



## **Board of County Commissioners of Washington County, Maryland**

### ***Open Session Minutes***

**January 28, 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 9:00 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, Cort F. Meinelschmidt, and Randall E. Wagner.

#### **APPROVAL OF MINUTES**

Commissioner Keefer, seconded by Commissioner Meinelschmidt, moved to approve the minutes of January 14, 2020 and January 16, 2020. The motion passed unanimously.

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

Commissioner Wagner, seconded by Commissioner Keefer, moved to convene in closed session at 9:01 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 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 a legal matter; and to comply with a specific constitutional, statutory, or judicially imposed requirement that prevents 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.

In closed session, the Commissioners discussed the potential appointment of specific individuals to a local services board 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. The Commissioners received legal advice on a pending contractual matter and provided direction to Counsel with respect thereto.

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 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; Susan Small, Business Development; Sara Greaves, CFO; Andi Overton, Commission for Women; Scott Hobbs, Engineering; Zane Rowe, Highways; Jill Baker, Planning and Zoning; Kevin Lewis, Emergency Services; and Kevin Cerrone, Transit.

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

Commissioner Keefer, seconded by Commissioner Meinelschmidt, moved to reconvene in open session at 10:09 a.m. The motion passed unanimously.



## **COMMISSIONERS' REPORTS AND COMMENTS**

Commissioner Meinelschmidt asked for a consensus to compose a letter of opposition to House Bill 223, titled End Ineffective Business Subsidies Act of 2020.

The Commissioners reached a consensus to submit a letter of opposition to HB223 as requested.

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

Vice-President Baker shared his support for the Junior Firefighter program and asked Director Hays to explore options as to how the County can assist with promotion and incentives of said program.

Commissioner Keefer invited the Commissioners to a tour of Rose Hill Manor on Saturday, February 1, 2020 at 10:00 a.m.

Commissioner Wagner shared that Brookes House will be debuted on The Today's Show, January 29<sup>th</sup>. He also shared that the Town of Hancock will be applying for the HGTV event Home Town Takeover.

President Cline reminded citizens to register with the Census Bureau and shared the importance of such.

Commissioner Keefer presented several employees of the Water Quality Department with the 2019 PISCES Recognition Certificate for their involvement with the Conococheague Wastewater Treatment Enhanced Nutrient Removal Project, on behalf of the Board of County Commissioners.

## **REPORTS FROM COUNTY STAFF**

### **Emergency Services (DES)**

Dave Hays, Director, requested authorization to move forward with the implementation of a Regional Staffing Plan with County firefighters, as previously discussed. He shared that 36 firefighters would be hired, deployed in four (4) locations, including one (1) firefighter, 24 hours each day in the Hancock Fire Station, and to maintain the current firefighter paramedic in the Rohrersville Fire Station. Additionally, to hire three (3) firefighter/paramedics from the FY20 budget and to authorize the submission of the SAFER Grant to assist with cost of the 33 firefighters. Also, to authorize DES staff to formalize new Memoranda of Understanding (MOU) with eight (8) independent EMS companies to replace the previous 2009 MOU's and to finalize the implementation of the Volunteer based pay-per-call and fundraising incentive programs and the volunteer responder pay-per-call incentive programs.

Commissioner Meinelschmidt, seconded by Commissioner Keefer, moved to authorize the implementation of the Regional Staffing plan, the submission of the SAFER grant application, and the implementation of the incentive plan as presented. The motion passed 4-0-1 (Commissioner Baker abstained).

### **Human Resources**

Rachel Brown, Director, shared that the advertisement is underway for the County Administrator role; information will be forthcoming via a press release. Also, she shared information regarding the retirement portal; adding that it should be implemented by Friday for employees to obtain retirement projections.



**Engineering**

Scott Hobbs, Director, recognized Garrett Culler for obtaining his Professional Land Surveyor License. Commissioner Meinelschmidt presented Mr. Culler with a Certificate of Appreciation on behalf of the Board of County Commissioners.

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

**Washington County Commission for Women**

Commissioner Keefer, seconded by Commissioner Wagner, moved to appoint Tina Fraley to serve a first, three (3) year term from February 1, 2020 through January 31, 2023; this is NOT a paid board. The motion passed unanimously.

**Interim County Administrator / County Attorney**

Kirk Downey reminded the Commissioners of the Day in Annapolis event tomorrow.

**CITIZENS' PARTICIPATION**

Steven McDonough, 16906 Pickwick Lane, Hagerstown, discussed the accuracy of the Public Hearing Notice for the Mobile Home Tax and the method used for the notification.

Doug Gansler, 3706 Williams Lane, Chevy Chase, MD; represents citizens of Lakeside Mobile Home Park during the Public Hearing and shared information regarding same.

**PRESENTATION OF PROCLAMATION RECOGNIZING "Earned Income Tax Credit**

**Awareness Day"**

Commissioner Wagner presented a proclamation to Anita Carter and Tracy Quamie on behalf of the Internal Revenue Service to present awareness of the Earned Income Tax Credit.

**BID AWARD (PUR1452) ROOF MEMBRANE REPLACEMENT AT CONOCOHEAGUE WASTEWATER TREATMENT PLAN MULTIPLIABLE BUILDINGS**

Brandi Naugle, Buyer, Purchasing and Mike Smith, Deputy Director, Water Quality, recommended award of the contract (PUR1452) for the Roof Membrane Replacement at Conococheague Wastewater Treatment Plant Multipliable Buildings to the responsible, responsive bidder, D Project, Inc. of Annapolis, MD who submitted the lowest total sum price of \$260,000. Ms. Naugle shared that funds in the amount of \$260,000 are budgeted in the Water Quality's Capital Improvement account BLD090.

Commissioner Meinelschmidt, seconded by Commissioner Baker, moved to award contract PUR1452 to D Project, Inc. in the amount of \$260,000 as presented. The motion passed unanimously.

**INTERGOVERNMENTAL PURCHASE (INGT-20-0027): NINE 2020 FORD POLICE INTERCEPTOR UTILITY VEHICLES, WASHINGTON COUNTY SHERIFF'S OFFICE**

Ms. Naugle; and Randy Wilkinson, Chief Deputy, recommended authorizing by resolution, the Intergovernmental Cooperative Purchase (INGT-20-0027) with Hertrich Fleet Service, Inc., of Milford, Delaware, awarded by the State of Maryland Department of General Services Office of Procurement and Logistics statewide contract (#001B0600159) for the purchase of nine (9) Ford Police Interceptor utility vehicles; and to approve a budget transfer in the amount of \$54,565. The cost of seven (7) vehicles for the Sheriff's Office is \$33,753 each and the cost of two (2) vehicles for the Child Support Division is \$37,066 each, for a total of \$340,403. The budget transfer request is for \$54,565 from account 495100-10-12800-GRT014 FEDR to 600300-10-12800-GRT014 FEDR. Additionally, funds are budgeted in the Washington County Sheriff's Office Capital



Improvement Plan (CIP) account 600300-30-11310-VEH006-VHCL and funds are budgeted in the Child Support Division account 600300-10-12800-GRT014-VHCL.

Commissioner Meinelschmidt, seconded by Commissioner Wagner, moved to authorize by resolution the Intergovernmental Cooperative Purchase relating to the purchase of nine (9) Ford Police Interceptor utility vehicles, from Hertrich Fleet Services, Inc.; and to approve a budget transfer in the amount of \$54,565, as presented. The motion passed unanimously.

(Resolution No. RS-2020-02 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is located in the County Commissioners' Office.)

**BID AWARD (PUR1453) UNIFORMS FOR WASHINGTON COUNTY SHERIFF'S OFFICERS**

Ms. Naugle recommended award of the contract (PUR1453) for the Washington County Sheriff's Officer uniforms to the responsible, responsive bidder, Howard Uniform Company of Baltimore, MD who submitted the total sum bid of \$107,042.50. Ms. Naugle shared that the contract is for a one (1) year period tentatively commencing March 2020 with an option by the County to renew the contract for up to five (5) additional consecutive one (1) year periods, subject to written notice by the County at least sixty (60) calendar days before the expiration of any one (1) year period. Funds are available in the budgets of the various departments: Judicial - 11300, Patrol - 11310, Process Servers - 11305, Detention 11320, Day Reporting Center - 11305, and Central Booking - 11315.

Commissioner Baker, seconded by Commissioner Wagner, moved to award contract PUR1453 to Howard Uniform Company, Baltimore MD, in the amount of \$107,042.50 as presented. The motion passed unanimously.

**FISCAL YEAR 2021 RURAL LEGACY PROGRAM GRANT - APPROVAL TO SUBMIT APPLICATION AND ACCEPT AWARDED FUNDS**

Allison Hartshorn, Grant Manager, Office of Grant Management; and Chris Boggs, Land Preservation Planner, Department of Planning and Zoning, recommended approval of the submission of the fiscal year 2021 Rural Legacy Program grant application in the amount of \$5,326,000 and to accept funding as awarded. The Office of Grant Management has reviewed the grant application and funding guidelines; there are no unusual conditions or requirements attached to the acceptance of the grant. There are recurring department operating expenses for the inspections of the easement properties by staff. Time required for inspections are 8 hours per year or \$300.00 per year and the cost is covered by the Department of Planning and Zoning. The grant provides 3% administration for staff time and 1.5% compliance allowance. All title, survey and settlement costs are paid in full by the grant.

Commissioner Wagner, seconded by Commissioner Baker, moved to approve the submission of the FY21 Rural Legacy Program grant application in the amount of \$5,326,000, and to accept funding as awarded. The motion passed unanimously.

*The meeting recessed at 11:02 a.m. and returned to the meeting at 11:09 a.m.*

**PUBLIC HEARING: MOBILE HOME TAX ORDINANCE FOR WASHINGTON COUNTY**

President Cline convened a public hearing at 11:09 a.m. to obtain public comment regarding the Mobile Home Tax Ordinance for Washington County. The proposed change would reduce the tax rate to 7.5% or \$25.00 per month per rental space, whichever is less; additionally, the proposed Ordinance contains other reporting and enforcement provisions. Commissioner Cline reviewed the procedures for the Public Hearing.



Andrew Bright, Assistant County Attorney; Sara Greaves, CFO; and Todd Hershey, Treasurer, presented information regarding proposed changes to include a Draft Ordinance. The existing tax resolution on mobile home park rentals, enacted in 1963, imposes a 15% tax on gross rental charges collected by mobile home parks. The existing tax was recently criticized as being either unnecessary or excessive, and it contains some outdated language. At the Commissioners' request, a proposed Ordinance was prepared and advertised for public hearing. The proposed Ordinance as prepared would reduce the tax rate to 7.5% or \$25.00 per month per rental space, whichever is less. The attached proposed Ordinance contains other reporting and enforcement provisions, necessary for collecting the tax. As to collection of unpaid taxes, the County Treasurer has requested inclusion of language in Section 5.04 that "... the Mobile Home Park Tax shall automatically constitute a lien against the Mobile Home Park, **i.e., the real estate upon which said park is operated, regardless of how titled...**"

The public hearing was opened for public comment and the following individuals shared opposition to the matter:

Steve McDonough, 16906 Pickwick Lane, Hagerstown; George Buckheit, 17004 Burwood Court, Hagerstown; Jessica Lumen, 16926 Alcott Road, Hagerstown; Anthony Crook, 16802 Alcott Road, Hagerstown; Randy French, 11411 Lakeside Drive, Hagerstown; Roger Vincent, 16845 Longfellow Court, Hagerstown; Edward Pipton, 11326 Lakeside Drive, Hagerstown; Doug Gansler 3706 Williams Lane, Chevy Chase, MD spoke on behalf of the residents in Lakeside Park. Brenda Jones, 17021 Burwood Court, Hagerstown; Kristin Estes, 8438 Tusings Way, Boonsboro Joyce Bruce, 11133 Lakeside Drive, Hagerstown; Kerri Cousins 8403 Tusings Way, Boonsboro Erica Johnson – on behalf of Woodland Mobile Home Park Community.

Commissioner Meinelschmidt asked for information regarding the taxing process for an apartment complex versus the process for a mobile home park.

President Cline will ensure that communications received regarding the matter via email will be entered into the record.

The Public Hearing was closed at 11:52 a.m.

Commissioner Meinelschmidt shared that it is his opinion that the amount charged is excessive; he discussed a proposed bill which would change the structure of the Maryland Department of Assessments and Taxation. He agrees with taxing as assessed property.

Commissioner Baker shared that they should take into consideration the size of the lots and taxes of such. He suggested repealing the tax entirely and rewriting once the status of the proposed bill is known.

Commissioner Keefer echoed Commissioner Baker's comments; he would be in favor of eliminating the tax entirely.

Commissioner Wagner shared that it is his opinion that the tax is needed to support services such as 911, Emergency Services, schools, etc. He also stated that he agrees that the tax is excessive and should be reduced but not eliminated.

President Cline shared that he believes the tax is excessive.

The Commissioners took no action on the proposed Ordinance, took the matter under advisement, and asked that it be placed on the agenda in two (2) weeks for further consideration.

All participants in the Public Hearing will be notified via USPS by the County Clerk of the date and approximate time of the future discussion.



*The meeting recessed at 12:03 p.m. and returned to the meeting at 12:09 p.m.*

**CONVENE AS THE BOARD OF HEALTH**

Commissioner Meinelschmidt, seconded by Commissioner Keefer, moved to convene as the Board of Health at 12:09 p.m. The motion passed unanimously.

**CONTRACT AWARD - MEDICAID AMBULANCE/WHEELCHAIR/TAXI SERVICES FOR THE WASHINGTON COUNTY HEALTH DEPARTMENT**

Earl Stoner, Health Officer; and Daniel Triplett, Administrator, presented a proposal to grant a one (1) year extension to All American Ambulance and Transport for the Washington County Health Department, Medicaid Ambulance/Wheelchair/Taxi Service for the period July 1, 2020- June 30, 2021. All prices, terms and conditions of the original contract established through RFP-2017-02 will prevail. Mr. Stoner shared that the Medical Assistance Program has guaranteed 100% funding to cover the entire program for the extended year.

Commissioner Baker, seconded by Commissioner Meinelschmidt, moved to approve the extension of the contract for Medicaid Ambulance/Wheelchair/ Taxi Services to the All-American Ambulance and Transport, Inc., as presented. The motion passed unanimously.

**RECONVENE AS THE BOARD OF COUNTY COMMISSIONERS**

Commissioner Meinelschmidt, seconded by Commissioner Wagner, moved to reconvene as the Board of County Commissioners at 12:21 p.m. The motion passed unanimously.

**MEMORANDA OF UNDERSTANDING WITH THE TOWN OF BOONSBORO, TOWN OF SMITHSBURG, AND TOWN OF WILLIAMSPORT TO COOPERATE IN IMPLEMENTING NATIONAL POLLUTANT DISCHARGE ELIMINATIONS SYSTEM SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEM GENERAL PERMIT**

Jeremy Mose, Director, Environmental Management and John Swauger, Stormwater Management Coordinator, Water Quality, recommended authorization of Memoranda of Understanding (MOU) with the Towns of Boonsboro, Smithsburg, and Williamsport to cooperate in implementation of National Pollutant Discharge Elimination System (NPDES) Small Municipal Separate Storm Sewer System (MS4) General Permit. The MOU with each Town provides that the Town will adopt, administer and enforce the Washington County Stormwater Management Grading and Erosion Ordinance, and the Illicit Discharge Detection and Elimination Ordinance, or ordinances which are substantially similar. It also allocates responsibilities between the County and the Town for: training, exercising best management practices, record-keeping, public education, standard operating procedures, screening efforts, pollution prevention, assessment of impervious areas, and other activities that are required by the NPDES permit. It provides for mutual support and accountability for meeting each of these requirements.

Commissioner Baker, seconded by Commissioner Meinelschmidt, moved to authorize the MOU's as presented. The motion passed unanimously.

**LETTER REQUESTING SUBMISSION OF FY20 INFRASTRUCTURE FOR REBUILDING AMERICA (INFRA) GRANT APPLICATION FOR INTERSTATE 81, PHASE 2**

Mr. Hobbs and Susan Buchanan, Director, Grant Management, recommended approval to submit a letter from the Board of County Commissioners requesting that the State of Maryland submit an INFRA grant application for Interstate 81, Phase 2.

The Commissioners reached a consensus to proceed with the letter as presented.

**RESPONSE TO MINIMUM WAGE LEGISLATION**

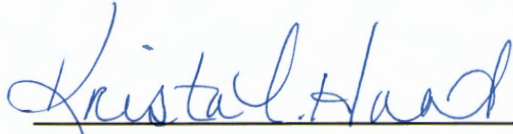
Ms. Greaves and Ms. Brown presented the Commissioners with an update as it relates to a plan of action to address the minimum wage legislation through FY25. Staff recommended the continuance use of the current scale for all employees and to move affected employees only to the closest step on the current grade to meet the minimum wage legislation.

Commissioner Meinelschmidt discussed the compression that this plan would create. It was further discussed that employees affected by the minimum wage legislation would only benefit from the minimum wage increase rather than any cost of living increases that may be given by the Commissioners. Additionally, Ms. Greaves requested that the increases affected by this legislation be adjusted on July 1 of each year. Ms. Greaves requested consensus to proceed July 1 as presented.

The Commissioners reached a consensus to proceed as presented.

**ADJOURNMENT**

Commissioner Meinelschmidt, seconded by Commissioner Keefer, moved to adjourn at 12:28 p.m. The motion passed unanimously.



---

Krista L. Hart, *County Clerk*