

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

*Open Session Minutes*

**October 30, 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 8:10 a.m. at 100 West Washington Street, Room 1113, Hagerstown, Maryland, with the following members present: Commissioners John F. Barr, Wayne K. Keefer and LeRoy E. Myers, Jr. (Commissioner Jeffrey A. Cline was absent.)

**APPROVAL OF MINUTES October 16, 2018**

Commissioner Myers, seconded by Commissioner Barr, moved to approve the minutes of October 16, 2018. The motion passed unanimously. (4-0, Commissioner Cline was absent.)

**CONVENE IN CLOSED SESSION**

Commissioner Myers, seconded by Commissioner Barr, moved to convene in closed session at 8:10 a.m. to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation or performance evaluation of appointees, employees or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals; to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State; to consult with counsel to obtain legal advice on a legal matter; to consult with staff, consultants, or other individuals about pending or potential litigation, in accordance with Section 3-305(b)(1), (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 boards and committees over which the Commissioners have appointing authority; discussed a specific employment recommendation with staff; heard an update on several proposals for business organizations to locate, expand, or remain in the State; and discussed and received legal advice/information on certain matters, including potential legal action.

Present during closed session were Commissioners Terry L. Baker, 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 C. Downey, Deputy County Attorney; Deb Peyton, Director, Health and Human Services; Susan Small, Director, Business Development; and Danny Hixon, Field Operations Supervisor, Parks and Facilities.

### **RECONVENE IN OPEN SESSION**

Commissioner Keefer, seconded by Commissioner Myers, moved to reconvene in open session at 9:33 a.m. The motion passed unanimously.

*The Commissioners recessed at 9:34 a.m. and returned at 9:43 a.m.*

### **COMMISSIONERS' REPORTS AND COMMENTS**

Commissioner Keefer shared that he attended the Sunrise Rotary Annual Auction and Benefit Dinner on Sunday, October 28, 2018, adding that there were approximately 450 attendees. Commissioner Keefer shared a few projects supported by the Rotary to include Micah's Backpack, Boys and Girls Club, and Shelter Boxes.

Commissioner Myers shared that he also attended the Sunrise Rotary Annual Auction and Benefit Dinner, and he appreciated seeing the large turnout for a good cause.

Commissioner Barr stated that he had the pleasure of attending and serving at the Celebration Jubilee at the Salvation Army last evening. Commissioner Barr shared that there were several hundred children and parents interacting in the games and enjoying the meal.

Commissioner Barr also asked that everyone be extra careful this evening during Hagerstown's Trick or Treat.

Commissioner Baker thanked all those involved in organizing the Mummies Parade, and he appreciated being able to ride with Commissioner Barr and Commissioner Keefer. Commissioner Baker stated that spectator support was outstanding, he appreciated everyone in attendance; and thanked staff for their support in organizing the county float.

Commissioner Baker also thanked the citizens in attendance for the Maugansville evening Board of County Commissioners meeting on October 23<sup>rd</sup>. Commissioner Baker gave recognition to Christa Whittington, who is Delegate Wivell's representative, and thanked her for attending the evening Commissioners' meeting.

### **REPORTS FROM COUNTY STAFF**

#### **Engineering**

Scott Hobbs, Director, and Andrew Eshleman, Chief of Design, Engineering, provided an update on several projects in South County. Mr. Hobbs stated that Sandy Hook Road has been temporarily reopened on October 25, 2018, adding that the first phase of work by the National Park Service (NPS) has been completed. Mr. Hobbs and Mr. Eshleman have been working weekly with staff from Maryland Emergency Management Agency (MEMA) to recoup the funding throughout the process.

Mr. Eshleman provided additional information regarding Sandy Hook Road by noting that the County has initiated a monitoring and inspection plan of the slope until the second phase of permanent stabilization can be completed by the NPS, adding that the NPS is still evaluating various options for the stabilization. Also, there will be a meeting on Thursday, November 1, 2018 with the Maryland Historic Trust to discuss project details. Mr. Eshleman stated that the County

is advocating for the road to remain open throughout the winter months and to minimize any future closing duration.

With regards to Garretts Mill Road Bridge, Mr. Eshleman stated that the contractor has initiated the demolition and utility relocation phases of the project. Onsite work will be intermittently for the demolition, utility relocation, stream diversion, and bridge foundation work as the design-build team of Building Systems and Brudis and Associates completes the design and manufacture of the new precast concrete structure. Mr. Eshleman stated that the use of a precast structure will allow the offsite construction of the bridge to occur while other elements of the bridge are being constructed onsite. The project is anticipated to be completed by April 2019. The County has reached an agreement with the Department of Natural Resources for the continued use of the old railroad property as an alternate route; however, during snow events, that route will not be maintained.

Mr. Eshleman stated that the culvert installation on Chestnut Grove Road has been completed and the road reopened on August 31<sup>st</sup>. He added that work continues in the area with follow-up on several project punch list items and disposal of excess fill material.

#### Division of Environmental Management

Dan DiVito, Director; Alex Reed, Watershed Specialist; and John Swauger, Stormwater Management Coordinator, Division of Environmental Management, discussed the arrival of the County's new street sweeper. Mr. DiVito wanted to recognize and thank Mr. Swauger and Mr. Reed for their team effort for ensuring that the sweeper arrived and was presented during the Mummers Parade the evening of Saturday, October 27, 2018. Mr. DiVito also commended Eric Showe, Bill Martin, and Ronnie Knight, with the Division of Environmental Management, for their efforts.

John Swauger discussed the National Pollutant Discharge Elimination System (NPDES) by stating that municipal separate storm sewer systems (MS4) owners and operators must apply for coverage under the NPDES general permit by submitting to Maryland Department of Environment (MDE) a Notice of Intent which contains information such as the name, address, telephone number and email address of the responsible person; a brief description of the jurisdiction; a brief description of any agreements with another entity when responsibilities for permit compliance are shared between permittee and entity; an estimate of the anticipated expenditures to implement the required programs specified in the general permit; and an authorized signature. This information and the NOI must be submitted to MDE no later than October 31, 2018. Mr. Swauger shared that the County has submitted the NOI and requirements.

#### County Administrator

Rob Slocum commended staff for the team effort in working through the requirements of the NPDES General Permit process. Mr. Slocum added that he would like to be able to work with municipalities during the Clean Streets program in the future. Commissioner Barr asked if the County would consider using the street sweeper in the parking lots of the schools and Board of Education. Mr. Slocum confirmed that would be an option.

**County Clerk – Appointment / Reappointment to Boards and Commissions:**

**Washington County Agricultural Education Center Appointments**

Commissioner Barr, seconded by Commissioner Myers, moved to reappoint Kathleen Carr to serve a second, three (3) year term from May 1, 2018 through April 30, 2021. The motion passed unanimously. (4-0, Commissioner Cline was absent.)

Commissioner Keefer, seconded by Commissioner Myers, moved to appoint Joseph Layos to serve a first, three (3) year term from November 1, 2018 through October 31, 2021. The motion passed unanimously. (4-0, Commissioner Cline was absent.)

**Washington County Recreation and parks Advisory Board.**

Commissioner Barr, seconded by Commissioner Myers, moved to reappoint Cleonica Sutch to serve a second, three (3) year term, retroactively from May 1, 2017 through April 30, 2020. The motion passed unanimously. (4-0, Commissioner Cline was absent.)

Commissioner Myers, seconded by Commissioner Barr, moved to appoint Terry Hose to serve a first, three (3) year term from November 1, 2018 through October 31, 2021. The motion passed unanimously. (4-0, Commissioner Cline was absent.)

**Washington County Community Organization Funding Committee**

Commissioner Barr, seconded by Commissioner Myers, moved to appoint Debora Gilbert to serve through June 30, 2019 as Commissioner John Barr's representative on the Community Organization Funding Committee. The motion passed unanimously. (4-0, Commissioner Cline was absent.)

**CITIZENS' PARTICIPATION**

Mayor Bill Green, Town of Williamsport, and Town of Williamsport Council Member Charles Brown presented information regarding an on-going issue for between the Town of Williamsport (Town) and the County. Mayor Green stated that in 2014, County and Town staff had counted equivalent dwelling units (EDUs) throughout the town; it had been determined by the County that the Town possibly owed over \$800,000 for EDUs. After Town and County staff worked together, that EDU charge was reduced to approximately \$200,000. Mayor Green stated that the overage charge was due to leaks and inaccurate figures; additionally, the County could not identify additional EDUs allotted or the cost of those EDUs. He stated that a list of businesses had been identified by the County as owing an EDU charge, however, it has been over ten (10) years and several of those businesses have since closed.

Mayor Green requested, on behalf of the Town, that the debt owed to the County, be forgiven. Along with his request, he would ensure that the debt for sewer use fees owed by the County, also be forgiven. The amount would be a net loss of approximately \$160,000 to the County.

Dan DiVito stated that future invoices for EDU's will identify an amount owed by each business, which will go out quarterly. This detail will ensure that the Town is able to collect from businesses owing the EDU charge.

Commissioner Keefer, seconded by Commissioner Myers, moved to forgive the total amount owed to the County for past due EDU charges. In addition, the current amount owed by the County to

the Town will be forgiven. The motion passed unanimously. (4-0, Commissioner Cline was absent.)

Commissioner Myers stated that the County needs to ensure that the billing is detailed and efforts to collect are maintained.

James Divine, P.O. Box 2217, Hagerstown, Maryland stated that the caulking at the Washington County Library is breaking loose between the foundation and sidewalk which could create issues with foundation cracks over the winter. Additionally, Mr. Devine asked why parents are not permitted to park in front of Bester School; rather, they park along the main streets and block traffic. Mr. Devine stated that the County should look further into solar panel use in this area. Mr. Devine also stated that with winter approaching, the Board should consider providing accommodations for the homeless.

Joseph Jefferson, 1321 Glenwood Avenue, Hagerstown Maryland, discussed his termination of employment as the Director of Operations for the US Amateur Cycling National Championships (USACC), which took place in Washington County in July 2018. Mr. Jefferson shared that his cycling experience expands to 1980s, holding a wealth of knowledge as it pertains to cycling events. Mr. Jefferson stated that on August 3, 2018, an email was sent from the Hagerstown & Washington County Convention Bureau (CVB) to the USACC which praised his work experience and knowledge. On September 6, 2018, there was a conference call between CVB and USACC in which Mr. Jefferson advises that he was not a part of. On September 26, 2018, Mr. Jefferson was informed that the CVB would be moving forward with a new Director of Operations for the USACC for the 2019 event. Mr. Jefferson stated that Chuck Hodge, Vice President of Operations of USACC, contacted him last week regarding the conference call of September 6<sup>th</sup>, and indicated that during that meeting, there was never a discussion about replacing Mr. Jefferson. Mr. Jefferson stated that there is a narrative which is not accurate and there have been meetings in which he was not included. Mr. Jefferson added that through his work with the Antietam Velo Club, he has played an integral part in creating the courses used for different cycling events throughout Washington County. Prior to September 26<sup>th</sup>, performance issues had not been raised. Mr. Jefferson has made numerous attempts to discuss the situation with staff of CVB; however, the CVB has not responded.

### **GENERAL FUND CONTINGENCY GRANT REQUEST, KEEDYSVILLE COMMUNITY CENTER**

Susan Buchanan, Director, Grant Management, and Art Williamson, President, South Eastern Washington County Health and Community Services, presented a request from South Eastern Washington County Health and Community Services (SEWHC) in the amount of \$6,000 from the General Fund Contingency for direct expenses associated with the Keedysville Community Center. The Keedysville Community Center is a former elementary school building which was sold to SEWHC in the 1980's. Ms. Buchanan explained that the building houses several tenants to include a day care center, several small businesses, and is utilized by local groups for practices, meetings, and private events. Due to the age of the building, it requires considerable maintenance, which includes the replacement of a furnace, an underground sewer line replacement, and roof and appliance repairs; however, the current operating expenses exceed rental income. If awarded, the General Fund Contingency funds would allow the center to remain open through the end of fiscal

year 2019, while allowing the organization to seek other funding sources to support ongoing operations.

The Office of Grant Management has reviewed this request and the organization is eligible for the General Fund Contingency grant funding.

Commissioner Myers, seconded by Keefer, moved to approve \$6,000 in funding for direct expenses associated with the Keedysville Community Center to be taken from the General Fund Contingency account. The motion passed unanimously. (4-0, Commissioner Cline was absent.)

Commissioner Keefer asked that Susan Buchanan reach out to Mr. Williamson so that SEWHC may apply for the Community Funding Organization when it becomes due next year.

**HOTEL RENTAL TAX FUNDING REQUEST, HAGERSTOWN-WASHINGTON COUNTY CONVENTION VISITORS BUREAU**

Susan Buchanan, Director, Grant Management; Dan Spedden, President, Hagerstown/Washington County Convention and Visitors Bureau (CVB), and Al Martin, Treasurer, CVB, presented a request in the amount of \$65,000 for Hotel Rental Tax funding toward direct expenses associated with the USA Cycling Amateur Road National Championships to be held on June 20-23, 2019. Mr. Spedden explained that the request would assist with the traffic control costs and detour signage of \$51,414; and \$13,586 towards the costs of law enforcement and emergency management services for the event. Mr. Spedden stated that this year's budget is based upon actual costs of the 2018 race and has increased significantly, primarily due to much higher than expected traffic control costs associated with the event.

Ms. Buchanan stated that this event meets all seven (7) of the Board of County Commissioner's goals and criteria for the use of Hotel Rental Tax Funds. There are no issues of outstanding obligations to the County that would prevent the CVB from receiving funding. It is the recommendation of the Office of Grant Management that this application be approved in an amount determined to be appropriate by the Board of County Commissioners.

Commissioner Myers stated that he had been contacted by Joe Jefferson regarding the termination of his employment as the Director of Operations for the US Amateur Cycling National Championship organization. After reviewing documents submitted to him via email, Commissioner Myers feels that a resolution of the situation needs to take place prior to the CVB receiving additional funding. Commissioner Myers stated that he believes Mr. Jefferson played a very integral role in the success of the 2018 cycling event.

The Commissioners agreed that the CVB will need to work towards resolution of the personnel issue with Mr. Jefferson. The Commissioners reached a consensus that this request can be presented at the next regularly scheduled meeting. No vote or consideration was taken.

**HAGERSTOWN-WASHINGTON COUNTY CONVENTION AND VISITORS BUREAU ANNUAL AUDIT AND ECONOMIC IMPACT PRESENTATION**

Hagerstown-Washington County Convention and Visitors Bureau (CVB) President Dan Spedden and Treasurer Al Martin provided information on the CVB, a 501(c)(6) corporation, and tourism

in Washington County. Al Martin reviewed the “clean” financial audit of the organization performed by independent auditor Smith Elliott Kearns and Company, LLC of Hagerstown. He described the organization’s good financial status. Mr. Martin commented that the CVB’s net assets are up by approximately \$60,000. Mr. Spedden stated that lodging has exceeded \$40 million for the second year in a row and food and beverage is the number one recipient in tourism dollars.

The Commissioners thanked Mr. Spedden and Mr. Martin for the positive report.

Commissioner Myers, seconded by Commissioner Barr, moved to accept the December 31, 2017 Audited Financial Statement as presented. The motion passed unanimously. (4-0, Commissioner Cline was absent.)

#### **FEDERAL AID PROJECT FUNDING**

Scott Hobbs, Director, Engineering, recommended approval to sign a revised 1978 Master Agreement as updated by the Maryland Department of Transportation State Highway Administration (MDOT SHA). Mr. Hobbs explained that MDOT SHA is responsible for the oversight and assistance to local public agencies for projects financed with federal funds in accordance with Title 23 U.S.C.; 23 CFR 635.105, which contains regulations relating to highways including 2 CFR 200; there have been no significant changes to the 1978 agreement.

The Commissioners discussed the recommendation and reached a consensus to move forward with the update as presented.

#### **CONSTRUCTION BID AWARD – PARKING FACILITY AT COUNTY ADMINISTRATION BUILDING**

Scott Hobbs, Director, Engineering, recommended approval to award the Washington County Employee Parking Facility contract to the lowest responsive, responsible bidder, Kinsley Construction, Inc., Hagerstown, Maryland, in the amount of \$148,405. Mr. Hobbs explained that a total of six (6) bids were received and after evaluation, the low bid from Kinsley Construction, Inc. is in order.

Mr. Hobbs described the project as the construction of a new parking lot which would allow for additional employee parking near the County Administration Building and alleviate parking needs at other locations. The work includes grading, paving, curbing, inlet, and pipe installation. The bid documents provide thirty-five (35) consecutive calendar days to complete the work, with an anticipated Notice to Proceed date on or about November 12, 2018; liquidated damages will be charged at \$250 per calendar day beyond the completion date. This project is budgeted in the Capital Improvement Plan project BLD091.

Commissioner Myers, seconded by Commissioner Keefer, moved to award the contract to the lowest responsive, responsive bidder, Kinsley Construction, Inc., Hagerstown, Maryland, in the amount of \$148,405. The motion passed unanimously. (4-0, Commissioner Cline was absent.)

#### **ENHANCED NUTRIENT REMOVAL AT WASHINGTON COUNTY’S WASTEWATER TREATMENT PLANT**

Mark Bradshaw, Deputy Director, Engineering Services, Water Quality, requested to withdraw this agenda item.

**PRETRIAL SERVICES PROGRAM GRANT -APPROVAL TO ACCEPT AWARDED FUNDING**

Stephanie Lapole, Senior Grant Manager, Grant Management, and Major Craig Rowe, Washington County Sheriff's Office, recommended acceptance of the award from Governor's Office of Crime Control and Prevention in the amount of \$125,386. Ms. Lapole stated that the awarded funding would be utilized primarily to fund a Classification Officer position to run the Pretrial Service activities at the Detention Center. Additional funding would be utilized to lease Global Positioning System (GPS) monitoring and alcohol testing equipment, as well as the purchase of drug testing equipment for those placed in the program.

The Office of Grant Management has reviewed the grant funding guidelines; matching funds or in-kind support is not required and there are no unusual conditions or requirements associated with the grant.

Commissioner Myers, seconded by Commissioner Barr, moved to accept the awarded funding from Governor's Office of Crime Control and Prevention, in the amount of \$125,386 as presented. The motion passed unanimously. (4-0, Commissioner Cline was absent.)

**2018-2019 WASHINGTON COUNTY FARM OF THE YEAR AWARD**

Leslie Hart, Agricultural Business Specialist, Business Development, and Susan Small, Director, Business Development, thanked the Commissioners for their support of agriculture in the County. Ms. Hart announced that the Star Equestrian Center is the recipient of the 2018-2019 Washington County Farm of the Year award. Ms. Hart stated that the winning farm showcases excellence in the agricultural field and presents a better understanding of the challenges faced by the agricultural community. Star Equestrian Center has been operating for over twenty (20) years and is healing our community by using horses. Star Equestrian Center has been instrumental in rehabilitating Star community members with limited mobility. It's Horses for Hero's program assists veterans with chronic, debilitating symptoms of substance abuse and PTSD.

A plaque was awarded, and the Commissioners congratulated the Star Equestrian Center.

**COUNTY ATTORNEY RECOGNITION**

Commissioner Baker recognized John M. Martirano, County Attorney, noting that this would be his last Board of County Commissioners' meeting as County Attorney. Mr. Martirano is leaving to pursue other professional opportunities, and his last day of employment will be November 2, 2018. Commissioner Baker thanked Mr. Martirano for his dedication to Washington County and stated that he will be missed.

Commissioner Keefer also thanked Martirano for everything over the last few years, and for making himself available for questions throughout the evening hours and weekends. He wishes him the best of luck on his next endeavor.

Commissioner Myers added that he appreciated the 19 years of service that Mr. Martirano has given to Washington County, and remarked that his departure is a great loss to Washington County government.



Commissioner Barr stated that Mr. Martirano has been a good friend and he is going to miss him.

Rob Slocum, County Administrator, also commended Mr. Martirano and wished him well. has a genuine character, he will be missed.

Mr. Slocum recommended that the Commissioners appoint Kirk Downey as Interim County Attorney, effective close of business on November 2, 2018. Mr. Downey stated he would be honored to serve the Commissioners in the capacity of Interim County Attorney. Commissioner Barr, seconded by Commissioner Myers, moved to approve the appointment of Kirk C. Downey as Interim County Attorney, effective November 2, 2018, upon Mr. Martirano's departure. The motion passed unanimously. (4-0, Commissioner Cline was absent.)

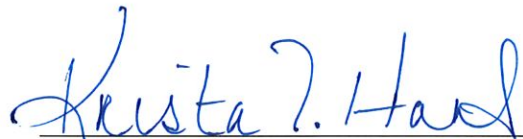
Mr. Martirano thanked everyone for their support. He considers it an honor and privilege to have worked for Washington County the past 19 years. Mr. Martirano offered a special thank you to his staff and to the Commissioners for their support.

**ADJOURNMENT**

Commissioner Myers, seconded by Commissioner Keefer, moved to adjourn at 11:16 a.m. The motion passed unanimously. (4-0, Commissioner Cline was absent.)

  
\_\_\_\_\_  
Robert J. Slocum, County Administrator

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

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