

October 13, 2009
Hagerstown, Maryland

The regular meeting of the Board of County Commissioners of Washington County, Maryland was called to order at 9:15 a.m. by President John F. Barr with the following members present: Vice President Terry L. Baker and Commissioners Kristin B. Aleshire, and William J. Wivell. (Commissioner Kercheval was absent from the meeting.)

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 - October 6, 2009

Motion made by Commissioner Aleshire, seconded by Baker, to approve the minutes of October 6, 2009. Unanimously approved.

INTRODUCTION OF NEW EMPLOYEES

William Sonnik, Human Resources Director, introduced new County employees Jeff Pheil - Plant Operator Trainee, Department of Water Quality; and Jeffrey Karn, Detention Officer, Central Booking, Sheriff's Department. The Commissioners welcomed the employees and wished them well in their new positions.

2009 KICKOFF - UNITED WAY AND COMMUNITY HEALTH CHARITIES

Leah Gayman, United Way Executive Director, and Gregory Snook, Co-Chair, United Way Campaign, appeared before the Commissioners to kick off the 2009 campaign for Washington County Government, which runs from October 12 through November 2, 2009. Mr. Snook announced that this year's goal is \$1.8 million and he thanked the Commissioners for the County's participation and the incentives being offered to employees. Ms. Gayman gave examples of how the United Way assists Washington County citizens.

Dave Jones of Community Health Charities (CHC) spoke about the campaign and stated that CHC offers a choice of 49 major health organizations throughout the State to which employees may make donations. Mr. Jones offered a certificate of appreciation to be forwarded to last year's campaign coordinator, Angie Helfrick. The County's 2009 campaign coordinator, Kathy Kroboth, presented a slide show relating to this year's Day of Caring and thanked Katie Yoder and John Pennesi for their assistance. Dan DiVito, Permits Director, challenged all County Departments to 100% participation in the campaigns this year.

EMPLOYEE RECOGNITIONS

William Sonnik, Human Resources Director, and Brian Overcash, Safety Administrator, recognized County employees who have successfully completed the accredited college course of study for "Management" through Hagerstown Community College. Employees Steven D. Bowders, Julie A. Cade, John S. Hobbs, Kevin L. Lewis, Richard L. Shilling, Jr., Jennifer L. Swisher, and Jeff A. Weller were presented certificates and congratulated by the Commissioners for their professional achievement. Mr. Overcash stated that after completing all courses in the program, the participants would receive a "Certificate of Management".

COMMISSIONERS' REPORTS AND COMMENTS

Commissioner Baker reported that he attended the Town of Clear Spring municipal meeting and had discussions regarding the County's potential tax setoff and the impact it would have on municipalities. He also attended a Community Action Council (CAC) meeting and reported that the organization has seen budget cuts in State grants affecting homeless programs. CAC has reported an increase in money being allocated for rental assistance for families. Mr. Baker stated that CAC's Energy Assistance Program served over 4,000 clients last year using over \$3 million and expects to serve more this year. He reported that the transportation program is going well, and that CAC is seeing more clients with mortgage default issues, mainly due to decreases in income.

Commissioner Wivell had no comments.

Commissioner Aleshire stated that he attended the Smithsburg municipal meeting and had discussions regarding curbside recycling options being

considered by the County. He also participated in the United Way "Day of Caring" and mentioned the work done by his group of County volunteers who painted the second story of an elderly Clear Spring resident's home. Commissioner Aleshire thanked President Barr for participating in the Fire Operations 101 training event held this past weekend with elected officials and community leaders.

Commissioner Barr noted that Commissioner Aleshire, Hagerstown Police Chief Arthur Smith, and Julianna Albowicz, local outreach coordinator for Senator Barbara Mikulski, participated in the Fire Ops event, which was informative and also strenuous. He stated that he enjoyed the opening of the 28th season of the Maryland Symphony Orchestra, which is nationally recognized, and noted that the County is fortunate to have it based in Hagerstown. President Barr reported that he met with City of Hagerstown Mayor Bruchey to discuss the problem of loitering in and around the downtown library and how this may affect the students now attending the Barbara Ingram School for the Arts. The issue will be discussed further with REACH and other faith providers with the goal of providing a safe downtown environment for all citizens.

GRANT AWARD - EMERGENCY NUMBER SYSTEM BOARD FOR EMERGENCY COMMUNICATIONS

Bardonna Woods, Director, Department of Emergency Communications, requested the Commissioners' authorization to accept the following grants from the Emergency Number System Board (ENSB) for the purchase of: 1) Ten (10) EMD Licenses - \$33,000.00; 2) Ten (10) EFD Licenses - \$21,750.00; 3) Client Server Software - \$2,200.00; and 4) One (1) year Support Cost - \$8,542.50, totaling \$65,522.50. Ms. Woods explained that there is no fiscal impact to the County unless the grants are not accepted.

Motion made by Commissioner Wivell, seconded by Aleshire, to accept the grants from the ENSB totaling \$65,522.50 as presented. Unanimously approved.

2010 LEGISLATIVE AGENDA DISCUSSION

Kirk C. Downey, Assistant County Attorney, presented the proposals for the 2010 Legislative Package from the Board of County Commissioners. He stated that two items were pulled from consideration after last week's discussion: 1) Code of Public Local Laws/Provide general authority for the County to structure government, due to further review of the language revealing adequate flexibility in the Code of Public Local Laws, and, 2) Exclusion of agricultural tourism events from the Amusement Tax as it was determined to be an insignificant issue at this time due to the extremely limited number of events that are now taxed. The remaining proposals include:

- 1) PenMar Board - Executive Director Position - approved as presented.
- 2) Salary Study Process - The Washington County Council of PTAs is no longer in existencelocally and it is recommended that it be removed from the statute and replaced by another organization. Commissioner Aleshire recommended the "Retired Teachers' Association" as a replacement and the Commissioners agreed. It is also being proposed that the State's Attorney's position be removed from the list of salaries to be studied, since by law, the salary is based on 90% of a District Court judge's salary. Mr. Downey said that language was also being proposed that would state that the County Commissioners would not be required to make any recommendation regarding the salaries of the County Commissioners. Commissioner Aleshire stated that he would like a rational rule applied to the salaries to be studied under Section 12-205 and mentioned items #1, 4, 5 (already applied) and 6 so that the salaries would be tied to some method similar to the State's Attorney position. He would also like a provision that the Salary Study Commission would present its report and recommendations directly to the Delegation. It was the consensus of the Commissioners to present the modifications as discussed and have further conversations with the Delegation.
- 3) Procurement of Professional or Technical Services - approved as presented.

- 4) Aid to Manufactories - approved as presented.
- 5) CAC's Participation in LGIT Insurance Pool - approved as presented.
- 6) School Design Advisory Board - approved as presented.
- 7) County Contributions to Private or Cooperative Public Improvement Projects - consensus to change the \$50,000.00 limit to \$100,000.00.
- 8) Office of the County Attorney - approved as presented.

Mr. Downey will make the suggested changes to the proposals and prepare the packet for presentation at the workshop with the local delegation scheduled for October 20 at 9:00 a.m.

CITIZENS PARTICIPATION

There was no one present who wished to comment.

OTHER BUSINESS

County Attorney

Assistant County Attorney Kirk Downey requested the Commissioners' approval of the decisions rendered in the Martin Marietta Materials, Inc. Rezoning Case RZ-07-007, and Bowman Cavetown, LLC Rezoning Case RZ-08-001.

Motion made by Commissioner Wivell, seconded by Aleshire, to adopt the Findings of Fact in the Martin Marietta Materials, Inc. Rezoning Case RZ-07-007, and to deny the request for rezoning for the reasons set forth in the decision. The motion passed with Commissioners Baker, Aleshire, and Wivell voting "AYE" and President Barr voting "NO".

Motion made by Commissioner Wivell, seconded by Aleshire, to adopt the Findings of Fact in the Bowman Cavetown, LLC Rezoning Case RZ-08-001, and to deny the request for rezoning for the reasons set forth in the decision. The motion passed with Commissioners Baker, Aleshire, and Wivell voting "AYE" and President Barr voting "NO".

Appointments to Boards and Commissions

County Clerk Vicki Lumm recommended the following appointments to the Animal Control Authority: Cindy Jackson from Alternate to a Member At-Large position to fill the unexpired term of Jason Haupt, extending to January 31, 2010; Major Sam Billotti to a three-year term as Member-at-Large position, extending to October 30, 2012; and Scott Wishard and Bjjrian Moyer to three-year terms as Alternates, both extending until October 30, 2012. In addition, she recommended that a letter be sent to Jason Haupt, notifying him that he is no longer considered a member of the Authority due to poor attendance.

Motion made by Commissioner Wivell, seconded by Aleshire, to make the appointments to the Animal Control Authority as presented, and to send the letter to Jason Haupt as recommended. Unanimously approved.

County Administrator

Greg Murray, County Administrator, reported that each year, the Maryland Association of Counties (MACo) requires each county/subdivision to recommend an elected official to serve on the Legislative Committee for Committee Membership. President Barr served last year, and he volunteered to serve again. Commissioner Aleshire volunteered to serve as the Alternate.

Motion made by Commissioner Baker, seconded by Wivell, to recommend President Barr as the MACo representative for the upcoming legislative session and to recommend Commissioner Aleshire as the Alternate. Unanimously approved.

Reports from County Staff

William Sonnik, Human Resources Director, and Todd Hershey, Treasurer, requested approval to advertise to fill an Accounts Receivable Technician, Step 1, in the County Treasurer's Office, due to the

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retirement of the department's Deputy Director on January 1, 2010. Mr. Hershey stated that he would like to fill the Deputy position internally and then advertise to fill the Accounts Receivable position. Mr. Hershey described the duties of the position and the increase in the office workload due to more tax sales, foreclosures, lawsuits for collection of taxes, and web inquiries. The Commissioners discussed the Treasurer's Office functions and their desire to delay filling open positions until the economy improves.

Motion made by Commissioner Wivell, seconded by Baker, to temporarily delay filling the Accounts Receivable position and to have staff take an additional look at the position. Discussion was held concerning the delay and how much time will be taken to review the position. Commissioner Wivell amended his motion to include a ninety-day review of the position. The motion was unanimously approved.

DISCUSSION OF RESIDENTIAL CONSTRUCTION STIMULUS PROGRAM

Dan DiVito, Director, Permits and Inspections Department, discussed details of the proposal for a short-term residential construction stimulus program that was first discussed at the October 6 County Commissioners' meeting. Mr. DiVito distributed a synopsis of the proposed program, which would include a subsidy relating to excise tax, and reductions to recordation tax and permit fees for residential construction permits applied for and issued by February 1, 2010. The Commissioners discussed the details of the proposals and requested that Mr. DiVito report back in January 2010 regarding the number of local contractors applying for permits under the program and whether local citizens were being benefited.

Motion made by Commissioner Wivell to approve a residential construction stimulus program, with the proposal to include the following: 1) Date - the program would be available for permits applied for and issued by February 1, 2010 but would terminate upon a 150,000 square foot cap being reached, 2) Scope - One and two family residences, townhouses, condominiums, and residential additions, 3) Restrictions - limit of 5 permits per builder; Framing Inspection - within 6 months of permit issue date; Use and Occupancy Certificate - issued within 18 months of permit issue date, 4) Program - 150,000 square foot cap on program; each application receives an exemption (i.e. subsidy) relating to 2,500 square feet; APFO remains in full force; Developments with APFO mitigation agreements will be eligible to participate in the program; municipalities may participate; municipality that does not participate may retain 28% of original excise tax amount and applicant will receive 72% exemption on 2,500 square feet; 5) Recordation tax exemption provided for the buyer portion only of the recordation tax up to \$200,000 on the amount of the deed or mortgage as provided by 12-103 of the Tax-Property Article of the Maryland Code, said exemption to expire on February 1, 2010; 6) Program review by Staff and reported to the Commissioners in January 2010; 7) Excise taxes to be separately stated on the settlement documents; 8) The County will implement a 10% cap on non-owner occupied residential properties beginning FY 2010-2011 with staff to work out details of implementation; 9) Fiscal - program to be funded by the Economic Development Fund established by the Board of County Commissioners for FY 2009 and 2010, unless the Commissioners establish another use for that fund prior to June 30, 2010, at which time the construction stimulus program would be funded by CIP reserves.

The Commissioners discussed the proposals listed in the motion. Commissioner Wivell amended the motion by adding 10) Permit Fees (building, electrical, HVAC, and plumbing) are reduced by 50% for those residential permits attached to qualifying projects under the residential construction stimulus program; 11) Permit Fees for energy-related projects on any residential project receive 100% reduction in fees; energy related projects include: energy saving window replacement, 15% increase of insulation, energy saving water heater or HVAC system replacement, use of alternative energy sources (solar or wind), or a project that complies with the 2009 International Energy Conservation Code; 12) Excise tax breakdown will be separately stated on a document between the buyer and seller (amending #7 above).

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The motion passed with Commissioners Wivell and Baker voting "YEA" and Commissioner Aleshire voting "NO".

ADDITIONAL DISCUSSION - 2010 LEGISLATIVE ITEM

Commissioner Aleshire recommended the addition of an item in the proposed 2010 Legislative Packet relating to the Treasurer's Office. Commissioner Wivell suggested a review of the position of Treasurer and the Treasurer's Office; the potential merging of the Treasurer's office with the County's Budget and Finance Department, and the effect that would have on the County's budget and its citizens. The request would include the authority, based on the review, to act on the findings.

Motion made by Commissioner Wivell, seconded by Aleshire, to add to the 2010 Legislative Packet a review of the position of Treasurer and the Treasurer's Office and the granting of authority to the Board of County Commissioners to take action as it deems appropriate. Unanimously approved.

RECESS

The Commissioners recessed at 12:03 p.m. for lunch.

AFTERNOON SESSION

President John F. Barr called the afternoon session to order at 1:36 p.m., with the following members present: Vice President Terry L. Baker and Commissioners Kristin B. Aleshire, and William J. Wivell.

TAX DIFFERENTIAL DISCUSSION

Debra Murray, Budget and Finance Director, discussed the current tax setoff program between the County and the municipalities and stated that this form of voluntary tax setoff has become antiquated, has not truly addressed double taxation directly to the citizen, and has not clearly defined core government services. Ms. Murray stated that by moving from the current tax rebate to a tax differential method, the County would be adding equity to the equation. Greg Murray, County Administrator, explained the difference between a tax setoff and tax differential and stated that it is a concern among the municipalities that resident's taxes would have to be raised, depending on the services provided by the towns. The Commissioners discussed the details, and it was the consensus to discuss the issues further at a future meeting.

CONSTRUCTION BID AWARD - BURNSIDE BRIDGE ROAD STREAM BANK STABILIZATION

Rob Slocum, Deputy Director of Capital Projects-Public Works, and Scott Hobbs, Chief of Capital Projects, recommended that the Commissioners conditionally award the Burnside Bridge Road Stream Bank Stabilization contract (Contract No. RD-BB-198-10) to the lowest responsive, responsible bidder - Fayetteville Contractors, Inc. of Fayetteville, Pennsylvania for \$221,795.25. Mr. Slocum explained that this is a stimulus project financially supported by the American Recovery and Reinvestment Act of 2009 (ARRA). He noted that approval is expected from the Maryland Department of the Environment (MDE) prior to the anticipated Notice to Proceed. Mr. Hobbs stated that this project is a fully-funded 100% reimbursable project saving the County approximately \$410,000.00. Mr. Slocum stated that the project would begin in November 30, 2009, end in May 18, 2010, and will involve a stream diversion. In addition, the County would incur third party inspection costs of approximately \$25,000.00. Mr. Slocum noted that Washington County was the only county in the State to be awarded two projects. He thanked Mr. Hobbs and the Engineering staff for work done to apply for the project funds.

Motion made by Commissioner Aleshire, seconded by Baker, to conditionally award the construction bid for the Burnside Bridge Road Stream Bank Stabilization contract (Contract No. RD-BB-198-10) with ARRA Green Grant Project funds to the lowest responsive, responsible bidder - Fayetteville Contractors, Inc. of Fayetteville, Pennsylvania for \$221,795.25, subject to MDE approval. Unanimously approved.

CONSTRUCTION BID AWARD - LEHMAN'S MILL ROAD STREAM BANK STABILIZATION

Rob Slocum and Scott Hobbs recommended that the Commissioners conditionally award the Lehman's Mill Road Stream Bank Stabilization

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contract (Contract No. RD-LM-207-10) to the lowest responsive, responsible bidder - Fayetteville Contractors, Inc. of Fayetteville, Pennsylvania. Mr. Slocum explained that this is also an ARRA financially supported stimulus project. He stated that approval from MDE is expected prior to the anticipated Notice to Proceed. He said that this project would involve a traffic detour and third party inspection costs of approximately \$25,000.00. It is expected to begin in November 30, 2009 and end in May 2010.

Motion made by Commissioner Aleshire, seconded by Wivell, to conditionally award the construction bid for the Lehman's Mill Road Stream Bank Stabilization contract (Contract No. RD-LM-207-10) with ARRA Green Grant Project funds to the lowest responsive, responsible bidder - Fayetteville Contractors, Inc. of Fayetteville, Pennsylvania for \$182,593.95, subject to MDE approval. Unanimously approved.

YOUTH MERITORIOUS AWARDS - SEPTEMBER AND OCTOBER 2009

On behalf of the County Commissioners, President Barr presented a certificate of merit to Modibo Haidara of South Hagerstown High School and Samantha Staley of Clear Spring Middle School in recognition of their selection by the Washington County Community Partnership for Children and Families (WCCP) for the September 2009 Youth Meritorious Award. Emily Beach of Williamsport High School was recognized for receiving the October 2009 Award. In addition, each student was given a \$100 U.S. Savings Bond from the WCCP. The Commissioners commended the students for their leadership, academic and extra-curricular activities.

CONVENE IN CLOSED SESSION

Motion made by Commissioner Wivell, seconded by Baker, to convene in closed session at 3:00 p.m. to discuss the appointment, employment, assignment, discipline, demotion, compensation, removal, resignation, and/or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; and to discuss personnel matters that affect one or more specific individuals; 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, discipline, demotion, compensation, removal, resignation, and/or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; and discussed personnel matters that affect one or more specific individuals. Present during closed session were Commissioners John F. Barr, Terry L. Baker, Kristin B. Aleshire, and William J. Wivell; Gregory Murray, County Administrator, and Vicki Lumm, County Clerk. Also present at various times were; John Martirano, County Attorney; William Sonnik, Human Resources Director; and Julie Pippel, Director of Environmental Management.

RECONVENE IN OPEN SESSION

The meeting of the Board of County Commissioners was reconvened at 3:29 p.m.

APPOINTMENT/REAPPOINTMENT - HISTORIC DISTRICT COMMISSION

Motion made by Commissioner Aleshire, seconded by Baker, to reappoint Charles R. "Chip" Stewart to a second three-year term on the Historic District Commission, extending to June 30, 2012; and to appoint Gary W. Rohrer to a three-year term on the Commission, extending through October 30, 2012. Unanimously approved.

ADJOURNMENT

Motion made by Commissioner Baker, seconded by Aleshire, to adjourn at 3:31 p.m. Unanimously approved.

County Administrator

County Attorney

County Clerk