

July 14, 2009  
Hagerstown, Maryland

The regular meeting of the Board of County Commissioners of Washington County, Maryland was called to order at 10:47 a.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.

**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 - June 23, 2009**

Motion made by Commissioner Kercheval, seconded by Aleshire, to approve the minutes of June 23, 2009. Unanimously approved.

At this time, President Barr relinquished the chair to Vice President Terry L. Baker.

**APPOINTMENT - COUNTY CLERK**

Commissioner Barr made a motion to appoint Vicki C. Lumm to serve as the County Clerk for Washington County. Commissioner Kercheval seconded the motion and it was unanimously approved.

**SWEARING-IN CEREMONY - COUNTY CLERK**

Circuit Court Clerk Dennis J. Weaver came forward and asked Vicki Lumm to sign the official Circuit Court Test Book. He administered the oath of office and presented her with a Certificate of Qualification, offering his congratulations. Ms. Lumm thanked the Commissioners for the honor and for the support and well wishes of her family, friends, and fellow County employees.

Vice President Baker offered his congratulations and returned the chair to President Barr.

**COMMISSIONERS' REPORTS AND COMMENTS**

Commissioner Baker had no comments.

Commissioner Kercheval gave a "hats off" to the many events held in Washington County during the July 4<sup>th</sup> weekend

including the annual Antietam National Battlefield "Salute to Independence" celebration. He attended a meeting of the 1-81 coalition, and the Tri-County Council with Economic Development Commission (EDC) Director Tim Troxell. Commissioner Kercheval met with a large local employer looking to change its operations to zero landfill using energy measures such as solar and wind power. He also congratulated Black Rock Golf Course for being awarded 4 1/2 stars out of 5 and being named the "Best Publicly Owned Golf Course in Maryland" by Golf Digest magazine.

Commissioner Aleshire attended the Williamsport Mayor and Council meeting, a "Friends of the Rural Heritage Museum" meeting, and a function for Korean War Veterans held at the Washington County Library. He also attended a meeting of the EDC and a "Go Green" conference held in Frederick County supported by Congressman Roscoe Bartlett. Commissioner Aleshire stated that he was at a meeting of the Greater Hagerstown Committee where Carolyn Motz gave a presentation regarding the Hagerstown Regional Airport. He was also present at the Solid Waste Advisory Board meeting and the welcome luncheon for Miss Maryland contestants. Commissioner Wivell had no comments.

#### **PUBLIC HEARING - ACQUISITION OF REAL PROPERTY**

A public hearing was convened at 11:02 a.m., in accordance with Section 1-301(b) of the Code of the Public Local Laws of Washington County Maryland, to allow interested persons to testify concerning the proposed acquisition of two parcels of land to be used for a public purpose: approximately 0.39 acres and approximately 17.74 acres of unimproved land, both located on the north side of Reiff's Church Road. Airport Manager Carolyn Motz informed the Commissioners that the consideration to be paid is \$506,738.00, of which 2 1/2 percent will be expended from the General Fund. She stated that the Federal Aviation Administration (FAA) approved acquisition of the parcels on May 28, 2009 and that a purchase price appraisal was completed. Ms. Motz also confirmed that the owner would like to lease the land back from the County following the purchase.

President Barr opened the meeting for public comment. Gerry Ditto, 14736 Ditto Road, Clear Spring, Maryland, stated that he serves on the Urban Growth Area Advisory Committee that will make recommendations to the Commissioners in the near future. He voiced concerns

regarding the Airport's authority over uses on neighboring properties and requested a copy of any agreement/document that the County may have signed with the FAA regarding the property. There were no other public comments. The public hearing was closed at 11:10 a.m.

County Attorney John Martirano explained that following the required public hearing the Commissioners are free to take action on this item now or at some future date as there is no required waiting period.

Motion made by Commissioner Kercheval to approve the purchase of the two parcels, which are needed for a public purpose (the runway protection zone), for \$506,738.00, with The Federal Aviation Administration and the State of Maryland funding 97.5%, and a portion (2 ½%) being expended from the County's General Fund. The motion was seconded by Commissioner Aleshire and unanimously approved.

#### **GRANT PROPOSALS - WASHINGTON COUNTY SHERIFF'S DEPARTMENT**

Colonel Randy E. Wilkinson, and James Brown, Grants Administrator, of the Sheriff's Department, appeared before the Commissioners to request acceptance of four grant proposals, all of which are "no-match" grants:

##### 1) RECOVERY ACT JAG PROGRAM

A \$94,721.00 grant from the Department of Justice, Office of Justice Programs - Bureau of Justice Assistance entitled the "Recovery Act JAG Program." Funds will be used to purchase various law enforcement equipment required for proper completion of law enforcement functions. The total grant will be expended over the next three budget years at the approximate rate of \$25,000 per year throughout the life of the grant, with a portion of the funding being used to pay for any unforeseen and unusual expenses that may occur.

##### 2) SEX OFFENDER COMPLIANCE AND ENFORCEMENT IN MARYLAND

A \$26,649.00 (ongoing) grant from the Governor's Office of Crime Control & Prevention - "Sex Offender Compliance and Enforcement in Maryland - Monitoring Support/Training." This program tracks compliance of local sex offenders who are required to register/re-register with the Maryland Sex Offender Registry. Grant funds will provide training costs and salary/benefits for two part-time employees who register and physically check on the 187 registered offenders living and working in Washington County. In

answer to President Barr's question regarding discontinuation of funding in the future, Colonel Wilkinson stated that if this were to occur that he would most likely return to the Commissioners to request County funding for a position.

3) DOMESTIC VIOLENCE ORDER ENTRY/SERVICE

A \$3,436.00 (ongoing) grant from the Governor's Office of Crime Control & Prevention - "Domestic Violence Order Entry/Service." The project maintains a database for reporting purposes and provides overtime support for timely entry and service of Protective Orders. Colonel Wilkinson informed the Commissioners that the amount has been reduced over several years.

4) OVERTIME PATROLS - SCHOOL BUS SAFETY ENFORCEMENT

A \$13,000 (ongoing) grant from the Governor's Office of Crime Control & Prevention - "Overtime Patrols" - School Bus Safety Enforcement. The grant will support overtime for deputies who are assigned specific school areas and school buses to ensure safety enforcement of laws and to monitor "hot spot" problem areas.

Motion made by Commissioner Kercheval, seconded by Baker, to approve the acceptance of the four grants to the Sheriff's Department as presented, with no local match being required. Unanimously approved.

COMMISSIONERS' REPORTS AND COMMENTS (cont.)

Commission President Barr reported that he also attended the luncheon for the Miss Maryland contestants, and the changing of the guard at the Maryland Correctional Institute (MCI) with Delegate Andrew Serafini. He viewed the Fort Ritchie Mountain Heritage Days fireworks display. Mr. Barr informed the Commissioners that he, Senator Donald Munson, Colonel South Lynn, and Tom Riford, attended the unveiling of a marker and trail designation at the Kennedy Farm (known as the John Brown House.)

Commissioner Baker asked Commissioner Barr to request thoughts and prayers for Washington County School Board member Paul Bailey on the passing of his close friend, Marge Gossard.

CONVENE IN CLOSED SESSION

Motion made by Commissioner Kercheval, seconded by Baker, to convene in closed session at 11:25 a.m. to discuss the

appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation 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 consider the acquisition of real property for a public purpose and matters directly related thereto; 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.

Motion carried with Commissioners Baker, Kercheval, and Wivell voting "AYE" and Commissioner Aleshire voting "NO."

In closed session, the Commissioners discussed the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, performance evaluation of appointees, employees, or officials over whom it has jurisdiction; discussed personnel matters that affected 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; considered the acquisition of real property for a public purpose and matters directly related thereto; 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; Vicki Lumm, County Clerk; William J. Sonnik, Human Resources Director; Brian Overcash, Safety Administrator; Brien Poffenberger, Carolyn Motz, Airport Director; and Rob Ferree, Deputy Director of the Economic Development Commission.

#### **RECESS**

The Commissioners recessed for lunch at 12:45 p.m.

(President John Barr was absent for the afternoon session to attend a ceremonial event at Kaplan University.)

#### **RECONVENE IN REGULAR SESSION**

Vice President Terry Baker called the meeting to order at 2:18 p.m.

### **LOCAL ECONOMIC BOOST DISCUSSION**

Rob Ferree, EDC Deputy Director, presented revised program definitions to the Commissioners for the proposed Washington County Employment Boost Program, which is designed to stimulate economic activity and generate short and long-term job growth. Discussion centered on the incentives of a special accelerated County review and approval process, a three (3) year payment program for excise taxes and sewer connection fees, and additional financial incentives based on job creation. Commissioner Wivell voiced concerns that the program may not have a large enough impact as intended and Commissioner Baker agreed. Commissioners Aleshire and Kercheval voiced support for an accelerated County review and approval process, a five (5) year payment program for excise taxes, and financial incentives based on job creation and wage rates. County Attorney John Martirano stated that once the Commissioners have made a determination as to the details of the program, his office would draft a resolution and present it to the Commissioners for approval. After discussion, the Commissioners were unable to reach a consensus on the details of the program so the issue may be brought back for further discussion at a future meeting.

### **GRANT PROPOSAL - MARYLAND ENERGY ADMINISTRATION**

Julie Pippel, Director of Environmental Management, brought forth a \$15,000 grant proposal from the Maryland Energy Administration (MEA) to perform energy efficiency building analysis. She is proposing that it be used for the Environmental Management Administration building at Elliott Parkway, and the control building and maintenance buildings at that facility. It is a "no match" grant and would help the department plan for more efficient energy use in the future.

Motion made by Commissioner Wivell, seconded by Aleshire to accept the "no match" \$15,000 MEA grant to perform energy efficient building analysis of the Environmental Management Administration building at Elliott Parkway, and the control building and maintenance buildings at that facility. Unanimously approved.

### **GRANT PROPOSAL- MARYLAND DEPARTMENT OF THE ENVIRONMENT**

Harvey Hoch, Recycling Coordinator, Division of Solid Waste, requested approval of a grant up to \$40,500 from the Maryland Department of the Environment (MDE) to help cover

the difference between the previous contract for electronics recycling with E-Cycling at the rate of \$0.05 cents per pound and the new contract with UNICOR at the rate of \$0.18 per pound. Mr. Hoch stated that there were 202,400 pounds of electronics recycled in 2008 and the current amount in 2009 is at 131,640 pounds.

Motion made by Commissioner Wivell, seconded by Aleshire to accept the grant of up to \$40,500 from MDE for the stated purposes. Unanimously approved.

**WASHINGTON COUNTY REDUCE, REUSE AND RECYCLE AWARD**

Cliff Engle, Deputy Director, Division of Environmental Management - Department of Solid Waste, appeared before the Commissioners to request approval for an annual award to be given for outstanding Reduce, Reuse and Recycling efforts in Washington County. The Washington County Solid Waste Advisory Committee (SWAC) proposed the award to publicly acknowledge outstanding local community efforts. The award, in the form of a plaque, would be given annually in April with the following categories: 1) Small Business - less than 50 employees; 2) Large Business - more than 50 employees; 3) Residents - individuals or families; 4) Schools, civic organizations, clubs, non-profits or other formal groups; and 5) Municipalities or other geographic designation, such as a neighborhood. Applications would be reviewed by the SWAC and the list of winners would be submitted to the Commissioners for approval, modification or rejection. The Commissioners discussed details of the proposal including additional or alternative incentives or awards.

Motion made by Commissioner Aleshire, seconded by Wivell to approve the proposal for a "Washington County Reduce, Reuse, Recycle Award" as presented, but to also develop additional award incentives. Unanimously approved.

**HIRING OF DEPUTY DIRECTOR - DEPARTMENT OF WATER QUALITY**

Motion made by Commissioner Kercheval, seconded by Aleshire, to hire Greg Spaulding as the Deputy Director of the Department of Water Quality at an annual salary of \$71,304 (Grade 17, Step 6) to fill an existing vacancy. Unanimously approved.

**WASHINGTON COUNTY WATER & SEWERAGE PLAN DRAFT 2006 UPDATE**

Tim Lung, Chief Planner, Planning & Community Development, and Julie Pippel, Director, Division of Environmental

Management, informed the Commissioners that the draft 2006 Water and Sewerage Plan update is complete, although House Bill 1141 mandates another update soon after this. The last comprehensive update was in 1994. A thirty-day preliminary review period has been provided to MDE and its formal review will occur following adoption of the Plan by the Commissioners. The Staff's recommendation is to hold a public hearing to receive public comment followed by adoption of the Plan. Mr. Lung is recommending a 30-day lead-time that would be around mid August 2009.

It was the consensus of the Commissioners to schedule a Public Hearing for late August or early September 2009 as recommended by Staff.

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

William Sonnik, Human Resources Director, requested permission to advertise to fill a vacancy in the Highway Department for a full-time Maintenance Equipment Operator (MEO II, Grade 7) position. He also requested authority to advertise to fill six vacant full-time positions for Emergency Communication Specialists in the newly consolidated 911 Center. Two openings are due to resignations of Hagerstown City personnel not moving over to the Center and the other four are newly-authorized positions in the budget for staffing the new Center.

Motion made by Commissioner Wivell, seconded by Aleshire to approve advertising to fill the positions requested by Mr. Sonnik. Unanimously approved.

#### **BUDGET TRANSFER REQUEST - DEPARTMENT OF EMERGENCY SERVICES**

Kevin Lewis, Director of Emergency Services, requested a \$30,000 budget transfer adjustment for computer software equipment for fire and rescue operations. Due to the delay in moving the 911 Communications Center this amount would transfer from the 2009 budget to the 2010 budget for implementation of TeleStaff software.

Motion made by Commissioner Kercheval, seconded by Aleshire to approve the budget transfer as proposed. Unanimously approved.

#### **ADJOURNMENT**

Motion made by Commissioner Wivell, seconded by Kercheval, to adjourn at 3:18 p.m. to attend a ribbon-cutting ceremony

for the second museum building at the Rural Heritage  
Museum.

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County Administrator

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County Attorney

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County Clerk