

December 16, 2008  
Hagerstown, Maryland

**JOINT MEETING WITH BOARD OF EDUCATION**

The Commissioners met with the Board of Education at 8:30 a.m. at the Board's offices on Commonwealth Avenue. Commissioners John F. Barr, Terry L. Baker, Kristin B. Aleshire, and James F. Kercheval were in attendance. The following Board of Education members were present: Paul Bailey, Ruth Anne Callaham, Wayne Ridenour, Donna Brightman, and Ed Forrest.

**First Quarter Budget Adjustments**

Motion made by Commissioner Kercheval, seconded by Aleshire, to approve the following first quarter budget adjustments, as requested by the Board of Education, by decreasing the following categories: Administration - \$170,420; Special Education - \$44,985; Student Health - \$7,500; and Capital Outlay - \$40,000; and by increasing the following categories: Revenue - \$617,255; Instructional Salaries - \$537,700; Instructional Textbooks & Supplies - \$12,320; Other Instructional Costs - \$20,540; Student Personnel Services - \$13,000; Student Transportation Services - \$296,600 for a net change in the Fund Balance of \$0. Unanimously approved.

**CONVENE IN CLOSED SESSION**

Motion made by Commissioner Kercheval, seconded by Baker, to convene in closed session at 8:37 a.m. to consider the acquisition of real property for a public purpose and matters directly related thereto in accordance with Section 10-508 of the State Government Article of the Annotated Code of Maryland. Unanimously approved.

(Commissioner Wivell arrived at the meeting at 8:40 a.m.)

**RECONVENE IN REGULAR SESSION**

Motion made by Commissioner Wivell, seconded by Aleshire, to reconvene in open session at 9:04 p.m. Unanimously approved.

In closed session, the Commissioners considered the acquisition of real property for a public purpose and matters directly related thereto. Present during closed session were Commissioners John F. Barr, Terry L. Baker, Kristin B. Aleshire, James F. Kercheval, and William J.

Wivell. Also present at various times were Gregory Murray, County Administrator; Joni Bittner, County Clerk; Joe Kuhna, Real Property Administrator; Joe Kroboth, Director of Public Works; Joe Rathvon, GIS Technician; and Mike Thompson, Director of Planning & Community Development; Board of Education members Paul Bailey, Ed Forrest, Wayne Ridenour, Donna Brightman, and Ruth Anne Callaham; Dr. Elizabeth Morgan, Superintendent of Schools; Boyd Michael, Deputy Superintendent of Schools; Chris South, Chief Financial Officer; Donna Hanlin, Assistant Superintendent for Secondary Education; Robert Spong, Facilities Planning Manager; Shulamit Finkelstein, Executive Assistant for Strategic Planning, Board and Community Relations; and Anthony Trotta, Chief Legal Counsel.

**RECESS**

The Commissioners recessed at 9:04 a.m. to travel to the County Administration Building at 100 West Washington Street to resume the meeting.

The regular meeting of the Board of County Commissioners of Washington County, Maryland was called to order at 10:04 a.m. by President John F. Barr with the following members present: Vice President Terry L. Baker and Commissioners Kristin B. Aleshire, William J. Wivell and James F. Kercheval.

**INVOCATION AND PLEDGE OF ALLEGIANCE**

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

**APPROVAL OF MINUTES - DECEMBER 9, 2008**

Motion made by Commissioner Kercheval, seconded by Baker, to approve the minutes of December 9, 2008, with corrections. Unanimously approved.

**CONTRIBUTIONS TO WASHINGTON COUNTY COMMUNITY LOBBYING COALITION**

Brien Poffenberger, President of the Hagerstown-Washington County Chamber of Commerce, appeared before the Commissioners to request a contribution of \$10,000 toward the lobbying effort in 2009 as part of the Washington County Community Lobbying Coalition. Mr. Poffenberger stated that the coalition consists of the Chamber, Convention and Visitor's Bureau, City of Hagerstown, Greater Hagerstown Committee, CHIEF, the Washington County Free Library, and the Board of Education as part of the Washington County Community Lobbying Coalition. He indicated that the Coalition has agreed that lobbying should focus on the following agenda items in 2009: 1) Library Expansion - State funding for the Central Library expansion project, 2) Adaptive Reuse - encouraging the State to change its policy to provide incentives for the redevelopment of existing and underused infrastructure; 3) Hagerstown-Washington County Life Science Development Initiative - to watch for opportunities that would make our community more attractive to businesses and investors in the life science biotech industry; and 4) Watch List - to serve to alert the Coalition to issues that affect our community. The meeting was opened for discussion. Mr. Poffenberger outlined specific projects in the County that the lobbying effort has benefited in past years. Commissioner Kercheval stated that goals may need to be revised if something changes at the State level. Commissioner Aleshire indicated that he would like input from the lobbyist to help formulate the adaptive reuse issue to help make it more successful.

Motion made by Commissioner Kercheval, seconded by Aleshire, to contribute \$10,000 toward the 2009 lobbying effort as part of the Washington County Community Lobbying Coalition. Motion carried with Commissioners Kercheval, Aleshire, Baker and Barr voting "AYE" and Commissioner Wivell voting "NO."

**APPOINTMENTS - FIRE & RESCUE COMMUNICATIONS ADVISORY COMMITTEE**

Motion made by Commissioner Kercheval, seconded by Aleshire, to appoint David McAllister and Brian Lautenslager to the Fire & Rescue Communications Advisory

Committee as citizen-at-large representatives for three-year terms. Unanimously approved.

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

Commissioner Baker reported on the Community Action Council meeting.

Commissioner Kercheval reported on the meeting of the Public Golf Corporation Board. He stated that he participated in a conference call with the I-81 Coalition that will be attempting to obtain Federal funding for improvements to Interstate 81. Commissioner Kercheval wished the County employees a Merry Christmas and happy holidays.

Commissioner Wivell stated that he had the opportunity to drive across the rehabilitated Funkstown Bridge and thanked those who worked to get the project completed ahead of schedule.

Commissioner Aleshire informed the Commissioners that he attended the ribbon-cutting ceremony for the Light Business Park and the Washington County Volunteer Fire & Rescue Association meeting. He reported on the Economic Development Commission meeting.

(Commissioner Aleshire was excused from the meeting at 10:24 a.m.)

Commissioner Barr stated that he attended the funeral for long-time Water Quality Department employee, Bill Dean. He reported on the Greater Hagerstown Committee Transportation Task Force meeting and also met with County Commissioners from Franklin, Adams and Frederick Counties. Commissioner Barr stated that he attended the County Administration Building employees' caroling and Christmas party.

#### **CITIZENS' PARTICIPATION**

There was no one present who wished to participate.

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**MEMORANDUM OF UNDERSTANDING - EASTERN PANHANDLE REGIONAL  
PLANNING & DEVELOPMENT COUNCIL & THE HAGERSTOWN EASTERN  
PANHANDLE METROPOLITAN PLANNING ORGANIZATION**

Andrew Wilkinson, Assistant County Attorney, met with the Commissioners to discuss the Memorandum of Understanding between the Eastern Panhandle Regional Planning & Development Council (Region 9) and the Hagerstown Eastern Panhandle Metropolitan Planning Organization (HEPMPO). Mr. Wilkinson reviewed the recommended revisions that would more accurately reflect current practices and procedures. The meeting was opened for questions and discussion. Commissioner Wivell asked that language be included stating that the County's funding would not exceed its Federal reimbursement.

Motion made by Commissioner Kercheval, seconded by Wivell, to approve the Memorandum of Understanding between the Hagerstown Eastern Panhandle Metropolitan Organization (represented by the Board of County Commissioners of Washington County, Maryland) and the Eastern Panhandle Regional Planning & Development Council (Region 9) in reference to the employment of the MPO Director as revised and the provision of office space and supplies, with the proposed revisions. Unanimously approved.

**REPORTS FROM COUNTY STAFF**

Bill Sonnik, Human Resources Director, requested authorization to advertise to fill the Senior Collections Officer vacancy at the Department of Water Quality (Grade 10).

Motion made by Commissioner Kercheval, seconded by Baker, to approve the request to advertise to fill the Senior Collections Officer vacancy at the Department of Water Quality (Grade 10). Unanimously approved.

**RECESS - LUNCHEON WITH RURAL HERITAGE MUSEUM BOARD**

The Commissioners recessed at 10:52 a.m. in order to attend a luncheon with the Rural Heritage Museum Board at the Agricultural Education Center and to tour the new medical museum that was relocated from the Fahrney Keedy Home to the Rural Heritage Village.

**AFTERNOON SESSION**

The afternoon session was called to order at 1:39 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.

**CONTRACT AWARD - DIVISION OF ENVIRONMENTAL MANAGEMENT -  
ENGINEERING SERVICES (REQUIREMENTS CONTRACT)**

Motion made by Commissioner Kercheval, seconded by Baker, to award a primary requirements contract for Engineering Services for the Division of Environmental Management to the URS Corporation, which submitted the responsive, responsible proposal with the lowest price proposal of \$360,375 at the specified unit costs and estimated hours (no minimum or maximum guaranteed), and to approve the following "stand-by list" of consultants at their specified unit costs and estimated hours as permitted in the Request for Proposals: 1) John E. Harms, Jr. & Associates, Inc.; 2) Gannett Fleming, Inc.; 3) The EADS Group; and 4) EA Engineering, Science, and Technology, Inc. The contract shall be for a two-year period with an option by the County to renew for up to three additional one-year periods. Motion carried with Commissioners Kercheval, Baker, Wivell, and Barr voting "AYE" and Commissioner Aleshire voting "NO." Commissioner Aleshire stated his concerns were with some of the firms on the stand-by list and not with the firm awarded the contract.

**CONTRACT AWARD - INVESTMENT SERVICES FOR THE "DEFINED  
BENEFIT RETIREMENT PLAN FOR THE EMPLOYEES OF WASHINGTON  
COUNTY AND THE LENGTH OF SERVICE AWARDS PROGRAM (LOSAP) FOR  
WASHINGTON COUNTY EMERGENCY SERVICES VOLUNTEERS**

Motion made by Commissioner Kercheval, seconded by Aleshire, to award the contract for Investment Services for the "Defined Benefits Retirement Plan for the Employees of Washington County" and the "Length of Service Awards Program (LOSAP)" for the Washington County Emergency Services

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Volunteers to PNC Bank, N.A., with the lowest fee schedule and hourly rates for additional work not included in the Scope of Required Services as indicated in its proposal dated October 27, 2008. Unanimously approved.

**FINAL CHANGE ORDER (#5) FOR RUNWAY REHABILITATION PROJECT PACKAGE 3**

Motion made by Commissioner Kercheval, seconded by Aleshire, to approve the final change order to New Enterprise Stone & Lime Co., Inc. for the Airport Runway Rehabilitation Project Package 3 in the amount of \$139,553.91 for design and field changes, as outlined and approved by the FAA, with funding to be taken from the Capital Improvement Program Contingencies Account (35 45010 RUN012). Motion carried with Commissioners Kercheval, Aleshire, Baker, and Barr voting "AYE" and Commissioner Wivell voting "NO."

**CONVENE IN CLOSED SESSION**

Motion made by Commissioner Kercheval, seconded by Baker, to convene in closed session at 1:58 p.m. to discuss the appointment, employment, and/or assignment of appointees, employees, or officials over whom it has jurisdiction, to discuss personnel matters that affect one or more specific individuals, 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.

**RECONVENE IN REGULAR SESSION**

Motion made by Commissioner Kercheval, seconded by Baker, to reconvene in open session at 2:15 p.m. Unanimously approved.

In closed session, the Commissioners discussed the appointment, employment, and/or assignment of appointees, employees, or officials over whom it has jurisdiction, discussed personnel matters that affect one or more specific individuals, and consulted with counsel to obtain legal advice. Present during closed session were Commissioners John F. Barr, Terry L. Baker, Kristin B. Aleshire, James F. Kercheval, and William J. Wivell. Also present at various times were Gregory Murray, County

Administrator; John Martirano, County Attorney; and Joni Bittner, County Clerk.

**PROCLAMATION - IAMS HOME 4 THE HOLIDAYS MONTH**

Commissioner Barr presented a proclamation to Paul Miller, Executive Director of the Humane Society of Washington County, and Katherine Cooker, Manager of Development and Public Relations, who were accompanied by two shelter kittens. The proclamation recognizes the Humane Society's participation in the annual Iams pet adoption campaign "Home 4 the Holidays" during the month of December 2008 and encourages the citizens of Washington County to adopt a shelter pet.

**YOUTH MERITORIUS AWARDS - NOVEMBER 2008**

The Commissioners presented certificates of merit to Dylan Barger (Clear Spring Middle School) and Karly Logsdon (Hancock Middle/Senior High School) in recognition of their selection for the Youth Meritorious awards for November 2008 by the Washington County Community Partnership for Children & Families (WCCP). The Commissioners commended the students for their leadership, academic and extra-curricular activities. Commissioner Barr stated that they would each receive a \$100 savings bond from the WCCP.

**CONVENE IN CLOSED SESSION**

Motion made by Commissioner Wivell, seconded by Kercheval, to convene in closed session at 2:52 p.m. to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State, in accordance with Section 10-508 of the State Government Article of the Annotated Code of Maryland. Unanimously approved.

**RECONVENE IN REGULAR SESSION**

Motion made by Commissioner Kercheval, seconded by Baker, to reconvene in open session at 3:51 p.m. Unanimously approved.

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In closed session, the Commissioners considered a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State. Present during closed session were Commissioners John F. Barr, Terry L. Baker, Kristin B. Aleshire, James F. Kercheval, and William J. Wivell. Also present at various times were Gregory Murray, County Administrator; John Martirano, County Attorney; Joni Bittner, County Clerk; Richard Phoebus, and Peter Perini, Sr.

**GRANT - HOMELAND SECURITY**

Motion made by Commissioner Kercheval, seconded by Aleshire, to authorize acceptance of a Homeland Security grant in the amount of \$405,950 and to authorize the Director of the Division of Fire & Emergency Services to execute a Memorandum of Agreement with the Maryland Emergency Management Agency. Unanimously approved.

**UPDATE - FAIRPLAY VOLUNTEER FIRE COMPANY**

Greg Murray, County Administrator, provided an update on the meeting between representatives of the Washington County Volunteer Fire & Rescue Association (WCVFRA), Fairplay Volunteer Fire Company (Fairplay), and the County regarding the issues associated with the number of certified firefighters responding to emergency calls. Mr. Murray provided the Commissioners with an update on the various issues.

Kevin Lewis, Director of the Division of Fire & Emergency Services, reviewed his recommendations in regard to response requirement changes, documentation requirements, and information requirements. Mr. Lewis stated that Fairplay has verified 13 certified members and confirmed that they have three officers. He also indicated that the 911 Center will continue to dispatch surrounding fire companies based upon next due response for all emergency fire dispatch incidents and initiate next due response for emergency medical dispatches requiring first responder. He indicated that he has corresponded with Fairplay and the Washington County Fire & Rescue Association numerous times regarding Insurance Service Office (ISO) requirements. Glenn Fishack, President of the WCVFRA, discussed the standards and what records can be released. William Pennington, President of Fairplay, stated that the Company

has more certified firefighters than it did six months ago. He stated that he felt that the Company was doing a good job.

Edward Kuczynski, counsel for Fairplay, expressed concerns regarding the lack of communication and stated that he feels this issue could have been averted. Commissioner Kercheval stated that the County Commissioners are ultimately responsible for public safety in the County and it is their duty to investigate and step in if necessary to assure that adequate emergency services protection is available to the public. He explained that it there is cause for concern when the Commissioners are informed that 17 active members either resigned or their memberships were not renewed with the Company. Mr. Pennington indicated that he feels Fairplay has addressed the problem of having certified firefighters.

Mr. Murray stated that the parties are working together to try to improve the situation and that all agreed at the joint meeting to allow Fairplay thirty days to address the various issues. It was the consensus of the Commissioners to support Mr. Lewis' recommendations. Commissioner Baker suggested that all parties meet and allow representatives of Fairplay to have input into a plan of improvement for the Company. Commissioner Wivell indicated that the same information should be required from all companies.

**REAPPOINTMENTS - WATER QUALITY ADVISORY COMMISSION**

Motion made by Commissioner Wivell, seconded by Baker, to waive the two-term limit policy and reappoint Ed Renn and Glenn Fishack to the Water Quality Advisory Commission for three-year terms. Unanimously approved.

**APPOINTMENTS - AREA AGENCY ON AGING ADVISORY COUNCIL**

Motion made by Commissioner Aleshire, seconded by Baker, to appoint Charlotte Levens and Allen Swope to the Area Agency on Aging Advisory Council for three-year terms beginning January 1, 2009. Unanimously approved.

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**CONVENE IN CLOSED SESSION**

Motion made by Commissioner Aleshire, seconded by Kercheval, to convene in closed session at 5:20 p.m. to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State, in accordance with Section 10-508 of the State Government Article of the Annotated Code of Maryland. Unanimously approved.

**RECONVENE IN REGULAR SESSION**

Motion made by Commissioner Wivell, seconded by Baker, to reconvene in open session at 5:36 p.m. Unanimously approved.

In closed session, the Commissioners considered a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State. Present during closed session were Commissioners John F. Barr, Terry L. Baker, Kristin B. Aleshire, James F. Kercheval, and William J. Wivell. Also present at various times were Gregory Murray, County Administrator; John Martirano, County Attorney; Joni Bittner, County Clerk; Tim Troxell, Executive Director of the Economic Development Commission (EDC); Rob Ferree, Deputy Director of EDC; and Debra Murray, Director of Budget and Finance.

**ADJOURNMENT**

Motion made by Commissioner Kercheval, seconded by Baker, to adjourn at 5:36 p.m.

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County Administrator

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County Attorney

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County Clerk

