement. Additionally, the County will realize savings through administrative efficiencies as a result of not preparing, soliciting and evaluating a bid. This savings/cost avoidance would, I believe, be significant.



**DISCUSSION:** N/A

**FISCAL IMPACT:** Funds are budgeted in the Highway Department's Capital Improvement Plan (CIP) account (EQP042) in the amount of \$491,869.00

**CONCURRENCES:** Deputy Director of Highway Department

**ALTERNATIVES:**

1. Process a formal bid and the County could possibly incur a higher cost for the purchase, or
2. Do not award the purchase of the dump trucks.

**ATTACHMENTS:** Potomac Mack Sales and Services, Inc. quote.

**AUDIO/VISUAL NEEDS:** N/A

7/18/19

Washington County Maryland  
RE: Jack Reynard

The price of \$205,500 per unit, for Mack dump trucks with J&J plows and accessories is accurate and valid. The price is valid until 9/30/19, at which time if no purchase order has been issued Potomac Truck Center would need to reconfirm the price with Mack Trucks.

Scott Parker  
Director of Government Sales  
Potomac Truck Center  
410-533-8831



## Agenda Report Form

### Open Session Item

**SUBJECT:** Intent to Convey Real Property

**PRESENTATION DATE:** September 10, 2019

**PRESENTATION BY:** Todd Moser, Real Property Administrator, Division of Engineering

**RECOMMENDED MOTION:** Move to adopt the ordinance declaring properties located on Jefferson Blvd Tax Map 50 and Parcel 1737, and Hunters Green Parkway Tax Map 48 Parcel 930, and Tax Map 48 Parcel 947 as surplus, and approve the conveyance of the same and authorize the execution of the necessary documentation to finalize the conveyance.

**REPORT-IN-BRIEF:** Notice of the County's intent to convey this property was duly advertised on August 6, 13, and 20. Staff is ready to transfer the property as described to the below stated buyers.

**DISCUSSION:** These properties were listed on the open market in May 2019 and the following offers were received. The County will continue to own 0.2921 acres of the Jefferson Boulevard parcel.

Hunters Green Parkway – 39.0 Acres Tax ID 02-024020 & 02-022842	Jefferson Boulevard - 2.1637 Acres Tax ID 18-046243
Buyer- Philip and Melanie Thurber	Buyer- Richard and Susan Daughtridge
Offer Price- \$51,268	Offer Price- \$18,300

**FISCAL IMPACT:** Income from Sale of Property

**CONCURRENCES:** County Attorney

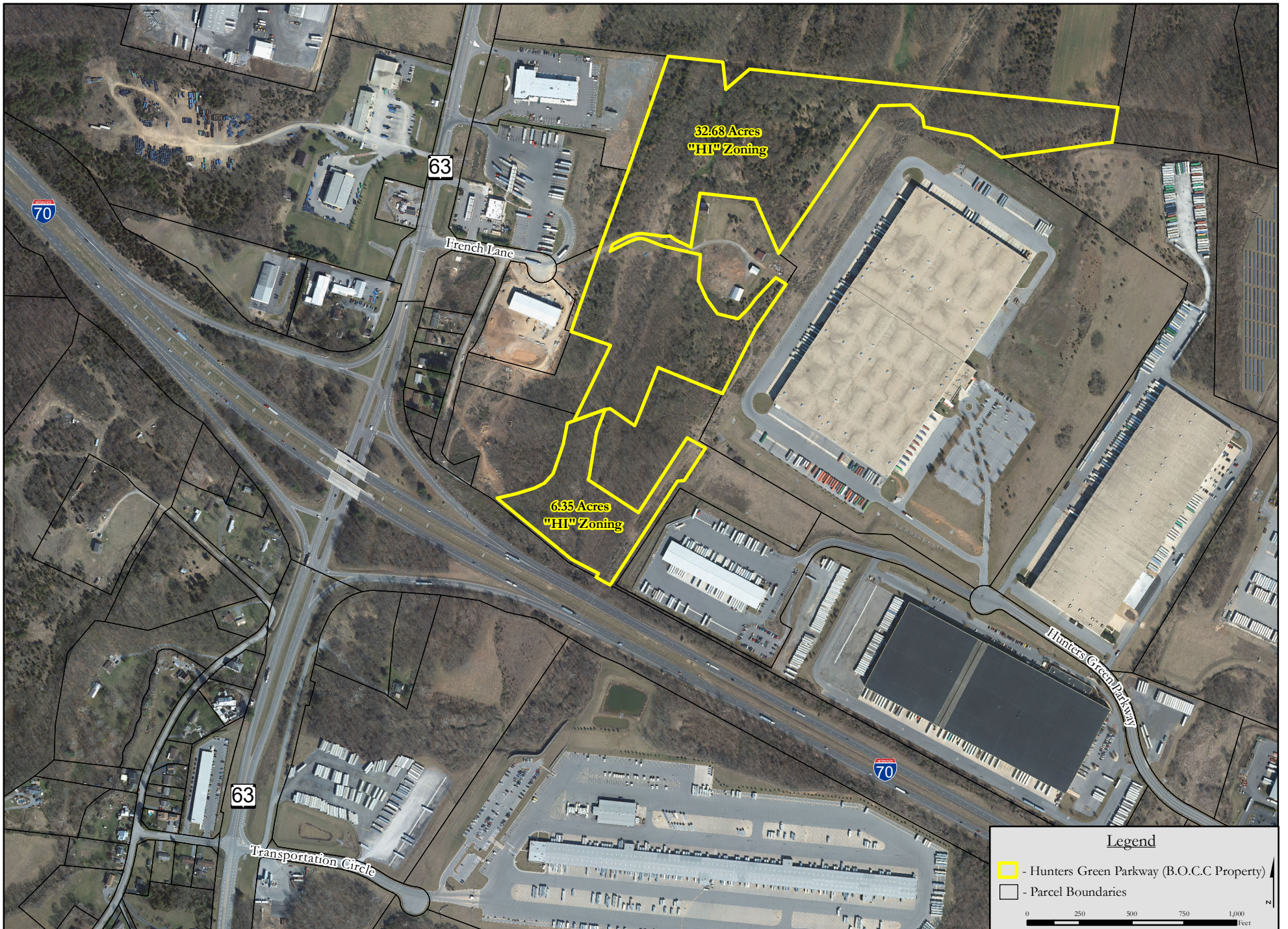
**ALTERNATIVES:** Keep as County property

**ATTACHMENTS:** Aerial Map, Ordinance

**AUDIO/VISUAL NEEDS:** N/A



# B.O.C.C Property: Hunters Green Parkway





ORDINANCE NO. ORD-2019-

**AN ORDINANCE TO DECLARE CERTAIN REAL PROPERTY  
AS SURPLUS PROPERTY AND TO APPROVE THE CONVEYANCE OF SAID  
REAL PROPERTY**

BE IT ORDAINED by the County Commissioners of Washington County, Maryland (the "County"), as follows:

1. It is hereby established and declared that the real property described on Exhibit A (the "Property") is no longer needed for a public purpose or a public use.

2. The County believes that it is in the best interest of the citizens of Washington County to convey the Property and Notice of Intention of Washington County to Convey Real Property was duly advertised pursuant to Section 1-301, Code of the Public Local Laws of Washington County, Maryland, in *The Herald-Mail*, a daily newspaper of general circulation, on August 6, 13, and 20, 2019.

3. The President of the Board of County Commissioners of Washington County, Maryland, and the County Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the County, a deed conveying the Property to Phillip and Melanie Thurber for the sum of Fifty-One Thousand, Two Hundred Sixty-Eight Dollars (\$51,268.00), and the Real Property Administrator is authorized to execute on behalf of the County any HUD-1 settlement statement and any other documents necessary to consummate the transaction.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2019.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
OF WASHINGTON COUNTY, MARYLAND

\_\_\_\_\_  
Krista L. Hart, Clerk

BY: \_\_\_\_\_  
Jeffrey A. Cline, President

Approved as to form  
and legal sufficiency:

\_\_\_\_\_  
B. Andrew Bright  
Assistant County Attorney

## EXHIBIT A

### First Parcel (Parcel C)

All of that real property known and described as Parcel C, Hunter's Green Business Park (Hereinafter "Parcel C") as is graphically depicted on a Plat entitled "Development Plat of Parcel B and Simplified Plat of Parcel C of Hunter's Green Business Park for Tiger Development II, LP" (the "Plat"); said Plat being recorded among the Land Records of Washington County, Maryland, at Plat folio 8283, *et seq.*

TOGETHER WITH the buildings and improvements thereupon; and the rights, alleys, ways, waters, privileges, appurtenances and advantages to the same belonging or appertaining.

BEING the same property which was conveyed from Tiger Development II, Limited Partnership to the Board of County Commissioners of Washington County, Maryland, by deed dated October 19, 2006, and recorded in Liber 3144, folio 0562, among the Land Records of Washington County, Maryland.

### Second Parcel (Parcel A)

All that real property known and designated as Parcel A on a Plat of Subdivision entitled "Final Plat of Subdivision Lot 2 and Parcel A of Hunter's Green Business Park" dated December 7, 1998, and recorded among the Washington County Plat Records at Plat folio 5870, *et seq.*; *saving and excepting* Lot 1A on a Plat of Subdivision entitled "Preliminary/Final Plat of Subdivision of Lot 1A of Hunter's Green Business Park for Tiger Development II" recorded among the Washington County Plat Records at Plat 9647, *et seq.*, which was conveyed from the Board of County Commissioners of Washington County to Robert A. Thurber and Cindy J. Thurber, his wife, in a deed dated August 31, 2011, and recorded among the Land Records of Washington County, Maryland, in Liber 4149, folio 0181; Together with a fifty (50) foot wide right of way for access, ingress to and egress from said Parcel A to the County road known and designated as French Lane, and for the construction and maintenance of utilities therein; the center line of said right of way being the center line of that existing lane extending from said Parcel A to said French Lane; all as depicted on the aforesaid Plat.

Being a portion of the same property which was conveyed from Tiger Development, II L.P., a/k/a Tiger Development II, Limited Partnership, by Tiger Development, Inc. to the Board of County Commissioners of Washington County, Maryland, by deed dated December 30, 1998, and recorded in Liber 1465, folio 0543, among the Land Records of Washington County, Maryland.



# B.O.C.C Property: Jefferson Boulevard





ORDINANCE NO. ORD-2019-

**AN ORDINANCE TO DECLARE CERTAIN REAL PROPERTY  
AS SURPLUS PROPERTY AND TO APPROVE THE CONVEYANCE OF SAID  
REAL PROPERTY**

BE IT ORDAINED by the County Commissioners of Washington County, Maryland (the "County"), as follows:

1. It is hereby established and declared that the real property described on Exhibit A (the "Property") is no longer needed for a public purpose or a public use.

2. The County believes that it is in the best interest of the citizens of Washington County to convey the Property and Notice of Intention of Washington County to Convey Real Property was duly advertised pursuant to Section 1-301, Code of the Public Local Laws of Washington County, Maryland, in *The Herald-Mail*, a daily newspaper of general circulation, on August 6, 13, and 20, 2019.

3. The President of the Board of County Commissioners of Washington County, Maryland, and the County Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the County, a deed conveying the Property to Richard E. and Susan M. Daughtridge for the sum of Eighteen Thousand, Three Hundred Dollars (\$18,300.00), and the Real Property Administrator is authorized to execute on behalf of the County any HUD-1 settlement statement and any other documents necessary to consummate the transaction.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2019.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
OF WASHINGTON COUNTY, MARYLAND

\_\_\_\_\_  
Krista L. Hart, Clerk

BY: \_\_\_\_\_  
Jeffrey A. Cline, President

Approved as to form  
and legal sufficiency:

\_\_\_\_\_  
B. Andrew Bright  
Assistant County Attorney



## EXHIBIT A

All the land, together with the appurtenances thereto belonging, or in anywise appertaining, lying between the line designated "Right of Way Line and Existing Property Line" and the outermost lines designated "Right-of-Way Line" as shown and/or indicated on the hereinafter mentioned plats, all of which plats are made a part hereof, so far as its property and/or rights may be affected by the said proposed highway and the appurtenances thereto belonging, or anywise appertaining, situate southerly of Maryland Route 64 (Jefferson Boulevard) approximately two hundred fifty feet (250') easterly from its intersection with Greenhill Drive, in Election District No. 18 of Washington County, Maryland, more particularly described as follows:

BEGINNING for the outline hereof at an iron pin found for the beginning of the fourth (4<sup>th</sup>) or South 84 ¼ degrees East 459.49 foot line of the Grantors' deed, the said iron pin being 96.81 feet left of centerline of right-of-way station 134+09.80 as shown on two (2) right-of-way plats entitled "Right-of-Way Plat, Robinwood Drive Relocation", dated October 28, 2003, and intended to be recorded among the Land Records of Washington County, Maryland, in the Washington County Lands and Roads Record Book as Plat No. 100-10-490 and Plat No. 100-10-491, thence running with a portion of the said line on a bearing to agree with Maryland Grid (NAD 83) South 84 degrees 14 minutes 00 seconds East 138.53 feet to a point, thence crossing the Grantors' lands by three (3) lines of division now made by a curve to the left having a radius of 1080.00 feet, an arc length of 114.15 feet and subtended by a chord with a bearing and length of North 05 degrees 42 minutes 12 seconds West 114.10 feet to a point, by a reverse curve to the right having a radius of 1000.00 feet, an arc length of 270.78 feet and subtended by a chord with a bearing and length of North 00 degrees 58 minutes 26 seconds West 269.95 feet to a point, and by a tangent line North 06 degrees 47 minutes 00 seconds East 693.61 feet to a point on the southerly right-of-way line of Maryland Route No. 64 (Jefferson Boulevard) as shown on State Roads Commission of Maryland Right-of-Way Plat No. 9136, thence running with a portion thereof North 89 degrees 09 minutes 21 seconds West 80.43 feet to a point, thence with the lands now or formerly of Roy L. Rice, Liber 1023, folio 514, and with Lots 1 through 8 as shown on an unrecorded plat entitled "Plat of Greenhill Acres for Mr. Charles D. Mills", dated January 1961, and found among the records of Frederick, Seibert & Associates, Inc., of Hagerstown, Maryland, as Drawing No. LA-41, South 06 degrees 47 minutes 00 seconds West 944.25 feet to a point for the northeasterly corner of the lands now or formerly of Anthony and Dianna Basile, Liber 648, folio 189, thence with the outline thereof South 05 degrees 34 minutes 00 seconds West 122.42 feet to the point of beginning, containing 94,250 square feet or 2.1637 acres of land, more or less.

Subject to all easements, rights of way, covenants, conditions, and restrictions of record.

BEING a portion (designated Parcel No. 2) of the same property which was conveyed from Richard A. Daughtridge and Robin M. Daughtridge, his wife, to the Board of County Commissioners of Washington County, Maryland, by deed dated September 22, 2004 and recorded in Liber 2447, folio 0176, among the Land Records of Washington County, Maryland.



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Open Session Item

**SUBJECT:** FY20 School Resource Officer/Adequate Coverage Grant

**PRESENTATION DATE:** September 10, 2019

**PRESENTATION BY:** Jeffrey Proulx, Chief Operations Officer, Washington County Public Schools, Stephanie Lapole, Senior Grant Manager, Office of Grant Management.

**RECOMMENDED MOTION:** Information for the consideration of submitting a grant application for the FY20 School Resource Officer Adequate Coverage Grant.

**REPORT-IN-BRIEF:** The Governor has appropriated \$10 million in general funds in fiscal year 2020 for the grant issuance to local law enforcement agencies and local school systems. The allocation for Washington County is \$318,246.

**DISCUSSION:** The Washington County Sheriff's Office plans to partner with the Washington County Board of Education in applying for grant funds under the Maryland Center for School Safety, FY20 School Resource Officer Adequate Coverage Grant. The grant would provide salary and fringe benefits for two School Resource Officer's for Springfield Middle and Ruth Ann Monroe Primary Schools; as well as vehicles and equipment. The budget includes \$193,560 for salary/fringe and \$124,686 for equipment/vehicles.

The Office of Grant Management has reviewed the grant guidelines. There is no funding match requirement associated with the grant. The performance period is July 1, 2019 through June 30, 2020. It is unknown if grant funding will be available for these positions beyond FY20 at this time.

**FISCAL IMPACT:** The grant will provide \$193,560 for two Student Resource Officer's salary and benefits and \$124,686 for vehicles and equipment for one year. After the first year, if future grant funding is unavailable, the County will need to determine the source of funding for the ongoing costs for the Student Resource Officer's salary and benefits. The vehicles and equipment are a one-time purchase, subject to the WCSO existing fleet replacement policy.

**CONCURRENCES:** Susan Buchanan, Director, Office of Grant Management

**ALTERNATIVES:** N/A

**ATTACHMENTS:** N/A

**AUDIO/VISUAL NEEDS:** N/A



Open Session Item

**SUBJECT:** Fourth Quarter Adjustments to the Washington County Board of Education's FY2019 General Fund Budget

**PRESENTATION DATE:** September 10, 2019

**PRESENTATION BY:** Mr. Jeffrey Proulx, Chief Operating Officer, WCPS and Mr. David Brandenburg, Executive Director of Finance, WCPS

**RECOMMENDED MOTION:** Move to approve the requested fourth quarter adjustments to the Board of Education's FY2019 General Fund Budget.

**REPORT-IN-BRIEF:** The Annotated Code of Maryland requires local school systems to periodically re-forecast their financial needs and make necessary changes to their budgets. To that end, the Washington County Board of Education approved the attached list of changes to its FY2019 General Fund Budget at its September 3, 2019 meeting.

**DISCUSSION:** Several of the changes that the Board of Education approved on September 3, 2019 cross major categories. Therefore, these requested adjustments must also be approved by the Board of County Commissioners. The Board of Education has asked its Finance staff to review the requested budget changes with the Commissioners and answer any questions that they may have.

**FISCAL IMPACT:** None. These proposed modifications merely adjust the budget to allow for proper categorization of revenues and expenses.

**CONCURRENCES:** The Board of Education's Finance Committee reviewed the proposed adjustments at their meeting on August 27, 2019, and recommended them for approval by the full Board. The Board of Education unanimously approved these changes at their September 3, 2019 meeting.

**ALTERNATIVES:** None

**ATTACHMENTS:**

- Proposed fourth quarter budget adjustments for the Washington County Board of Education's FY2019 General Fund Operating Budget.

**AUDIO/VISUAL NEEDS:** None

**Washington County Public Schools  
Fourth Quarter FY2019 Budget Adjustments**

<b>Category</b>	<b>Value</b>	<b>The primary reason for variance is:</b>
Revenue	68,846	Interest and recovery of costs higher
Administration	98,278	Legal fees and testing materials lower than estimated. Indirect cost recovery from grants higher.
Instructional Salaries	146,913	Earlier increase not needed due to unpaid leave late in the year
Instructional Textbooks & Supplies	81,054	Transferred to other instructional costs
Special Education	26,007	Savings in nonpublic placements
Student Personnel Services	8,778	Savings in additional pay
Student Transportation Services	103,864	Wages, diesel fuel, and contracted services lower
Capital Outlay	1,089	Savings in office supplies and dues
Fixed Charges	771,480	Retirement, retiree costs, and health plan savings
Total Expense Reductions/Additional Revenue	<b><u>1,306,309</u></b>	
Mid-Level Administration	68,670	Communications costs higher
Other Instructional Costs	20,168	Higher than expected costs in educational equipment
Student Health Services	51,596	Nursing services and medical supplies higher than revised budget
Operation of Plant	177,276	Utilities higher than estimated
Maintenance of Plant	397,464	Materials for in-house repairs
Food Services	4,296	Adjustments to student accounts
Total Expense Increases/Reduced Revenue	<b><u>719,470</u></b>	
<b>Net Effect on Fund Balance</b>	<b>586,839</b>	

Washington County Public Schools  
Summary of FY2019 Budget Adjustments by Quarter

Category	Increase/(Decrease)				
	Quarter 1	Quarter 2	Quarter 3	Quarter 4	Full Year
Revenue		\$99,420	\$131,000	\$68,846	\$299,266
Administration	(60,000)	(161,750)	(181,040)	(98,278)	(\$501,068)
Mid-Level Administration	(33,909)	(33,665)	40,040	68,670	\$41,136
Instructional Salaries	136,410			(146,913)	(\$10,503)
Instructional Textbooks and Supplies	(43,415)		580,773	(81,054)	\$456,304
Other Instructional Costs	96,324	110,159	84,278	20,168	\$310,929
Special Education			112,920	(26,007)	\$86,913
Student Personnel Services		(121,320)	(17,919)	(8,778)	(\$148,017)
Student Health Services			(89,755)	51,596	(\$38,159)
Student Transportation Services		237,930	131,280	(103,864)	\$265,346
Operation of Plant	50,000	613,040	324,978	177,276	\$1,165,294
Maintenance of Plant		(47,790)	(124,555)	397,464	\$225,119
Capital Outlay		(10,715)		(1,089)	(\$11,804)
Food Service		30,000	30,000	4,296	\$64,296
Fixed Charges	(145,410)	(516,469)	(760,000)	(771,480)	(2,193,359)
Undesignated Fund Balance Change	\$0	\$0	\$0	\$586,839	\$586,839

Note: An increase in the revenue budget has the same effect as a decrease in the expense budget. They are both positive. Therefore, when adding the column, one must reverse the sign on the requested change in revenue.