



Board of County Commissioners of Washington County, Maryland

Open Session Minutes

July 9, 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 9:01 a.m. at 100 West Washington Street, Room 1113, Hagerstown, Maryland, with the following members present: Vice-President Terry L. Baker, Commissioners Wayne K. Keefer, and Cort Meinelschmidt (Commissioner Randall E. Wagner was absent).

APPROVAL OF MINUTES

Commissioner Baker, seconded by Commissioner Meinelschmidt, moved to approve the minutes of June 25, 2019. The motion passed unanimously (4-0, Commissioner Wagner was absent.)

CONVENE IN CLOSED SESSION

Commissioner Baker, seconded by Commissioner Meinelschmidt, moved to convene in closed session at 9:02 a.m. to discuss a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State, and to discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including: (i) the development of fire and police services and staff; and (ii) the development and implementation of emergency plans, in accordance with Sections 3-305(b)(4) and (10) of the General Provisions Article of the Annotated Code of Maryland. The motion passed unanimously (4-0, Commissioner Wagner was absent.)

In closed session, the Commissioners received information regarding the proposal for a business organization to locate, expand, or remain in the State. The Commissioners also received information regarding public security and emergency services, reviewed applicable policy, and gave staff direction regarding the matter.

~~In closed session, the Commissioners discussed the potential appointment of a specific individual to a board over which the Commissioners have appointing authority; received legal advice concerning property rights and contractual rights; and consulted with counsel and staff regarding potential litigation. The Commissioners provided direction to staff concerning each of these matters.~~

Present during closed session were Commissioners Jeffrey A. Cline, Terry L. Baker, Wayne K. Keefer, and Cort F. Meinelschmidt. 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 Sara Greaves, Chief Financial Officer; Dave Hays, Director of Emergency Services; and Susan Small, Director of Business Development.

RECONVENE IN OPEN SESSION

Commissioner Baker, seconded by Commissioner Meinelschmidt, moved to reconvene in open session at 9:59 a.m. The motion passed unanimously (Commissioner Wagner was absent.)

COMMISSIONERS' REPORTS AND COMMENTS

Commissioner Keefer discussed the first meeting of the Ad Hoc Ethics Advisory Committee held yesterday.

President Cline made note of several events he attended in support of Washington County. Additionally, he shared his sympathy to the family of Buddy Blake, Smithsburg Volunteer Firefighter, who recently passed. President Cline thanked Rob Slocum, County Administrator, for opening his home to host an exchange student.

MARYLAND ASSOCIATION OF COUNTIES (MACo) VISIT

Michael Sanderson, Executive Director, MACo, and Natasha Mayhew, Legislative Director, MACo, presented 2019 Legislative highlights to include a budget update, Next-Generation 9-1-1, and other various issues and events. The Commissioners were also provided an opportunity to discuss concerns and/or issues regarding State policy, conferences, and events.

REPORTS FROM COUNTY STAFF

Division of Emergency Services

Dave Hays, Director, and Sara Greaves, CFO, discussed reimbursements for Fire and EMS Companies.

Commissioner Meinelschmidt, seconded by Commissioner Baker, moved to approve distributions up to \$2.5 million to Fire and EMS Companies for reimbursement of FY18 and FY19 fuel, maintenance and utility costs with funding from the Capital Reserves. The motion passed unanimously (4-0, Commissioner Wagner was absent.)

The Commissioners reached a consensus to issue a letter to Volunteer Fire and EMS Companies explaining content of Fiscal Policy as adopted by the Commissioners in 2013, to include additional requirements effective July 1, 2019.

Solid Waste Department

Dave Mason, Deputy Director, presented the Commissioners with electronic recycling restrictions in which staff will be addressing.

Highway Department

Zane Rowe, Deputy Director, and Doug Levine, Traffic Safety Supervisor, presented a final report on staffing efforts during the USA Cycling Race.

PUBLIC HEARING: ILLICIT DISCHARGE DETECTION AND ELIMINATION ORDINANCE

President Cline convened a public hearing at 10:48 a.m. to obtain public comment regarding the proposed Illicit Discharge Detection and Elimination Ordinance.

Dan Divito, Director of Environmental Management, explained that the proposed ordinance is required under the MS4 Permit, in accordance with 40 CFR §122.34(b)(3). He shared the purpose of the public hearing was for public comment as required.

The hearing was opened for public comment; no citizens came forth.

The hearing was opened for questions from the Commissioners.

The hearing was closed at 10:54 a.m. The Commissioners took no action at this time regarding the Illicit Discharge Detection and Elimination Ordinance and agreed to discuss the matter at a future meeting. (Commissioner Wagner was absent.)

CITIZENS' PARTICIPATION

Martin Brubaker, 10925 Hartle Drive, Hagerstown, MD, presented his opposition to the proposed Kieffer Funk Solar Energy Generating System project. Mr. Brubaker requested a letter of opposition be submitted to the Maryland Public Service Commission.

Colleen Toothman, 11350 Kieffer Funk Road, Hagerstown, MD, presented opposition to the proposed Kieffer Funk Solar Energy Generating System project.

Ron Eyler, 11811 Peacock Trail, Hagerstown, MD, discussed taxpayer subsidies for the Kieffer Funk Solar Energy Generating System project.

Commissioners reached a consensus to compose a letter of opposition to the project as requested.

REPORTS FROM COUNTY STAFF (continued)

Department of Business Development

Susan Small, Director, requested consensus to submit three (3) letters on behalf of the Commissioners to the City of Hagerstown providing support for waterline connections as part of the City of Hagerstown's Water and Wastewater Policy for three (3) unrelated projects.

The Commissioners reached a consensus to approve the three (3) letters of support to the City of Hagerstown as discussed.

Division of Engineering

Scott Hobbs, Director, introduced Kyle Unger, Civil Engineer for the Division of Engineering.

County Administrator

Rob Slocum thanked all staff for responding to calls during the holiday.

FISCAL YEAR 2021 FAMILY LAW FUND – APPROVAL TO SUBMIT APPLICATION

Stephanie Lapole, Senior Grant Manager, Office of Grant Management, and Kristin Grossnickle, Court Administrator, Circuit Court for Washington County, requested permission to submit the FY21 Family Law Fund application in the amount of \$298,601 and to accept awarded funding.

Commissioner Baker, seconded by Commissioner Meinelschmidt, moved to approve the submission of the \$298,601 grant application and accept all awarded funding. The motion passed unanimously (4-0, Commissioner Wagner was absent.)

CONTRACT AWARD (PUR1422) WORKERS COMPENSATION THIRD PARTY ADMINISTRATOR

Rick Curry, Director of Purchasing, and Brian Overcash, Safety Compliance/Training Coordinator, Human Resources, requested approval to award the contract for Workers' Compensation Third Party Administrator Services to the responsive, responsible proposer, Johns Eastern Company, Inc. of Lakewood, Florida, with the lowest total lump sum fee of \$190,000 for FY19, beginning August 1, through 2023, and contingent upon approval of the final contract by the County Attorney. The term of the contract is for a one (1) year period tentatively commencing July 31, 2019 with an option by the County to renew for up to four (4) additional consecutive one (1) year periods thereafter.

Commissioner Baker, seconded by Commissioner Keefer, moved to award contract PUR1422 as presented. The motion passed unanimously (4-0, Commissioner Wagner was absent.)

PARTIAL RELEASE OF SEWER EASEMENT

Todd Moser, Real Property Administrator, and Mark Bradshaw, Deputy Director, Division of Environmental Management, recommended a partial release of a sewer easement to CHIEF. Mr.

Moser explained that CHIEF has requested that the County vacate a portion of the sewer easement consisting of 1,314 square feet from Governor Lane Boulevard so that it may proceed with the conveyance of 0.41 acres to Hagerstown Canteen Service, Inc.

Commissioner Meinelschmidt, seconded by Commissioner Keefer, moved to approve the partial release as presented. The motion passed unanimously (4-0, Commissioner Wagner was absent.)

CONTRACT AWARD (PUR1432) LEACHATE HAULING FROM COUNTY LANDFILL

Brandi Naugle, Buyer, Purchasing, and Mr. Mason, requested approval to award the requirements contract for the Hauling of Leachate from the County landfill to A.C.& T. Company, Inc. of Hagerstown, MD based on the responsive, responsible bidder with the lowest total lump sum amount of \$337,275. The contract period is for a one (1) year period tentatively commencing July 1, 2019, with an option by the County to renew for up to two (2) additional consecutive one (1) year periods with the first term ending June 30, 2020. The County guarantees neither a minimum/maximum of calls nor quantity of material for this contract.

Commissioner Baker, seconded by Commissioner Keefer, moved to award contract PUR1432 as presented. The motion passed unanimously (4-0, Commissioner Wagner was absent.)

QUARTERLY REPORT AND REVENUE SUMMARY

Sara Greaves, CFO, briefed the Board on the third quarter report for FY19 and revenues to date including projections for FY19 year end.

RECONVENE IN CLOSED SESSION

Commissioner Baker, seconded by Commissioner Keefer, moved to reconvene in closed session at 11:41 a.m. to consult with counsel to obtain legal advice on a legal matter in accordance with Section 3-305(b)(7). The motion passed unanimously (4-0, Commissioner Wagner was absent.)

In closed session, the Commissioners received advice regarding property rights and interests, as well as contractual rights and obligations. The Commissioners gave staff further direction regarding this matter.

Present during closed session were Commissioners Jeffrey A. Cline, Terry L. Baker, Wayne K. Keefer, and Cort F. Meinelschmidt. 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 Scott Hobbs, Director, Engineering, and Todd Moser, Real Property Administrator.

RECONVENE IN OPEN SESSION

Commissioner Meinelschmidt, seconded by Commissioner Keefer, moved to reconvene in open session at 12:02 p.m. The motion passed unanimously (Commissioner Wagner was absent.)

ADJOURNMENT

Commissioner Baker, seconded by Commissioner Keefer, moved to adjourn at 12:04 p.m. The motion passed unanimously (4-0, Commissioner Wagner was absent.)



Krista L. Hart, County Clerk