

October 27, 2009  
Hagerstown, Maryland

**CONVENE IN REGULAR SESSION**

The regular meeting of the Board of County Commissioners of Washington County, Maryland was called to order at 1:07 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.

**INTERIM REPORT, CERTIFICATION OF THE MARYLAND AGRICULTURAL LAND PRESERVATION PROGRAM**

Eric Seifarth, Rural Preservation Administrator, stated that on September 15, two representatives from the Maryland Department of Planning appeared at the Commissioners' meeting to provide information on the Maryland Agricultural Land Preservation Program (MALPP). Mr. Seifarth 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 noted that without certification, the County would only retain 33% of the taxes. Commissioner Aleshire expressed concerns that, 1) the State should not be borrowing funds for this process to prevent the pressure of growth at a time when no growth is occurring and limited funds for infrastructure exists and, 2) the County should be conscious of the guidance the State folks spoke of at their previous presentation to the Board as this often turns into regulations that burden local governments' ability to make local decisions about growth and development. Mr. Seifarth said that the local agricultural community has expressed satisfaction with the easement programs and feels that they permanently protect the land. He referred to an email from David Herbst, Washington County Agricultural Preservation Board Chairman, in support of the program.

Motion made by Commissioner Kercheval, seconded by Baker, to approve the Interim Certification application of the Washington County Agricultural Land Preservation Program to present to the Maryland Department of Planning and Maryland Department of Agriculture for approval. Mr. Seifarth answered further questions from the Commissioners. The motion passed with Commissioners Kercheval, Baker and Wivell voting "AYE" and Commissioner Aleshire voting "NO".

**2009 MARYLAND INSTITUTE OF EMERGENCY MEDICAL SERVICES  
SYSTEMS (MIEMSS) ADVANCED LIFE SUPPORT EDUCATION GRANT**

Kevin Lewis, Director of Emergency Services, requested authorization for the Department of Fire and Emergency Services (DFES) to accept a grant of \$25,852.40 from the Maryland Institute of Emergency Medical Services Systems (MIEMSS) for Advanced Life Support Education. Mr. Lewis explained that the grant will offset costs associated with emergency medical services training.

Motion made by Commissioner Kercheval, seconded by Baker, to authorize the Department of Fire and Emergency Services to accept a \$25,852.40 grant from MIEMSS and to authorize the Director of the Department to execute a Memorandum of Agreement with the agency. Commissioner Aleshire questioned the cost to the County of the no-match grant and Mr. Lewis stated that the County's costs are only for the performance of the individuals in their day-to-day job responsibilities. Unanimously approved.

**PHASE ONE OF THE EMERGENCY MEDICAL SERVICES PLAN - HIRING  
OF ADVANCED LIFE SUPPORT TECHNICIANS**

County Administrator Greg Murray stated that Phase One of the Emergency Medical Services (EMS) Plan, which involved hiring nine Advanced Life Support (ALS) Technicians to support volunteer EMS companies, was to be implemented by the end of October 2009. He asked whether the Commissioners were ready to vote on Phase One of the Plan. Commissioner Wivell voiced concerns he heard from EMS members that a majority of the companies were not in favor of Phase One of the Plan. Commissioner Baker expressed disappointment with the three year delay in hiring and implementation of the plan. Commissioner Aleshire noted that only one ambulance company had expressed concerns to him during previous visits to

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the companies. He felt that taking this direction at the eleventh hour is doing exactly what many folks feared would happen in not seeking any of these positions in the first place. He stated that to expect to change course with millions of dollars of investment and planning that everyone was on board for up until this moment is not an effective way to govern by doing a 180 degree turn every

time opposition arises because of a change in leadership of this Board of the Washington County Volunteer Fire and Rescue Association (WCVFRA.) Commissioners Wivell and Baker felt that the delay of a few weeks was reasonable to ascertain the thoughts of the ambulance companies. Commissioner Kercheval noted recent service results from the first Phase I chase unit in place and the benefits it provided. He urged the Commissioners not to go back on their previous support for the remainder of Phase 1 now that thirteen prospective employees have completed nearly all of an extensive hiring process.

Motion made by Commissioner Kercheval, seconded by Aleshire, to move forward with implementation of Phase One of the Emergency Medical Services Plan. Commissioners Kercheval and Aleshire voted "AYE", and Commissioners Baker and Wivell voted "NO". President Barr "ABSTAINED" from voting, therefore, the motion failed.

County Administrator Greg Murray stated that Staff will conduct further meetings with the Volunteer Fire and Rescue Association to assess the support for Phase One of the Plan.

**PROPERTY ACQUISITION - HALFWAY BOULEVARD/MASSEY BOULEVARD INTERSECTION**

Joe Kuhna, Real Property Administrator, and Rob Slocum, Deputy Director - Capital Projects, appeared before the Commissioners to request approval to enter into option agreements for the purchase of two temporary easements from property owners that are necessary for the continued improvements planned at the Halfway Boulevard/Massey Boulevard intersection. Mr. Kuhna explained that five of the six property owners have agreed to the terms offered by the County and are willing to accept the appraised value. The former Roy Rogers property is still being negotiated. The two properties for consideration at this time are owned by Cedar Shopping Centers (\$114,500.00) and the Pennsylvania Real Estate Investment Trust (PREIT) (\$101,600.00). The Commissioners discussed the project and the seemingly high cost for temporary easements. Mr. Slocum stated that the costs are within the land acquisition budgeted amounts.

Motion made by Commissioner Aleshire, to approve the purchase of easements from properties owned by Cedar-Valley Shopping Centers and PREIT, for the combined total of

\$216,100.00, with funds to be taken from the Capital Improvement Projects Right of Way budget. The motion died for lack of a second. It was the consensus of the Commissioners that Staff further review this matter and determine whether further negotiations between the County and the property owners would be appropriate.

**ACCEPTANCE OF SUBDIVISION ORDINANCE DEDICATION - SHARPSBURG PIKE AND MANOR CHURCH ROAD**

Joe Kuhna, Real Property Administrator, requested formal approval for dedication of a right of way relating to a subdivision that was approved in 1997. He stated that the then current owners dedicated property for a right of way at the corner of Sharpsburg Pike and Manor Church Road as shown on an accepted and recorded plat subject to the formal acceptance of said dedication by the County. The County Attorney's Office recommended a formal vote from the County Commissioners to accept the dedicated property as shown on the recorded plat.

Motion made by Commissioner Wivell, seconded by Baker, to formally accept the dedication of right of way as shown on the plat recorded in 1997 as recommended by Staff, for property located at the corner of the Sharpsburg Pike and Manor Church Road near Fairplay. Unanimously approved.

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**ANNUAL APPROPRIATION FINANCING POLICY, HOTEL RENTAL TAX FUND, FUNDING REQUEST, APPLICATION AND GUIDELINES**

Debra Murray, Finance Director, presented two new policies regarding, 1) Annual Appropriation Financings, and, 2) Hotel Rental Tax Fund - Agency Funding Request - Application and Guidelines. Ms. Murray explained that the Office of Budget and Finance annually reviews financial policies and recommends changes if necessary. She stated that the proposed changes would provide more accountability and standardization to the policies. Ms. Murray reviewed the Annual Appropriation Financings policy and answered questions from the Commissioners. She reviewed the Hotel Rental Tax Fund policy and the Commissioners requested some minor changes and the ability to request detailed expenditure reports from those who receive funding. It was the consensus to have Ms. Murray move forward to incorporate the suggestions made by the Commissioners into

the policies and also place an application form on the County's website to request Hotel Rental Tax Funds.

**WORKSHOP SESSION - ZONING ORDINANCE TEXT AMENDMENT,  
RZ-09-003, OFF-STREET PARKING AND LOADING AREA REQUIREMENTS**

Mike Thompson, Planning Director, and Jill Baker, Senior Planner, appeared before the Commissioners to continue the review of the final language in the proposed Zoning Ordinance text amendments regarding Off-Street Parking regulations. Ms. Baker continued the discussion on Page 7 of the proposed Text Amendment. The Commissioners offered suggestions concerning the proposals and it was the consensus to have the Planning Department incorporate the changes and return at a future date for approval.

**CONVENE IN CLOSED SESSION**

Motion made by Commissioner Baker, seconded by Kercheval, to convene in closed session at 3:37 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; to discuss personnel matters that affect one or more specific individuals; to consider the acquisition of real property for a public purpose and matters directly related thereto, to consult with staff 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. The motion passed with Commissioners Baker, Kercheval and Wivell voting "AYE" and Commissioner Aleshire voting "NO".

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; discussed personnel matters that affect one or more specific individuals; considered the acquisition of real property for a public purpose and matters directly related thereto, consulted with staff 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 F. Wilkinson, Assistant County Attorney; Joe Kroboth, III, Public Works Director; Julie Pippel, Director of Environmental Management; Brian Overcash, Safety Administrator; William Sonnik, Human Resources Director; Gregory Spaulding, Department of Water Quality Deputy Director; Tim Troxell, Economic Development Commission (EDC) Director; Rob Ferree, EDC Deputy Director; Mary Baykan; Robert Coe and Tricia Coe.

**MOTION TO RECESS**

Motion made by Commissioner Kercheval, seconded by Baker, to recess at 5:31 p.m. Unanimously approved.

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**EVENING MEETING - TOWN OF HANCOCK**

The evening session of the regular meeting of the Board of County Commissioners of Washington County, Maryland was called to order at 7:13 p.m. at Hancock Town Hall, 126 West High Street, Hancock, by President John F. Barr with the following members present: Vice President Terry E. Baker and Commissioner William J. Wivell.

(Commissioner Aleshire was absent from the evening session.)

**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 - October 13 and 20, 2009**

Motion made by Commissioner Wivell, seconded by Baker, to approve the minutes of October 13 and 20, 2009 with incorporated changes. Unanimously approved.

**COMMISSIONERS' REPORTS AND COMMENTS**

Commissioner Baker thanked the town for hosting the meeting and stated that he always enjoys visiting the town. He mentioned the recent passing of John Shank, II, son of former County Commissioner John Shank, and asked citizens to keep the family in their prayers. Mr. Baker stated that he attended the Community Action Council (CAC) Board meeting and reported that three new members had been added - Peggy Martin, Penny Nigh and Adriana Walker; that the

Office of Home Energy funding was approved for at least five more years, and that the Maryland Transit Authority had authorized funding for the purchase of several new busses for the Transportation Department.

Commissioner Wivell informed those present that he attended the Department of Social Services' (DSS) meeting where the FY 2011 budget was discussed. DSS has requested the same County funding as last year plus a \$3,000.00 increase for Family Center rent and \$1,000.00 for a Director's salary supplement. He stated that County funding would likely remain flat for the coming year. Commissioner Wivell said that he toured the DSS Family Center and met its new director, Dori York. He announced that DSS received two awards at the Maryland Association of Social Services Boards recent Conference - the Paul Hastings Award for Innovation and Social Services, and recognition from the Governor for the Place Matters Program that provided permanent homes for 34 children through adoption, thereby reducing by 33% the number of children in group homes.

(Commissioner Kercheval arrived at 7:18 p.m.)

Commissioner Kercheval stated that he attended the Barbara Ingram School for the Arts (BISFA) ribbon cutting last week in downtown Hagerstown. He was present at the recent Emergency Services Council meeting held at the new 911 Center that will consolidate emergency services for Fire, Police, EMS and Corrections. He toured the Center, which should be in operation by January 2010.

Commissioner Barr thanked Mayor Dan Murphy and members of the Town Council who were present for hosting the meeting. He reported attending the "Kid's Night Out" at Doub's Woods Park last weekend, which was hosted by the Washington County Recreation and Parks Department. He also was a judge at the Senior Idol Contest sponsored by the Commission on Aging and stated that Washington County has many talented Senior Citizens. The winner will be competing in the statewide contest held in January 2010.

#### **MAYOR'S COMMENTS**

Mayor Dan Murphy commented that Hancock's citizens are hurting due to the employment slowdown, but the town is trying to revitalize the community and held a work day this summer to plant flowerbeds, paint and repair properties, and enhance the rail trail. The citizens are volunteering

and trying to have a positive outlook toward the future. The Mayor noted that town staff is working on absentee ownership and rental property issues. He stated that the town held a trial run Soap Box Derby this summer and will apply for approval of a sanctioned track to hold a

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competition in the future. Mayor Murphy mentioned other events held by the town such as the 62nd Annual Halloween Parade this week, the Barge Bash, C & O Canal Apple Fest and outdoor movie evenings. He stated that he was thankful for the good relationship the town has with the County and mentioned names of council members and town employees who have been assisted by various County Departments and the Sheriff's Department. The Mayor thanked the EDC Department for assistance in providing business leads for the former Fleetwood facility but stated that not much has developed yet.

Mayor Murphy stated that the main issue the town wanted to discuss was the problems and fees encountered with the permitting process. He cited delays that have hampered small businesses from opening, citizens encountering roadblocks, unexpected fees, and complications during the process. He mentioned that the town is considering privatization to overcome some of the problems it has encountered. Town Manager David Smith stated that he contacted Washington County Permits Director Dan DiVito, who has agreed to attend a workshop in the town, where council members and citizens can discuss issues. Mr. DiVito stated that often citizens believe that they are being held up by the Permits Department, when in reality, it may be the Health Department, Fire Inspector, and other state agencies. He noted that the average permit cost is \$93 and that the \$15 tech fee helps to pay for the County's \$89,000.00 yearly IT fee that enables online technology and allows the inspectors to be more efficient.

Mayor Murphy thanked the Commissioners for addressing the town's concerns and he introduced the council members in attendance - Sinclair Hamilton, Tim Smith, and Nigel Dardar. Mr. Hamilton mentioned that the town's Visitor Center will be moved to Main Street and the town's museum will be displaying the Sideling Hill exhibits that were removed during the recent closing of its Visitor Center.

**CITIZENS PARTICIPATION**

There was no one present who wished to comment.

**OTHER BUSINESS:**

**APPOINTMENTS TO COUNTY BOARDS AND COMMISSIONS -  
AGRICULTURAL LAND PRESERVATION ADVISORY BOARD**

Motion made by Commissioner Baker, seconded by Wivell, to appoint Jeremiah Weddle to a first five-year term on the Agricultural Land Preservation Advisory Board, extending to October 30, 2014. Unanimously approved.

**REAPPOINTMENT - HISTORIC DISTRICT COMMISSION**

The Commissioners declined to appoint David Wiles to a third, three-year term on the Commission, citing the two term policy, and requested that the Commission submit a list of three individuals to be recommended for appointment.

**REPORTS FROM COUNTY STAFF**

Sheriff Mullendore mentioned the good working relationship that his Department has with the town and expressed appreciation to the police force for providing assistance when needed.

Permits Director Dan DiVito gave an interim report on the Commissioners' new Economic Stimulus Program which so far has resulted in applications for nine single-family residences, seven additions, three energy permits, and one solar panel installation,. He also knows of one builder who plans to apply for five permits this week. He has heard from builders who have received calls from clients now ready to move forward after learning of the stimulus program. Mr. DiVito noted that Washington County was featured in Builders Magazine for its proactive program to stimulate employment, which reflected positively on the County.

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Director of Environmental Management Julie Pippel reported that the Halfway Inflow and Infiltration project is under way and should be completed by the middle of December 2009.

**COUNTY ADMINISTRATOR'S COMMENTS**

Greg Murray noted that he has received many comments from builders and realtors who have been positively affected by the Commissioners' stimulus program and recordation tax break. He mentioned that the Commissioners would be appearing in Hagerstown's Mummer's Parade this Saturday night. He also congratulated the town for its 62nd annual parade tomorrow night and all the efforts taken to make the town a great place to live.

**ADJOURNMENT**

Motion made by Commissioner Wivell, seconded by Baker, to adjourn the meeting at 8:34 p.m. Unanimously approved.

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County Administrator

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County Attorney

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County Clerk