

August 25, 2009  
Hagerstown, Maryland

The Board of County Commissioners attended a luncheon at Safe Place Child Advocacy Center, 24 North Walnut Street, Hagerstown, Maryland at 11:00 a.m.

The regular meeting of the Board of County Commissioners of Washington County, Maryland was called to order at 100 West Washington Street, Hagerstown, Maryland, at 1:03 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.

**PUBLIC HEARING - TEXT AMENDMENTS TO THE FOREST CONSERVATION ORDINANCE (FCO-09-001)**

The Commissioners convened a public hearing at 1:03 p.m. for the purpose of obtaining citizens' comments regarding proposed text amendments to the Forest Conservation Ordinance (FCO-09-001.) Mike Thompson, Director, Washington County Planning Department, and Bill Stahoviak, Environmental Planner, informed the Commissioners that changes in State law (Senate Bill 666 and House Bill 972, effective October 1, 2009) have resulted in altered requirements for local forest conservation ordinances. The Department of Natural Resources has reviewed the proposed changes, as required by the Ordinance, and its suggestions have been incorporated into the proposed amendments. If adopted, the amendments would become effective on October 1, 2009. Mr. Stahoviak explained that the changes are required by the State and must be included in the County's Ordinance. If they are not, the County could lose funding and the State may choose to become the overseeing agency.

Commissioner Barr opened the hearing for public comment. Debi Turpin, 17740 Virginia Avenue, Hagerstown, appeared on behalf of the Washington County Homebuilders' Association and commented on 1) the current exemption for construction of a dwelling house for "an immediate family member" that would change to only "a child of the owner"; and, 2) the increase of the payment in lieu amount to \$0.30 per square foot. Ms. Turpin distributed a worksheet showing three different scenarios and how each would be calculated according to different projects and fees.

Elmer Weibley, District Manager of the Washington County Soil Conservation District, stated that the District supports the proposed text amendments and read a statement to that effect. (A copy of the statement is attached to these minutes.)

After discussion and questions from the Commissioners, it was the consensus to leave in the current wording of "an immediate family member" and see if the State will accept it. Several of the Commissioners also discussed concerns about the dramatic increase in the fee and its effect on economic development.

The public hearing was closed at 2:08 p.m.

**2009 ON BEHALF OF (OBO) LOCAL GOVERNMENT HOUSING BOND ALLOCATION**

Mike Thompson, Planning Director, requested transfer of Washington County's allocation to the Community Development Administration for the issuance of housing bonds for first time homebuyers in Washington County. Mr. Thompson explained that State law allows local governments to partner in a statewide bond pool for such buyers and a county may transfer its allocation to the State to issue bonds to fund housing programs. Washington County has historically used this allocation to participate in the Maryland Mortgage Program. He announced that the allocation for Washington County is \$4,583,469.00 and that 69 loans were granted in 2009. There is no fiscal impact to the County.

Motion made by Commissioner Kercheval, seconded by Baker, to approve the transfer of Washington County's allocation to the Community Development Administration for the issuance of housing bonds for first time homebuyers in Washington County. Unanimously approved.

**BID AWARD - CRYSTAL FALLS CULVERTS (CONTRACT NO. BR-CF-174-14)**

Robert Slocum, Deputy Director of Public Works - Capital Projects Engineering, and Scott Hobbs, Chief of Capital Projects, presented details on the bid award for Contract No. BR-CF-174-14, Crystal Falls Culverts. Mr. Slocum explained that the project involves the removal and/or replacement of three drainage structures at different site locations along Crystal Falls Drive. Mr. Slocum explained that this is a budgeted CIP Project with an unencumbered

balance of \$492,647.65. Commissioner Aleshire commented on the amount listed for maintenance of traffic, and Mr. Hobbs stated that it all meets approved guidelines.

Motion made by Commissioner Kercheval, seconded by Baker, to award the bid for the Crystal Falls Culverts contract (No. BR-CF-174-14) to the lowest responsive, responsible bidder, Kinsley Construction, of Hagerstown Maryland, in the amount of \$408,211.75. Unanimously approved.

**CONTRACT EXTENSION AND COMPENSATION - SOUTHERN BLVD. I DESIGN**

Robert Slocum, Deputy Director of Public Works - Capital Projects Engineering; and Scott Hobbs, Chief - Capital Projects Engineering, requested approval of change order number one (1) for the Southern Boulevard I Design (Oak Ridge Drive to US Alt. 40 - or Frederick Street) from Development Facilitators, Incorporated (DFI). Mr. Slocum stated that DFI was awarded the design contract for \$188,580.00, but additional design in the amount of \$62,745.00 became necessary for safe sight distance on Frederick Street. He noted that the project should still come in approximately \$140,000.00 under budget without further changes or delays. Commissioner Kercheval asked staff to review the road alignment on County property on the East side of Frederick Street to see if excavated material from the project should be used for the creation of berms or other screening to protect adjacent homes from future phases.

Motion made by Commissioner Kercheval, seconded by Baker, to approve change order number one (1) for the Southern Boulevard I Design to Development Facilitators, Incorporated in the amount of \$62,745.00. Unanimously approved.

**BID AWARD (PUR-1109) - VIRGINIA AVENUE GRAVITY REPLACEMENT AND SLIP LINING**

Mark Bradshaw, Deputy Director for Engineering Services, Department of Environmental Management, and Julie Pippel, Director of the Division of Environmental Management, appeared before the Commissioners to request award of the bid for PUR-1109 - Virginia Avenue Gravity Replacement and Slip Lining, to the responsible, responsive bidder with the lowest bid - Fayetteville Contractors, Inc. of

Fayetteville, PA for \$280,070.44. Funding for the total amount is included in CIP LIN 035.

Motion made by Commissioner Kercheval, seconded by Baker, to award the bid for PUR-1109 - Virginia Avenue Gravity Replacement and Slip Lining, to Fayetteville Contractors, Inc. of Fayetteville, PA, the responsible, responsive bidder with the lowest bid, including Alternative No. 1, in the total amount of \$280,070.00. Unanimously approved.

**WORKERS' COMPENSATION EXCESS INSURANCE RENEWAL**

Becky Maginnis, Risk Management Administrator, requested a renewal of the policy in place during the 2008-2009 policy year with Midwest Employers Casualty Company at the current retention level of \$500,000 for an annual premium of \$98,750, subject to an end of the year policy audit. The County's insurance consultant, Willis HRH, performed a market survey and advised the County to remain with Midwest Employers Casualty Company, at the quoted premium.

Motion made by Commissioner Kercheval, seconded by Aleshire, to approve the 2009-2010 Workers Compensation Excess Insurance Renewal of the policy in place during the 2008-2009 policy year with Midwest Employers Casualty Company, at the current retention level of \$500,000 for an annual premium of \$98,750, subject to an end of the year policy audit. Unanimously approved.

Commissioner Kercheval thanked Ms. Maginnis and County Staff for the excellent work done to prevent accident claims and keep costs low while maintaining the desired coverage.

**PROPERTY ACQUISITION - 19329 LONGMEADOW ROAD**

Joe Kuhna, Real Property Administrator, and Rob Slocum, Deputy Director of Public Works - Capital Projects Engineering, requested approval to enter into an option agreement for the purchase of property located at 19329 Longmeadow Road, due to future intersection improvements planned at Longmeadow Road and Marsh Pike. Mr. Kuhna explained that this property, along with two other affected homes, is the last to be acquired. The plans for construction would intersect a large section of the home and the current owners have requested to remain on the property. Mr. Kuhna stated that the owners are entitled to relocation assistance of up to \$314,000.00, based on an appraisal of \$280,000.00; therefore, a new dwelling would

be constructed on the remainder of the land. The Commissioners discussed details of the proposal.

Motion made by Commissioner Kercheval, seconded by Aleshire, to approve entering into an option agreement for purchase of 19329 Longmeadow Road, for \$314,900.00, as described in the agenda packet, with funds to be used from the CIP Budget. Unanimously approved.

**GRANT - WASHINGTON COUNTY SHERIFF'S OFFICE E-CITATION ENHANCEMENTS/EXPANSION**

Major Robert Leatherman and James Brown, Grants Administrator, of the Sheriff's Department, appeared before the Commissioners to request acceptance of \$23,900.00 from the Governor's Office of Crime Control & Prevention, awarded August 1, 2009 to June 30, 2010. Mr. Brown explained that the program provides funding to support participation in the Maryland Electronic Traffic Information Exchange Program (E-Tix), administered by the Maryland State Police. He stated that application was made to provide funds for forty (40) E-Tix packages but twenty (20) were awarded.

Motion made by Commissioner Wivell, seconded by Aleshire, to approve the \$23,900.00 grant from the Governor's Office of Crime Control & Prevention to be used for the E-Tix program, and that the Budget and Finance Department add the line item for disbursement purposes. Unanimously approved.

**SOLE SOURCE PROCUREMENT - BIOMAG PROCESS PILOT STUDY**

Julie Pippel, Director, Division of Environmental Management, appeared before the County Commissioners to request an award for sole source procurement to Cambridge Water Technology, Inc. of Cambridge, MA in the amount of \$224,850.00 for a BioMag Process Pilot Study at the Winebrenner Wastewater Treatment Plant. Ms. Pippel explained that the new technology could deliver low effluent standards in smaller footprint facilities. The pilot test will allow State and County review of the effectiveness in achieving the standards mandated by the Maryland Department of the Environment (MDE) and the Environmental Protection Administration (EPA). The award is a sole source procurement based on Section 1-106.2(a)(3) of the Code of the Public Local Laws of Washington County, Maryland, stating that sole source procurement is authorized and permissible when a sole vendor's item is

needed for trial use or testing. The Commissioners discussed the proposal and Mr. Pippel answered questions regarding the meaning of "pilot" program.

Motion made by Commissioner Wivell, seconded by Aleshire, to award the sole source procurement to Cambridge Water Technology, Inc. of Cambridge, MA in the amount of \$224,850.00 for a BioMag Process Pilot Study at the Winebrenner Wastewater Treatment Plant, and authorization for the legal department to finalize the agreement. Unanimously approved.

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

Motion made by Commissioner Kercheval, seconded by Baker, to convene in closed session at 3:07 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 consider a matter that concerns a 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.

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 considered a matter that concerns a 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; Vicki Lumm, County Clerk; Tim Troxell, EDC Director, Rob Ferree, EDC Deputy Director of Economic Development and Sonja Hoover, EDC Fiscal/Research Specialist.

#### **RECESS**

The Commissioners recessed at 4:06 p.m.

#### **EVENING MEETING - TOWN OF BOONSBORO**

The evening session of the regular meeting of the Board of County Commissioners of Washington County, Maryland was

called to order at 7:02 p.m. at the Eugene C. Smith Community Center in Boonsboro 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 delivered by Commissioner Barr followed by the Pledge of Allegiance to the Flag by the full assemblage.

**APPROVAL OF MINUTES - August 4, 2009**

Motion made by Commissioner Aleshire, seconded by Baker, to approve the minutes of August 4, 2009. Unanimously approved.

**MAYOR'S COMMENTS**

Boonsboro Mayor Charles F. "Skip" Kauffman welcomed the Commissioners and thanked them for their efforts on behalf of the town. He stated some issues of concern to the citizens, such as support for public transportation and implementation of curbside recycling. He questioned the various amounts of gaming funds distributed recently to Little Leagues and asked for representation on the Gaming Commission by a south county resident. Mayor Kauffman inquired whether any Project Open Space (POS) funds were available for Shafer Park and what progress had been made on a sign for the newly constructed branch library.

In response, County Administrator Greg Murray reported that a transportation plan is under development and a new version of the plan will be available on September 4. Commissioner Aleshire reported on curbside recycling and the high costs involved but stated that the County has been developing a plan and evaluating costs. He said that a second recycling bin could be located in the town since there are concerns that one is not adequate. Gaming Director Jim Hovis reported on the recent distribution of gaming funds to the County's Little Leagues and explained that one reason the South Mountain Little League's funding request was not fully granted may have been because the Commission historically has not funded fencing due to the risk that a league could relocate. Mr. Hovis outlined the makeup of the Gaming Commission Board stating that members are appointed by various representative entities, and only three of the seven are appointed by the County Commissioners. He mentioned that there is currently one

vacancy and if anyone is interested in applying, the application must be received by August 31. County Clerk Vicki Lumm noted that applications may be found online at the County's website under the government information page or by contacting her office. She also volunteered to send the monthly expiration list of Boards and Commission members to the town so that it would be aware of upcoming openings. Jim Sterling, Director of Parks and Recreation, informed the town that POS funds have been drastically cut for the coming year but support will be provided whenever possible. Rob Slocum, Deputy Director of Public Works - Capital Projects Engineering, reported that bids for the branch library sign are due back by September 10.

#### **OLD BUSINESS**

County Administrator Greg Murray stated that during the County Commissioners' meeting held May 19, 2009 concerning acquisition of property for the airport located at 14225 Oak Springs Road, Hagerstown, the motion that was passed lacked the statement as to where funds were to be taken from - which was to be done by a \$58,000 transfer from the General Fund to the Contingency Fund. Therefore, a motion to that effect must be made.

Motion made by Commissioner Aleshire, seconded by Baker to transfer \$58,000 from the General Fund to the Contingency Fund for the purchase of 14225 Oak Springs Road, Hagerstown, Maryland. Unanimously approved.

#### **COUNTY STAFF - REPORTS AND COMMENTS**

Human Resources Director William Sonnik presented four personnel requests for approval by the County Commissioners:

- 1) Approval to advertise the position of a Full-Time MEO III Operator at the Solid Waste Department, Grade 10, due to retirement.
- 2) Approval to advertise the position of a Full-Time Survey Party Technician, Grade 9, due to retirement.
- 3) Approval to advertise the position of MEO I Operator at Parks & Recreation Department, Grade 5, due to a transfer.
- 4) Approval to hire Dawn Gish as a Full-Time Legal Secretary in the County Attorney's Office, Grade 9, Step 3, due to a vacancy.

Motion made by Commissioner Aleshire, seconded by Baker to approve the four personnel requests as presented. Unanimously approved.

Kevin Lewis, Director of Fire and Emergency Services, reported on the status of the Fairplay Fire Company, stating that improvements were being made with staffing, training and equipment. A citizens meeting with fire company officials may be scheduled in the future. Mr. Lewis stated that the new 911 Center at Elliott Parkway would soon be operational and fully staffed. He also reported that he is meeting with the National Park Service regarding the tower site for the new radio system, which is important for South County emergency communications.

#### **CITIZENS' PARTICIPATION**

Boonsboro resident Francis Lynch stated that with the many educational opportunities now available in Hagerstown, she would be riding the bus to attend classes if transportation service was available.

Walter Williams, President of the Conococheague Little League, reported that the 11-12 year old team representing Washington County did not win in Bristol, Connecticut. He requested funding assistance to help with approximately \$25,000.00 spent using league funds to cover lodging for players' families who traveled to support their children.

Motion made by Commissioner Baker, seconded by Kercheval to provide the Conococheague Little League with \$5,000.00 from the Hotel Rental Tax Fund for assistance with expenses incurred during the playoff games in Bristol, Connecticut. Discussion centered on the use of Hotel Rental tax funds and what policy should be used for other educational, athletic, or competitive teams that may request County funds. The vote was tied with Commissioners Baker and Kercheval voting "AYE" and Commissioners Wivell and Aleshire voting "NO". Commission President Barr broke the tie by voting "AYE" to approve the motion. Mr. Williams thanked the Commissioners and presented autographed baseballs from the team.

Boonsboro resident Joe Molino requested help from the Commissioners to use the Boonsboro High School gymnasium for wrestling practice for a team he coaches. Mr. Molino met with Jim Sterling to discuss the issue.

**COUNTY STAFF - REPORTS AND COMMENTS (cont.)**

Rob Slocum reported that funding received through the Maryland Department of the Environment (MDE) would cover repairs to Burnside Bridge and Lehman's Mill Road, with no costs to the County.

**APPOINTMENT - WATER QUALITY ADVISORY COMMISSION**

Motion made by Commissioner Wivell, seconded by Baker, to reappoint Jeff Cline to the Water Quality Advisory Commission for a second three-year term, extending to September 30, 2012. Unanimously approved.

**APPOINTMENTS/REAPPOINTMENT - WASHINGTON COUNTY ETHICS COMMISSION**

Motion made by Commissioner Aleshire, seconded by Wivell, to appoint Brian Kane, as the attorney member for the Washington County Ethics Commission, and to appoint John Louderback, J. Emmet Burke and Allen Swope as members of the Commission for three-year terms, extending to August 30, 2012; and to reappoint Monda Sagalkin for a second three-year term, extending to August 30, 2012. Unanimously approved.

**APPOINTMENT - WASHINGTON COUNTY COMMISSION ON WOMEN**

Motion made by Commissioner Kercheval, seconded by Baker to approve the appointment of Commissioner Kristin Aleshire as the liaison to the Commission on Women, due to the resignation of Dori Nipps. Unanimously approved.

**APPOINTMENT - TRI-COUNTY COUNCIL REVOLVING LOAN FUND COMMITTEE**

Motion made by Commissioner Aleshire, seconded by Baker, to appoint Ronald B. Brezler, Jr. to the Tri-County Council Revolving Loan Fund Committee to serve as one of the commercial industry representatives. The position has no term limit. Unanimously approved.

**COMMISSIONER REPORTS AND COMMENTS**

Commissioner Kercheval reported that he attended the Antietam Creek Water Trail meeting organized by David Biser, where the Department of Natural Resources (DNR) discussed how it supports counties and offers services such as plotting courses, GIS work, and designing tour maps - of which grant money may be available. Mr. Kercheval requested that the County write a letter listing the assistance it would like from DNR, along with the City, who has requested to join in the letter.

Commissioner Aleshire commented on a recent editorial by Joe Lane in the Herald-Mail concerning development and felt that it was factually incorrect.

Commissioner Baker thanked the town, its staff, and County staff who attended the meeting to answer questions and assist citizens. He also reported attending the Tri-state Clinic Planning event in Hancock where it received a \$1.7 million grant. Commissioner Baker mentioned that the recent County employee picnic was a success with approximately 700 attending.

Commissioner Wivell said that he attended the GreenFest organized by the Boonsboro Recycling Task Force and stated that it was a well-organized and informative event.

Commissioner Barr reported that he attended the Canal Town Community meeting in South County and mentioned that C & O Canal Supervisor Kevin Brandt goes above and beyond his job duties.

County Administrator Greg Murray stated that while attending a NASCAR event in Bristol, Tennessee, blue bags were distributed to attendees for recycling aluminum cans, and credit was given toward race events for returning the full bags.

Commissioner Kercheval informed those present that the Boy Scouts are collecting recyclables at the Black Rock Golf Course.

**ADJOURNMENT**

Motion made by Commissioner Wivell, seconded by Baker, to adjourn at 9:21 p.m.

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County Administrator

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County Attorney

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County Clerk