



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

*Open Session Minutes*

**April 2, 2019**

**MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE**

A moment of silence was observed, followed by the Pledge of Allegiance to the Flag by the full assemblage.

**CALL TO ORDER**

President Jeffrey A. Cline called the regular meeting of the Board of County Commissioners of Washington County, Maryland, to order at 8:07 a.m. at 100 West Washington Street, Room 1113, Hagerstown, Maryland, with the following members present: Commissioners Wayne K. Keefer, Cort F. Meinelschmidt, and Randall E. Wagner. (Vice-President Terry L. Baker was absent.)

**CONVENE IN CLOSED SESSION**

Commissioner Meinelschmidt, seconded by Commissioner Keefer, moved to convene in closed session at 8:08 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 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), (7), and (8) of the General Provisions Article of the Annotated Code of Maryland. The motion passed unanimously (4-0, Vice-President Baker was absent.)

In closed session, the Commissioners discussed the potential appointment of specific individuals to several boards and committees over which the Commissioners have appointing authority and discussed several specific employment recommendations with staff concerning the filling of certain personnel vacancies. The Commissioners provided staff with direction concerning the appointments and employment matters. The Commissioners discussed a pending litigation matter to which the County is not a party and provided staff with direction in regards thereto. The Commissioners also received legal advice from the County Attorney's Office concerning the County's rights and remedies, if any, arising from a contractual agreement.

***Vice-President Baker joined the meeting at 8:16 a.m.***

Present during closed session were Commissioners Jeffrey A. Cline, Terry L. Baker, Wayne K. Keefer, Cort F. Meinelschmidt, and Randall E. Wagner. Also present were Robert J. Slocum, County Administrator; Krista L. Hart, County Clerk; Kirk C. Downey, County Attorney; and Kendall McPeak, Deputy County Attorney; and at various times Deb Peyton, Director, Health and Human Services; Dave Hays, Director, Division of Emergency Management; Dan DiVito, Director, Environmental Management; Corinne Guglielmini, Executive Director, Housing Authority of Washington County; Ashley Holloway, Director, Division of Plan Review and Permitting; Randy Kretzer, Assistant Supervisor, Southern Section, Highway Department; and, Sky Spradlin, Supervisor, Southern Section, Highway Department.

**RECONVENE IN OPEN SESSION**

Commissioner Wagner, seconded by Commissioner Keefer, moved to reconvene in open session at 9:50 a.m. The motion passed unanimously.

## **RECESS**

The Commissioners recessed at 9:50 a.m. and returned to the meeting at 10:03 a.m.

## **COMMISSIONERS' REPORTS AND COMMENTS**

Vice-President Baker had the opportunity to attend the Fort Ritchie Community Center Breakfast in Cascade, Maryland, on Saturday; adding that he enjoyed spending time with the children and thanked staff for the tour; he also thanked Buck Browning for the invitation. Commissioner Baker shared that while on his tour, he noticed that some deteriorated vacant buildings at Fort Ritchie had lights on. Rob Slocum, County Administrator, will have staff respond.

Commissioner Keefer shared that he also attended the Fort Ritchie Community Center breakfast and added that it was a great opportunity to meet with citizens and Board members. He appreciated being able to participate in the youth development programs.

Commissioner Wagner also attended the Fort Ritchie Community Center breakfast, adding that it was very relaxing and informative. Commissioner Wagner asked staff to consider a news bulletin every quarter showing positive actions taken by the County.

Commissioner Meinelschmidt congratulated his parents for celebrating their 50<sup>th</sup> wedding anniversary. He added that on Saturday at 10:30 a.m., he will be attending a fundraising event and will be rappelling from the Alexander House. Additionally, he and other church members will be dining at 28 South on Sunday as part of the downtown Hagerstown support.

President Cline shared that last week, he had the pleasure of attending the Vietnam War Veterans Memorial Ribbon Cutting with Commissioner Wagner; he thanked all those involved in bringing the monument to Hagerstown. Additionally, he attended the film festival at the Maryland Theatre and thanked Governor Hogan for participating. Saturday, Commissioner Cline attended the Conococheague Little League for opening day ceremonies. He shared that Nelson Deal's son threw the opening pitch in honor of his father. Also, on Saturday, Commissioner Cline attended the Kelly Moore Sheds Grand Opening; and Sunday he attended a tour of Martha's House in Hancock.

## **REPORTS FROM COUNTY STAFF**

### **Division of Engineering**

Scott Hobbs, Director, brought forth information regarding the 2019 Transportation Priority letter. He provided information regarding the priorities as outlined in the draft letter.

Commissioners reached a consensus to submit the letter to the State of Maryland Department of Transportation as drafted.

### **Office of Grant Management – Hotel Rental Tax Funding**

Stephanie Lapole brought forth awards from the Hotel Rental Tax Fund which has met all the criteria considered for such funding. The first award is in the amount of \$1,555.55 to fund the James Shaul Wagon Train Foundation for expenses associated with the upcoming National Pike Festival, May 17<sup>th</sup> through May 18<sup>th</sup>. The second award is in the amount of \$1,955 to fund the Antietam Velo Club for the upcoming Hagerstown Challenge – Senior Criterium Championship Cycling Event on May 26<sup>th</sup>.

### **Division of Environmental Management**

Dan Divito, Director, provided the Board with an update on the Clean County Initiative, which includes working with elementary school children on Clean County Kids, where they learn about stormwater management, clean county, and erosion control.

### **Budget and Finance**

Sara Greaves, Chief Financial Officer, shared that the Washington County Budget and Finance Department received the Government Finance Officers Association Distinguished Budget

Presentation Award for its Annual Budget document for the fiscal year beginning July 1, 2018. Ms. Greaves stated the document is available online and added that this is the highest form of recognition in governmental budgeting. Ms. Greaves thanked her staff and congratulated them for the award. The Commissioners congratulated staff in Budget and Finance and thanked all for a job well done.

#### County Administrator

Rob Slocum provided an update regarding the Request for Proposal for the Accounting Services for the Fire and Rescue Volunteer companies adding that the process is moving forward. Mr. Slocum also congratulated Ms. Greaves and her staff for the award. Additionally, he shared that Washington County has worked diligently to save the county money with the initiatives to include the Clean County Initiative and the Making Connections Initiative. He thanked the Commissioners for allowing staff to move forward with the initiatives.

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

##### Washington County Environmental Management Advisory Committee

Commissioner Keefer, seconded by Commissioner Wagner, moved to appoint Eric Sarmiento to serve an unfulfilled term through August 31, 2020; and to appoint Merle Holsinger and Aline Novak each to serve first full three (3) year terms from April 1, 2019, through March 31, 2022; this is not a paid board. The motion passed unanimously.

##### Washington County Electrical Board of Examiners and Supervisors

Commissioner Wagner, seconded by Commissioner Meinelschmidt, moved to approve an exception to the two-term requirement and to reappoint Terry Molnar as a Member-at-Large designee to serve a third, two-year term through January 31, 2021; this is a paid board. The motion passed unanimously.

##### Housing Authority of Washington County

Commissioner Baker, seconded by Commissioner Meinelschmidt, moved to re-appoint Nicholas Hill, Sr., to serve a second, five (5) year term from September 1, 2019, through August 30, 2024; reappoint Ronnie Brezler to serve an additional five (5) year term from August 1, 2019, through July 31, 2024; and to reappoint David Pool to serve an additional five (5) year term from August 1, 2019, through July 31, 2024; this is not a paid board. The motion passed unanimously.

##### Emergency Services Advisory Council Appointment

Commissioner Wagner, seconded by Commissioner Keefer, moved to appoint Scott Buskirk as Commissioner Keefer's at-large representative to serve a first three (3) year term from April 1, 2019, through March 31, 2022; this is not a paid board. The motion passed unanimously.

#### **CITIZENS' PARTICIPATION**

John Krowka, 21130 Roy's Lane, Boonsboro, Maryland, thanked the Commissioners for their service. Mr. Krowka asked about the website updates and why the project is delayed. Also, Mr. Krowka requested an update regarding the county's plan for workforce development in Washington County and the Internship Program.

Neil Becker, 10811 Wyncote Drive, Hagerstown, Maryland, shared his appreciation of the county road crew for a prompt response to the snow events. Mr. Becker also thanked the Commissioners for partnering with the school system and that he advocates for a fully funded Board of Education budget.

**GOVERNOR'S OFFICE FOR CHILDREN FISCAL YEAR 2020 COMMUNITY PARTNERSHIP**

Ms. Lapole requested approval of the submission of the Fiscal Year 2020 (FY20) Community Partnership Agreement proposal to the Governor's Office for Children requesting \$726,447 and to accept the funding as awarded. The Office of Grant Management (OGM), on behalf of and at the direction of the Local Management Board (LMB), requests approval to submit the proposal in response to the FY20 Notice of Funding Availability.

The funding requested by the LMB includes the following programmatic strategies and their respective vendors: Family Centered Support Services (Department of Social Services) - \$69,060; School Based Mental Health Services (Brook Lane Health Services, Inc.) - \$211,560; Disconnected Youth Program Enhancements (Western Maryland Consortium) - \$52,687; Family Strong Program (Potomac Case Management Services, Inc.) - \$100,000; Washington County Reengagement Center for Disconnected Youth (vendor to be determined) - \$119,740; Local Care Team Coordinator (Potomac Case Management Services, Inc.)\$52,000; and OGM Administration expenses - \$121,400.

Commissioner Meinelschmidt, seconded by Commissioner Baker, moved to approve the submission of the FY20 Community Partnership Agreement proposal to the Governor's Office for Children requesting \$726,447 and to accept the awarded funding. The motion passed unanimously.

**ADMINISTRATIVE OFFICE OF THE COURTS SECURITY FUNDING – APPROVAL TO ACCEPT GRANT AWARD**

Ms. Lapole and Kristin Grossnickle, Circuit Court Administrator, requested approval to accept grant award funds in the amount of \$59,650 for Circuit Court security funding. The grant award would provide for the installation of bullet proof barrier in the Land Records portion of the Courthouse.

Commissioner Baker, seconded by Commissioner Wagner, moved to approve the acceptance of the grant award in the amount of \$59,650 as presented. The motion passed unanimously.

**EMERGENCY NUMBERS SYSTEMS BOARD – APPROVAL TO SUBMIT APPLICATION AND ACCEPT AWARDED FUNDING**

Allison Hartshorn, Grant Manager, Office of Grant Management, and Bardona Woods, Quality Assurance and Training Coordinator, Division of Emergency Services, requested approval to submit a funding request to the Emergency Number Systems Board for \$61,249.53 to be used to fund 911 customer premise equipment enhancements, maintenance, and support for one (1) year to facilitate the county's implementation of Text to 911 Services; and to accept awarded funding.

Commissioner Baker, seconded by Commissioner Keefer, moved to approve the submission of a funding request to the Emergency Number Systems Board for \$61,249.53 and to accept the awarded funding as presented. The motion passed unanimously.

**PR-34 LEAVE POLICY REVISION**

Deb Peyton, Director of Health and Human Services, and Kendall McPeak, Deputy County Attorney, requested approval for PR-34 Leave Policy revisions. Ms. Peyton stated that changes incorporated into the policy include the number of vacation carryover hours changing from 200 annually to 250; employee's vacation, sick, and personal leave will not be terminated upon an extended illness; and the policy was revised to reflect accrual rates in hours instead of days. Ms. Peyton shared that the policy was also updated in accordance with the Maryland Sick and Safe Leave Act to include: sick leave accrual payout upon termination; sick leave benefit for part-time employees; definition of family members; full and part-time employees now entitled to use up to

forty (40) hours of their accumulated sick leave per calendar year for absences that are necessary due to domestic violence, sexual assault, or mental health attention; services from a victim services organization; legal services or proceedings; or temporary relocation. Additionally, language was added to the Abuse of Sick Leave section; and Administrative Leave of Absence with Pay has been updated to include eight (8) hours of Administrative leave annually to work an election event for the Board of Elections.

Commissioner Wagner, seconded by Commissioner Keefer, moved to approve the revisions to Policy PR-34 as presented. The motion passed unanimously.

#### **PR-36 TOBACCO-FREE CAMPUS POLICY REVISION**

Ms. Peyton and Ms. McPeak requested approval for PR-36 Tobacco-Free Campus Policy revisions. Ms. Peyton stated that Section IV Procedures (B) has been updated to state, "With the exception of Black Rock Golf Course where tobacco use is permitted outdoors only, the Washington County Agricultural Center where tobacco use is permitted outdoors only in rental areas during scheduled events..."

Commissioners Baker and Meinelschmidt discussed concern regarding acceptable distance from exterior of building to permit smoking.

Commissioner Wagner, seconded by Commissioner Meinelschmidt, moved to approve the revision to Policy PR-36 as presented. The motion passed unanimously.

#### **INTERGOVERNMENTAL COOPERATIVE PURCHASE (INTG-19-0015) OF ONE COMPACT TRACK LOADER AND ONE COMPACT EXCAVATOR**

Rick Curry, Director, Purchasing, and Mark Bradshaw, Deputy Director, Engineering Services, Division of Environmental Management, recommended authorizing by resolution the Department of Water Quality to purchase one (1) John Deere 331G Compact Track Loader at a cost of \$65,037.59, and one (1) John Deere 85G Compact Excavator at a cost of \$101,658.72, from Jesco, Inc., South Plainfield, New Jersey, and to utilize another jurisdiction's contract (#032515-JDC) that was awarded by Sourcewell (formerly National Joint Powers Alliance) to John Deere. The existing four (4) pieces of equipment; a 1986 Case 580E rubber tire backhoe, 1998 Case 688 track excavator, 1998 Case 580K rubber tire backhoe, and a 1998 Case W11B rubber tire front-end loader, will be auctioned/sold on GovDeals.com.

The Commissioners discussed the option of leasing/renting versus purchase, due to financial shortfalls within the County. Mr. DiVito shared that purchase of the mini-excavator would provide financial savings versus rental. The Commissioners discussed the life expectancy and rental costs associated with the John Deere 331G Compact Track Loader. Mr. Bradshaw shared that, with regard to the John Deere 85G Compact Excavator, there would be no rental fees for comparison as his department has been using old equipment and this request would be to replace four older units. Commissioner Meinelschmidt, seconded by Commissioner Wagner, moved to approve the purchase of one (1) John Deere 331G Compact Track Loader as presented and to delay the purchase of the John Deere 85G until such time that information showing a return on investment is received. The motion passed unanimously.

(Resolution No. RS-2019-06 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is located in the County Commissioners' Office.)

***Commissioner Baker left the meeting at 10:52 a.m. and returned to the meeting at 10:54 a.m.***



### **ETHICS ORDINANCE**

The Board brought forth a previously discussed matter from March 19, 2019, concerning the Ethics Ordinance, which is currently under review by the Board and the Washington County Ethics Commission to address changes which must be adopted for local government compliance with the requirements of the State's Public Ethics Law.

Commissioner Keefer stated that he would like to form an ad hoc committee to provide input on the Ethics Ordinance and Ethics Commission, and that it would include members such as current or retired judges, former County Commissioners (one Republican and one Democrat), and member of the media. He added that he would like the assignment of the ad hoc committee to be review of the appointment method for members of the Ethics Commission and revisions to the Ethics Ordinance, including consideration of the scope of what defines an ethics violation and screening of the ethic complaint process. Commissioner Keefer would also like to include a member of the Maryland Municipal League. Commissioner Meinelschmidt added that the ad hoc committee should be required to provide the Commissioners with suggestions within ninety (90) days.

Kirk Downey, County Attorney, advised the Commissioners that the Ethics Commission has been discussing updates to the rules and procedures to address recent concerns, particularly regarding screening. He added there are minimum standards that are promulgated by the State of Maryland, and noted that anything that the County would adopt into the local Ordinance would need to be approved by the State of Maryland Ethics Commission. Mr. Downey suggested that a distinction be kept between the Ethics Commission, an adjudicatory body versus an ad hoc committee which would be the body making recommendations to the Commissioners as a legislative body.

Mr. Emmitt Burke, Chair of the current Ethics Commission, shared that the Commission is strongly in favor of the review and stated that the members have agreed to maintain a position of neutrality and asked that they not be active members of the ad hoc committee. Dr. Burke indicated that the Commission would be glad to provide information regarding its experiences in interpreting and practically applying the provisions of the current Ethics Ordinance.

The Commissioners discussed potential representatives or recommendations for the ad hoc committee. Commissioner Baker suggested a member at large be part of the committee.

Commissioner Meinelschmidt, seconded by Commissioner Keefer, moved to approve the formation of an ad hoc committee for the purpose of reviewing the Ethics Ordinance and the appointment process for the Ethics Commission and to provide a report containing suggestions to the Commissioners within ninety (90) days of formation; and to include the following representatives: current and/or retired judge, member of the press, member as recommended MML, member as recommended by MACo, and a member at large.

Commissioner Cline stated that there is a possibility that one or more of the groups mentioned in the motion may not wish to participate. He asked if the members listed in the motion were a suggestion only or specific selections. Commissioner Meinelschmidt stated that his motion included one individual from each specific group. The County Clerk was asked to contact the specific groups for recommendations as potential appointments at a later date.

Commissioner Meinelschmidt moved to amend his prior motion to include one (1), no more than three (3) members at large, seconded by Commissioner Wagner. The amendment passed unanimously.

Commissioner Meinelschmidt, seconded by Commissioner Keefer, moved to approve the formation of the ad hoc committee as outlined. The motion passed unanimously.

**FISCAL YEAR 2020 (FY20) GENERAL FUND BUDGET, Draft 2**

Sara Greaves, Chief Financial Officer, and Rob Slocum, County Administrator, presented the FY20 General Fund (draft 2) Budget of \$228,584,630, which includes revenues of \$228.6 million, a decrease from FY19 budget of \$1.1 million. Mr. Slocum provided a summary of the budget to be presented and shared that a rate hearing is scheduled for April 16<sup>th</sup> at 6:00 p.m. Additionally, Mr. Slocum shared that the Budget Hearing is scheduled for May 14<sup>th</sup> at Kepler Theatre, Hagerstown Community College.

Ms. Greaves shared a projected five (5) year plan showing the deficit figures for each upcoming year and added that the county is in need of a revenue increase. She shared that Draft 2 includes a proposed increase to property tax of \$.05 per \$100 of assessed value, providing revenue in the amount of \$8,600,000, in 2020, an income tax increase from 2.8% to 3%, or .20%, providing a combined revenue of \$8,600,000 in FY20. There are no proposed increases to sewer rates, water rates, and solid waste fees in FY20; and a 3% proposed increase to solid waste in FY21. She added that, as proposed, the real property tax is to increase in FY21 an additional \$.04 per \$100 of assessed value and a proposed income tax increase of .10%, providing a combined revenue of \$6,100,000. She added that the FY21 increase may be in the form of a fire tax through legislation.

Commissioner Baker shared his concern for the proposed property tax increases in FY20 and FY21, and for the proposed income tax increases. The Commissioners shared concerns for the proposed increases and discussed budget deficits.

The Commissioners reached a consensus to move forward with the proposed \$.05 increase to property tax and the proposed income tax rate change to 3% in budget documents and for review at the rate increase hearing. (Commissioners Baker and Keefer did not join in the consensus.)

**ADJOURNMENT**

Commissioner Keefer, seconded by Commissioner Wagner, moved to adjourn at 12:12 p.m. The motion passed unanimously.

  
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Krista L. Hart, *County Clerk*

