

October 6, 2009
Hagerstown, Maryland

The Commissioners attended the dedication of the Fountain Rock Elementary School cafeteria at 17145 Lappans Road, Hagerstown, Maryland.

The regular meeting of the Board of County Commissioners of Washington County, Maryland was called to order at 10:17 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 - September 22, 2009

Motion made by Commissioner Aleshire, seconded by Baker, to approve the minutes of September 22, 2009. Unanimously approved.

EMPLOYEE RECOGNITION

William J. Sonnik, Human Resources Director, recognized Carrie Aaron, Human Resources Assistant, for attaining her Master of Business Administration degree from Mount St. Mary's University and also certification as a "Professional in Human Resources". Mr. Sonnik stated that Carrie has an excellent work ethic and brings energy to the job. President Barr presented a certificate to Ms. Aaron and the Commissioners congratulated her on the professional achievements.

COMMISSIONERS' REPORTS AND COMMENTS

Commissioner Baker stated that he attended the Parks & Recreation Board meeting where it was mentioned that no Program Open Space funds were available. He noted that the next meeting would include a tour of County parks. Mr. Baker encouraged parents and children who are Kindergarten age through Grade 5 to attend the "Park at Dark" event sponsored by the County, to be held on October 23 for a \$5 fee, from 5:30 - 7:30 p.m. at Doubs Woods Park.

Commissioner Kercheval reported that he spoke at the Grand Opening for Centra Bank on North Pointe Drive and congratulated the Bank on its new facility and use of local contractors. He also addressed a Home Builders Association meeting recently where ideas to get contractors back to work were discussed. Commissioner Kercheval attended a Metropolitan Planning Organization (MPO) meeting last week where it discussed concerns over the local impact of two major railroad projects by CSX and Norfolk Southern. The MPO has invited both railroads to a future meeting to answer questions forwarded by the MPO. He announced that the I-81 Coalition will be holding its annual conference next week to discuss the coalition's efforts to secure safety and infrastructure improvements, and coordinated planning along the I-81 corridor. Mr. Kercheval noted that he participated in the Transportation Tour held in the County Administration Building last week by the State Highway Administration's (SHA) Transportation Department. Representatives discussed upcoming local and state projects including railroad issues, I-70, I-81, traffic congestion on Rt. 340, and the Rt. 40/Edgewood Drive improvement project that is now underway. It was stated that major state-funded projects might be pushed further back due to the slow economy and declining revenue. Commissioner Kercheval said that the Planning Commission met last night and approved the new Eastern Primary School site plan design. He stated that much of the discussion centered on traffic issues on Yale Drive, especially after the new hospital opens.

Commissioner Wivell stated that he attended a Maryland Municipal League (MML) meeting in Keedysville where a representative of the Governor's Office discussed funding cuts that were affecting all municipalities.

Commissioner Aleshire informed the Commissioners that he attended and volunteered during the Taste of the Town event. He reported that he attended the Boonsboro Mayor and Council meeting and answered questions regarding County Boards and Commissions. Mr. Aleshire stated that he enjoyed the jamboree held at the Star Community. He also attended the

Transportation Tour meeting where representatives stated that the most recent loss in State revenue was vehicle titling fees despite the recent "Cash for Clunkers" program. Commissioner Aleshire was present at the Citizens for the Protection of Washington County meeting where a residential stimulus program and the planned North County Park were discussed. He reported attending a meeting of the Board of Education's Facility Enrollment Advisory Committee (FEAC) and a citizens meeting where George Anikis spoke about a possible Wal-Mart planned on the Sharpsburg Pike. Commissioner Aleshire congratulated the EDC staff for the "Project Wormburner" roundtable held two weeks ago at the Academy Theatre and felt it was enlightening to have representatives from the educational community. Commissioner Aleshire reported receiving correspondence for the first notice of public hearing for the annexation of Doub Estate to the City of Hagerstown, and a letter received from the Greater Hagerstown Committee to attend a meeting on October 30 for open discussion and creative dialog regarding important public issues in the community. He also attended the MML meeting with Commissioner Wivell held in Keedysville and stated that there would probably be additional funding cuts made by the State in January 2010.

Commissioner Barr reported that he attended the Hagerstown/Washington County Business and Professional Women's Organization event at the Academy Theatre where he presented a proclamation on behalf of the County Commissioners.

CITIZENS PARTICIPATION

There was no one present who wished to comment.

OTHER BUSINESS

County Attorney

Assistant County Attorney Kirk C. Downey noted that he had circulated the proposed decisions in the Martin Marietta Quarry and Bowman - Cavetown rezoning cases to the County Commissioners and requested any changes or suggestions from the Commissioners. It was the consensus to place the items on the October 13 agenda under County Attorney comments.

County Administrator

Greg Murray, County Administrator, requested approval of Change Order #4 for the Cedar Springs Pump Station project being performed by contractor C. William Hetzer, Inc. The change order amount of \$65,913.80 is requested, along with a necessary General Fund budget transfer of \$37,690.00 for the project. The Commissioners discussed the details for the change order.

Motion made by Commissioner Kercheval, seconded by Baker to approve Change Order #4 to C. William Hetzer, Inc. for the Cedar Springs Pump Station project in the amount of \$65,913.80 along with a General Fund budget transfer of \$37,690.00. Unanimously approved.

Reports from County Staff

William J. Sonnik, Human Resources Director, requested approval to advertise to fill a Grade 6, Motor Equipment Operator I position in the Western Section of the Highway Department. Joe Kroboth, Public Works Director, described the duties of the position, the importance of maintaining a full staff in the Western Section, and the cost of using independent contractors in the event of a significant snowstorm. The Commissioners requested the salary amount (\$23,808.00) and information on how employees from other Highway Department sections fill in when needed.

Motion made by Commissioner Kercheval, seconded by Baker, to advertise to fill the requested position as presented. Discussion was held regarding other open positions in the County that were being "held back" and not immediately filled. The Commissioners asked to be kept informed of that information in the future. The motion was unanimously approved.

Mike Thompson, Planning Department Director, requested direction as to whether he should reiterate the Commissioners' previous position of non-approval for the Doub Annexation, noting that the City of Hagerstown has a hearing scheduled for October 27, 2009. The consensus was to have

County Administrator Greg Murray discuss the issue with City Administrator Bruce Zimmerman.

Joe Kroboth, III, Public Works Director, informed the Commissioners that the Rt. 40/Edgewood Drive project is two weeks ahead of schedule with an expected completion date of September 2010. He also stated that the SHA and Federal Highway Administration (FHA) have approved the County's plan specification and estimate for a stimulus paving project of \$2.3 million and it will be placed out for bid in the near future. Mr. Kroboth said that Staff is working with SHA regarding improvements to the short merge lane at the I-81 South ramp toward I-70 West where the bridge will be widened for safety reasons. Mr. Kroboth announced that the Funkstown Bridge Project was awarded "County Project of the Year" for unique design and construction administration at the recent County Engineers' Association of Maryland's annual conference. The award went to the contractor, Building Systems, Incorporated of Hagerstown, the design engineer, KCI Technologies, and Washington County. He noted that nine projects were considered for the award.

Tim Troxell, EDC Director, and Sarah Lankford, EDC Marketing Specialist, discussed the 8th annual "Project Wormburner" tour held a few weeks ago. Mr. Troxell stated that attendance was down with about 40 persons on the three-hour bus tour but it was well received. Ms. Lankford distributed a booklet on the event, which is also available on the EDC website. Mr. Troxell noted that no taxpayer dollars are used for the event since it is totally funded by sponsors.

PROCLAMATION - DISABILITIES AWARENESS MONTH

Peggy Martin, Chairperson of the Washington County Disability Advisory Committee (DAC), announced the tenth anniversary of the DAC, which will be celebrated on October 30, 2009 with an awards luncheon at Hagerstown Community College. She mentioned several achievements of the DAC including the human service transportation program that was coordinated with the Community Action Council. President Barr presented a proclamation to members of the Committee that were in attendance to observe October's Disabilities Awareness Month, which recognizes the abilities of all people, regardless of physical or mental limitation. The County Commissioners offered congratulations to the Committee on its tenth anniversary and thanked members for their volunteerism to the County.

DISCUSSION OF 2010 LEGISLATIVE AGENDA ITEMS

Assistant County Attorney Kirk C. Downey presented the proposed legislative items for possible inclusion in the 2010 legislative request package to the General Assembly. The Commissioners discussed the items: 1) PenMar Board - clarification of appointment process of Executive Director. Mr. Downey stated that this item was listed to define what role/authority the Commissioners have in the appointment processes. 2) Salary Study process - clarification of process. Mr. Downey stated that changes in the offices studied, composition of its members, and certain requirements may be requested. 3) Purchasing - clarification regarding the procurement of professional services. Mr. Downey stated that this item needs clarification in language due to 2008 legislation. 4) Aid to manufactories - delete provision from Code of the Public Local Laws. Mr. Downey stated that this might be an obsolete law that needs to be stricken. 5) CAC - participation in Local Government Insurance Trust (LGIT) for transportation insurance. Mr. Downey stated that this item would allow CAC to receive necessary insurance coverage at reduced rates for transportation of persons with disabilities to day programs. 6) School Design Advisory Board - clarification of process. Mr. Downey explained that the Advisory Board needs to be placed earlier into the school design process for its suggestions to be considered. 7) CPLL Section 1-106.1(b)(1) - limit for partnering with other entities; bid exclusion limits. Mr. Downey said that this request is to increase the limit of \$50,000.00 or remove it altogether. 8) Code of the Public Local Laws (CPLL) - provide for general authority for County to structure departments and agencies as appropriate to accomplish governmental functions. Mr. Downey stated that this item would update the CPLL by giving the County Commissioners the authority to reorganize its internal

structure as necessary. 9) County Attorney - general clarification of role and responsibility. Mr. Downey stated that this item would also update the CPLL, which does not clearly outline the County Attorney's role. 10) Exclusion of agricultural tourism events from admissions and amusement tax. Mr. Downey explained that this request would exempt agricultural tourism events from the tax. 11) Taxing authority for fire and rescue operations. Mr. Downey asked if there was any interest on the Commissioners' part to pursue legislative authority.

It was the consensus of the Commissioners at this stage of the process to obtain further information for consideration of Items #1-10 but to drop #11 from the list. The Commissioners requested more details in written form for items #1, 2, 6, and 10, including a definition of "Agricultural Tourism for #10. County Administrator Greg Murray announced that a meeting with the local delegation is scheduled for October 20, 2009 at 9:00 a.m. in Room 255.

CITIZEN COMMENT

Laura Bowman, who missed the earlier Citizens Participation time, and representing the 22nd National Pike Festival Wagon Train, appeared before the Commissioners to request assistance for the event, to be held on May 15-16, 2010. Ms. Bowman requested that the festival be added to the County's event insurance rider, with a copy to the State Highway Administration and her, that the County provides two Sheriff's Deputies for the front and rear of the parade, and use of the County's mailroom service.

Motion made by Commissioner Kercheval, seconded by Wivell, to support the event as done in the past, which used funds for the Sheriff's Department Deputies from the Commissioners' Contingency Fund for overtime costs, with other costs to be taken from the Hotel Rental Tax Fund. Unanimously passed.

RECESS

The Commissioners recessed at 12:17 p.m. for lunch.

AFTERNOON SESSION

President John F. Barr called the afternoon session to order at 1:20 p.m., with the following members present: Vice President Terry L. Baker and Commissioners James F. Kercheval and William J. Wivell.
(Commissioner Aleshire arrived at 1:26 p.m.)

EVALUATION OF WASHINGTON COUNTY RESIDENTIAL CURBSIDE RECYCLING OPTIONS

Julie Pippel, Director, Division of Environmental Management; and Cliff Engle, Deputy Director, Department of Solid Waste, discussed the County's goal of increasing the overall recycling rate to 50%. Mr. Engle distributed worksheets and presented a PowerPoint demonstration outlining the information gathered from the studies performed for implementing a single-stream curbside recycling collection program in the County, using various combinations of the County, Towns, and the City of Hagerstown. The Commissioners discussed the data presented, requested additional information, and that the item be placed on a future agenda.

SHERIFF'S DEPARTMENT GRANTS - ADMINISTRATIVE CHANGE IN PROCEDURE AND FY 2009 JUSTICE ASSISTANCE GRANT PROGRAM

Sheriff's Department Grants Manager James Brown, and Captain Robert Leatherman, recommended that the Commissioners agree to a change in procedure for acceptance of grants, which would make the Board of County Commissioners the Grantee and the Sheriff's Department the Administrator of future grants. Mr. Brown explained that this is a change in the administrative part of the grant approval process which would allow the Commissioners to approve or deny a grant proposal before it progresses.

Motion made by Commissioner Wivell, seconded by Kercheval, that the Board of County Commissioners act as Grantee for all future grants from the Federal Government, which funnel down from the Governor's Office of Crime Control and Prevention (GOCCP). Unanimously approved.

Mr. Brown requested that the Commissioners accept a \$22,900.00 no-match grant from the Department of Justice, Office of Justice Programs-Bureau

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of Justice Assistance, for the purchase of law enforcement equipment including, but not limited to, an Automatic License Plate Reader (ALPR), and patrol shotguns.

Motion made by Commissioner Kercheval, seconded by Baker to accept a \$22,900.00 no-match grant from the Department of Justice, Office of Justice Programs-Bureau of Justice Assistance, for the purchase of various law enforcement equipment as presented. Unanimously approved.

Captain Leatherman also requested approval to apply for a no-match reimbursable grant that is due by October 15, 2009. The amount (approximately \$50,000-\$55,000) is to be used for the storage of weapons that are seized by the Sheriff's Department, where the law states that the seized weapons be kept in a storage locker and maintained in the condition in which they were seized, while in the Department's custody. The cost for purchase of a storage unit would be paid up front by the Sheriff's Department, which would then be reimbursed for the expense by the grant funds.

Motion by Commissioner Kercheval, seconded by Baker, to support the Sheriff's Department in applying for the 100% reimbursable State grant as presented. Unanimously approved.

DISCUSSION OF RESIDENTIAL STIMULUS PROGRAM

Dan DiVito, Director, Permits and Inspections Department, discussed details of proposals for a residential construction stimulus program which would subsidize the amount of Excise Tax applied to residential construction projects with the goal of increasing employment in the local construction industry. The proposed short-term program would offer builders a subsidized credit for a portion of the Excise Tax due on certain types of residential construction and a possible waiver of building permit fees. The Commissioners held a lengthy discussion on the proposals and it was the consensus to have County staff gather additional information and bring the item back for further discussion on October 13.

CONTRACT RENEWAL OF JURISDICTIONAL EMS MEDICAL DIRECTOR

Kevin Lewis, Director, Division of Fire and Emergency Services, recommended renewal of the contract of Dr. Vincent Cantone, the County's Jurisdictional EMS Medical Director, for the period of September 1, 2009 to August 31, 2010. Mr. Lewis explained that Title 30 of the Code of Maryland Regulations (COMAR) requires that each County/jurisdiction appoint a medical director to oversee pre-hospital care. He distributed an overview of duties for the EMS Medical Director and noted that the \$25,000.00 salary is budgeted in the FY 2010 operating budget.

Motion made by Commissioner Wivell, seconded by Aleshire, to approve the renewal of Dr. Vincent Cantone's contract as presented. The Motion passed with Commissioners Baker, Aleshire, and Wivell voting "YEA" and Commissioner Kercheval "ABSTAINING".

REVISIONS TO FIRE & RESCUE COMPANIES' FINANCIAL REPORTING

James Hovis, Gaming Director; and Kevin Lewis, Director; Department of Emergency Services, appeared before the Commissioners to discuss proposed revisions to financial reporting forms required by the Department of Emergency Services from Fire and Rescue Companies to capture gaming revenues, expenses, and profits. Mr. Hovis explained that the Gaming Office presently collects some financial data from the companies regarding tip jars and bingo, but it does not contain the total profit realized by the company. County Administrator Greg Murray stated that the information will be useful when considering funding requests from fire and rescue companies. Discussion was held and Washington County Volunteer Fire and Rescue Association (WCVFRA) members in the audience commented on the proposed changes. The Commissioners thanked Mr. Hovis and Mr. Lewis for the report, which was a goal of the Gaming Office to update and report standards to improve accountability for fire and rescue gaming activities. Further discussions with the WCVFRA will take place in the near future.

CONVENE IN CLOSED SESSION

Motion made by Commissioner Kercheval, seconded by Aleshire, to convene in closed session at 4:33 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; to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State, 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, and/or assignment 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; 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; Gregory Murray, County Administrator, and Vicki Lumm, County Clerk. Also present at various times were; John Martirano, County Attorney; Andrew F. Wilkinson, Assistant County Attorney, Joe Kroboth, III, Public Works Director; Tim Troxell, EDC Director; Robert Mandley, EDC Project Coordinator; Greg Larsen, Business Development Manager, Hagerstown Regional Airport, Jack Kimberly, and David Rider.

ADJOURNMENT

Motion made by Commissioner Kercheval, seconded by Baker, to adjourn the meeting at 5:33 p.m. Unanimously approved.

County Administrator

County Attorney

County Clerk