

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

May 15, 2018

The County Commissioners attended the Washington County Employee Service Awards breakfast at 7:30 a.m. at the Hager Hall Conference and Event Center, 901 Dual Highway, Hagerstown.

INVOCATION AND PLEDGE OF ALLEGIANCE

Commissioner 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 9:34 a.m. at 100 West Washington Street, Room 1113, with the following members present: Vice President Jeffrey A. Cline and Commissioners John F. Barr, Wayne K. Keefer and LeRoy E. Myers, Jr.

APPROVAL OF MINUTES – MAY 8, 2018

Commissioner Barr, seconded by Keefer, moved to approve the minutes of May 8, 2018. The motion passed unanimously.

CONVENE IN CLOSED SESSION

Commissioner Barr, seconded by Myers, moved to convene in closed session at 9:35 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; and to consult with counsel to obtain legal advice on a legal matter, in accordance with Section 3-305(b) (1) and (7) of the General Provisions Article of the Annotated Code of Maryland. The motion passed unanimously.

In closed session, the Commissioners discussed potential issues relating to a member of a local board over which the Commissioners have appointing authority; discussed several personnel recommendations/vacancies and related staffing issues with staff; discussed several ongoing personnel matters with staff and counsel, and discussed legal issues/potential litigation with counsel.

During closed session, the Commissioners provided guidance to staff relating to a specific member of a local board; provided instruction to staff relating to various employment recommendations and vacancies; instructed staff to continue its review of ongoing personnel matters and to provide the Commissioners with an update at a future meeting; and provided direction to counsel relating to legal issues and potential litigation.

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Present during closed session were Commissioners Terry L. Baker, Jeffrey A. Cline, John F. Barr, Wayne K. Keefer and LeRoy E. Myers, Jr. Also present were Robert J. Slocum, County Administrator; Vicki C. Lumm, County Clerk; John M. Martirano, County Attorney, and at various times Stephanie Stone, Director, and Debra Peyton, Deputy Director, Health and Human Services; Tim Lung, Director, Plan Review and Permitting; and Kendall McPeak, Assistant County Attorney and Jim Hovis, Chief Operations Officer.

RECONVENE IN OPEN SESSION

Commissioner Myers, seconded by Keefer, moved to reconvene in open session at 10:21 a.m. The motion passed unanimously.

CITIZENS' PARTICIPATION

There were no citizens present that wished to participate.

DELIBERATION/DECISION ON ZONING MAP AMENDMENT RZ-17-003

Travis Allen, Comprehensive Planner, Planning and Zoning, brought forward Zoning Map Amendment application RZ-17-003 from Applicant Downsville Pike Land, LLC for consideration and discussion by the Commissioners. The subject property consists of two parcels containing 1.60 acres located one quarter of a mile north of Interstate 70 at the southwest corner of the intersection of Downsville Pike and Halfway Boulevard (10662 Downsville Pike and 10656 Downsville Pike), in Election District 26. The application concerns the request to change the zoning classification of the parcels from RS-Residential Suburban to HI-Highway Interchange. The Washington County Planning Commission voted to recommend approval of the map amendment during its meeting held October 2, 2017. The County Commissioners held a public hearing on December 12, 2017 regarding the application. Most public comments involved traffic concerns and the location near Marty Snook Park. The Commissioners discussed the matter on January 30, 2018 and deferred additional discussion and action to a future meeting.

The Commissioners discussed the matter. Commissioner Baker stated that he believes there has been no change in the character of the neighborhood or a mistake in the current zoning, and therefore, opposes the map amendment. Commissioner Keefer also opposed the amendment due to the trend of increasing residential population in the neighborhood around Marty Snook Park. Commissioner Cline indicated that he is in favor of the map amendment and believes the applicant has met its burden for a rezoning. Commissioner Myers opposed the rezoning, noting that commercial development is located on one side of the Downsville Pike, while the other side is improved with housing developments and Marty Snook Park. Commissioner Barr was in favor of the suggested rezoning due to the Planning Commission's recommendation of approval. The consensus of the Commissioners was to deny the rezoning.

The County Attorney's Office will prepare the Decision and Findings of Fact to deny the zoning reclassification and will bring the matter back to the Commissioners for a formal action during a future meeting.

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REPORTS FROM COUNTY STAFF

Opioid Litigation

County Attorney John M. Martirano stated that earlier this week the City of Hagerstown announced that Bruce Poole of the Poole Law Group had filed a lawsuit on its behalf in Federal District Court in Maryland against wholesale distributors and manufacturers of opioids and their role in the country-wide epidemic. The County Commissioners recently considered several groups of law firms that could file a similar lawsuit on behalf of the County. The Commissioners discussed their desire to move forward with hiring a team of law firms to file a similar lawsuit on the County's behalf. The desired team is comprised of the law firms of Levin, Papantonio, Thomas, Mitchell, Rafferty & Proctor, PA; Baron & Budd, PC; Greene, Ketchum, Farrell, Bailey & Tweel, LLP; Hill, Peterson, Carper, Bee & Deitzler, PLLC; McHugh Fuller Law Group; Powell & Majestro, PLLC; and The Poole Law Group, which will serve as local Maryland counsel.

Commissioner Barr, seconded by Keefer, moved to retain local Maryland counsel Bruce Poole and A.J. Serafini and The Poole Law Group along with the legal team comprised of the law firms of Levin Papantonio, Thomas, Mitchell, Rafferty & Proctor, PA; Baron & Budd, PC; Greene, Ketchum, Farrell, Bailey & Tweel, LLP; Hill, Peterson, Carper, Bee & Deitzler, PLLC; McHugh Fuller Law Group; and Powell & Majestro, PLLC, to file a lawsuit on the County's behalf against distributors and manufactures of opioids relating to the ongoing opioid crisis.. The motion passed unanimously.

Grant Management

Stephanie Lapole, Grant Manager, Grant Management, informed the Commissioners that a grant of up to \$2,000 was recently approved from the General Fund Contingency to be used toward Boonsboro's Green Fest. The amount will be used to reimburse the County's Solid Waste Enterprise Fund for electronic recycling fees associated with the event to be held May 19.

Engineering

Scott Hobbs, Director of Engineering, discussed improvements being made to the County's parking lot at the corner of West Franklin and Prospect streets which will provide additional parking and improved LED lighting. Enlargement of a portion of Wareham Alley behind the County's Administration Building is also scheduled in addition to paving a larger parking lot behind the facility. All improvements are covered under the County's Capital Improvement Project plan.

RECESS

The Commissioners recessed at 10:34 a.m. and participated in a full staff inspection by Sheriff Doug Mullendore of all Patrol and Judicial Deputies and to honor fallen officers for a special observance of National Police Week. The County Commissioners hosted the event at the Valley Mall and Mission BBQ provided lunch for the officers and guests.

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AFTERNOON SESSION

The Commissioners reconvened at 1:04 p.m. with the following members present: Commissioners Terry L. Baker, Jeffrey A. Cline, John F. Barr, Wayne K. Keefer and LeRoy Myers, Jr.

COMMISSIONERS REPORTS AND COMMENTS

Commissioner Cline recognized Sheriff Doug Mullendore and the Sheriff's Department deputies for the staff inspection in honor of National Police Week.

Commissioner Barr thanked County employees for their service which was celebrated this morning during the annual service awards banquet. Mr. Barr noted the sudden passing of Kevin Kamenetz, Baltimore County Executive and former Maryland Association of Counties' officer, who passed away last week.

Commissioner Baker thanked the Public Relations Department for their work done to coordinate this morning's Sheriff's Inspection and luncheon. He also noted that the Character Counts! luncheon will be held tomorrow at Elgin Station.

REPORTS FROM COUNTY STAFF

Chief Operations Officer

Jim Hovis, Chief Operations Officer, thanked Public Relations staff and Valley Mall Manager Julie Rohm for their assistance with today's Sheriff's inspection and luncheon. He recognized Mission BBQ for providing lunch free of charge for the officers.

County Administrator

County Administrator Rob Slocum read the names of County employees recognized during this morning's awards breakfast for having over thirty years of service.

RECOGNITION OF JOHN KLINE, WATER DISTRIBUTION MANAGER

Dan DiVito, Deputy Director, Water Quality, introduced John Kline, Water Distribution Manager at Water Quality, for being named the Distribution Operations Specialist of the Year by the Maryland Rural Water Association (MRWA). Mr. Kline was honored during a MRWA conference in Ocean City this past week. The Commissioners presented Mr. Kline a certificate of recognition to acknowledge the award. He has been a County employee for 21 years starting as an operator trainee. John has consistently performed his duties with professionalism while maintaining a positive customer service attitude.

BID AWARD – VIDEO PRESENTATION SYSTEM FOR THE CIRCUIT COURT

Brandi Naugle, Buyer, Purchasing, presented the proposal to award the contract for a Video Presentation System (PUR-1379) to the responsive, responsible bidder, Nomad Technologies, Inc. of Eden Prairie, Minnesota, for the lump sum bid of \$55,380, including the Alternate No. 1 at \$5,409 for the total sum of \$60,789 for a Nomad LT Multimedia Podium. Two bids were received for the equipment; however, one was deemed non-responsive due to not meeting all the specifications in the bid.

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Commissioner Barr, seconded by Myers, moved to award the contract for a Video Presentation System to the responsive, responsible bidder, Nomad Technologies, Inc. of Eden Prairie, Minnesota, for the lump sum bid of \$55,380, including the Alternate No. 1 at \$5,409 for the total sum of \$60,789 for a Nomad LT Multimedia Podium. The motion passed unanimously.

CONTRACT RENEWAL – VENTILATING AIR CONDITIONING AND AUTOMATIC TEMPERATURE CONTROLS MAINTENANCE SERVICE

Brandi Naugle and John Pennesi, Deputy Director, Parks and Facilities, requested renewal of the contract for Ventilating, Air Conditioning and Automatic Temperature Controls Maintenance Services (PUR-1250) with Miller & Anderson, Inc. of Clear Brook, Virginia, as requested in its letter dated March 18, 2018. Miller & Anderson requested an average increase of 5.4% to last year's contract. The company is not requesting any increase to the hourly labor rates for additional services as needed but is requesting an increase for specific services for Fiscal Year 2019.

Commissioner Barr, seconded by Keefer, moved to renew the contract for the Heating, Ventilating, Air Conditioning and Automatic Temperature Controls Maintenance Services with Miller & Anderson, Inc. of Clear Brook, Virginia, as requested in its letter dated March 18, 2018 as presented. The motion passed unanimously.

CONTRACT RENEWAL - ELECTRICIAN SERVICES AT COUNTY FACILITIES

Brandi Naugle and John Pennesi recommended the renewal of the contract for Electrician Services at County Facilities (PUR-1251) with Kube Electric Company, Inc. (KECI) of Williamsport, Maryland, pursuant to the rates included in its letter dated February 26, 2018. KECI is requesting an approximate 5% increase above the current hourly rates for work performed by an Electrician and an Apprentice during regular hours, evening, weekends and holidays as well as the rate for consulting and design services. This is the last year of the contract and new pricing will be solicited next year.

Commissioner Myers, seconded by Keefer, moved to approve the contract renewal for Electrician Services at County Facilities with Kube Electric Company, Inc. at the rates and terms requested in its letter dated February 26, 2018 as presented. The motion passed unanimously.

CONTRACT RENEWAL – UNIFORMS FOR WASHINGTON COUNTY SHERIFF'S OFFICERS

Brandi Naugle and Cody Miller, Sheriff's Department, recommended renewal of the contract for Uniforms for the Washington County Sheriff's Officers (PUR-1310) to Red the Uniform Tailor, Inc., of Lakewood, New Jersey, pursuant to the rates contained in its letter dated March 17, 2018, which requests an average 4% increase for Fiscal Year 2019. The contract is for a one-year period.

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Commissioner Barr, seconded by Myers, moved to approve the contract with Red the Uniform Tailor, Inc., of Lakewood, New Jersey, for Uniforms for Washington County Sheriff's Officers pursuant to the rates contained in its letter dated March 17, 2018 as presented. The motion passed unanimously.

HARRY E. BENTON, JR. RURAL LEGACY PROGRAM AND AGRICULTURAL CONSERVATION EASEMENT PROGRAM

Stephen Goodrich, Director, Planning and Zoning, requested approval of the Harry E. Benton, Jr. Rural Legacy Program (RLP-Maryland) and Agricultural Conservation Easement Program (ACEP-Federal) Easement (Benton RLP-ACEP Easement) for \$645,687.50 for 201.5 easement acres, paid for 100% by the Maryland Department of Natural Resources RLP and the United States Department of Agriculture (ACEP), to adopt an ordinance approving the easement purchase and to authorize the execution of the necessary documentation to finalize the easement purchase. The Benton property is located on Jordan Road, Fairplay. The Benton RLP-ACEP Easement will protect 33.1 acres of woods, 42.8 acres pasture, 25.5 acres of crop, 92.6 acres of hay, and 1.5 acres of wetland. It will also serve to buffer a portion of St. James Run. The two houses on the property are designated historic and the parcel is contiguous with other preserved properties. Seven developmental rights will be extinguished with this easement. Since 1998, Washington County has been awarded over \$20 million to purchase Rural Legacy easements on more than 6,100 acres. The Benton RLP-ACEP Easement will utilize a portion of the County's FY 2018 RLP grant of \$1,359,000 and a portion of the ACEP grant of \$760,000. In addition to the easement funds, the County will receive up to 3% of the easement value for administrative costs, 1.5% for compliance costs and funds to cover all the County's legal/settlement costs.

Commissioner Myers, seconded by Keefer, moved to approve the Benton RLP-ACEP Easement for \$645,687.50 for 201.5 easement acres, paid for 100% by the Maryland Department of Natural Resources (RLP) and the United States Department of Agriculture (ACEP), to adopt an ordinance approving the easement purchase and to authorize the execution of the necessary documentation to finalize the easement purchase. The motion passed unanimously. (Ordinance No. ORD-2018-10 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is in the County Commissioners' Office.)

LYLE S. AND APRIL J. FIRNHABER RURAL LEGACY PROGRAM AND AGRICULTURAL CONSERVATION EASEMENT PROGRAM

Eric Seifarth, Rural Preservation Administrator, and Chris Boggs, Land Preservation Planner, Planning and Zoning, recommended approval of the Lyle S. and April J. Firnhaber Rural Legacy Program (RLP-Maryland) and Agricultural Conservation Easement Program (ACEP-Federal) Easement (Firnhaber RLP/ACEP Easement) for \$489,249.69 for 157.38 easement acres, 100% by the Maryland Department of Natural Resources (RLP) and the United States Department of Agriculture (ACEP), to adopt an ordinance approving the easement purchase and to authorize the execution of the necessary

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documentation to finalize the easement purchase. The Firnhaber property is located on Kaetzel Road, Rohrersville. The Firnhaber RLP/ACEP Easement will protect 65.48 acres of woods, 5.24 acres of pasture, 59.67 acres of crop, and 21.99 acres of hay. It will also serve to buffer a portion of Israel Creek. The house on the property is designated historic and seven development rights will be extinguished with this easement.

Commissioner Myers, seconded by Keefer, moved to approve the Firnhaber RLP/ACEP Easement for \$489,249.69 for 157.38 easement acres, 100% by the Maryland Department of Natural Resources (RLP) and the United States Department of Agriculture (ACEP), to adopt an ordinance approving the easement purchase and to authorize the execution of the necessary documentation to finalize the easement purchase. The motion passed unanimously. (Ordinance No. ORD-2018-11 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is in the County Commissioners' Office.)

2018 HOUSING BOND ALLOCATION TRANSFER

Stephen Goodrich, Director, Planning and Zoning, requested approval to transfer Washington County's 2018 Housing Bond Allocation of \$5,357,534 to the Maryland Community Development Administration for issuing housing bonds on behalf of the County. Mr. Goodrich indicated that the State of Maryland invites local governments to collaborate each year in a statewide bond pool for first-time homebuyers. Washington County has traditionally used its allocation to participate in the Maryland Mortgage program. Allocating the money back to the State might allow more for Washington County residents if excess funds from other counties are returned to the pool for re-distribution. The County has done so since 2007.

Commissioner Myers, seconded by Barr, moved to approve the transfer of Washington County's 2018 Housing Bond Allocation of \$5,357,534 to the Maryland Community Development Administration for the issuance of housing bonds on behalf of Washington County. The motion passed unanimously.

CLOSED SESSION

Commissioner Myers, seconded by Barr, moved to convene in closed session at 1:28 p.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; and to consult with counsel to obtain legal advice on a legal matter, in accordance with Section 3-305(b) (1) and (7) of the General Provisions Article of the Annotated Code of Maryland. The motion passed unanimously.

In closed session, the Commissioners discussed specific issues relating an ongoing personnel matter with staff and counsel; and discussed the status of a pending litigation matter.

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During closed session, the Commissioners provided guidance to staff relating to a specific personnel matter; and requested that staff follow-up on the status of an ongoing litigation matter.

Present during closed session were Commissioners Terry L. Baker, Jeffrey A. Cline, John F. Barr, Wayne K. Keefer and LeRoy E. Myers, Jr. Also present were Robert J. Slocum, County Administrator; Vicki C. Lumm, County Clerk; John M. Martirano, County Attorney; Stephanie Stone, Director, and Debra Peyton, Deputy Director, Health and Human Services; Jim Hovis, Chief Operations Officer; and Kendall McPeak, Assistant County Attorney.

ADJOURNMENT

The meeting adjourned 1:54 p.m.



Robert J. Slocum, County Administrator



John M. Martirano, County Attorney



Vicki C. Lumm, County Clerk

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

May 15, 2018

**PUBLIC HEARING FOR PROPOSED FISCAL YEAR 2019 BUDGET AND
TAX RATE**

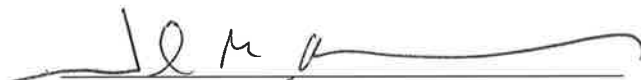
A public hearing of the Board of County Commissioners of Washington County was held at 5:35 p.m. in the Kepler Theatre at Hagerstown Community College to consider the proposed Property Tax Rate for Fiscal Year (FY) 2019 pursuant to the laws of the State of Maryland as well as the proposed FY 2019 budget for Washington County. In attendance were President Terry L. Baker, Vice President Jeffrey A. Cline, and Commissioners John F. Barr and Wayne K. Keefer. Commissioner LeRoy E. Myers, Jr. was absent.

The public hearing was being held pursuant to and to satisfy the specific requirements of the laws of the State of Maryland, the requirements of the Constant Yield Tax Rate law, as contained in the notice published in The Herald-Mail on Monday, May 7, 2018, and to consider and obtain public comment on the proposed FY 2019 budget for Washington County as advertised. County Administrator Robert J. Slocum referred to the Citizen's Guide to the Budget for FY 2019 which was available at the public hearing, posted on the County's website, and shall be added into the recorded minutes. Mr. Slocum stated that property tax rate for FY 2019 will remain at the rate of \$.948 cents per \$100 of assessed value. Sara Greaves, Chief Financial Officer, also discussed specifics of the budget which totals \$328,752,270 or \$3.3 million above the FY 2018 approved budget. The County has maintained an overall AA rating with the top three rating agencies and has received positive comments on its stable outlook, strong financial policies and financial management. The proposed budget provides an additional \$1 million to the Board of Education, available as needed and as soon as July 1, 2018, that also includes \$204,000 for school vestibules and an additional \$230,000 above maintenance of effort. It provides base services, maintains low debt levels, and preserves the County's cash operating reserves so it can meet challenges and opportunities in the future.

Commission President Terry L. Baker opened the hearing for public testimony. Twenty-four individuals spoke on issues concerning the budget such as education, senior citizen services and emergency services. Commissioner Baker adjourned the hearing at 7:53 p.m.



Robert J. Slocum, County Administrator



John M. Martirano, County Attorney



Vicki C. Lumm, County Clerk