



## Board of County Commissioners of Washington County, Maryland

### *Open Session Minutes*

June 4, 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 12:32 p.m. at 100 West Washington Street, Room 1113, Hagerstown, Maryland, with the following members present: Vice President Terry L. Baker and Commissioners Wayne K. Keefer, Cort F. Meinelschmidt, and Randall E. Wagner.

#### **APPROVAL OF MINUTES**

Commissioner Baker, seconded by Commissioner Wagner, moved to approve the minutes of May 21, 2019. The motion passed unanimously.

#### **CONVENE IN CLOSED SESSION**

Commissioner Meinelschmidt, seconded by Commissioner Keefer, moved to convene in closed session at 12:33 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; to consult with counsel to obtain legal advice on a legal matter, and to consult with staff, consultants, or other individuals about pending or potential litigation, in accordance with Section 3-305(b)(1), (7), (8) of the General Provisions Article of the Annotated Code of Maryland. The motion passed unanimously.

In closed session, the Commissioners discussed the potential appointment of specific individuals to a local board over which the Commissioners have appointing authority; discussed a specific employment recommendation with staff; and discussed and received legal advice/information on certain matters, including pending or potential legal action, and gave staff direction in regards to said matters.

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, Kendall McPeak, Deputy County Attorney, and at various times Deborah Condo, Deputy Director, Health and Human Services; Scott Hobbs, Director of Engineering; Susan Small, Director, Business Development; Ashley Holloway, Director, Plan Review and Permitting; Jennifer Kane, Washington County Department of Social Services; Sara Greaves, CFO, Budget and Finance; and Andrew Eshleman, Director of Public Works.

#### **RECONVENE IN OPEN SESSION**

Commissioner Baker, seconded by Commissioner Meinelschmidt, moved to reconvene in open session at 2:04 p.m. The motion passed unanimously.

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

Commissioners provided a brief insight into events attended and support provided throughout Washington County community.

Commissioner Keefer reported that the jobless rate is down for the month of April (as reported in The Herald-Mail Newspaper) in Washington County and he thanked staff with Department of

Business Development for assisting potential businesses to join Washington County. Additionally, he thanked Todd Hershey, County Treasurer, for his assistance with a local business tax return. He appreciates the business-friendly approach from all staff.

Commissioner Meinelschmidt shared that he would not attend next week's Commissioners meeting.

## **REPORTS FROM COUNTY STAFF**

### **Engineering Department**

Scott Hobbs, Director, provided an update on South County flooding projects.

### **County Administrator**

Rob Slocum reminded staff of the 6:00 p.m. budget hearing.

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

#### ***Ad Hoc Ethics Ordinance Review and Member Selection Committee***

Commissioner Meinelschmidt, seconded by Commissioner Keefer, moved to officially constitute the Ad Hoc Ethics Ordinance and Member Selection Review Committee with the following members:

Julianna Albowicz, Carolyn Brooks, Don Stevenson, Michelle Horst, Ernest Crofoot, and retired Judge Ralph France. The motion passed unanimously. The first meeting will be scheduled, and the Committee will be provided with 90 days to report findings and suggestions to the Board.

#### ***Washington County Board of Social Services***

Commissioner Keefer, seconded by Commissioner Meinelschmidt, moved to appoint Bridget Jones-Smith to serve a first full, three (3) year term from June 1, 2019 through May 31, 2022; this is NOT a paid board. The motion passed unanimously.

#### ***Washington County Board of Zoning Appeals Reappointment***

Commissioner Baker, seconded by Commissioner Meinelschmidt, moved to re-appoint Paul Fulk and Michael Zampelli each to serve a second three (3) year term from July 1, 2019 through June 30, 2022, and to appoint Robert Myers to serve a first full three (3) year term from July 1, 2019 through June 30, 2022 as an alternate member; this IS a paid board. The motion passed unanimously.

### **County Attorney**

Kirk C. Downey brought forth the matter of modifying sewer rates and requested formal adoption of the 3% increase for Fiscal Year 2020.

Commissioner Meinelschmidt, seconded by Commissioner Wagner, moved to formally adopt the 3% increase to the sewer rates for Fiscal Year 2020. The motion passed unanimously.

(Resolution No. RS-2019-14 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is in the County Commissioners' Office.)

## **CITIZENS' PARTICIPATION**

Randall Barber, 20028 Millbrook Road, Keedysville discussed the future location for the Board of Elections.

## **YOUTH MERITORIOUS AWARD**

The Commissioners presented certificates of merit to Dillon Albowicz, a student at Clear Spring Middle School, and William Albowicz, a student at Clear Spring High School, each selected by the Washington County Office of Grant Management for their scholastic achievement.

*Commissioner Meinelschmidt left the meeting at 2:33 p.m. and returned at 2:34 p.m.*

**FISCAL YEAR 2020 HEALTHY FAMILIES HOME VISITING GRANT**

Allison Hartshorn, Grant Manager, Grant Management, recommended the acceptance of an award from the Maryland State Department of Education for the provision of Healthy Families Home Visiting Services Program for FY20 in the amount of \$277,993. Funding of \$6,950 is included in the award for County administrative support and no County funds are involved.

Commissioner Baker, seconded by Commissioner Meinelschmidt, moved to approve the submission of the grant application and to accept the total award funding of \$277,993 as presented. The motion passed unanimously.

**GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION FUNDING**

**ACCEPTANCE**

Stephanie Lapole, Sr. Grant Manager, Office of Grant Management; and Rebecca Hogamier, Program Director, Washington County Day Reporting Center, recommended acceptance of the award from the Governor's Office of Crime Control and Prevention in the amount of \$25,571, and to approve the corresponding budget adjustment.

Commissioner Baker, seconded by Commissioner Keefer, moved to accept awarded funding in the amount of \$25,571 and to approve the corresponding budget adjustment.

**CONTRACT RENEWAL FOR #2 HEATING OIL**

Brandi Naugle, Buyer, Purchasing, and Andrew Eshleman, Public Works Director, recommended concurrence with the recommendation of the Washington County Public Schools (WCPS) to award the contract for Washington County Government's #2 Heating Fuel Oil to the responsive, responsible low bidder, James River Solutions of Ashland, VA, who submitted the bidder factor of \$0.14 per gallon for tank wagon deliveries. The contract is effective July 1, 2019 and ending June 30, 2020; the contract may be renewed for three (3) additional one (1) year terms at the discretion of WCPS.

Commissioner Baker, seconded by Commissioner Wagner, moved to award the contract to James River Solutions of Ashland, VA as presented. The motion passed unanimously.

**BID AWARD (PUR1414) HAULING/RECYCLING OF SCRAP METALS AND REMOVAL RECOVERY OF REFRIGERANT GASES**

Ms. Naugle, and Dave Mason, Deputy Director, Environmental Management, recommended approval to award the contract for Hauling/Recycling of Scrap Metals and Removal of Refrigerant Gases to the responsible, responsive bidder Allegany Scrap, Inc. of Cumberland, MD, who submitted a rebate percentage of 40% per gross ton. The contract is for a one (1) year period tentatively commencing July 1, 2019 with an option by the county to renew the contract for up to two (2) additional consecutive one (1) year periods.

Commissioner Baker, seconded by Commissioner Wagner, moved to award Contract PUR1414 to Allegany Scrap, Inc. of Cumberland, MD as presented. The motion passed unanimously.

**BID AWARD (PUR1415) ELEVATOR MAINTENANCE SERVICES AT COUNTY FACILITIES**

Ms. Naugle, and John Pennesi, Deputy Director of Public Works, Parks and Facilities, recommended award of the Elevator Maintenance Services to the responsible, responsive bidder, Landmark Elevator of Hagerstown, MD who submitted the lowest total sum bid of \$46,728. The contract is a one (1) year contract commencing on July 1, 2019 with an option by the county to renew for up to four (4) additional one (1) year periods. Funds are budgeted in various department budget line item accounts for the services.

Commissioner Keefer, seconded by Commissioner Wagner, moved to award Contract PUR1415 to Landmark Elevator, Hagerstown, MD as presented. The motion passed unanimously.

**BID AWARD (PUR1417) ELECTRICIAN SERVICES AT COUNTY FACILITIES**

Ms. Naugle and Mr. Pennesi recommended award of the Electrician Services Contract at County Facilities to the responsible, responsive, bidder, Kube Electric Company, Inc. of Williamsport, MD, who submitted the total base bid in the amount of \$45,500 based on the hourly rates/formula contained in its bid dated April 29, 2019 as follows:

	Electrician	Helper
Regular Working Hours (Routine)	\$33.75	\$20.00
Evenings and Saturdays (Emergency)	\$49.25	\$30.00
Sundays and Holidays (Emergency)	\$49.25	\$30.00
Consulting and Design Service – Hourly Rate of \$54.00		

Ms. Naugle shared that the contract is a one (1) year contract tentatively commencing on July 1, 2019 with an option by the County to renew for up to four (4) additional one (1) year periods. In addition to the County facilities, the Washington County Health Department, Children’s Village, Museum of Fine Arts, County Housing buildings, and the Washington County Free Library are also included in this contract.

Commissioner Wagner, seconded by Commissioner Keefer, moved to award Contract PUR1417 to Kube Electric Company, Inc. of Williamsport, MD as presented. The motion passed unanimously.

**BID AWARD (PUR1418) HEATING, VENTING, AIR CONDITIONING, AND AUTOMATIC TEMPERATURE CONTROLS MAINTENANCE SERVICES AT COUNTY FACILITIES (HVAC/ATC)**

Ms. Naugle and Mr. Pennesi recommended award of the HVAC/ATC contract to the responsible, responsive, bidder Mick’s Plumbing and Heating, Thurmont, MD based on the total base bid of \$171,000. The contract is for a one (1) year contracting commencing on July 1, 2019, with an option by the county to renew for up to four (4) additional consecutive one (1) year periods.

	HVAC Technician	Helper
Regular Working Hours (Routine)	\$65.00	\$45.00
Evenings and Saturdays (Emergency)	\$97.00	\$67.50
Sundays and Holidays (Emergency)	\$97.50	\$65.50
Consulting and Design Service – Hourly Rate of \$100.00		

Commissioner Wagner, seconded by Commissioner Meinelschmidt, moved to award Contract PUR1418 to Mick’s Plumbing and Heating, Thurmont, MD as presented. The motion passed unanimously.

**STILLWATER FARM (LONG) RURAL LEGACY EASEMENT**

Eric Seifarth, Rural Preservation Administrator, Planning and Zoning, recommended approval of the Darren and Amy Long Rural Legacy Program (RLP) Easement Project of \$84,000 for 32.374 easement acres located on 4040 Mills Road, Sharpsburg, and to adopt an ordinance approving the easement purchase and to authorize the execution of the necessary documentation to finalize the easement purchase. RLP funding is 100% State funds; the County receives up to 3% of the easement value for administrative costs, a mandatory 1.5% for compliance/monitoring costs, and funds to cover all its legal/settlement costs.

Commissioner Wagner, seconded by Commissioner Keefer, moved to approve the Stillwater Farm (Long) Rural Legacy Easement Project of \$84,000, to adopt an ordinance approving the purchase

of the easement, and to authorize the execution of all necessary documents required to affect the easement purchase. The motion passed unanimously.

(Ordinance No. ORD-2019-05 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is in the County Commissioners' Office.)

#### **KEMP RURAL LEGACY EASEMENT**

Mr. Seifarth recommended approval of the Paul and Joli Kemp Rural Legacy Program (RLP) Easement Project of \$135,480 for 46.16 easement acres located on 20644 Park Hall Road, Boonsboro and to adopt an ordinance approving the easement purchase and to authorize the execution of the necessary documentation to finalize the easement purchase. RLP funding is 100% State funds; the County receives up to 3% of the easement value for administrative costs, a mandatory 1.5% for compliance/monitoring costs, and funds to cover all its legal/settlement costs.

Commissioner Wagner, seconded by Commissioner Keefer, moved to approve the Kemp Rural Legacy Easement Project of \$135,480, to adopt an ordinance approving the purchase of the easement, and to authorize the execution of all necessary documents required to affect the easement purchase. The motion passed unanimously.

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

#### **HOFFMAN RURAL LEGACY EASEMENT**

Mr. Seifarth recommended approval of the Beverly Ann Hoffman Rural Legacy Program (RLP) Easement Project of \$53,430 for 19.81 easement acres located on 7070 Fairplay Road, Sharpsburg and to adopt an ordinance approving the easement purchase and to authorize the execution of the necessary documentation to finalize the easement purchase. RLP funding is 100% State funds; the County receives up to 3% of the easement value for administrative costs, a mandatory 1.5% for compliance/monitoring costs, and funds to cover all its legal/settlement costs.

Commissioner Wagner, seconded by Commissioner Keefer, moved to approve the Hoffman Rural Legacy Easement Project of \$53,430, to adopt an ordinance approving the purchase of the easement, and to authorize the execution of all necessary documents required to affect the easement purchase. The motion passed unanimously.

(Ordinance No. ORD-2019-07 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is in the County Commissioners' Office.)

#### **REVIEW OF WASHINGTON COUNTY ADDRESSING ORDINANCE**

Jill Baker, Deputy Director; Jennifer Kinzer, GIS Coordinator; and John Baker, GIS Technician, Planning and Zoning, brought forth information requested during the May 14<sup>th</sup> Open Session Commissioners meeting pertaining to a Memorandum of Understanding which referenced the Addressing Ordinance.

#### **FISCAL YEAR 2020 ANNUAL PROGRAM OPEN SPACE PROGRAM**

Andrew Eshleman, Director, Public Works, discussed the FY 2020 Program Open Space (POS) projects funding as recommended by the Washington County Recreation and Parks Advisory Board. He stated that the anticipated POS allocation for FY 2020 is \$1,014,952, with potential for another \$180,367 to be received pending repayment processing of a State Outdoor Recreation Land Loan in HB 1407. Mr. Eshleman discussed the program requests and the process.

Commissioner Wagner, seconded by Commissioner Baker, moved to approve the Annual FY 2020 POS Program as presented and recommended by the Washington County Recreation and Parks Advisory Board. The motion passed unanimously.

**PUBLIC WORKS REORGANIZATION AND SUCCESSION PLAN**

Mr. Eshleman recommended approval of the phased organizational adjustments and succession plan to accommodate the addition of the Recreation and Fitness to the Division of Public Works and creation of a Parks and Recreation Department. He discussed the proposed restructuring and fiscal impact.

Commissioner Wagner, seconded by Commissioner Keefer, moved to approve the restructure as presented. The motion passed 4-1 (President Cline voted "NAY")

*The Commissioners recessed at 3:31 p.m. and returned to the meeting at 3:47 p.m.*

**RECONVENE IN CLOSED SESSION**

Commissioner Wagner, seconded by Commissioner Meinelschmidt, moved to reconvene in closed session at 3:48 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 in accordance with Section 3-305(b)(1) of the General Provisions Article of the Annotated Code of Maryland. The motion passed unanimously.

In closed session, the Commissioners discussed the filling of a certain personnel vacancy with a specific individual.

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, Kendall McPeak, Deputy County Attorney, and at various times Deborah Condo, Deputy Director, Human Resources.

**RECONVENE IN OPEN SESSION**

Commissioner Baker, seconded by Commissioner Meinelschmidt, moved to reconvene in open session at 4:07 p.m. The motion passed unanimously.

**COUNTY COMMISSIONER LETTER OF OPPOSITION REQUEST FOR PROPOSED ROCKWOOL FACTORY, RANSON WEST VIRGINIA**

Douglass Arnall, Washington County Catocin Group, Sierra Club, and Brent Walls, Upper Potomac Riverkeepers, requested consent from the Commissioners for a letter expressing opposition to the proposed Rockwool Factory in Ranson, WV. The Commissioners reached a consensus to support two letters which will be submitted to WV Legislators, and to MD State Delegation.

*The Commissioners recessed at 4:23 pm and returned to the meeting at 6:00 p.m.*

**PUBLIC HEARING: FISCAL YEAR 2020 BUDGET AND PROPOSED MODIFICATION TO INCOME TAX RATE**

A public hearing of the Board of County Commissioners of Washington County was held at 6:00 p.m. in the County Administration Building, 100 West Washington Street, Suite 1113 to consider the proposed Income Tax Rate to become effective January 1, 2020, pursuant to the laws of the State of Maryland as well as the proposed FY20 budget for Washington County. In attendance were President Jeffrey A. Cline, Vice-President Terry L. Baker, and Commissioners Wayne K. Keefer, Randall E. Wagner, and Cort F. Meinelschmidt.

The public hearing was being held pursuant to and in satisfaction of the specific requirements of the laws of the State of Maryland as stated in the notice published in The Herald-Mail on Thursday, May 23, 2019 and Thursday, May 30, 2019, and to consider and obtain public comment on the proposed FY20 budget for Washington County as advertised. County Administrator Rob Slocum

referred to the Citizen's Guide to the Budget for FY20 which was available at the public hearing, posted on the County's website, and shall be added into the recorded minutes.

President Cline opened the hearing for public testimony. Six individuals spoke on issues concerning the budget such as education, senior citizen services and emergency services. Commissioner Cline concluded the hearing at 7:00 p.m.

Commissioner Meinelschmidt, seconded by Commissioner Wagner, moved to approve an increase in the Washington County income tax rate from 2.8% to 3.2%, effective January 1, 2020. The motion passed 3-2 (Commissioners Baker and Keefer voted "NAY"). (Resolution No. RS-2019-15 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is in the County Commissioners' Office.)

Commissioner Meinelschmidt, seconded by Commissioner Wagner, moved to approve the operational budget based upon adoption of the 2.5% wage scale and to provide an employee step beginning in September. The motion passed 3-2 (Commissioners Baker and Keefer voted "NAY").

Commissioner Meinelschmidt, seconded by Commissioner Wagner, moved to approve the Capital Improvement Budget to include \$500,000 in funding to the Washington County Public Schools to be used for Capital Improvement projects, contingent upon a successful execution of a Request for Quotes (within 45 days) with an Energy Savings Company or IAC matching funds. The motion passed 3-2 (Commissioners Baker and Keefer voted "NAY").

#### ADJOURNMENT

Commissioner Wagner, seconded by Commissioner Keefer, moved to adjourn at 7:27 p.m. The motion passed unanimously.



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Krista L. Hart, *County Clerk*

