

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

Open Session Minutes

September 18, 2018

INVOCATION AND PLEDGE OF ALLEGIANCE

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

CALL TO ORDER

President Terry L. Baker called the regular meeting of the Board of County Commissioners of Washington County, Maryland, to order at 8:42 a.m. at 100 West Washington Street, Room 1113, Hagerstown, Maryland, with the following members present: Vice President Jeffrey A. Cline and Commissioners John F. Barr, Wayne K. Keefer and LeRoy E. Myers, Jr.

APPROVAL OF MINUTES – August 21, 2018

Commissioner Barr, seconded by Commissioner Cline, moved to approve the minutes of August 21, 2018. The motion passed 4-0. (Commissioner Myers abstained.)

CONVENE IN CLOSED SESSION

Commissioner Myers, seconded by Commissioner Barr, moved to convene in closed session at 8:43 a.m. to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation or performance evaluation of appointees, employees or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals; to consider the acquisition of real property for a public purpose and matters directly related thereto; 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; and to consult with staff, consultants, or other individuals about pending or potential litigation, in accordance with Section 3-305(b)(1), (3), (4), (7), (8) of the General Provisions Article of the Annotated Code of Maryland. The motion passed unanimously.

In closed session, the Commissioners discussed the potential appointment of specific individuals to a local commission and a local board over which the Commissioners have appointing authority; discussed a specific employment recommendation with staff; considered the potential acquisition of several parcels of real property needed for a public purpose; discussed specific proposals/projects relating to companies that may locate, expand, or remain the County/State as well as potential economic incentives; and discussed an ongoing personnel matter and potential litigation with staff and counsel.

During closed session, the Commissioners provided direction regarding the filing of a certain vacancies on a commission and a board including the further discussion and presentation for approval of certain individuals during today's open session meeting; provided guidance to staff relating to an employment recommendation and vacancy; provided direction to staff regarding the potential acquisition of real property in the County needed for a public purpose; requested that staff and counsel continue to gather information and provide the Commissioners with an update at a future meeting; and requested that staff continue to provide regular updates on proposed projects and other potential economic development opportunities in the County.

Present during closed session were Commissioners Terry L. Baker, Jeffrey A. Cline, John F. Barr, Wayne K. Keefer, and LeRoy E. Myers Jr. Also present were Robert J. Slocum, County Administrator; Krista L. Hart, County Clerk; John M. Martirano, County Attorney, and at various times Kirk Downey, Deputy County Attorney; Jim Hovis, Chief Operations Officer; Deb Peyton, Director, Health and Human Services; Susan Small, Business Leader, Business Development; Mark Widmyer, Western Maryland Representative, Office of the Governor; Susan Buchanan, Director, Grant Management; Todd Moser, Real Property Administrator, Engineering; Scott Hobbs, Director, Engineering; Jim Sterling, Director, Public Works; Michael Piercy, Director, Washington County Department of Social Services, and Kevin Karpinski, Esquire, Karpinski, Colaresi & Karp.

RECONVENE IN OPEN SESSION

Commissioner Barr, seconded by Commissioner Keefer, moved to reconvene in open session at 10:08 a.m. The motion passed unanimously.

COMMISSIONERS' REPORTS AND COMMENTS

Commissioner Barr informed the Commissioners and staff that transportation to a conference at the White House on October 4, 2018 has been arranged through MACo, should anyone wish to go.

President Baker informed Commissioners and citizens that the previously scheduled agenda item titled, "Policy No. PR-40 Weapons in County Facilities" has been removed from the agenda, further stating that no discussion regarding the topic will be held.

President Baker reminded staff of the Board of County Commissioners' evening meeting scheduled for tonight, 7:00 p.m., hosted by the Mayor and Council of Smithsburg at Town Hall, Smithsburg, Maryland.

REPORTS FROM COUNTY STAFF

Division of Engineering

Scott Hobbs, Director, presented a request from the Town of Hancock asking that the cost for resurfacing a portion of Pennsylvania Avenue (within the town limit), Hancock, Maryland, be paid for by Washington County. Staff has agreed to bring forward the request provided that the Town of Hancock agrees to accept ownership (through a Road Transfer Agreement and deed) of the portion of the road within its' boundary and full responsibility for all future maintenance. If approved, the cost would be incurred as part of the County's Pavement Maintenance Project (RDI024). Mr. Hobbs has also requested approval of a change order in the amount of \$188,417.84 for this expense.

Commissioner Keefer, seconded by Commissioner Myers, moved to approve the request and recommendation as presented, and to approve a change order in the amount of \$188,417.84 for the Pavement Maintenance Project (RDI024). The motion passed unanimously.

Todd Moser, Real Property Administrator, Engineering, requested approval of an ordinance for real property acquisitions to include part of Map 50, Parcel 1658 (Lot 8); part of Map 50, Parcel 295; part of Map 50, Parcel 1718; part of Map 50, Parcel 1658 (Lot 9) (Property), as related to the Professional (Court) Boulevard Extension – Eastern Boulevard to Yale Drive road project. Mr. Moser stated that the County approved the purchase of the Property during its regular meetings on August 14, 2018 and August 28, 2018. A public hearing was not required as the funds utilized to purchase the Property are not to be expended from the General Fund of the County.

Commissioner Barr, seconded by Commissioner Cline, moved to adopt an Ordinance approving the real property acquisitions/easement purchase and to authorize execution of all necessary documentation to finalize the easement purchase. The motion passed unanimously.

Chief Operations Officer

Jim Hovis stated that staff has been very involved in the monitoring of the path of Hurricane Florence and any potential impact it may have on Washington County. He added that Dave Hays, Director, Emergency Services, has done an extraordinary job of providing constant updates to the Commissioners and staff. Mr. Hovis thanked all staff for their efforts in assisting to keep the citizens well informed on the path of Florence to include any potential road closures.

County Administrator

Rob Slocum thanked all those involved in the tracking of Hurricane Florence.

County Clerk – Appointment / Reappointment to Boards and Commissions:

Washington County Gaming Commission

Commissioner Barr, seconded by Commissioner Myers, moved to reappoint Brian Getz to serve a second, two (2) year term through September 30, 2020. The motion passed unanimously.

Washington County Board of Social Services

Commissioner Barr, seconded by Commissioner Keefer, moved to appoint William Beard to serve a first, three (3) year term through June 30, 2021. The motion passed unanimously.

CITIZENS' PARTICIPATION

Tim Hafer, 15411 National Pike, Hagerstown, Maryland, does not support Policy No. PR40; stating the verbiage in the policy was very vague.

Robert Bowman, 12351 Harvey Road, Clear Spring, Maryland, does not support proposed Policy No. PR40.

Sam Billotti, 23435 Ringgold Pike, Hagerstown, Maryland, does not support the proposed Policy No. PR40, adding that staff currently does not have the authority to prohibit permitted (LEOSA) firearms, citing 18 U.S. Code §926C – Carrying of concealed firearms by qualified retired law enforcement officers.

POLICY NUMBER PR-40, WEAPONS IN COUNTY FACILITIES

This item has been removed from the Agenda.

TRACY LYNNE MCCLEARY FARM RURAL LEGACY PROGRAM EASEMENT

Eric Seifarth, Rural Preservation Administrator, Department of Planning and Zoning, requested approval of the McCleary Rural Legacy Program (RLP) Easement (McCleary RLP Easement) purchase in the amount of \$669,600 for 188 easement acres, and to adopt an ordinance approving the easement purchase, and to authorize the execution of the necessary documentation to finalize the easement purchase. Mr. Seifarth explained that the RLP Easement will be paid 100% by the Maryland Department of Natural Resources (DNR).

Mr. Seifarth stated that the property address is 7608 University Road, Boonsboro, Maryland, and consists of 109 acres (more or less) of cropland, 24 acres (more or less) of pasture, and 50 acres

(more or less) of woodland. The McCleary RLP Easement will serve to permanently preserve a valuable scenic, environmental, agricultural, and historic property in the County. Mr. Seifarth explained that the farm is in an area of the County adjacent to thousands of acres of preserved farmland near Antietam National Battlefield and will serve to add to the current block of protected lands. Additionally, approval of McCleary RLP Easement would extinguish seven (7) development rights.

Mr. Seifarth explained that for FY2019, Washington County was awarded RLP grants totaling \$2,301,545; the McCleary RLP Easement uses part of those funds and a small portion of remaining FY18 RLP funds. RLP funds are 100% State dollars, mainly from DNR Open Space funds. In addition to the easement funds, the County would receive up to 3% of the easement value for administrative costs, 1.5% for compliance/monitoring costs, and funds to cover all legal/settlement costs.

Commissioner Barr, seconded by Commissioner Keefer, moved to approve the McCleary RLP Easement project in the amount of \$669,600 for 188 easement acres, to adopt an Ordinance approving the easement purchase, and to authorize execution of the necessary documentation to finalize the easement purchase. The motion passed unanimously.

COMMUNITY DEVELOPMENT BLOCK GRANT PLANS FOR RENEWAL

Tina Wilson, Senior Grant Manager, Office of Grant Management, requested approval to renew the Fair Housing and Equal Opportunity (FHEO), Minority Business/Women Owned Business (MBE/WBE), and Section 3 Plans policies. Ms. Wilson explained that the Department of Housing and Community Development (DHCD) requires recipients of Community Development Block Grants (CDBG) to renew three policies to maintain eligibility for DHCD funding. Ms. Wilson stated that, if approved, the policies would be effective for a three (3) year period, allowing the County to continue eligibility for CDBG funding.

Commissioner Cline, seconded by Commissioner Barr, moved to approve renewal of the FHEO, MBE/WBE, and Section 3 Plans as presented. The motion passed unanimously.

The Commissioners recessed at 10:39 a.m.

EVENING MEETING - TOWN OF SMITHSBURG

An evening meeting of the Board of County Commissioners of Washington County, Maryland was held at the Town of Smithsburg (Town), Town Hall, 21 West Water Street, Smithsburg, Maryland.

INVOCATION AND PLEDGE OF ALLEGIANCE

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

CALL TO ORDER

President Terry L. Baker called the meeting to order at 7:04 p.m. with the following members present: Vice President Jeffrey A. Cline and Commissioners John F. Barr, and Wayne K. Keefer. (Commissioner LeRoy Myers, Jr. was absent.)

MAYOR AND COUNCIL COMMENTS

None

COMMISSIONERS REPORTS AND COMMENTS

Commissioner Cline thanked the Mayor and Town Council for hosting the evening meeting of the Board of County Commissioners.

Commissioner Keefer thanked the Mayor and Town Council for hosting the evening meeting.

Commissioner Barr thanked the Mayor and Town Council for hosting the evening meeting and added that he looks forward to meeting with all municipalities and towns.

President Baker thanked the Mayor and Town Council for hosting the meeting, and thanked Washington County staff for preparing the information which will be presented and discussed during the meeting.

REPORTS FROM COUNTY STAFF

Dave Mason, Deputy Director, Solid Waste, Division of Environmental Management, discussed Maryland's NPDES Municipal Separate Storm Sewer System (MS4) Permit. Mr. Mason stated that County staff has been organizing different workshops which could assist municipalities in education of the MS4 permit requirements.

Mr. Mason stated that the County is developing a Memorandum of Understanding (MOU) between Washington County and the towns which will outline requirements and assist all in understanding roles in the MS4 process.

Mr. Mason also stated that the County is developing a discharge ordinance, currently under review by the County Attorney's office. Mr. Mason added that if the Town chooses to adopt the ordinance, one of its MS4 permit requirements will have been met.

County Administrator

Rob Slocum stated that the County welcomes an open dialogue discussion regarding any topic that the Town may have questions on. Mr. Slocum requested that County staff in attendance introduce themselves to the Mayor and Council; also in attendance were Jeff Culton, P.E., Buchart Horn; Robert Andryszak, P.E. RK&K; and Kevin Nash, P.E., RK&K.

CITIZENS PARTICIPATION

None

SMITHSBURG WASTEWATER TREATMENT PLANT UPGRADE

Dan DiVito, Director, Division of Environmental Management; Mark Bradshaw, Deputy Director, Engineering Services; Jeff Culton, P.E., Buchart Horn; Robert Andryszak, P.E., RK&K; and Kevin Nash P.E., RK&K, presented an update regarding the proposed upgrade to 0.45 million gallons per day (MGD) at the Smithsburg Wastewater Treatment Plant (WwTP).

Mr. DiVito stated that staff has determined that the Smithsburg WwTP can be upgraded up to 0.45 MGD for less than the original estimate and still meet all the development requirements of the Town.

Mr. Bradshaw provided a response to questions which had been presented to staff during a Smithsburg Mayor and Town Council meeting on August 28, 2018. Question 1) Will the BioMag system work? Per Mr. Bradshaw, yes, definitely; the BioMag system will do what they propose it will do. Question 2) What will the plant's capacity be in equivalent dwelling units (EDUs)? The 0.45 MGD upgrade will add an additional 540 EDU's, combined with the current EDU's available of 161; a total of 701 EDUs (more or less) would be available for developmental purposes. Question 3) What is the timeframe for completion? Since the upgrade is to 0.45 MGD, review time will be considerably less than an upgrade to 0.60 MGD. Mr. Bradshaw stated that they estimate to have the 0.45 MGD upgrade completed by 2020; should they elect to upgrade to 0.60 MGD, completion would be 2021. Question 4) Is BioMag an interim or long-term solution? Mr. Bradshaw stated that it would be correct to say both, regardless of upgrade option selected. Question 5) Can the new equipment be utilized for the 0.60 MGD upgrade? Yes, Mr. Bradshaw stated that the UV System will need upgraded for the 0.45 MGD upgrade and will be able to be utilized in the 0.60 MGD upgrade. Question 6) What is the proposed construction cost? Mr. Bradshaw stated that the proposed cost has been reduced from \$15 million to \$13.5 million for the ultimate upgrade to 0.60 MGD.

Several members of the Town Council expressed concern regarding the use of the BioMag; asking why it is being proposed for Smithsburg. Mr. Slocum stated that the system is used at different plants in the County when it can be.

Mr. Bradshaw stated that staff would monitor the town's need for additional EDUs and once the need for the 0.60 MGD upgrade is met, which is the use of 90% EDU's, the Capital Improvement budget would be adjusted accordingly.

Debra Smith, Town Manager, expressed concern that the Maryland Department of Environment (MDE) permit would not allow any future upgrades once the intermediate upgrade has been completed. Mr. DiVito confirmed that the full upgrade has already been written into the permit and would be submitted to MDE as a minor upgrade which would not require a full process of opening the permit for review.

Mr. DiVito has offered the use of County camera system to the Town of Smithsburg so that inflow and infiltration of the town's sanitary sewer system can be monitored for issues. Mr. DiVito added that the Division of Environmental Management staff will evaluate the systems.

Jason Divelbiss asked if the County is prepared to commit to the \$2 million upgrade, which would allow developers to proceed with plans and permitting of projects. President Baker stated that the upgrade has previously been approved during the County's approval of the budget.

Daniel Cross, owner of Cloverly Hill, LLC, stated that he would need to demonstrate to his bank that should he build the roads and connect utilities, that the needed EDU's would be available. Mr. Slocum stated that the County's projection is to have 701 EDU's (more or less) available in 2020, which is when Mr. Cross has planned development.

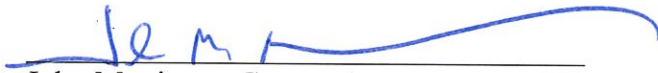
President Baker thanked all staff involved.

ADJOURNMENT

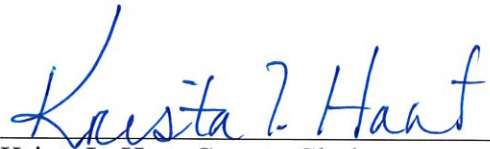
Commissioner Keefer, seconded by Commissioner Barr, moved to adjourn at 7:57 p.m. The motion passed unanimously. (4-0, Commissioner Myers was absent.)



Robert J. Slocum, County Administrator



John Martirano, County Attorney



Krista L. Hart, County Clerk

