

September 14, 2009
Hagerstown, Maryland

**JOINT PUBLIC HEARING - WASHINGTON COUNTY WATER AND SEWERAGE
PLAN 2006 UPDATE - WS-09-001**

The Board of County Commissioners held a joint public hearing with the Washington County Planning Commission regarding the Water and Sewerage Plan 2006 Update (WS-09-001), in Courtroom No. 1 at the Washington County Courthouse, 95 West Washington Street, Hagerstown, Maryland. Presiding at the hearing was Planning Commission Chairman George Anikis who called the meeting to order at 7:02 p.m. In attendance were Planning Commission members Linda Parrish, Clint Wiley, Sam Ecker, and Terry Reiber; and County Commissioners President John L. Barr, Vice President Terry L. Baker and Commissioners William J. Wivell, Kristin B. Aleshire and James F. Kercheval. County Staff in attendance was Michael Thompson, Planning Director; Julie Pippel, Director of Environmental Management; and Tim Lung, Senior Planner. Mr. Lung presented the County Staff report and the Commissioners discussed the matter with the Planning Commission. There was no one present who offered testimony. Mr. Anikis stated that the record was closed and the public hearing was concluded. The hearing was adjourned at 7:48 p.m.

County Administrator

County Attorney

County Clerk

September 15, 2009
Hagerstown, Maryland

JOINT MEETING WITH WASHINGTON COUNTY BOARD OF EDUCATION

The Board of County Commissioners held a joint meeting with the Washington County Board of Education at the Washington County Technical High School, 50 West Oak Ridge Drive, Hagerstown, Maryland. County Commissioners President John F. Barr called the meeting to order at 8:32 a.m. In attendance were County Commissioners President John F. Barr, Vice President Terry L. Baker and Commissioners Kristin B. Aleshire (at 8:35 a.m.), William J. Wivell and James F. Kercheval (at 8:38 a.m.). The following Board of Education members were present: Paul Bailey, Ruth Anne Callahan, William Staley, Wayne Ridenour, Donna Brightman, Justin Hartings, and Edward Forrest.

Second Quarter Budget Adjustments

Chris South, Chief Financial Officer for Washington County Public Schools, presented requested adjustments to the Fourth Quarter FY 2009 budget. Motion made by Commissioner Wivell, seconded by Aleshire, to approve the following fourth quarter FY 2009 budget adjustments, as requested by the Washington County Board of Education by decreasing the following categories: Administration - \$14,014.00; Mid-Level Administration - \$82,007.00; Instructional Textbooks and Supply - \$1,717.00; Other Instructional Costs - \$59,298.00; Special Education - \$566,150.00; Student Health Services - \$13,416.00; Student Transportation Services - \$460,449.00; Operation of Plant - \$428,047.00; Capital Outlay - \$8,296.00; Food Service - \$2,753.00; and Fixed Charges - \$516,992.00; and by increasing the following categories: Revenue - \$184,267.00; Instructional Salaries - \$33,957.00; Student Personnel Services - \$3,342.00; and Maintenance of Plant - \$580,493.00 for a net change in the Fund Balance of \$1,719,614.00.

Commissioner Kercheval complimented the Board of Education members and its staff on the recent smooth start of the new school year and the steps taken to transition students moving to new schools.

CONVENE IN CLOSED SESSION

Motion made by Commissioner Kercheval, seconded by Wivell, to convene in closed session at 8:55 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.

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 President John F. Barr, Vice President Terry L. Baker and Commissioners Kristin B. Aleshire, James F. Kercheval and William J. Wivell. Also present were Gregory Murray, County Administrator; Vicki Lumm, County Clerk; Joe Kroboth, III, Public Works Director; Joe Kuhna, Real Property Administrator; Mike Thompson, Planning Director; and elected Board of Education members Paul Bailey, Ruth Anne Callaham, William Staley, Wayne Ridenour, Donna Brightman, Justin Hartings, and Edward Forrest; Washington County School personnel in attendance were Chris South, Chief Financial Officer, Dr. Elizabeth Morgan, Superintendent of Schools; Boyd Michael, Deputy Superintendent; Rob Rollins, Director of Facilities Planning and Development; and Mike Markoe, Assistant Superintendent for Elementary Education.

RECESS

The Commissioners recessed at 9:49 a.m. to attend the groundbreaking for the Antietam Academy on the grounds of the Washington County Technical High School.

RECONVENE IN OPEN SESSION

Motion made by Commissioner Aleshire, seconded by Kercheval to reconvene in open session at 10:46 a.m. at Room 226, 100 West Washington Street, Hagerstown, Maryland.

CONVENE IN CLOSED SESSION

Motion made by Commissioner Aleshire, seconded by Kercheval to convene in closed session at 10:47 a.m. to discuss the appointment, employment,

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assignment, 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 a 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; to consult with staff or other individuals 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.

In closed session, the Commissioners discussed the appointment, employment, assignment, 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 a 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; consulted with staff or other individuals about pending or potential litigation; and consulted with counsel to obtain legal advice. Present during closed session were President John F. Barr, Vice President Terry L. Baker and Commissioners Kristin B. Aleshire, James F. Kercheval and William J. Wivell. Also present were Gregory Murray, County Administrator; Vicki Lumm, County Clerk; and at various times, John Martirano, County Attorney; Kirk C. Downey, Assistant County Attorney; Andrew Wilkinson, Assistant County Attorney; Carolyn Motz, Airport Manager; Greg Larsen, Airport Business Manager; Debra Murray, Finance Director; Rob Ferree, EDC Deputy Director; Joe Kroboth, Public Works Director; and Jim Hovis, Gaming Director.

The regular meeting of the Board of County Commissioners of Washington County, Maryland 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.

APPROVAL OF MINUTES - September 1, 2009

Motion made by Commissioner Aleshire, seconded by Kercheval, to approve the minutes of September 1, 2009. Unanimously approved.

PROPOSED BUDGETARY ACTIONS - FY 2010 and 2011

Debra Murray, Finance Director, presented the proposed budgetary recommendations for the County's fiscal years 2010 and 2011 to offset funding cuts by the State of Maryland. She outlined the proposed policy changes for the current fiscal year. The Commissioners discussed the proposals and Greg Murray, County Administrator, stated that County Staff is being proactive during the changing economic situation.

INTERGOVERNMENTAL AGREEMENT - USED OIL AND USED ANTIFREEZE COLLECTION FACILITIES

Motion made by Commissioner Kercheval, seconded by Aleshire, to enter into an intergovernmental agreement with Maryland Environmental Service, (MES) for used oil and used antifreeze collection facilities at the Landfill. Unanimously approved.

INTERIM CERTIFICATION OF THE MARYLAND AGRICULTURAL LAND PRESERVATION PROGRAM (MALPP) AGRICULTURE TRANSFER TAX FUND AND THE PRIORITY PRESERVATION AREAS

Eric Seifarth, Rural Preservation Administrator, informed the Commissioners that every two years, the Land Preservation staff is required to prepare and submit a certification report in order to retain an additional 42% (total 75% retention) of state agricultural transfer taxes. He introduced Joe Tassone and Dan Rosen of the Maryland Department of Planning, who provided background information on the MALPP Program and answered questions from the Commissioners. After discussion, it was the consensus of the Commissioners to schedule the item on a future agenda for a final decision.

**URBAN GROWTH AREA ADVISORY COMMITTEE FINAL REPORT, TASK 6
(ZONING ORDINANCE TEXT AND MAP AMENDMENT RECOMMENDATIONS)**

Richard Phoebus, Chair, Urban Growth Area Advisory Committee (UGAAC), presented a summary of the Committee's recommendations on the proposed zoning text and map amendments prepared by Planning Staff for the comprehensive rezoning of the Urban Growth Area. He stated that the committee was appointed in 2007 and was made up of fourteen citizens with varied backgrounds, all of whom gave many hours to complete the study. The Commissioners discussed the report and thanked UGAAC members who were in attendance. Mr. Phoebus stated that the UGAAC is advising that future workshops be set for further review of the recommendations. County Administrator Greg Murray stated that he would be scheduling these workshops for the Commissioners.

COMMISSIONERS' REPORTS AND COMMENTS

Commissioner Baker stated that he attended the Parks and Recreation Board meeting where it was reported that the irrigation system located on the field at Marty Snook Park has been completed and that the popular foot trail is being extended. He noted that the summer programs held this year by the Department went well and commended the Staff.

Commissioner Kercheval informed the Commissioners that he attended a Tri-County Council meeting where funding cuts and how to handle them was discussed. He stated that the Council has now formally abandoned the Federal Procurement Technical Center grant. Commissioner Kercheval said that 30% in grant money may be available for the Water Resources Element (WRE) consultant study and a representative from the Maryland Department of Planning will be contacting Planning Director Mike Thompson. He also attended a Business Tax Reform Committee meeting in Annapolis and spoke to Secretary Johansen of the Maryland Department of Economic Development (DBED) while there regarding some prospective Washington County business clients. Commissioner Kercheval thanked County Staff, especially the EDC Department, for the extra efforts taken to bring new businesses and jobs to the County. He reminded the Commissioners that the State Highway Administration's (SHA) Annual State Transportation Tour would be held on October 1 in Room 255 of the County Administration Building and

requested time on a future agenda to discuss the issues to be presented by the County to the SHA.

Commissioner Wivell requested a change in the minutes of September 1, 2009 regarding his Commissioner comments from the MACo Conference. He stated that he attended the Boonsboro Trolley dedication. Commissioner Wivell mentioned a phone call he received from a citizen who hoped that local government was performing "bare bones" functions in these lean economic times.

Commissioner Wivell questioned whether it had been decided to use in-house staff to perform the Water Resources Element (WRE) Study item that was presented at last week's meeting. Mr. Murray stated that he had discussed the issue with County Staff and decided that it could be performed in-house. County Staff informed the Commissioners that all bids for the study must be formally rejected if the project is to be performed in-house.

Motion made by Commissioner Wivell, seconded by Aleshire, to formally reject the bids presented at last week's Commissioners' meeting for the Water Resources Element Study (PUR-1098) by outside consultants. Commissioner Kercheval stated that he objected to the matter being taken to a vote because he believes it should be an agenda item, and because the option of performing the study in-house should have been discussed months ago before going through the bidding process. Motion carried with Commissioners Wivell, Aleshire and Baker voting "AYE" and Commissioner Kercheval "NO".

Commissioner Aleshire reported that he enjoyed Boonesborough Days held last weekend. He noted that he had attended his first Women's Commission meeting and an EDC Board Meeting. Commissioner Aleshire stated that he attended a Health Department meeting and felt that more applicants should

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be recruited for membership on the Board due to low attendance. He attended a Water Quality Advisory Board meeting where City of Hagerstown representatives were present. Commissioner Aleshire mentioned receiving

a letter regarding the "puppy mill" issue and stressed that a licensing and permit procedure needs to be included in the revised Animal Control Ordinance concerning breeding animals as a commercial operation. He reported that he has been receiving numerous emails regarding the I-270 toll lane proposal. Joe Kroboth, III, Public Works Director, agreed to contact the State Highway Administration to obtain accurate details regarding the proposal.

Commissioner Barr reported that he attended the trolley dedication in Boonsboro and the City of Hagerstown's "9/11" commemorative service. He also attended a ceremony at the Volunteer Fire and Rescue Association offices on Pennsylvania Avenue, where a second flagpole that was donated by the Woodmen of the World was dedicated. Commissioner Barr noted that he was present at the Boonsboro Remembrance Parade held last week and also attended an open house hosted by Don and Jone Bowman for a "Reach the Stars" fundraising event. He mentioned that both he and Senator Munson were present for a blessing of the grapes at the Knob Hill Winery. He attended the monthly PenMar Development Corporation meeting, stating that membership is up and the facilities are being used often. Commissioner Barr noted that no recent development is occurring on the grounds due to current economic conditions but that Hagerstown Community College's satellite facility is doing well.

OTHER BUSINESS

Human Resources Deputy Director Dee Hawbaker and EDC Deputy Director Rob Ferree requested approval to advertise to fill a full-time Fiscal/Research Specialist position, Grade 10, in the EDC office due to an employee transfer. Mr. Ferree described the duties of the position and answered questions from the Commissioners regarding justification for filling the position.

Motion made by Commissioner Kercheval, seconded by Aleshire, to approve the request to advertise to fill the position as presented. The vote was tied with Commissioners Kercheval and Aleshire voting "YEA" and Commissioners Wivell and Baker voting "NO". The motion was approved with President Barr voting "YEA".

(Commissioner Baker left the meeting at 3:34 p.m.)

Joe Kroboth, III, Public Works Director, requested the Commissioners' approval to enter into two Memorandums of Understanding (MOUs) with the Maryland State Highway Administration (SHA). He stated that the MOUs are for Transportation, Community and System Preservation (TCSP) "Earmark Funds" that would provide \$380,000.00 toward the widening of Eastern Boulevard, and \$95,000.00 for planning the "Northeast Bypass" also known as Eastern Boulevard Extended.

Motion made by Commissioner Aleshire, seconded by Kercheval to approve execution of the MOUs with the State Highway Administration as presented. Discussion was held regarding the money being passed through the SHA to the County and the obligation to follow the federal procedures as outlined. Mr. Kroboth stated that the funds do not have to be accepted after execution of the MOUs and may be rejected in the future. The motion was unanimously approved.

County Administrator Greg Murray requested approval of two change orders, 1) a final closeout to Wolfe Enterprises for the U.S. Rt. 40/Mt. Aetna Road Intersection for an approximate \$30,000.00 reduction and, 2) D.A. Foster Company for Public Safety Fiber optic conduit for an approximate \$274,000.00 reduction for final closeout.

Motion made by Commissioner Wivell, seconded by Aleshire, to approve the change orders as presented. Unanimously approved.

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APPOINTMENT - GAMING COMMISSION

Motion made by Commissioner Kercheval, seconded by Aleshire, to approve the appointment of John Menard to the Washington County Gaming Commission for a two-year term ending on September 30, 2011. Unanimously approved.

REAPPOINTMENT/APPOINTMENT - AGRICULTURAL MARKETING ADVISORY COMMITTEE

Motion made by Commissioner Aleshire, seconded by Kercheval, to reappoint Richard Seibert to a second three-year term; and to appoint Katie Long to a three-year term to the Agricultural Marketing Advisory Committee, both extending until September 30, 2012. Unanimously approved.

REAPPOINTMENT - AGRICULTURAL LAND PRESERVATION ADVISORY BOARD

Motion made by Commissioner Aleshire, seconded by Kercheval, to reappoint Steve Ernst to a second five-year term on the Agricultural Land Preservation Advisory Board, extending to September 30, 2014. Unanimously approved.

(Commissioner Baker returned to the meeting at 3:43 p.m.)

ADJOURNMENT

Motion made by Commissioner Kercheval, seconded by Aleshire, to adjourn the meeting at 3:43 p.m. in order to attend a "Meet and Greet" at the Washington County Humane Society with the Board of Directors, at 13011 Maugansville Road, Hagerstown, Maryland. Unanimously approved.

County Administrator

County Attorney

County Clerk