

August 19, 2008
Hagerstown, Maryland

The Commissioners met for lunch with staff and board members of Child Advocacy/Safe Place at 12:00 p.m. and toured the facility.

The regular meeting of the Board of County Commissioners of Washington County, Maryland was called to order at 1:37 p.m. by President John F. Barr with the following members present: Vice President Terry L. Baker and Commissioners Kristin B. Aleshire, James F. Kercheval, and William J. Wivell.

APPROVAL OF PROPOSED CHANGES TO PRIORITY RANKING SYSTEM FOR MARYLAND AGRICULTURAL LAND PRESERVATION PROGRAM

Eric Seifarth and Sara Edelman, Land Preservation Planners with the Planning Department, reviewed the proposed changes to the ranking scale used for the Maryland Agricultural Land Preservation Program (MALPP) easements. Mr. Seifarth stated that the Commissioners had asked the Agricultural Land Preservation Advisory Board to reconsider several items in the ranking system. The "Proximity to Easement" category includes the following ranking system: Contiguous - 25, less than or equal to ¼ mile - 20, less than or equal to ½ mile - 15, less than or equal to 1 mile - 10, less than or equal to 2 miles - 5, over 2 miles - 0. Mr. Seifarth indicated that the Advisory Board feels the ranking should remain the same for proximity to easement, but would be willing to compromise if the Commissioners feel it is necessary. The Advisory Board suggested the following compromise for the weighting value for proximity to other easements or protected open space: Agricultural easement - 1 point, Open Space easements - 0.50. Also, recommended for the "Lot Development" category: 100% of potential lots - 5, 90% or more - 3, 80% or more - 2, 70% or more - 1, less than 70% 0. Ms. Edelman stated that there is no penalty if three lots are developed for immediate family. The Commissioners discussed the recommendations. Commissioner Aleshire stated that he feels the process for allocating points in "proximity to easement" is inequitable to all farms.

Motion made by Commissioner Kercheval, seconded by Baker, to approve the changes proposed to the ranking scale for the Maryland Agricultural Land Preservation Program easements as presented by staff. Motion carried with Commissioners Kercheval, Baker, Barr and Wivell voting "AYE" and Commissioner Aleshire voting "NO."

UPDATE - UNIVERSITY SYSTEM OF MARYLAND AT HAGERSTOWN

David Warner, Executive Director of the University System of Maryland Hagerstown campus (USMH), Gaye McGovern, Chair of the Scholarship Program, and Greg Snook, USMH Board Member, met with the Commissioners to provide an update on the program development and enrollment.

Mr. Warner provided statistics on growth indicators comparing January 2005 with January 2008 figures and enrollment trends. He indicated that the report affirms that the location and offerings are meeting the educational needs in the community. Mr. Warner noted that there are now six universities affiliated with the facility. He stated that there were 380 students enrolled in the spring semester. FTE (full-time equivalent students) has grown 30% since starting in 2005.

Ms. McGovern provided an update on the scholarship funding and thanked the Commissioners for their previous assistance. She stated that the scholarship committee is well on its way to meeting the Waltersdorf-Henson Challenge Grant and will have \$425,000 when the pledges and matches are complete. She provided information on the dinner theater fundraiser being planned at Duffy's on Potomac and the Maryland Theatre on September 13. Ms. McGovern asked the Commissioners to consider providing a contribution of \$25,000 to the scholarship fund if excess funds permit after the County's audit is completed. Mr. Snook explained that the funding request is for a local scholarship program that would start allocating funding in the spring of 2009 in increments of \$2,500 per grant award. Ms. McGovern stated that the Commissioners have stipulated that only Washington County residents would be eligible for the scholarships and that students must have a "B" average or better. The meeting was opened for questions. The Commissioners thanked them for

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the information and update on USMH and took the request for funding under consideration at this time.

WORKERS COMPENSATION EXCESS INSURANCE RENEWAL

William Sonnik, Director of Human Resources, and Brian Overcash, Safety Coordinator, appeared before the Commissioners to recommend the placement of excess workers compensation insurance with Midwest Employers Casualty Company. Mr. Sonnik explained that this insurance protects the County from future expenditures for any workers compensation claim that reaches the deductible threshold of \$500,000. He stated that quotations were received from Midwest Employers Casualty Company (\$93,544) and New York Marine and General (\$88,810). Mr. Sonnik indicated that while both carriers are responsive, Midwest has an A.M. Best "Superior" Rating and an "AA-" long term financial rating and New York marine only has an "Excellent" Rating and an "A" long term financial rating. He explained how the higher rating would benefit the County. Mr. Sonnik also noted that Midwest's quote also provides approximately \$15,000 of in-kind services to the County which is an additional reason that they support this carrier. Commissioner Wivell asked staff for additional information to include how long New York Marine and General had been in business and the current premium paid by the County.

Motion made by Commissioner Kercheval, seconded by Aleshire, to award the placement of excess workers compensation insurance for claims reaching the deductible threshold of \$500,000 with Midwest Employers Casualty Company for the premium quotation of \$93,544 for the period September 1, 2008 - September 1, 2009. Motion carried with Commissioners Kercheval, Aleshire, Baker, and Barr voting "AYE" and Commissioner Wivell voting "NO."

TRANSPORTATION ADVISORY COMMITTEE BYLAWS

Joe Kroboth, Director of public Works, informed the Commissioners that the Transportation Advisory Committee (TAC) is requesting approval of revisions to its bylaws. Mr. Kroboth stated that the TAC was established to advise the Commissioners on matters of transportation operations, safety, and functions. The TAC consists of technical professionals and transportation practitioners working within the City of Hagerstown, Washington County, and the State of Maryland. Mr. Kroboth stated that the TAC is asking that the membership be expanded to include individual positions that did not exist prior to the present time or to include jurisdictions that may be interested in

participating in the process. He reviewed the changes being proposed and stated that the new positions to be included are the Washington County Director of Fire & Emergency Services, Washington County Transportation Engineer, designated Community Traffic Safety Program Coordinator, and law enforcement representatives from each of the local municipalities. Commissioner Baker asked about the involvement of the municipalities. Commissioner Aleshire suggested that a representative of the Economic Development Commission (EDC) be included. Mr. Kroboth agreed to check with the EDC to see if having a member on the TAC would be beneficial.

Motion made by Commissioner Wivell, seconded by Baker, to approve the proposed revisions to the Transportation Advisory Committee bylaws as proposed, and to include a representative from the Economic Development Commission on the committee if it is recommended. Unanimously approved.

CONVENE IN CLOSED SESSION

Motion made by Commissioner Kercheval, seconded by Aleshire, to convene in closed session at 2:56 p.m. to discuss the appointment, employment, assignment, promotion, and/or compensation of appointees, employees, or officials over whom it has jurisdiction; to discuss personnel matters that affect 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 staff about pending or potential litigation; and to consult with counsel to obtain legal advice, in accordance with Section 10-508 of the State Government Article of the Annotated Code of Maryland. Unanimously approved.

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RECONVENE IN REGULAR SESSION

Motion made by Commissioner Aleshire, seconded by Kercheval, to reconvene in open session at 4:35 p.m. Unanimously approved.

In closed session, the Commissioners discussed the appointment, employment, assignment, promotion, and/or compensation of appointees, employees, or officials over whom it has jurisdiction; discussed personnel matters that affect one or more specific individuals; considered a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State; consulted with staff about pending or potential litigation; and consulted with counsel to obtain legal advice. Present during closed session were Commissioners John F. Barr, Kristin B. Aleshire, Terry L. Baker, James F. Kercheval, and William J. Wivell. Also present at various times were Gregory Murray, County Administrator; John Martirano, County Attorney; Andrew Wilkinson, Assistant County Attorney; Kirk Downey, Assistant County Attorney; Joni Bittner, County Clerk; Dan DiVito, Director of Permits & Inspections; Joe Kroboth, Director of Public Works; Robert Slocum, Deputy Director of Public Works; Tim Troxell, Executive Director of the Economic Development Commission; Robin Ferree, Deputy Director of EDC; Robert Garver, Regional Office of the Department of Business & Economic Development; Sonja Hoover, EDS Fiscal/Research Specialist; Steve Pearl, Airport Advisory Commission member; William Sonnik, Director of Human Resources; Carolyn Motz, Airport Director; representatives of an economic development prospect and representatives of other agencies involved with a potential economic development project.

APPROVAL OF REQUEST TO REORGANIZE PERMIT TECHNICIAN AREA

Motion made by Commissioner Kercheval, seconded by Aleshire, to approve the recommendation made by the Director of Permits & Inspections to declassify the current Permit Administrator (Grade 11) to Office Manager (Grade 10), reclassify the current Permit Screener (Grade 9) to Permit Administrator (Grade 10), and fill the vacant Permit Screener position. Unanimously approved.

PROMOTION TO CHIEF OF CAPITAL PROJECTS - PUBLIC WORKS

Motion made by Commissioner Aleshire, seconded by Kercheval, to promote Scott Hobbs to Chief of Capital Projects (Grade 16, Step 12) and approve advertising the resulting vacancy. Unanimously

approved.

FORGIVE PARTIAL REPAYMENT OF LOAN - YOUR "OTHER" WAREHOUSE

Motion made Commissioner Aleshire, seconded by Wivell, to forgive the partial repayment of \$1,170 of a conditional loan given to Home Depot Direct (Your "Other" Warehouse) resulting from the company falling nine employees short of the required 231 employees required by the terms and conditions of the loan. Unanimously approved.

APPOINTMENT - HOUSING AUTHORITY

Motion made by Commissioner Kercheval, seconded by Aleshire, to appoint Tracy Salvagno to Housing Authority of Washington County, as a representative of the Town of Hancock, for a five-year term extending to August 31, 2013. Unanimously approved.

APPOINTMENT - ECONOMIC DEVELOPMENT COMMISSION

Motion made by Commissioner Aleshire, seconded by Kercheval, to appoint Shelby Penn-Ross to the Hagerstown-Washington County Economic Development Commission as a representative of the City of Hagerstown, to fill the unexpired term of Peter Madeo which extends to June 30, 2009. Unanimously approved.

REAPPOINTMENTS - ADULT PUBLIC GUARDIANSHIP REVIEW BOARD

Motion made by Commissioner Kercheval, seconded by Aleshire, to appoint Forrest Easton to the Adult Public Guardianship Review Board for a three-year term and to reappoint Dr. Allen Ditto, Catherine Drummond, Mary Jane Sharer, and Pauline Welsh for three-year terms. Motion carried with Commissioners Kercheval, Aleshire, Baker and Barr voting "AYE" and Commissioner Wivell voting "NO."

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APPROVAL TO FILL VACANCIES

William Sonnik, Director of Human Resources, asked for authorization to advertise to fill a Planner position in the Planning Department and Motor Equipment Operator I position at the Highway Department.

Motion made by Commissioner Kercheval, seconded by Aleshire, to approve filling a Planner position in the Planning Department and a Motor Equipment Operator I position at the Highway Department. Unanimously approved.

RECESS

The Commissioners recessed at 4:42 p.m.

EVENING SESSION - TOWN OF KEEDYSVILLE

The evening session of the regular meeting of the Board of County Commissioners of Washington County, Maryland was called to order at 7:00 p.m. at the Keedysville Town Hall by President John F. Barr with the following members present: Commissioners Kristin B. Aleshire and James F. Kercheval. Commissioner Baker was absent from the Evening Session.

INVOCATION AND PLEDGE OF ALLEGIANCE

The Invocation was delivered by Commissioner Barr followed by the Pledge of Allegiance to the Flag by the full assemblage.

APPROVAL OF MINUTES - AUGUST 5, 2008

Motion made by Commissioner Aleshire, seconded by Kercheval, to approve the minutes of August 5, 2008. Unanimously approved.

COMMISSIONERS' REPORTS AND COMMENTS

Commissioner Aleshire asked that the Remembrance in the Park ceremony scheduled for Tuesday, September 9, be included on the Commissioners' agenda. He distributed an article by Delegate Weldon entitled "Seniors and the Silent Treatment" which included information on a Frederick County property tax bill that provided tax breaks for seniors who meet specific requirements. Commissioner Aleshire stated that employees of the State prison system who were strip-searched following an Ion scan contacted him regarding their opposition to this action. He informed the Commissioners that he contacted State elected officials regarding the issue and how the employees felt violated.

Commissioner Kercheval reported on the Maryland Association of Counties (MACo) summer conference. He also provided his good wishes to the students and teachers on their first day of school tomorrow. Commissioner Kercheval informed Mayor Hull that the Town of Keedysville would receive approximately \$15,000 in hotel rental tax proceeds under the new method approved for distribution to the municipalities.

Commissioner Barr reported on various seminars held at the MACo summer conference. He reminded the Commissioners that Augustoberfest will be held this weekend in Hagerstown and noted that an airplane and car show will be held at the Hagerstown Regional Airport to benefit the Aviation Museum. He stated that he received a petition from citizens who reside along Gapland Road regarding the condition of the road. Commissioner Barr indicated that he attended a meeting at the Washington County Free Library regarding the collaborative initiative with the State on renovations to the building.

(Commissioner Wivell arrived at 7:15 p.m.)

CITIZENS' PARTICIPATION

Keedysville Mayor Matt Hull thanked the Commissioners for their support on various Town issues and for helping with the clean-up after recent storms. On a personal note, he voiced his dissatisfaction with rising personal property taxes in the County.

Holli and Robert Nigh presented a petition to the Commissioners requesting consideration of enactment of a noise ordinance in the County. Ms. Nigh summarized the problems she is having with her neighbor playing

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loud music on outdoor speakers for long periods of time and the inability of County officials to regulate the noise level since there is no ordinance in place.

COUNTY ADMINISTRATOR'S COMMENTS

Greg Murray, County Administrator, informed Mayor Hull that the Town residents can contact the Soil Conservation District for assistance to work through the process regarding storm damage. He stated that there is a section of sewer line along Virginia Avenue that is deteriorating and needs to be replaced as quickly as possible. Mr. Murray noted that the State Highway Administration has plans to overlay this portion of roadway in the next few months and asked for approval to get formal quotes to repair the sewer line so that it can be done before the road overlay project. He stated that they need Commissioner approval to draft a Request for Proposal (RFP) to get the quotes quickly. Joe Kroboth, Director of Public Works, estimated that the cost would be between \$300,000 - \$500,000. After discussion, it was the consensus of the Commissioners to approve the request to draft an RFP for quotes to repair the sewer line along Virginia Avenue.

Commissioner Aleshire stated that he has received several complaints regarding pit bulls running loose in the Greenberry Hills area and asked that it be investigated. Mr. Murray informed the Commissioners that there is a customer satisfaction survey on the County's webpage regarding the Permits & Inspections Department.

REPORTS FROM COUNTY STAFF

Joe Kroboth, Director of Public Works, informed the Commissioners of the State Highway Administration's plans to overlay the railroad crossing at Bower Avenue. He stated that the improvements to the entrance at Smithsburg Middle and High Schools are complete and complimented the Highway Department on their work. Mr. Kroboth reported on the status of several bids and noted that the repairs to the Funkstown Bridge began today. He stated that signage is in place for the project and that an insert will be placed in the *Herald Mail* showing the detour route and the location of businesses along the route. Mr. Kroboth informed the Commissioners of the dramatic increase in the cost of road salt.

Sheriff Doug Mullendore reminded the Commissioners that the first day of school is tomorrow and that the deputies would be out in full force. He informed the Commissioners that French Lane would be included on the Transportation Advisory Committee's agenda to discuss the number of parking citations that have been issued to truckers illegally parking on this road and the hazard it presents.

ADJOURNMENT

Motion made by Commissioner Kercheval, seconded by Wivell, to adjourn at 8:05 p.m. Unanimously approved.

County Administrator

County Attorney

County Clerk