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BOARD OF COUNTY COMMISSIONERS
July 16, 2019
OPEN SESSION AGENDA

09:30 A.M. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE
CALL TO ORDER, *President Jeffrey A. Cline*
APPROVAL OF MINUTES – July 9, 2019

09:35 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; To consult with staff, consultants, or other individuals about pending or potential litigation; To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter.)

12:00 P.M. RECONVENE IN OPEN SESSION

12:05 P.M. COMMISSIONERS' REPORTS AND COMMENTS

12:15 P.M. REPORTS FROM COUNTY STAFF

12:25 P.M. CITIZENS PARTICIPATION

12:30 P.M. COMMUNITY COALITION RECAP – *Paul Frey, President & CEO, Washington County Chamber of Commerce and Jim Kercheval, Executive Director, The Greater Hagerstown Committee*

CONVENE AS BOARD OF HEALTH

12:45 P.M. AWARD OF THE MOBILE FARMER'S MARKET - *Earl Stoner, Deputy Health Officer, Washington County Health Department, and Daniel Triplett, Administrator, Washington County Health Department*

12:50 P.M. AWARD OF THE PERSONAL RESPONSIBILITY EDUCATION PROGRAM FOR THE WASHINGTON COUNTY HEALTH DEPARTMENT – *Earl Stoner, Deputy Health Officer, Washington County Health Department, and Daniel Triplett, Administrator, Washington County Health Department*

12:55 P.M. AWARD OF THE SEXUAL RISK AVOIDANCE EDUCATION PROGRAM FOR 6TH GRADERS PROGRAM – *Earl Stoner, Deputy Health Officer, Washington County Health Department, and Daniel Triplett, Administrator, Washington County Health Department*

RECONVENE AS BOARD OF COUNTY COMMISSIONERS

- 01:05 P.M. BUDGET TRANSFER FOR FIRE TRUCK REPAIRS – *Garrison Plessinger, Director, Hagerstown Regional Airport*
- 01:10 P.M. TRANSFER OF FUNDS FOR THE REPAIR OF THE COMPACTOR FOR THE DEPARTMENT OF SOLID WASTE – *David A. Mason, P.E., Deputy Director, Department of Solid Waste*
- 01:15 P.M. APPROVAL OF BY-LAWS FOR THE BUILDING CODE BOARD OF APPEALS – *Richard Eichelberger, Director, Division of Construction and Krista Hart, County Clerk*
- 01:20 P.M. APPROVAL OF THE REVISED BY-LAWS FOR THE DIVERSITY AND INCLUSION COMMITTEE – *Arthur Hicks, Chair and Krista Hart, County Clerk*
- 01:25 P.M. REJECTION – CONTRACT RENEWAL (PUR-1387) – RECYCLING DROP-OFF CENTER SERVICES - *Brandi Naugle, Buyer, Purchasing Department and David Mason, Deputy Director, Department of Solid Waste*
- 01:30 P.M. REJECTION – CONTRACT RENEWAL (PUR-1388) – TRANSFER STATIONS, ON-SITE AT FORTY-WEST LANDFILL AND CARDBOARD TRANSPORT - *Brandi Naugle, Buyer, Purchasing Department and David Mason, Deputy Director, Department of Solid Waste*
- 01:35 P.M. SMITHSBURG EMERGENCY MEDICAL SERVICES UPDATE – *R. David Hays, Director, Division of Emergency Services (DES), David Chisholm, Assistant Director, Emergency Medical Services, Robert Moncrief, President, Washington County Volunteer Fire and Rescue Association (WCVFRA) and Joanie Gerber, President, Smithsburg EMS*
- 02:00 P.M. RECESS

EVENING MEETING AT THE TOWN OF SHARPSBURG

Location: 106 East Main Street, Sharpsburg MD

- 06:00 P.M. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE
CALL TO ORDER, *President Jeffrey A. Cline*
- 06:05 P.M. TOWN OF SHARPSBURG LEADERS' REPORTS AND COMMENTS
- 06:15 P.M. COMMISSIONERS' REPORTS AND COMMENTS
- 06:25 P.M. REPORTS FROM COUNTY STAFF
- 06:35 P.M. CITIZENS' PARTICIPATION
- 06:40 P.M. ADJOURNMENT



Agenda Report Form

Open Session Item

SUBJECT: 2019 Washington County Community Coalition Recap

PRESENTATION DATE: July 16, 2019

PRESENTATION BY: Paul Frey, President & CEO, Washington County Chamber of Commerce and Jim Kercheval, Executive Director, The Greater Hagerstown Committee

RECOMMENDED MOTION: For Informational Purposes

REPORT-IN-BRIEF: Recap of the Coalition's work and outcomes during the 2019 General Assembly Session, including the 2019 Washington County Day in Annapolis Reception.

DISCUSSION: N/A

FISCAL IMPACT: N/A

CONCURRENCES: N/A

ALTERNATIVES: N/A

ATTACHMENTS: 2019 Legislative Update and 2019 Summary of Day in Annapolis

AUDIO/VISUAL NEEDS: N/A

**Washington County Community Coalition
2019 Legislative Update**

Summary of our Top 3 agenda items (John Favazza):

WorkKeys Career Certification Pilot

Thanks in large part to the hard work of Senator Serafini, \$200k in the final budget compromise was restricted for Hagerstown Community College to begin work on this workforce development tool. Unfortunately, this money became part of a larger pot of state money for multiple counties that was frozen and “fenced off” by the legislature in May due to revenue write downs and upcoming budget concerns. The Governor is supporting that decision and not selectively releasing individual funds. Our lobbyist and Sen. Serafini are working in the off season to identify alternative funding options in light of the likelihood that these funds will not become available.

A related bill, Senate Bill 949, established a grant program for Workforce Skills Assessment within the Department of Labor, Licensing, and Regulation (DLLR). The program would have provided financial assistance to an employer for the administration of assessments that measure workplace or job-related skills of employees who are State residents. The bill was introduced and heard very late in the Senate but did pass the Senate unanimously. It arrived very late to the House and was not taken up by the Economic Matters Committee. In the end, a permanent statewide program was not established, and while the one-time \$200k funding for HCC did initially pass, it will likely be unavailable as noted above.

Sales Tax Exemption for Aircraft Parts

Unfortunately, the sales tax exemption legislation did not pass this year. As everyone is aware, this legislation failed multiple years before being adopted this year as a priority of the Coalition. The statewide bill, and a related local bill for Wicomico County did receive more serious consideration in the House than in prior years, but a State revenue write-down announced in March served to undercut whatever momentum was building for the legislation. Combined with a looming major education funding commitment pending next year (partially funded this year), this bill and similar tax exemptions and credits were shelved. The outlook for next year is tricky with tax increases expected to fund Kirwan, but if the Coalition wants to move forward again, I'd recommend some early strategic discussions regarding bill sponsorship and interim activities.

Urban Improvement Project

The planned \$500k for the Hagerstown Revitalization project was included in this year's Capital Budget. The funding ramps up significantly for the final two years of the State's commitment in FY 2021 and 2022, so the Coalition and the Delegation should be prepared to be more active on this item next year.

Thoughts on 2020 Session:

Next year will be a challenging budget year for the state with current projections and the implementation of Kirwan funding. Any new legislation that has significant fiscal note will be a challenge to get passed (it's hard to add to state's operating costs when they must cut what's already been approved). The last scheduled installments promised by the Governor for the UIP will be much larger than the prior 3 years (\$2.5M to \$3M vs \$500k). We will need to work harder than in past to keep this in the capital budget. The lobbyist also recommends that the coalition considers 2020 agenda items that are more about “policy” than those that require state funding. He suggests having agenda items developed prior to the start of session so we can get the bills in early and improve our chances for success.

Other Miscellaneous Highlights (from various sources):

- Capital budget funding coming to Washington County:
 - \$500k – UIP Project (3rd of 5 installments from Governor’s past commitment)
 - \$300k earmark for MD Stadium Authority for a Hagerstown Stadium Preliminary design and engineering study (to determine cost estimate and get portion of engineering and design complete – this money would only be used if City Council approves moving forward after they review site options)
 - \$200k for our WorkKeys program
 - \$150k for YMCA HVAC improvements
 - A small allotment of funding to complete a Veteran’s memorial
- A bill from Delegate Wivell did not pass that would have offered certain tax incentives for Fort Ritchie. The Coalition’s lobbyist was assisting with this and at one point felt the leadership was trying to do something positive. But in the end, it failed. It is also worth trying again next year.
- Most of the funding for Kirwan Commission’s recommendations were pushed back to next year due to cost and the \$300M write down to the state’s budget mid-session. However, some funding did come through to the benefit of WCPS. There will be funding per pupil for full day preschool. WCPS’s decision last year to find internal cuts to fund additional students will pay off this year as the new state funding will cover most of that cost. WCPS currently has the 2nd most students in numbers (not percentage) in full day Pre-K. We are optimistic this investment will positively impact other benchmarks as this generation of kids moves through the system.
- A Minimum wage bill was passed which will move the minimum wage to \$15/hr. by 2025. In short it will increase to \$11 in January, then go up 75 cents per year until it reaches \$15/hr. in 2025 for all business with 15 or more employees. For those with less employees, it increases 60 cents per year until it hits \$15/hr. by 2026. There was a lot of business opposition that did have some impact on the final bill, but it was minimal (small break for smaller companies, reduction for people 16-21, and no change in the tipped wage).
- Speaker of the House, Mike Busch passed away late in session due to health issues and Del. Adrienne Jones (Baltimore County – Speaker Pro Tem) was named the new Speaker. The Coalition has met with Del. Jones at past visits to Annapolis and our lobbyist has a good relationship with her, but we will need to build on this relationship for the future. The Coalition is looking at events in the Summer or Fall where we can invite Speaker Jones to Washington County. There is no word at this time on any changes to committee leadership positions. Most believe that the main committee chairs are expected to remain in their positions (Del. McIntosh – Chair Appropriations, etc.), but we will likely see some changes in committee assignments in the Fall.
- **Link to MD Association of Counties 2019 Session Wrap Up Article:**
<https://conduitstreet.mdcounties.org/2019/04/12/2019-session-recap-and-wrap-ups/>

Our Washington County Delegation will be moving up their annual pre-legislative session meeting day from early December to early November. Therefore, the Community Coalition must have their agenda finalized a month earlier than normal (Agenda items approved in September with memos on each item completed by end of October). **EACH COALITION PARTNER SHOULD BE WORKING OVER THE SUMMER TO IDENTIFY ANY LEGISLATIVE ITEMS TO BRING FORWARD TO THE COALITON FOR CONSIDERATION IN THE 2020 AGENDA.** Coalition meetings will start in August. Please be sure to have representatives attend.

2019 Community Coalition's Day in Annapolis

Tuesday 1/29:

- Personal visits to over 200 members of the General Assembly to invite them to our Washington County Reception (141 Delegates, 50 Senators, Governor's Administration). Members received a MD Flag imprinted gift box with the invitation printed on it, a small office tool kit with the Community Coalition Logo, and a copy of our Legislator Booklet. Box included homemade local chocolates from Olympia Candy Kitchen, Fruit tart from The Cookie Jar, Black Eyed Susan Seed packet imprinted with Visit Hagerstown Logo, and several small goodies from various companies (total value under \$20/Cost to Coalition about \$7 due to donated goods)
- Met with the Chair of our Delegation (Del. Wivell) and lobbyist to prep for Wednesday. Also had a brief discussion with Sen Serafini

Wednesday 1/30 (also Governor's State of the State Address):

- 3 Small Group meetings in the morning with:
 - Del. Adrienne Jones (D – Baltimore Co.)– Appropriations Committee Speaker Pro Tem, Vice Chair of Transportation Subcommittee
 - Jason Weintraub (R) – Senior Legislative Council to Speaker of the House (Del. Busch)
 - Del. Eric Luedtke (D – Mont. Co.) –Ways and Means Comm., Democratic Caucus Chair
- Lunch for Coalition Attendees – Galway Bay Irish Restaurant - 57 attended
- Large group sessions (@ 90 attendees):
 - Lobbyist John Favazza – overview of session
 - Del. Maggie McIntosh (D – Baltimore City), Chair of Appropriations
 - David Brinkley (R), Budget Secretary
 - Sen Guy Guzzone (D – Howard Co.), Majority Whip, B&T
 - Del. Nick Kipke (R – AA Co.), Minority Leader, HGO
 - Del. Mike Busch – (D – AA Co.) Speaker of the House
 - Chris Shank (R), Chief Legislative Officer for Governor Hogan
 - James Rzepkowski (R) - Asst. Secretary for the Division of Workforce Development and Adult Learning at DLLR (*note: was delayed due to bill hearing and came to speak after large group was dismissed – had small discussion with him and he also attended reception*)
- **Wash Co. Reception (26 Vendor Booths including local cheese, beer, wine. Over 250 attendees):**
 - 39 Delegates + 18 Delegate's staff
 - 14 Senators + 5 Senator's staff
 - 3 Governor's Administration + 8 Staff from Administration (DOC, TEDCO)
 - 6 Miscellaneous - Media (1), MD Chamber (1), Other Lobbying firms (4), Leadership MD (1)
 - 63 - Coalition Attendees (57 at lunch)
 - 35 - Leadership Washington Co
 - 60 - Vendors (Had 26 vendor booths)
 - *Note: There may have been a few more that attended reception without signing in*

Thursday 1/31:

- Small Group Meetings with:
 - Sen. Nancy King, Chair Budget and Tax (she mentioned bringing her committee up to Hagerstown for a visit in the future)
 - Del. Darryl Barnes (D – P.G. Co.) – Majority Whip, Asst. Speaker Pro Tem, Ways and Means Comm.
 - Del. Paul Corderman (R. – Washington Co)
- Testified at Public Hearing on HB65 (Aircraft Parts Sales Tax Exemption)
 - Austin Heffernan (Aircraft Maintenance & Repair Company), Dr. Jim Klauber (Pilot), Jim Kercheval (Behalf of Coalition). Note: Bill sponsor asked Austin to speak on his panel
- Wrap up discussion with Lobbyist

Vendor Booths at Washington County Reception

- 1 Maryland Symphony Orchestra
- 2 Hub Labels
- 3 Antietam Broadband
- 4 Purdue
- 5 Ontrack Washington County
- 6 HighRock
- 7 WCPS - Computer Repair & Networking
- 8 WCPS - CGDA
- 9 WCPS - Biomedical Science
- 10 Bj's
- 11 Washington County Free Library
- 12 Meritus Health
- 13 Volvo Group Trucks
- 14 Bowman Development Corp.
- 15 Rohrersville Vineyards, LLC dba Big Cork Vineyards
- 16 Antietam Brewery
- 17 The Town of Williamsport
- 18 Washington County Government
- 19 Thomas Kennedy Center
- 20 City of Hagerstown
- 21 Visit Hagerstown
- 22 YMCA of Hagerstown
- 23 Potomac Edison
- 24 Hagerstown Community College
- 25 University System of Maryland at Hagerstown
- 26 Washington County Museum of Fine Arts



Agenda Report Form

Open Session Item

NOTE: The Board of County Commissioners will need to convene as the *Board of Health* when considering this request

SUBJECT: Award of the Mobile Farmer's Market

PRESENTATION DATE: July 16, 2019

PRESENTATION BY: Earl Stoner, Deputy Health Officer, Washington County Health Department, and Daniel Triplett, Administrator, Washington County Health Department

RECOMMENDED MOTION: (RFQ-2019-06) To award the Mobile Farmer's Market project to Mr. Edward Kilpatrick of Boonsboro, Maryland.

REPORT-IN-BRIEF: The Washington County Health Department was awarded a grant of \$135,000 by the Maryland Department of Health, Community Health Resources Commission to establish a Mobile Farmer's Market program to bring fresh produce grown by local farmers, to targeted areas in Hagerstown such as Walnut Towers, Reach Shelter, Potomac Tower, Elizabeth Court, Alexander House, Zion Church on Jonathan Street, Salem Avenue Elementary, Bester Elementary and Hagerstown and Parks during special events. The grant money was allocated to provide a local vendor startup funds to establish mobile markets to provide fresh produce to residents in Hagerstown that do not have easy access to a grocery store. The Health Department desires to have fresh produce available to the residents during the growing season (July – October). The vendor must accept SNAP, WIC, Senior Farmers Market Program and WCHD Market Money. The vendor will work with local area farmers, purchase their fresh produce and the vendor will establish and manage the markets in the designated areas. As part of the grant, the vendor will be self-sustainable after the first year and continue the program as a local small business.

The RFQ produced one proposal, which was Mr. Kilpatrick's, \$62,000. The grant award was \$135,000. The remaining funds are allocated for media advertising and educational materials that will be available at the Mobile Farmer's Market for participants.

The proposal was advertised in the Herald Mail and in the eMaryland publication. Only one bid proposal was received.

DISCUSSION: None

FISCAL IMPACT: The project is being funded by a grant from the Maryland Department of Health, Community Health Resources Commission. The grant award to the Washington County Health Department was \$135,000 to establish a mobile farmer's market and provide for advertising. The Mobile Vendor will be awarded \$62,000. The remaining grant funds will be utilized for an award to a media company to produce advertising, (i.e. Facebook, television, radio,

pamphlets and logo) along with funding for educational materials. No county funds are being requested for this award.

CONCURRENCES: None

ALTERNATIVES: N/A

ATTACHMENTS: N/A

AUDIO/VISUAL NEEDS: None



Agenda Report Form

Open Session Item

NOTE: The Board of County Commissioners will need to convene as the *Board of Health* when considering this request

SUBJECT: Award of the Personal Responsibility Education Program for the Washington County Health Department

PRESENTATION DATE: July 16, 2019

PRESENTATION BY: Earl Stoner, Deputy Health Officer, Washington County Health Department, and Daniel Triplett, Administrator, Washington County Health Department

RECOMMENDED MOTION: (PUR-2019-07) To award the Personal Responsibility Education Program for the period July 1, 2019 – June 30, 2020.

REPORT-IN-BRIEF: The Washington County Health Department was awarded a grant in the amount of \$55,000 by the Maryland Department of Health to implement a comprehensive sexual education Promoting Health Among Teens Comprehensive (PHAT-C) curriculum with 9th graders in at least one Washington County Public School and to implement Parents Matter or other CDC approved parent engagement curriculum with parents of those students.

The RFP produced only one vendor, Girls, Inc., of Hagerstown with a proposal of \$35,000.

The proposal was advertised in the Herald Mail, published on eMaryland and Washington County Health Department website.

DISCUSSION: N/A

FISCAL IMPACT: The project is being funded by a grant from the Maryland Department of Health. Girl's Inc. will be awarded the \$35,000 to implement the programs. No County funds are being requested for this award. The remaining funds are obligated to salary and indirect cost.

CONCURRENCES: N/A

ALTERNATIVES: N/A

ATTACHMENTS: N/A

AUDIO/VISUAL NEEDS: N/A



Agenda Report Form

Open Session Item

NOTE: The Board of County Commissioners will need to convene as the *Board of Health* when considering this request

SUBJECT: Award of the Sexual Risk Avoidance Education Program for 6th Graders Program

PRESENTATION DATE: July 16, 2019

PRESENTATION BY: Earl Stoner, Deputy Health Officer, Washington County Health Department, and Daniel Triplett, Administrator, Washington County Health Department

RECOMMENDED MOTION: (PUR-2019-08) To award the Sexual Risk Avoidance Education Program for the period July 1, 2019 – June 30, 2020

REPORT-IN-BRIEF: The Washington County Health Department was awarded a grant in the amount of \$104,877.00 by the Maryland Department of Health to implement an abstinence education program in Washington County Public Schools for 6th graders during the 2019/2020 school year to include but not limited to Hancock Middle, Clear Spring, Springfield, E. Russel Hicks, Northern, Smithsburg, Western Heights and Boonsboro Middle. The vendor will implement an abstinence education summer program for adolescent children using CDC evidence-based curriculum and implement the Parents Matters or other CDC approved parent engagement curriculum with parents. The vendor will plan an abstinence education program in the Washington County Public Schools for 6th graders before schools are in session for the 2019/2020 school year.

The RFP produced only one vendor, Girls, Inc., of Hagerstown with a proposal of \$68,000.

The proposal was advertised in the Herald Mail, published on Maryland and Washington County Health Department website.

DISCUSSION: N/A

FISCAL IMPACT: The project is being funded by a grant from the Maryland Department of Health. Girl's Inc. will be awarded the \$68,000 to implement the programs. The remaining grant funds will be used for salary, indirect cost, training and educational materials. No County funds are being requested for this award.

CONCURRENCES: N/A

ALTERNATIVES: N/A

ATTACHMENTS: N/A

AUDIO/VISUAL NEEDS: N/A



Open Session Item

SUBJECT: Budget transfer for fire truck repairs

PRESENTATION DATE: July 9, 2019

PRESENTATION BY: Garrison Plessinger, Director, Hagerstown Regional Airport

RECOMMENDED MOTION: To approve the budget transfer to repair the fire truck

REPORT-IN-BRIEF: Budget transfer will provide funding for necessary repairs to one of the Airports Fire trucks.

DISCUSSION: The bid to repair the fire truck was awarded in May 2019, and the repairs needed to put a firetruck at the airport back in service will not be completed by 6/30/19. This transfer will move the funds into CIP so that the repairs can be made in FY2020.

The truck is currently being worked on at Emergency Vehicle Services in Hagerstown. No timeline was given from vendor at this point due to still sourcing parts.

FISCAL IMPACT: NA

CONCURRENCES: NA

ALTERNATIVES: NA

ATTACHMENTS: Budget Adjustment Form

AUDIO/VISUAL NEEDS: NA



Washington County, Maryland

Budget Adjustment Form

Print Form

- Budget Amendment - Increases or decrease the total spending authority of an accounting fund or department
- Budget Transfer - Moves revenues or expenditures from one account to another or between budgets or funds.

Transaction/Post -Finance

Deputy Director - Finance Digitally signed by Kelcee Mace Date: 2019.06.24 08:44:19 -04'00'

Preparer, if applicable

Department Head Authorization

Garrison Plessinger Digitally signed by Garrison Plessinger Date: 2019.06.24 09:25:18 -04'00'

Division Director / Elected Official Authorization

Budget & Finance Director Approval

County Administrator Approval

County Commissioners Approval

Required approval with date

If applicable with date

Required approval with date

Required approval with date

Required > \$ 25,000 with date

Expenditure / Account Number	Fund Number	Department Number	Project Number	Grant Number	Activity Code	Department and Account Description	Increase (Decrease) + / -
491730	45	00000				Operating Transfer - CIP	-145,000
600300	45	45080				Vehicles	-145,000
498745	35	45010	EQP031		0000	Capital Transfer - Airport	145,000
599999	35	45010	EQP031		EQPT	Capital Equipment - Airport	145,000

Explain Budget Adjustment

The repairs needed to put a firetruck at the airport back in service will not be completed by 6/30/19. This transfer will move the funds into CIP so that the repairs can be made in FY2020.

Required Action by County Commissioners

No Approval Required

Approval Required

Approval Date if Known



Agenda Report Form

Open Session Item

SUBJECT: Transfer of Funds for the repair of the Compactor for the Department of Solid Waste

PRESENTATION DATE: July 16, 2019

PRESENTATION BY: David A. Mason, P. E., Deputy Director, Department of Solid Waste

RECOMMENDED MOTION: Motion to approve the transfer of Funds for the repair of the Caterpillar 826H Compactor for the Department of Solid Waste at the 40 West Landfill.

REPORT-IN-BRIEF: Funds for the repair of the compactors was approved by the Board of County Commissioners on January 8, 2019. The Certified rebuild of the CAT 826G was completed in June 2019, delivered to the site on June 26, 2019. The rebuild took 5 month to complete. Since the repair work for the 826H will not be completed by June 30, 2019, the funds must be transferred to a CIP account.

DISCUSSION: With the rebuild of the 826G complete, the repairs to the 826H will provide a backup compactor when the primary compactor is out-of-service.

FISCAL IMPACT: The monies will transfer from Operating Department 21010 to Solid Waste Equipment/Vehicle Replacement Program Account VEH011.

CONCURRENCES: Director of Environmental Management, CFO

ALTERNATIVES: N/A

ATTACHMENTS: N/A

AUDIO/VISUAL NEEDS: N/A



Washington County, Maryland Budget Adjustment Form

Print Form

- Budget Amendment - Increases or decrease the total spending authority of an accounting fund or department
- Budget Transfer - Moves revenues or expenditures from one account to another or between budgets or funds.

Transaction/Post -Finance

Deputy Director - Finance Digitally signed by Kelcee Mace Date: 2019.06.18 14:41:08 -04'00'

Preparer, if applicable

Department Head Authorization

David A. Mason Digitally signed by David A. Mason Date: 2019.06.18 15:50:04 -04'00'

Division Director / Elected Official Authorization

Daniel F DiVito Digitally signed by Daniel F DiVito Date: 2019.06.18 16:29:51 -04'00'

Budget & Finance Director Approval

Kimberly Edlund Digitally signed by Kimberly Edlund Date: 2019.07.03 08:41:05 -04'00'

County Administrator Approval

Robert Slocum Digitally signed by Robert Slocum Date: 2019.07.03 09:19:30 -04'00'

County Commissioners Approval

Required approval with date

If applicable with date

Required approval with date

Required approval with date

Required > \$ 25,000 with date

Expenditure / Account Number	Fund Number	Department Number	Project Number	Grant Number	Activity Code	Department and Account Description	Increase (Decrease) + / -
502000	21	21010				Appropriations	249,800
515000	21	21010				Contracted/Purchased Service	-249,800
599999	31	21010	VEH011		EQPT	SW Equipment/Vehicle Replacement	249,800
498721	31	21010	VEH011		OTHR	Capital Transfer - Solid Waste	249,800

Explain Budget Adjustment

The rebuild of the CAT826G has taken longer than expected. As a result, the repairs to the 826H Compactor will not be completed by year end 6/30/19. This transfer will move the funds into CIP so that the repairs can still be made.

Required Action by County Commissioners

- No Approval Required
- Approval Required

Approval Date if Known



Agenda Report Form

Open Session Item

SUBJECT: Approval of By-Laws for the Building Code Board of Appeals

PRESENTATION DATE: July 16, 2019

PRESENTATION BY: Richard Eichelberger, Director, Division of Construction and Krista Hart, County Clerk

RECOMMENDED MOTION: To approve the bylaws of the Building Code Board of Appeals (Board) as presented.

REPORT-IN-BRIEF: The purpose of the Board is to hear and decide appeals to orders, decisions, or determinations as made by the Building Code Official relative to an application and interpretation of the Building Code. This Board may, in conformity with the provisions of law and the Washington County Building Code (as amended), reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and make such order, requirement, decision, or determination as ought to be made.

The Committee is to be comprised of five (5) individual voting members who are volunteer, private citizens of Washington County, Maryland, and who are qualified by experience and/or training to pass on matters pertaining to building construction. The County Building Code Official will act as an ex-officio non-voting member. Member terms shall be for three (3) years with the initial terms being staggered.

DISCUSSION: The Board was reconstituted on February 12, 2013, following an update to the by-laws on October 23, 2012, by the Board of County Commissioners; there have been no updates to the by-laws since that time. During a review of all Boards and Commissions, the Clerk found that this Board has no active members. Under guidance from the Building Code Official, and Chief of Permitting, the Clerk has brought the by-laws up to date so that Board may be reconstituted.

Upon approval of the bylaws, applications from the community will be encouraged through a media release. Members will then be appointed by the County Commissioners.

FISCAL IMPACT: None

CONCURRENCES: Kirk Downey, County Attorney, Krista Hart, County Clerk, Rich Eichelberger, Director and Code Official, Rebekah Gander, Chief of Permitting

ALTERNATIVES: Revise the proposed bylaws.

ATTACHMENTS: Proposed DRAFT bylaws; excerpt from the Washington County International Building Code, 2015 Section 113 "Board of Appeals"; 2012 Approved by-laws; washco-md website information; former member roster.



WASHINGTON COUNTY BUILDING CODE BOARD OF APPEALS

BYLAWS

(in accordance with Policy PR-22, Boards and Commissions)

Article I

Name and Principal Office

The name of the Board is the Washington County Building Code Board of Appeals (the Board.) The principal office of the Board is located at the Washington County Administrative Annex, 80 West Baltimore Street, Hagerstown, Maryland.

Article II

Mission Statement

The Board shall have the responsibility to hear and decide appeals to orders, decisions, or determinations made by the Building Code Official relative to the application and interpretation of the Building Code. In exercising the above-mentioned responsibilities, the Board may, in conformity with the provisions of law and the Washington County Building Code (as amended), reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and make such order, requirement, decision, or determination as ought to be made.

Article III

Priorities

The Board shall:

A. Accept any appeal brought forth by any person or entity having as construction or renovation project subject to the Building Code aggrieved by an order, decision, or determination of the Washington County Building Code Official in his/her administration of the Washington County Building Code (as amended). Such appeal shall be taken by filing a Notice of Appeal with the Board within seven (7) days of the determination.

B. Hear an appeal when an Appellant alleges:

1. that the Building Code, or any rules, or regulations, or procedures adopted thereunder, has been incorrectly interpreted;

2. that a provision of the Building Code does not fully apply due to the unique circumstances of the project;

3. that an alternative construction method is equally good or better and fully satisfies the spirit and intent of the Building Code.

C. Undertake the task of gathering and disseminating information from and about the Washington County Building Code;

D. Have no authority to waive the requirements of the Building Code;

E. Render all decisions and findings in writing within thirty (30) days to the appellant with a duplicate copy to the Building Official.

Article IV

Membership

A. **Composition.** The Board shall be comprised of five (5) individual voting members appointed by the Board of County Commissioners. (the Commissioners) and the Washington County Building Official. The Board shall consist of members who are qualified by experience and/or

training to pass on matters pertaining to building construction and must include a member or members familiar with the electrical, plumbing, mechanical, and construction trades. The individual voting member may not be an employee of the County. The Washington County Building Official will act as ex-officio, non-voting member.

B. **Terms.** Standing ex officio non-voting members are not term-limited. Terms of the individual voting members shall be three (3) years, as outlined in Washington County Policy PR-22, Boards and Commissions. The original term of one (1) member shall be for one (1) year; the original term of one (1) member shall be for two (2) years; and the original term of the remaining members shall be for three (3) years. Subsequent terms of all five (5) members shall be for three (3) years. Members of the Board shall be eligible for reappointment for one (1) consecutive term only, and, following the second consecutive 3-year term, shall be eligible for reappointment only following an intervening one (1) year period. A one- or two-year term will not be considered a full term for the purpose of these term limits.

C. **Termination of Membership and Vacancies**

1. Membership on the Board may be terminated by voluntary withdrawal or by removal by the Commissioners. Any member may withdraw from membership by giving written notice to the Board chair of such intention.

2. The Board may recommend to the Commissioners that the membership of an individual member be terminated based on one or more of the following criteria:

- a. inadequate attendance including excused and unexcused absences;
- b. breach of confidentiality;
- c. action/behavior that is inappropriate or inconsistent with County policy; and

3. The Commissioners shall have the authority to remove any member of the Board at any time when, in its sole and absolute discretion, the best interest of the community shall be served.

4. Any vacancy occurring in the Board for any reason shall be filled for the unexpired term by the Commissioners.

**Article V
Officers**

A. **Elected Officers.** Members of the Board shall elect from among their members a chair, vice-chair, and secretary. Notwithstanding any provision of these bylaws, no member may simultaneously hold more than one office. The officers shall have the duties and powers usually attendant upon such officers and other duties and powers not inconsistent herewith as may be provided by the Board and/or the Commissioners.

B. **Terms.** The chair and vice-chair shall take office at the close of the Annual Meeting and shall serve for a term of one (1) year. Officers are eligible for reelection or reappointment for one (1) additional year. Vacancies occurring during a term of office must be filled for the unexpired balance of the term of office. When a vacancy in the office of the chair occurs, the vice-chair shall automatically succeed to the office of chair.

C. **Chair.** The chair shall:

1. Preside as the chief officer of the Board and shall be present at all meetings of the Board;

2. Serve as a non-voting ex-officio member of all sub-committees and appoint the chair of each sub-committee from among the members;
3. Ensure that proper records are maintained;
4. Communicate to the Board such matters and make such suggestions as may in the chair's opinion tend to promote the achievement of the goals outlined in these bylaws; and,
5. Perform such other duties as are necessarily incidental to the office.

D. **Vice-Chair.** The vice-chair shall perform all duties of the chair during his or her absence.

E. **Secretary.** The secretary shall maintain minutes of the meetings (if required) and when necessary provide notice of meetings to members of the Board. The secretary shall keep record of the proceedings of each meeting, which shall include the vote of each member on each question, or if absent or failing to vote, indicating such fact; the names and addresses of all witnesses; a summary of facts on which the decision is based; the decision rendered; and other official actions of the Board. The position of Secretary shall be assigned by the Building Code Official.

F. **Officer Removal, Resignation, and Vacancies**

1. The Board may recommend to the Commissioners that a member serving as an officer be removed from his or her officer position based on one or more of the following criteria:

- a. inadequate attendance including excused and unexcused absences;
- b. breach of confidentiality;
- c. actions/behavior that in the opinion of the Board is inappropriate or inconsistent with policy; and

2. The Commissioners shall have the authority to remove any member from an officer position of the Board at any time when, in its sole and absolute discretion, the best interest of the community shall be served.

3. In the event of an officer vacancy that is caused by removal, resignation, or any other reason, the Board shall elect a member to fill the vacancy. The election shall take place at the next regularly scheduled meeting following the effective date of the vacancy. A member elected to fill a vacancy shall serve out the remainder of the officer's term left vacant. The partial term served shall not be applied to the term limits.

Article VI
Meetings

A. **Meetings.** Meetings shall be subject to the Open Meetings Act and members of the public shall be permitted to attend all meetings except as provided by law. General parliamentary rules, as set forth in Robert's Rules of Order, as amended from time to time, shall govern, when not in conflict with these bylaws.

1. **Regular Meetings.** The Board will meet whenever it has appeals to decide. Each member of the Board shall be notified at least one (1) week in advance of any changes in the time or date of meetings. No member of the Board shall sit in a meeting of or voice on any matter in which he or she is personally or financially interested.

B. **Attendance.** All members shall be required to attend the Board meetings as scheduled. Failure to attend these meetings may be at the discretion of the Board and result in the following:

1. A third missed meeting in any fiscal year may result in a letter to the member from the chair regarding the attendance policy.

2. Disassociation from the Board as a voting member may occur after the third unexcused absence of regularly scheduled meetings in any fiscal year.

C. **Quorum.** Fifty-one percent (51%) of the total membership shall constitute a quorum. If such a majority is not present at any time, the presiding officer shall adjourn the meeting until a quorum is present.

D. **Sub-committees.** Other standing or special sub-committees of the Board may be formed by the Board as deemed necessary.

Article VII

Fiscal Year and Budget

A. **Fiscal Year.** The fiscal year of the Board shall begin on the 1st day of July and end on the last day of June.

B. **Budget.** No budget will be provided to the Board unless deemed necessary by the Commissioners.

Article VIII

Amendments to Bylaws

These bylaws may be amended, repealed, modified, or altered, in whole or in part, by the Commissioners, in their sole and absolute discretion. If such an amendment or change is proposed by the Board, such proposal must be submitted in writing and approved at a meeting of the Board. The proposal to amend these bylaws and the text of the proposed amendment must be included in the notice of the next meeting of the Board. At that time, the Board shall vote on the proposed amendment. Such proposed amendments shall be recommended to the Commissioners only if the proposal receives a quorum vote of the Board.

Approved and adopted this _____ day of **Mareh**, 2019

ATTEST:

Krista L. Hart, *County Clerk*

Jeffrey A. Cline, *President*
Board of County Commissioners of
Washington County, Maryland

[A] **110.6 Approval required.** Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the *building official*. The *building official*, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the *permit* holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the *building official*.

SECTION 111 CERTIFICATE OF OCCUPANCY

[A] **111.1 Use and occupancy.** A building or structure shall not be used or occupied, and a change in the existing use or occupancy classification of a building or structure or portion thereof shall not be made, until the *building official* has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

Exception: Certificates of occupancy are not required for work exempt from *permits* in accordance with Section 105.2.

[A] **111.2 Certificate issued.** After the *building official* inspects the building or structure and does not find violations of the provisions of this code or other laws that are enforced by the department of building safety, the *building official* shall issue a certificate of occupancy that contains the following:

1. The building *permit* number.
2. The address of the structure.
3. The name and address of the *owner* or the *owner's* authorized agent.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the *building official*.
7. The edition of the code under which the *permit* was issued.
8. The use and occupancy, in accordance with the provisions of Chapter 3.
9. The type of construction as defined in Chapter 6.
10. The design *occupant load*.
11. If an *automatic sprinkler system* is provided, whether the sprinkler system is required.
12. Any special stipulations and conditions of the building *permit*.

[A] **111.3 Temporary occupancy.** The *building official* is authorized to issue a temporary certificate of occupancy

before the completion of the entire work covered by the *permit*, provided that such portion or portions shall be occupied safely. The *building official* shall set a time period during which the temporary certificate of occupancy is valid.

[A] **111.4 Revocation.** The *building official* is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

SECTION 112 SERVICE UTILITIES

[A] **112.1 Connection of service utilities.** A person shall not make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this code for which a *permit* is required, until released by the *building official*.

[A] **112.2 Temporary connection.** The *building official* shall have the authority to authorize the temporary connection of the building or system to the utility, source of energy, fuel or power.

[A] **112.3 Authority to disconnect service utilities.** The *building official* shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 101.4 in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without the approval required by Section 112.1 or 112.2. The *building official* shall notify the serving utility, and wherever possible the *owner* and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the *owner* or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

SECTION 113 BOARD OF APPEALS

[A] **113.1 General.** In order to hear and decide appeals of orders, decisions or determinations made by the *building official* relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the applicable governing authority and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business.

[A] **113.2 Limitations on authority.** An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The board shall not have authority to waive requirements of this code.

[A] **113.3 Qualifications.** The board of appeals shall consist of members who are qualified by experience and training to

pass on matters pertaining to building construction and are not employees of the jurisdiction.

**SECTION 114
VIOLATIONS**

[A] **114.1 Unlawful acts.** It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, *repair*, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

[A] **114.2 Notice of violation.** The *building official* is authorized to serve a notice of violation or order on the person responsible for the erection, construction, *alteration*, extension, *repair*, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a *permit* or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

[A] **114.3 Prosecution of violation.** If the notice of violation is not complied with promptly, the *building official* is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

* [A] **114.4 Violation penalties.** Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the *approved construction documents* or directive of the *building official*, or of a *permit* or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.

* 114.5 CIVIL PENALTIES

**SECTION 115
STOP WORK ORDER**

[A] **115.1 Authority.** Where the *building official* finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the *building official* is authorized to issue a stop work order.

[A] **115.2 Issuance.** The stop work order shall be in writing and shall be given to the *owner* of the property involved, the *owner's* authorized agent or the person performing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work will be permitted to resume.

[A] **115.3 Unlawful continuance.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

**SECTION 116
UNSAFE STRUCTURES AND EQUIPMENT**

[A] **116.1 Conditions.** Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate *means of egress* facilities, inadequate light and ventilation, or that constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the *building official* deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe.

[A] **116.2 Record.** The *building official* shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

[A] **116.3 Notice.** If an unsafe condition is found, the *building official* shall serve on the *owner*, agent or person in control of the structure, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the *building official* acceptance or rejection of the terms of the order.

[A] **116.4 Method of service.** Such notice shall be deemed properly served if a copy thereof is (a) delivered to the *owner* personally; (b) sent by certified or registered mail addressed to the *owner* at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the *owner's* agent or upon the person responsible for the structure shall constitute service of notice upon the *owner*.

[A] **116.5 Restoration.** Where the structure or equipment determined to be unsafe by the *building official* is restored to a safe condition, to the extent that repairs, *alterations* or *additions* are made or a change of occupancy occurs during the restoration of the structure, such *repairs*, *alterations*, *additions* and change of occupancy shall comply with the requirements of Section 105.2.2 and the *International Existing Building Code*.

**BYLAWS OF THE WASHINGTON COUNTY
BUILDING CODE BOARD OF APPEALS**

Article I. Name

The name of the Board is the "WASHINGTON COUNTY BUILDING CODE BOARD OF APPEALS" (the *Board*).

Article II. Principal Office

The principal office of the Board is located at the Washington County Administrative Annex, 80 W. Baltimore Street, Hagerstown, Maryland 21740.

Article III. Membership

The membership of the Board includes five (5) voting members appointed by the Board of County Commissioners of Washington County, Maryland. The Board shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and must include a member or members familiar with the electrical, plumbing, mechanical, and construction trades. The Washington County Building Official will act as an ex-officio member.

Article IV. Appointment of Members

- A. **Terms**. The voting members shall serve a term of three (3) years.
- B. **Vacancies**. Should a member of the Board fail, for whatever reason, to complete their term, the Commissioners shall appoint a replacement. The replacement shall serve out the remainder of the term of the original member he or she replaced and, thereafter, is eligible for two additional three (3) year terms.
- C. **Conflicts**. Appointed members may not be an employee of the County.

Article V. Meetings

- A. **Meetings**. The Board will meet whenever it has appeals to

decide. Meetings shall be held on a day and hour as the chair may designate. Meetings shall be subject to the Open Meetings Law and members of the public may attend the open portions of all meetings of the Board. Each member of the Board shall be notified at least one (1) week in advance of any changes in the time or date of scheduled meetings.

B. **Quorum**. Three voting members of the Board, when present at any meeting, shall constitute a quorum.

C. **Order of Business**. The order of business at regular meetings shall be as follows:

- (1) Call to order;
- (2) Introduction of members and others present;
- (3) Matters to be decided, including Appellants' arguments and Building Official's comments;
- (4) Deliberations;
- (5) Other business; and
- (6) Adjournment.

The order of business may be altered or suspended at any meeting by a majority vote of the members present. When not in conflict with these bylaws, parliamentary rules as set forth in the most-recent edition of Robert's Rules of Order, Newly Revised, shall govern.

D. **Voting and Disqualification of Members**. All matters shall be decided by voice vote. All decisions shall require the affirmative vote of three (3) members of the Board present at such meeting. No member of the Board shall sit in a meeting or vote on any matter in which he or she is personally or financially interested. The ex-officio member shall have no vote on any matter before the board.

Article VI. Officers

A. **Chair and Vice Chair**. The Board shall elect annually from its members, by a majority vote, a chair who may be elected to succeed himself or herself. The Board shall elect a vice-chair. The chair, or in his or her absence, the vice chair, shall decide all points of order, procedure, and evidence.

B. **Secretary**. The board shall have a secretary in attendance at all meetings. The secretary shall make a recorded transcript of all

proceedings, and shall keep records of all its official actions, all of which shall be filed immediately in the office of the Board and shall be a public record. The secretary shall keep a record of the proceedings of each meeting which shall include: the vote of each member on each question, or if absent or failing to vote, indicating such fact; the names and addresses of all witnesses; a summary of the facts on which the decision is based; the decision rendered; and other official actions of the Board.

Article VII. Responsibilities

The Board shall have the responsibility to hear and decide appeals to orders, decisions, or determinations made by the Building Official relative to the application and interpretation of the Building Code. In exercising the above-mentioned responsibilities, the Board may, in conformity with the provisions of law and the Washington County Building Code (as amended), reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and make such order, requirement, decision, or determination as ought to be made.

Article VIII. Appeals to the Board

A. **By Whom Taken.** An appeal to the Board may be taken by any person or entity having a construction or renovation project subject to the Building Code aggrieved by an order, decision, or determination of the Washington County Building Code Official in his/her administration of the Washington County Building Code (as amended). Such appeal shall be taken by filing a Notice of Appeal with the Board within seven (7) days of the determination.

B. **Standards.** The Board may hear an appeal when an Appellant alleges: (1) that the Building Code, or any rules, regulations, or procedures adopted thereunder, has been incorrectly interpreted; (2) that a provision of the Building Code does not fully apply due to the unique circumstances of the project; or (3) that an alternative construction method is equally good or better and fully satisfies the spirit and intent of the Building Code.

C. **Limitation on Authority.** The Board shall have no authority to waive the requirements of the Building Code.

Article IX. Decisions

The Board shall render all decisions and findings in writing within thirty (30) days to the appellant with a duplicate copy to the building official.


Article X. Amendments


These bylaws may be amended, repealed, or altered, in whole or in part, by a majority vote of the Committee at any meeting, and become effective upon approval by the Board of County Commissioners of Washington County.

Adopted and effective this 23rd day of October, 2012.

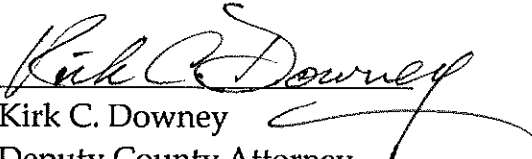
ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY, MARYLAND


Vicki C. Lumm, County Clerk

BY: 
Terry L. Baker, President

Approved for legal sufficiency:


Kirk C. Downey
Deputy County Attorney

What can we help you find?

Washington County > Divisions & Departments > Permitting > Boards > **Building Code Appeals Board**

Building Code Appeals Board

Permit and Licensing Application Forms

This is a five member board comprised of professional engineers, architects and building contractors. The Board hears and rules on matters appealing a decision of the Director of the Division of Plan Review & Permitting regarding the Washington County Building Code.

Appeals must be based on a claim that the Code or rules have been incorrectly interpreted, the provisions of the Code do not fully apply, or an equivalent form of construction is to be used.

Staff support to the Building Code Appeals Board is Becky Gander. She can be reached at 240-313-2466 or email Becky.

The Building Code Board of Appeals meets the second Friday of every month as appeals are received. Meetings are held at the office of the Division of Plan Review & Permitting, 80 W. Baltimore Street, Hagerstown, MD at 8:00 a.m.

Also in this section

- [Animal Control Authority](#)
- [Electrical Board of Examiners & Supervisors](#)
- [Plumbing / HVAC Board](#)

Building Appeals Board Members

Members	Term Expires
Kenneth Kline	February 28, 2019
Nicholas Hill, Sr.	February 28, 2019
Robert Rauth	February 28, 2019
Leslie Grim	February 28, 2019
Scott Bowen	February 28, 2019

Meeting Dates

This Board meets on an "as needed" basis

If you would like to serve as a board member, please visit **Boards & Commissions Page** to review the various boards and submit an application.

[Get directions](#)



Agenda Report Form

Open Session Item

SUBJECT: Approval of the Revised By-Laws for the Diversity and Inclusion Committee

PRESENTATION DATE: July 16, 2019

PRESENTATION BY: Arthur Hicks, Chair and Krista Hart, County Clerk

RECOMMENDED MOTION: To approve revisions to the bylaws of the Diversity and Inclusion Committee as presented.

REPORT-IN-BRIEF: The purpose of the Committee is to advise the Board of County Commissioners of Washington County, Maryland (Commissioners) on public policy relating to ethnic affairs, promote the involvement of all ethnic groups in business and community affairs, and advocate services and programs relating to the quality of life for all residents.

The Committee is to be comprised of seven (7) individual voting members who are volunteer, private citizens of Washington County, Maryland, and three (2) non-voting, ex-officio members to be represented by one County Commissioner, and one Board of Education member. Member terms shall be for three (3) years with the initial terms being staggered.

DISCUSSION: Following discussion by the Committee, a request has been made to add a non-voting, ex-officio member from the Hagerstown City Council.

FISCAL IMPACT: None

CONCURRENCES: Kirk Downey, County Attorney; Krista Hart, County Clerk; Diversity & Inclusion Committee members

ALTERNATIVES: Revise the proposed bylaws.

ATTACHMENTS: Proposed DRAFT by-laws



WASHINGTON COUNTY DIVERSITY AND INCLUSION COMMITTEE

BYLAWS

(in accordance with Policy PR-22, Boards and Commissions)

Article I Name

The name of the committee is the Washington County Diversity and Inclusion Committee (Committee).

Article II Mission Statement

The Committee is to advise the Board of County Commissioners of Washington County, Maryland (Commissioners) on public policy relating to ethnic affairs, promote the involvement of all ethnic groups in business and community affairs, and advocate services and programs relating to the quality of life for all residents.

Article III Priorities

The Committee shall:

- A. Undertake the task of gathering and disseminating information from and about the growing diverse ethnic population of Washington County, Maryland (County);
- B. Foster a climate of mutual respect among different ethnic groups and peoples in the County by improving communication between the diverse groups and communities;
- C. Bridge the cultural diversity of all ethnic groups in the County;
- D. Offer input to the Commissioners relating to County and community issues by encouraging the discussion of differing viewpoints to promote an understanding in a multicultural environment;
- E. Advise the Commissioners on how County government can be more inclusive of the diverse community in which we live by providing guidance on issues such as employment, employee relations and citizen participation in government processes;
- F. Coordinate and promote ethnic festivals to add to the quality of excellence the community enjoys through public performances; and
- G. Annually nominate and select person(s) and organization(s) for the "Attitudes for America Award".

Article IV Membership

A. **Composition.** The Committee shall be comprised of seven (7) individual voting members and ~~three (3)~~ non-voting, ex-officio members. The seven individual members shall be appointed by the Commissioners.

1. The seven (7) individual voting members shall be volunteer, private citizen residents of Washington County, Maryland, who have an interest in cultural and community outreach and political and economic empowerment.

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2. The ~~three (3)~~ ex-officio, non-voting members shall be as follows:

- a. One (1) Washington County Commissioner member,
- b. One (1) Washington County Board of Education member; ~~and,~~
- c. One (1) Hagerstown City Council member.

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B. **Terms.** Standing ex officio voting members are not term-limited. Terms of the individual voting members shall be three (3) years. The individual voting members shall be appointed so that approximately one-third (1/3) of the members' terms expire in each of three (3) consecutive years. Individual members shall be eligible for reappointment for one (1) consecutive three-year term only, and following the second consecutive three-year term, shall be eligible for reappointment only after an intervening one-year period. Individual voting members filling a partial term vacancy shall complete the partial term and shall then be eligible for reappointment for two (2) additional consecutive three-year terms.

C. **Termination of Membership and Vacancies.**

1. Membership on the Committee may be terminated by voluntary withdrawal or by removal by the Commissioners. Any member may withdraw from membership by giving written notice to the Committee chair of such intention.

2. The Committee may recommend to the Commissioners that the membership of an individual member be terminated based on one or more of the following criteria:

- a. inadequate attendance including excused and unexcused absences;
- b. breach of confidentiality;
- c. action/behavior that is inappropriate or inconsistent with County policy; and

3. The Commissioners shall have the authority to remove any member of the Committee at any time when, in its sole and absolute discretion, the best interest of the community shall be served.

**Article V
Officers**

A. **Elected Officers.** Members of the Committee shall elect from among their members a chair, vice-chair, and secretary. Notwithstanding any provision of these bylaws, no member may simultaneously hold more than one office. The officers shall have the duties and powers usually attendant upon such officers and other duties and powers not inconsistent herewith as may be provided by the Committee and/or the Commissioners.

B. **Terms.** The chair and vice-chair shall take office at the close of the Annual Meeting and shall serve for a term of one (1) year. Officers are eligible for reelection or reappointment for one (1) additional year. Vacancies occurring during a term of office must be filled for the unexpired balance of the term of office. When a vacancy in the office of the chair occurs, the vice-chair shall automatically succeed to the office of chair.

C. **Chair.** The chair shall:

1. Preside as the chief officer of the Committee and shall be present at all meetings of the Committee;

2. Serve as a non-voting ex-officio member of all sub-committees and appoint the chair of each sub-committee from among the members;
3. Ensure that proper records are maintained;
4. Communicate to the Committee such matters and make such suggestions as may in the chair's opinion tend to promote the achievement of the goals outlined in these bylaws; and
5. Perform such other duties as are necessarily incidental to the office.

D. **Vice-Chair.** The vice-chair shall perform all duties of the chair during his or her absence.

E. **Secretary.** The secretary shall maintain minutes of the meetings and when necessary provide notice of meetings to members of the Committee.

F. **Officer Removal, Resignation, and Vacancies**

1. The Committee may recommend to the Commissioners that a member serving as an officer be removed from his or her officer position based on one or more of the following criteria:

- a. inadequate attendance including excused and unexcused absences;
- b. breach of confidentiality;
- c. actions/behavior that in the opinion of the Committee is inappropriate or inconsistent with policy; and

2. The Commissioners shall have the authority to remove any member from an officer position of the Committee at any time when, in its sole and absolute discretion, the best interest of the community shall be served.

3. In the event of an officer vacancy that is caused by removal, resignation, or any other reason, the Committee shall elect a member to fill the vacancy. The election shall take place at the next regularly scheduled meeting following the effective date of the vacancy. A member elected to fill a vacancy shall serve out the remainder of the officer's term left vacant. The partial term served shall not be applied to the term limits.

Article VI Meetings

A. **Meetings.** Meetings shall be subject to the Open Meetings Act and members of the public shall be permitted to attend all meetings except as provided by law. General parliamentary rules, as set forth in Robert's Rules of Order, as amended from time to time, shall govern, when not in conflict with these bylaws.

1. **Regular Meetings.** Meetings shall occur throughout the year according to a schedule, which shall be established at the annual meeting. Notice of this schedule shall be provided to Committee members and the Commissioners.

2. **Special Meetings.** Special meetings of the Committee may be called at any time by the chair or, in the chair's absence, by the vice-chair. One (1) week notice of any special meeting should be given to the members by the chair or vice-chair, and the notice must state the subject of the meeting.

3. **Annual Meeting.** An annual meeting shall be held each year at a date and time to be determined by the chair. At the annual meeting, the installation of officers shall occur, and a schedule of regular meetings shall be established for the upcoming year.

B. **Attendance.** All members shall be required to attend the regularly scheduled Committee meetings each fiscal year. Failure to attend these meetings may be at the discretion of the Executive Committee and result in the following:

1. A third missed meeting in any fiscal year may result in a letter to the member from the chair regarding the attendance policy.

2. Disassociation from the Committee as a voting member may occur after the third unexcused absence of regularly scheduled meetings in any fiscal year.

C. **Quorum.** Fifty-one percent (51%) of the total membership shall constitute a quorum. If such a majority is not present at any time, the presiding officer shall adjourn the meeting until a quorum is present.

D. **Sub-committees.** Other standing or special sub-committees of the Committee may be formed by the Committee as deemed necessary.

Article VII Fiscal Year and Budget

A. **Fiscal Year.** The fiscal year of the Committee shall begin on the 1st day of July and end on the last day of June.

B. **Budget.** An annual budget allocation as determined by the County will be allocated by the County on a fiscal year basis to carry out the mission and objectives of the Committee. The Committee shall vote to approve all expenditures using a majority vote.

Article VIII Amendments to Bylaws

These bylaws may be amended, repealed, modified, or altered, in whole or in part, by the Commissioners, in their sole and absolute discretion. If such an amendment or change is proposed by the Committee, such proposal must be submitted in writing and approved at a meeting of the Committee. The proposal to amend these bylaws and the text of the proposed amendment must be included in the notice of the next meeting of the Committee. At that time, the Committee shall vote on the proposed amendment. Such proposed amendments shall be recommended to the Commissioners only if the proposal receives a quorum vote of the Committee.

Approved and adopted this _____ day of XXXX, 2019.

Deleted: June

Deleted: 8

ATTEST:

Krista L. Hart, County Clerk

Jeffrey A. Cline, President
Board of County Commissioners of
Washington County, Maryland

Deleted: Vicki C. Lumm

Deleted: Terry L. Baker



Open Session Item

SUBJECT: Rejection - Contract Renewal (PUR-1387) – Recycling Drop-Off Center Services

PRESENTATION DATE: July 16, 2019

PRESENTATION BY: Brandi Naugle, Buyer, Purchasing Department and David Mason, Deputy Director, Department of Solid Waste

RECOMMENDED MOTION Move to take action, in the best interest of the County and to request that the bid renewal for the contract PUR-1387 for Recycling Drop-Off Center Services with Apple Valley Waste Services, Inc. of Kearneysville, WV based on its letter dated May 14, 2019 requesting an increase for FY'20 at the rates of 257% be denied because the increase is considered excessive.

REPORT-IN-BRIEF: On July 17, 2018, the Board originally awarded the contract for Recycling Drop-Off Center Services based on the bid submitted June 13, 2018 by Apple Valley Waste Services, Inc. The contract is for one (1) year that commenced on September 2, 2018, with an option by the County to renew for up to two (2) additional one (1) year periods. This will be the first of the two (2) one- year renewal options. The County reserves the right to accept or reject any request for renewal by the Bidder and any increase in cost.

The services consist of the vendor supplying recycling and cardboard containers and the removal, processing, and marketing of recyclables for the manned recycling drop-off sites. The County shall only pay for trips as required; there is no annual guaranteed minimum or maximum number of trips.

The original contract stated an increase for the first renewal period of \$3, changing the price per haul from \$25 to \$28. The renewal request that the County has found excessive is to increase the price to \$100 per haul. The vendor retains the right to request an increase during the renewal period. The County has contacted the vendor to reduce the requested price increase but has been unsuccessful in its efforts.

Through research, the County discovered that Maryland Paper is paying less for cardboard than they were one year ago. Payment reduced from \$100/ton to \$55/ton, which would affect revenues for Apple Valley Waste. However, the County is concerned over the drastic increase in cost. Therefore, in the best interest of the County, we recommend to deny the request and to rebid the services to make every effort to obtain the lowest and most economical cost for service. Rebidding the service does not necessarily ensure a lower price and is subject to bid responses.

DISCUSSION: N/A

FISCAL IMPACT: Funds are budgeted in the FY'20 proposed budget in the amount of \$10,400 (Account 515150-21-21200).

Drop Off Services	Estimated Tonnage	FY20 Budget		Proposed Rates	
		Cost/Pull	Total Cost	Cost/Pull	Total Cost
Cardboard	416	\$ 28.00	\$ 11,648.00	\$ 100.00	\$ 41,600.00
Recycling	480	\$ 215.00	\$ 103,200.00	\$ 215.00	\$103,200.00
TOTAL DROP OFF SERVICES			\$ 113,600.00		\$144,800.00

CONCURRENCES: Division of Environmental Management

ALTERNATIVES: N/A

ATTACHMENTS: Letter from Apple Valley Waste Services

AUDIO/VISUAL NEEDS: N/A



Washington County Purchasing Department
Washington County Administration Complex
100 West Washington Street, Room 3200
Hagerstown, MD 21740
C/O: Brandi Naugle

5/14/2019

Dear Ms. Naugle:

Apple Valley Waste would like to continue to provide the services for PUR-1387. However, we would like to see the following price increases implemented as a result of the changing market and increased costs:

Service:	Price:
Gable Tops servicing	\$215/per pull
Segregated Cardboard Containers	\$100/per service

If you need any further information or have any questions, please do not hesitate to reach out.

Sincerely,

Bradley Dennen
Director of Operations
Apple Valley Waste





Agenda Report Form

Open Session Item

SUBJECT: Rejection – Contract Renewal (PUR-1388) - Transfer Stations, On-Site at Forty-West Landfill and Cardboard Transports

PRESENTATION DATE: July 16, 2019

PRESENTATION BY: Brandi Naugle, CPPB, Buyer, Purchasing Department and Dave Mason, P.E., Deputy Director, Department of Solid Waste

RECOMMENDED MOTION: Move to take action, in the best interest of the County and to request that the bid renewal for the contract PUR-1388 Transfer Stations, On-Site at Forty-West Landfill and Cardboard Transports with Apple Valley Waste Services, Inc. of Kearneysville, WV based on its letter dated May 1, 2019 requesting an increase for FY'20 at the rates specified below be denied because the increase is considered excessive and would exceed the next lowest bidder and to extend the contract at the current contract rates for a one (1) month period beginning August 1, 2019 to solicit new pricing.

Location	Current Price	Requested Price	Percentage Increase
Greensburg	149 / Haul	165 / Haul	10.7 %
Kaetzel	152 / Haul	180 / Haul	18.4 %
Dargan	150 / Haul	180 / Haul	20 %
Hancock	145 / Haul	165 / Haul	13.7 %
40 West	30 / Haul	75 / Haul	150%

REPORT-IN-BRIEF: On July 17, 2018 the Board originally awarded a contract for the Transfer Stations, On-Site at Forty-West Landfill and Cardboard Transports based on the bid submitted June 13, 2018 by Apple Valley Waste. The contract term is for one (1) year with two (2) one-year renewal options. This will be the first of the two (2) one-year renewal options. The County reserves the right to accept or reject any request for renewal by the Bidder and any increase in cost.

The County has attempted to reduce the requested increases with the vendor but has been unsuccessful. Modest inflation was expected for contract pricing however the renewal request has exceeded this amount. Rejection of the renewal would result in a rebid of the services and would not guarantee a lower price, but would provide the opportunity of securing one.

DISCUSSION: N/A

FISCAL IMPACT: Funds are budgeted in the amount of \$318,550 in the department’s various operating expense accounts (515190-21-21100 and 515190-21-21020).

Transfer Stations	Estimated # of Pulls	FY20 Budget		Proposed Rates	
		Cost/Pull	Total Cost	Cost/Pull	Total Cost
40 West	3,900.00	\$ 30.00	\$ 117,000.00	\$ 75.00	\$292,500.00
Kaetzel	300.00	\$ 152.00	\$ 45,600.00	\$ 180.00	\$ 54,000.00
Dargan	180.00	\$ 150.00	\$ 27,000.00	\$ 180.00	\$ 32,400.00
Greensburg	650.00	\$ 149.00	\$ 96,850.00	\$ 165.00	\$107,250.00
Hancock	180.00	\$ 145.00	\$ 26,100.00	\$ 165.00	\$ 29,700.00
40 Cardboard	80.00	\$ 75.00	\$ 6,000.00	\$ 75.00	\$ 6,000.00
TOTAL			\$ 318,550.00		\$521,850.00

CONCURRENCES: Division of Environmental Management

ALTERNATIVES: N/A

ATTACHMENTS: Letter from Apple Valley Waste Services

AUDIO/VISUAL NEEDS: N/A



Washington County Purchasing Department
Washington County Administration Complex
100 West Washington Street, Room 3200
Hagerstown, MD 21740
C/O: Brandi Naugle

5/1/2019

Dear Ms. Naugle:

Apple Valley Waste would like to continue to provide the services for PUR-1388. However, we would like to see the following price increases implemented as a result of the changing market and increased costs:

Location:	Current Price:	New Price:
Greensburg	149/haul	165/haul
Kaetzel	152/haul	180/haul
Dargan	150/haul	180/haul
Hancock	145/haul	165/haul
40 West	30/haul	75/haul
Alternate-transfer	75/haul	75/haul

If you need any further information or have any questions, please do not hesitate to reach out.

Sincerely,

Bradley Dennen
Director of Operations
Apple Valley Waste





Open Session Item

SUBJECT: Smithsburg Emergency Medical Services Update

PRESENTATION DATE: July 16, 2019

PRESENTATION BY: R. David Hays, Director, Division of Emergency Services (DES), David Chisholm, Assistant Director, Emergency Medical Services, Robert Moncrief, President, Washington County Volunteer Fire and Rescue Association (WCVFRA) and Joanie Gerber, President, Smithsburg EMS

RECOMMENDED MOTION: For Informational Purpose

REPORT-IN-BRIEF: On May 21, 2019 the Board of County Commissioners authorized the execution of a secured loan in an amount up to \$100,000.00 for Smithsburg Emergency Medical Services (SEMS). The loan was necessary as the department reduced operating expenses to meet incomes and still allow the department to continue meeting payroll and other obligations. In authorizing the loan, the BOCC also placed SEMS on probation and under the direct oversight of the Division of Emergency Services (DES) until such time the loan is repaid in full.

DISCUSSION: Smithsburg EMS has realigned salaries and operational expenses with input from the DES. SEMS is currently liquidating non-essential assets as outlined in the May 21, 2019 ARF. The staff schedule has been modified to the 24 hr. on/48 hr. off work shift. Cost proposals for a full internal audit have been solicited and a decision of the contractor is being finalized at this time. Smith, Elliott and Kearns is now reviewing 401K and other benefits to ensure compliance with the personnel handbook and benefits package is being met.

In general, SEMS is on track and trending well financially. To date, 2 full time providers have left for other opportunities, however the schedule remains stable. SEMS is looking to hire 1 additional full-time employee as replacement. Approximately \$17,095.45 of \$100,00.00 loan has been expended. A non-essential rescue vehicle was sold for \$15,000.00 to the WCVFRA. A non-essential ambulance and a 4 wheel drive off road utility vehicle will be offered for competitive bid to all interested parties. Bi-weekly payroll expenses have been reduced from an average of \$35,000.00 to an average of \$20,000.00 bi-weekly. Billing revenue has remained consistent with past revenues. A preliminary review of billable calls by staff from Community Rescue Service with minimal issues.

FISCAL IMPACT: N/A

CONCURRENCES: N/A

ALTERNATIVES: N/A

ATTACHMENTS: None