



## Board of County Commissioners of Washington County, Maryland

### *Open Session Minutes*

February 11, 2020

#### **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 10:32 a.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, and Randall E. Wagner (Commissioner Cort F. Meinelschmidt was absent).

#### **APPROVAL OF MINUTES**

Commissioner Keefer, seconded by Commissioner Baker, moved to approve the minutes of January 31, 2020 and February 4, 2020. The motion passed unanimously (Commissioner Meinelschmidt was absent).

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

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

Vice-President Baker discussed Program Open Space fund requests submitted by the various municipalities.

Commissioner Wagner shared that he met with the State Fire Marshall to discuss enforcement and requirements as it relates to sprinkler systems and legislative discussion.

Commissioner Cline thanked the fire and rescue volunteers for their services.

#### **REPORTS FROM COUNTY STAFF**

##### **NextGen911**

Bud Gudmundson, GIS; Brian Albert, Emergency Services; and Jennifer Kinzer, Planning and Zoning, presented the Commissioners with an update regarding the NextGen911 Initiative. Mr. Gudmundson shared that there will be informational meetings scheduled throughout the various towns and municipalities so that those residents affected will have the opportunity to discuss concerns.

##### **Human Resource Personnel Requests; Rachel Brown, Director**

###### *Quality Assurance Training Coordinator – Division of Emergency Services*

Commissioner Wagner, seconded by Commissioner Keefer, moved to approve the transfer of Shelby Hall to this position, grade 13, step 11. This position is vacant due to the retirement of Bardona Woods. The motion passed unanimously (4-0, Commissioner Meinelschmidt was absent).

##### **County Attorney's Office**

Commissioner Baker, seconded by Commissioner Keefer, moved to submit a letter of support for House Bill 810, which extends workers compensation coverage to students enrolled in the Fire and Rescue Academy. The motion passed unanimously (4-0, Commissioner Meinelschmidt was absent).

Commissioner Wagner, seconded by Commissioner Keefer, moved to submit a letter of support for House Bill 789, which establishes a special event permit in Washington County; authorizing a holder of Class 3 winery license or a Class 4 limited winery license in the county to sell beer, wine produced by the holder, and liquor for on-premises consumption at certain events. The motion passed unanimously (4-0, Commissioner Meinelschmidt was absent).

### **CITIZENS' PARTICIPATION**

Delegate Neil Parrott requested a letter of support for House Bill 1516, which would exempt Washington County from the Statewide Needle giveaway program.

Commissioner Keefer, seconded by Commissioner Wagner, moved to authorize a letter of support as requested. The motion passed unanimously (4-0, Commissioner Meinelschmidt was absent).

### **REPORTS FROM COUNTY STAFF (continued)**

#### **Appointment / Reappointment to Boards and Commissions; Krista Hart, County Clerk**

##### *Washington County Building Code Board of Appeals*

Commissioner Baker, seconded by Commissioner Wagner, moved to appoint John Barr to serve a first, three-year term from March 1, 2020 through February 28, 2023; Aaron Peteranecz to serve a first full three year term from March 1, 2020 through February 28, 2023; Ernie Gianocola to serve a partial two-year term from March 1, 2020 through February 28, 2022; Nick Hill to serve a partial two-year term from March 1, 2020 through February 28, 2022; and Terry Wishard to serve a partial one-year term from March 1, 2020 through February 28, 2021. This is NOT a paid board. The motion passed unanimously (4-0, Commissioner Meinelschmidt was absent).

### **CITIZENS' PARTICIPATION (continued)**

Martin Brubaker, Hagerstown, shared his support for Washington County to become a party with potential intervention in the Public Service Commission Perennial Solar, LLC case.

Boyd Michael, Superintendent, Washington County Public Schools, discussed the lack of proposed funding in the Washington County DRAFT FY21 Capital Improvement Budget as presented.

James Devine, P.O. Box 2217, Hagerstown, shared his support for the solar projects.

Judith Byron, 13910 Greencastle Pike, Hagerstown, discussed the solar projects and the Public Service Commission process.

### **PUBLIC HEARING: APPLICATION FOR A ZONING MAP AMENDMENT RZ-19-006**

#### **HERITAGE HUYETT, LLC**

President Cline convened a public hearing at 11:11 a.m. to obtain public comment regarding the application from Heritage Huyett LLC for Map Amendment RZ-19-006 to the Washington County Zoning Ordinance (Ordinance). The application concerns a request to change a zoning classification from Business Local (BL) to Planned Industrial (PI). Commissioner Cline reviewed the procedures for the Public Hearing and County Clerk Krista L. Hart administered the oath to those who planned to give testimony in the matter.

Jill Baker, Director, Planning and Zoning, presented the staff report and analysis on behalf of the Washington County Department of Planning and Zoning. The subject parcel (Property) is located on the west side of Greencastle-Williamsport Pike (MD 63), 0.1 miles north of the intersection with National Pike (US 40); the subject Property contains 29.57 acres of land.

Ms. Baker explained that the applicant is claiming that the county erred in the rezoning of the property first in 2005 as Residential Transitional and again in 2015 as BL. Piecemeal rezoning applications are under an obligation to meet the test of the "change or mistake rule". Staff

contended that the applicant has made no effort to analyze the required criteria of the change or mistake rule as applied in the State of Maryland.

The Washington County Planning Commission considered the application during a public information meeting held during their regular meeting on December 2, 2019, of which no evidence was formally presented to prove that either there had been a change or mistake in the applied zoning. The issue was heard again at the Planning Commission meeting on January 6, 2020 where the members unanimously recommended approval of the proposed map amendment.

Noel Manalo, Esquire, Miles and Stockbridge, presented the Applicants case for Heritage Huyett LLC with Terry Randall, Owner, and Kenneth Hinebaugh, Engineer, Snyder, Secary & Associates, LLC.

The hearing was opened for public comment and no individuals offered comments.

The Public Hearing was closed at 11:26 a.m.

The Commissioners reached a consensus to approve the map amendment and directed staff to prepare a Decision and Findings of Fact to be presented to them for consideration and vote during a future meeting.

#### **INTERAGENCY ENVIRONMENTAL HEALTH WORKGROUP**

Earl Stoner, Washington County Health Department; Sar Trescott, Environmental Health; and Ms. Baker, provided the Commissioners with an update regarding the Interagency Environmental Health Workgroup and requested a letter of support for the study, which would assist in understanding the public health priorities and allow the members to seek funding support.

Commissioner Wagner, seconded by Commissioner Keefer, authorized a letter of support for the study as presented. The motion passed unanimously (4-0, Commissioner Meinelschmidt was absent).

#### **YOUTH MERITORIOUS AWARD PRESENTATION**

The Commissioners presented a certificate of merit to students as selected by the Washington County Office of Grant Management (OGM) for their scholastic achievement, leadership qualities, community service performed or other positive contributions to their school or community. Griffin Almany from Saint James Elementary School, Cale Denton from Heritage Academy, and Emily Stamper from Heritage Academy, each received the Youth Meritorious Award, and was given a Washington County lapel pin from the Commissioners and a \$100 Office Max gift card from the OGM. The Commissioners commended the students for their achievements and their families for their support.

#### **PUBLIC SERVICE COMMISSION PERENNIAL SOLAR, LLC CASE – POTENTIAL INTERVENTION BY THE COUNTY AS PARTY**

Andrew Bright, County Attorney's Office, and Ms. Baker requested a determination for to instruct the County Attorney's Office to intervene in the Public Service Commission (PSC) Perennial Solar, LLC case. Mr. Bright shared that should the Board decide to intervene as a party to the litigation before the PSC, the deadline is February 21 to file a Petition to Intervene.

Mr. Downey added that by intervening in the PSC case, staff would be permitted to submit information regarding the County's Comprehensive Plan, applicable zoning, forest conservation, any necessary bonds, and other applicable ordinances with which the applicant is expected to comply. Intervenor status would permit the County should the need arise, to appeal the filing of the Public Utility Law Judge to the PSC, to file motions for reconsideration, or other relief with the PSC.

Mr. Downey added that the County Attorney's Office would not be a representative for any private parties, or citizens, however, will represent the County Government as presented by staff to be considered by the PCS in this manner.

Commissioner Keefer requested that the matter regarding the Commissioner's participation in the public hearings be considered as well.

Commissioner Keefer, seconded by Commissioner Baker, moved to authorize the County Attorney's Office to act on behalf of the County Commissioners as an intervening party and to take part in the public hearing with the PSC as presented. The motion passed unanimously (4-0, Commissioner Meinelschmidt was absent).

#### **HIGH DENSITY DRUG TRAFFICKING AREA GRANT ACCEPTANCE OF FUNDS**

John Martin, Sergeant, Narcotics Task Force (NTF), and Stephanie Lapole, Senior Grant Manager, Grant Management (OGM), recommended acceptance of funds in the amount of \$26,805 for the High Intensity Drug Trafficking Area Grant (HIDTA) Award. The funds would apply towards overtime expenses for up to three (3) deputies assigned to the NTF/HIDTA group. The OGM has reviewed the grant funding guidelines and found no unusual condition or requirement attached to acceptance of the grant.

*Commissioner Keefer left the meeting at 12:07 p.m.*

Commissioner Wagner, seconded by Commissioner Baker, moved to accept the HIDTA grant funding in the amount of \$26,805 as presented. The motion passed unanimously (3-0 Commissioner Meinelschmidt and Commissioner Keefer were absent).

*Commissioner Keefer returned to the meeting at 12:10 p.m.*

#### **FORT RITCHIE EASEMENT RELOCATION**

Todd Moser, Real Property Administrator, and Andrew Eshleman, Director, Public Works, requested approval of an easement relocation at Fort Ritchie. Mr. Moser explained that the United States Army contacted the County regarding current overhead utility easements inside the County property boundary at Fort Ritchie that are not reflective of where the overhead utilities are located.

The Army has proposed a swap of easements to include releasing the current easement to the County and asking the County to convey the new easement area to the Army. The easement request should have no impact on the lands as the overhead utilities are already existing.

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

#### **MARYLAND DEPARTMENT OF TRANSPORTATION (MDOT) PROPOSED SALE OF SURPLUS TO WASHINGTON COUNTY**

Mr. Moser presented the Board with an option to decline the acquisition of surplus property or to move forward with an offer on the property, consisting of 0.88 +/- acres located at the west side of US40 and between MD 144 and Jerome Road in Hancock, Maryland. Mr. Moser explained that MDOT has notified the County it intends to sell property and State policy permits the County to review for a sixty-day period to determine any interest in the acquisition at market value before proceeding with any sale activity; County staff has reviewed the property information and the property would offer little benefit to the County in terms of forestation credits or other utilization.

Commissioner Baker, seconded by Commissioner Keefer, moved to decline the acquisition of surplus property as presented. The motion passed unanimously (4-0, Commissioner Meinelschmidt was absent).

**FISCAL YEAR 2021 AND BEYOND – FUNDING REQUEST FOR BLACK FLY CONTROL IN SOUTHERN WASHINGTON COUNTY**

Linda Ebersole, Knoxville, Maryland, requested approval of up to \$37,500 of FY21 funds to provide for the 50% match required for treatments of Black Fly's in Washington County and to incorporate costs into the County's recurring operating budget. Ms. Ebersole explained that since Maryland House Bill 1353, Agriculture – Nuisance Insects, was approved on April 18, 2019, and effective October 1, 2019, we now have the opportunity to take part in this program if the County or municipality in which the nuisance insects are located, at a 50% match requirement.

Commissioner Keefer, seconded by Commissioner Wagner, moved to approve the 50% match of up to \$37,500 for FY21, and to incorporate the fee as a recurring expense, as presented. The motion passed unanimously (4-0, Commissioner Meinelschmidt was absent).

**PRESENTATION OF THE 2021 – 2030 CAPITAL BUDGET, DRAFT ONE**

Sara Greaves, CFO, and Kelcee Mace, Deputy Director, Budget and Finance, presented a first look at the County's proposed Capital Improvement Project (CIP) Plan budget for 2021-2030 that includes \$60,631,000 for Fiscal Year (FY) 2021; which is a decrease from FY20 of \$277,000. Ms. Greaves reviewed the funding assumptions and specifically mentioned the self-supported bonds in the amount of \$12,000,000, speed camera fines in the amount of \$800,000, general fund contribution in the amount of \$5,000,000, and \$500,000 from reserves (excise tax). Ms. Greaves added that the debt capacity analysis is \$12,000,000 tax supported bonds. Ms. Greaves and staff presented an overview of CIP requests in the draft budget.

The Commissioners discussed the potential for an increase in funding support for the Board of Education and asked staff to provide input. Commissioner Keefer requested staff compile a five-year history of funding provided to the Board of Education, Capital Improvement.

**CONVENE IN CLOSED SESSION**

Commissioner Baker, seconded by Commissioner Wagner, moved to convene in closed session at 1:03 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 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 legal matters; and, to comply with specific constitutional, statutory, or judicially imposed requirements that prevent public disclosures about a particular proceeding or matter; in accordance with Sections 3-305(b) (1), (4), (7), and (13) of the General Provisions Article of the Annotated Code of Maryland. The motion passed unanimously (4-0, Commissioner Meinelschmidt was absent).

In closed session, the Commissioners discussed the potential appointment of specific individuals to local services boards over which the Commissioners have appointing authority and the employment assignment of personnel and the filling of certain vacancies. The Commissioners also discussed the proposal for a business organization to locate, expand, or remain in the State and County, and received legal advice concerning contractual matters involving the same; the Commissioners provided direction to Counsel with respect to those matters. Additionally, the Commissioners discussed matters which are protected by the attorney-client privilege and/or the work-product doctrine in order to receive legal advice on said matters.

Present during closed session were Commissioners Jeffrey A. Cline, Terry L. Baker, Wayne K. Keefer, and Randall E. Wagner (Commissioner Cort F. Meinelschmidt was absent). Also present were Kirk C. Downey, County Attorney/Interim County Administrator; Krista L. Hart, County

Clerk; Kendall Desaulniers, Deputy County Attorney, and at various times Rachel Brown, Human Resources; Davina Yutzy, Environmental Management; Jeremy Mose, Environmental Management; Dave Brooks, Parks and Recreation; and Susan Small, Business Development.

**RECONVENE IN OPEN SESSION**

Commissioner Keefer, seconded by Commissioner Wagner, moved to reconvene in open session at 1:44 p.m. The motion passed unanimously (4-0, Commissioner Meinelschmidt was absent).

**RECESS**

The Commissioners recessed at 1:45 p.m.

**AFTERNOON SESSION**

The Commissioners reconvened at 3:00 p.m. with the following members present: Commissioners Jeffrey A. Cline, Terry L. Baker, Wayne K. Keefer, and Randall E. Wagner (Commissioner Cort F. Meinelschmidt was absent).

**JOINT MEETING WITH THE CITY OF HAGERSTOWN MAYOR AND COUNCIL**

A joint meeting of the Board of County Commissioners of Washington County, Maryland and the City of Hagerstown Mayor and Council was held at 100 West Washington Street, Suite 1113, Hagerstown. In attendance were Commissioners Jeffrey A. Cline, Terry L. Baker, Wayne K. Keefer, and Randall E. Wagner (Commissioner Cort F. Meinelschmidt was absent). In attendance for the City of Hagerstown were Mayor Robert E. Bruchey, II, and City Council members Kristin Aleshire, Austin Heffernan, Emily Keller, Lewis Metzner, and Shelley McIntire; additionally, City Administrator Scott Nicewarner, and City Clerk Donna Spickler attended.

Mayor Bruchey opened the meeting by thanking the Commissioners for hosting the joint meeting.

***The agenda as proposed by the City of Hagerstown included the following:***

**Economic Development Update**

Jill Thompson, City of Hagerstown; and Susan Small, Business Development, presented the Board with an update regarding the status of joint Economic Development throughout Washington County.

Ms. Thompson introduced Denise Kleppe, Plant Manager, Conagra/Gardein. Ms. Kleppe provided an update regarding the location and economic wealth the brand can contribute to Washington County.

**Medium Range Growth Area (MRGA)**

Kathleen Maher, Planning and Code Administration, and Jill Baker, Planning and Zoning, presented an update regarding discussions held with County staff on potential modifications to the MRGA boundary to better reflect County goals for economic development while respecting capacity constraints and City goals for growth.

Mr. Nicewarner discussed the 911 fee and the tax differential; he would like to have continued discussion with the Board regarding said matters.

Mayor Bruchey reminded the Commissioners of the State of the City, March 3 at the Maryland Theatre.

**RECESS**

The Commissioners recessed at 3:53 p.m.

**EVENING MEETING – TOWN OF WILLIAMSPORT**

An evening meeting of the Board of County Commissioners of Washington County, Maryland, was held at the Williamsport Town Hall, 2 North Conococheague Street, Williamsport, MD.

### **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 Cline called the meeting to order at 6:00 p.m. with the following members present: Vice-President Terry L. Baker and Commissioners Wayne K. Keefer and Randall E. Wagner (Commissioner Cort F. Meinelschmidt was absent).

### **MAYOR AND COUNCIL COMMENTS**

Donnie Stotemyer, Town Clerk recognized staff at the Plan Review and Permitting Office for exemplary service and assistance on working through the National Park Service project. He shared that demolition on the project is scheduled to begin February 17<sup>th</sup>.

Mayor Green thanked the Commissioners for attending the evening meeting in Williamsport.

Mrs. Kuzynski and Mayor Green provided information regarding on-going training they are attending; this will assist in boasting tourism in the Town of Williamsport.

### **CITIZENS' AWARD RECIPIENT**

The Commissioners presented an award to Larry Jessop for his involvement in the community through fundraising, flower planting, and welcoming visitors.

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

The Commissioners each took a moment to thank the Council Members and Mayor for hosting the evening meeting of the Board of County Commissioners.

Commissioner Keefer shared information on a tour he participated in of the Rose Hill Manor, owned by Mrs. Hershey. He boasted on the historical importance of the property and thanked members from the Town of Williamsport for participating.

Commissioner Wagner shared his appreciation for all County staff who attended the evening meeting to offer support.

President Cline thanked the Town Council Members and staff for their dedication to the National Park Service Headquarters project.

### **REPORTS FROM COUNTY STAFF**

County staff in attendance was Mark Bradshaw, Davina Yutzy, Jeremy Mose, Andrew Eshleman, Rich Eichelberger, Rachel Brown, Jill Baker, Bill Martin, Mike Smith, Pam Mohn, Sara Greaves, Ashley Holloway, Susan Small, Kris Lescalleet, and Brittany Higgins.

### **Human Resources - Position Recommendations**

#### **Volunteer Services Coordinator**

Ms. Brown presented the recommendation to promote Oley Griffith to this position, Grade 14, Step 1, \$55,203. This is a new position.

Commissioner Wagner, seconded by Commissioner Keefer, moved to authorize the promotion of Oley Griffith, as presented. The motion passed unanimously (4-0, Commissioner Meinelschmidt was absent).

#### **Treatment Plant Superintendent – Water Quality**

Ms. Brown presented the recommendation to hire Ryan Baer for this position, Grade 13, Step 3, \$53,685. The position is vacant due to the promotion of Monte Triggs.

Commissioner Wagner, seconded by Commissioner Keefer, moved to authorize hiring Ryan Baer, as presented. The motion passed unanimously (4-0, Commissioner Meinelschmidt was absent).

Ashley Holloway reminded the citizens and staff of the upcoming Outreach Meeting, March 6<sup>th</sup> at 10:00 a.m., Washington County Free Library.

**CITIZENS PARTICIPATION**

None

**ADJOURNMENT**

Commissioner Wagner, seconded by Commissioner Keefer, moved to adjourn at 6:12 p.m. The motion passed unanimously (4-0, Commissioner Meinelschmidt was absent).



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Krista L. Hart, *County Clerk*