

Review of Actions Taken in the Washington County

Board of County Commissioners Meeting

July 29, 2003.

OTHER BUSINESS

County Clerk Joni Bittner told the Board of County Commissioners that U.S. Senator Barbara Mikulski will make a visit on August 7th as part of the annual tour of Maryland Counties. Bittner said the Senator requested three issues of importance for discussion on that day. The Board came to consensus on the Airport Runway Extension, the PenMar Land Conveyance, and Local Construction Issues, to include Libraries and Road Improvements.

COMMISSIONERS' REPORTS AND COMMENTS

Commissioner Dori Nipps commented on last weekend's County Employees picnic, and cited the Recreation Department for its good work in coordination of that event. A thank you letter will be sent to the department.

Commissioner Jim Kercheval told the Board that the Black Rock Golf Course Board has implemented a number of discount programs at the course designed to boost numbers of rounds played. Beginning in August Twilight discounts will begin at Noon Monday through Thursday. Cost of a round will be \$25 including cart rental. On Friday, Saturday and Sunday Twilight will begin at 1:00 p.m. and cost will be \$30.00 including cart rental. The regular rate for Seniors will be \$25, down from \$28.00. Corporate tee sponsorships are being accepted at a cost of \$500 per tee, Kercheval said.

Commissioner Bill Wivell commented on the recent Saving Our Cities Video presentation, and commented on the traffic situation on High Rock Road. Speed reduction devices may be installed there, Wivell said. Commissioner Snook advised the Board to view the road prior to making a determination.

Commissioners' President Greg Snook reported that the Maryland Board of Elections recently announced statewide procurement of new touch-screen voting machines. Washington County's portion of the cost would be \$509,000, to be paid in Fiscal Years 2005 through 2009 at \$85,000.00 per year. That sum is slightly higher than the cost for the paper ballot system currently in use.

GENERAL OBLIGATION AND TAXABLE BOND OBLIGATION REFINANCING/2004 BOND ISSUANCE

Budget and Finance Director Debra Bastian brought this item before the Board. With the current low interest rates, the County can refinance a number of loans and bonds, resulting in significant savings in bond cost. Water and Sewer bonds, Maryland Water Quality (MWQ) Bonds, Maryland Industrial Act Loans, and Industrial Redevelopment Fund Loans are eligible to be refinanced as are the General

Obligation bonds. Interest rates could be cut from a current rate of 7.1% to a below market rate of 1.1%. Bastian said that two methods of "refunding" are available, the issuance of general obligation bonds, and utilization of the state's Water Quality Loan Program. MWQ has given initial approval of refunding all of its bonds that the County requested, over a two-year period in fiscal years '04 and '05. Bastian told the Board that the cost could be as high as \$4 million, but that the overall savings could be \$9 to 11 million. Several budget funds would benefit, and priorities would go to the Sewer Funds, the Pretreatment Fund, the Solid Waste Fund and the General Fund in that order. Some savings could be seen with the Airport Fund as well, Bastian reported. Savings to the Sewer Fund would amount to \$3 million, the Pretreatment Fund would save about \$2.7 million, the Solid Waste Fund about \$2 million, the General Fund about \$2 million, and the Airport fund about \$500,000.00. MWQ funds are available to all Maryland Counties, but many do not want to take on the additional paperwork, Bastian said. MWQ requires counties to furnish all original documentation in order to take advantage of the refinancing. Bastian told the Board that paperwork from recent transactions is contained within the PeopleSoft budget and finance software system. Department of Water Quality Director Greg Murray told the Board that records from the old Sanitary District have been maintained and would also be available. The state has also sent approval for increasing the loan amount for the landfill capping project. Landfill projects would be benefited through a plan to use \$10.2 million in MWQ funds for the capping project, freeing up \$2.8 million in cash assets and \$2.5 million in bonds for the Cell #3 construction project there. Net result would be a reduction in the amount of borrowing necessary for the landfill construction, down from \$9 million to \$6.5 million in FY '04. Bastian cited MWQ Director Steve Krause and his staff for providing assistance with the refinancing and said an overall savings of 28.5% could be realized through the MWQ loan refinance. The Fiscal Year bond issuance will take place in September of this year, Bastian said, and the lives of the loans and bonds would not be increased. The Board reached a consensus to go forward with the project.

CELLULAR TELEPHONE POLICY

County Purchasing Agent Karen Luther brought this policy update before the Board. All county policies are in the process of review and update. The new policy updates the current measure adopted in 1995. Since that time, much has changed regarding cell phones and their use. Responsibility for oversight for employee issue and usage of cell phones would be at the Department or Division Head level, and an employee would have to justify his or her need to use a cell phone. That management level would also determine unauthorized usage and enforce reimbursement to the County at a rate of 30 cents per minute. The policy also addresses safety issues regarding use of the phones. Violations of the policy could result in disciplinary action, Luther told the Board. Commissioner Munson requested adding a measure that would prohibit use of the phones while employees are driving, but the remainder of the Board did not express interest. The plan would be reviewed for cost savings annually, confidential information regarding law enforcement investigations would be protected, and the policy would undergo a 6-month review to measure financial impact. The measure was approved by a 4-1 vote with Commissioner Munson voting "no".

BID AWARD: DEPARTMENT OF WATER QUALITY GENERATOR SETS

County Buyer Vicky McKenzie and Department of Water Quality Maintenance Director Rocky Bishop brought this request, for approval of a bid to the low responsive, responsible bidder for Emergency Generators. McKenzie told the Board that Fidelity Engineering Corporation of Sparks, Maryland offered a bid of \$48,666 for one 187.5 kilovolt per hour generator for the Village Square pump station and one 225 kilovolt per hour generator for the Maugansville pump station. Both projects are included in the current fiscal year Capital Improvement Project. Bishop told the Board that the units have a 20-year life span, and are required as usage of the system increases. The bid was approved by unanimous vote.

CITIZENS PARTICIPATION

Each week the Board of County Commissioners sets aside time to hear from the Citizens of Washington County on matters of community interest. No one appeared to make comment on this date.

OTHER BUSINESS

County Attorney Issues: Assistant County Attorney John Martirano requested approval of a Memorandum of Agreement between the Federal Aviation Administration and the County for Airport Navigational Aid design and construction. The \$1.1 million project is part of the Capital Improvement budget for the expansion of Runway 9-27 at Hagerstown Regional Airport. The measure was approved by unanimous vote.

Appointments to Boards and Commissions: County Clerk Joni Bittner requested approval of appointments to the Mental Health Advisory Committee. The names of Wiley Rutledge, Ethel Nemcek, Fay Kilmer-Smith, Daniel Dwyer, Jennie Jones-Geis and Jerry Thomas were submitted for appointment. The measures were approved by unanimous vote.

ADEQUATE PUBLIC FACILITY ORDINANCE TESTING FOR SCHOOL CAPACITY

Planning and Community Development Director Bob Arch brought this issue before the Board. Arch requested consideration of a revised approach to Adequate Public Facility Ordinance (APFO) testing for School Adequacy. Arch told the Board that the current method is limited to a comparison of existing student population to school capacity, ignoring the number of students impacting the system as the result of development plans currently in the approval process, or those already approved but not yet built. Student population generated by resale of property is also discounted, Arch said. Other counties' methods have been researched by staff, and an alternate method developed that could be applied outside the municipal areas. Arch discussed a system of classification in which schools would be judged

to have Adequate capacity, Marginally Adequate status or Inadequate status depending on enrollment factors and pending nearby development. The measurements would be taken monthly by the School District and reviewed by Planning. In areas classified as Inadequate, permits could be limited and no new projects accepted for review until school capacity was improved. Developers in such areas would be required to execute agreements with the County that would provide for payments to help construct classroom space for the numbers of students expected to be added to the School District. Commissioners' President Snook called for review by the Board, by the Homebuilders' Association and the County Attorney's Office prior to any changes being made.

GAMING COMMISSION BYLAWS

County Attorney Richard Douglas and Gaming Director Daniel Divito brought this request, to adopt Bylaws for the Gaming Commission, before the Board. The regulations would provide for internal governance of the Commission, similar to other County Boards and Commissions. Membership for the Commission is set by the County, local associations involved in gaming activities, and both houses of the Local Delegation to the Maryland General Assembly. The Commission was set up in 1995, but bylaws were never put into place. Discussion centered on a date for the group's Annual Meeting and potential conflict of interest issues. Divito told the Board that 125 applications were submitted by nonprofit organizations for the latest round of funding, which will take place in August. \$1.3 million will be distributed to those organizations, with \$1.4 million going to the Fire and Rescue companies. The Bylaws, as amended, were approved by unanimous vote, pending review and adoption by the Gaming Commission.

MARYLAND CEASE FIRE COUNCIL GRANT RENEWAL

Washington County Sheriff Charles Mades brought this request before the Board for renewal of the "Maryland Cease Fire Council" grant for an Investigator/Property Clerk, a civilian position within the Sheriff's Department. The original grant was awarded in June of last year for \$34,180.00. The grant request for FY 2004 was awarded \$34,600 for salary and fringe benefits plus \$200 in operating expenses. Mades told the Board that the state has cut the grant to \$25,950, and would propose to keep the same employee in place, but cut back on hours of operation of the program. The position disposes of seized shotguns and handguns. 71 of 172 firearms housed in the Department's property room were disposed from June 2002 through May 2003, 6 firearms were identified as crime guns, and 33 investigations are in progress. 17 firearms are slated to be destroyed, 4 long guns will be sold, 16 are eligible to be returned to qualified individuals and 21 are being held as evidence or as part of on-going investigations, Mades said. Handguns are melted down, while shotguns are usually taken to auction. No local matching funds are involved in the position, Mades said, and the measure was approved by unanimous vote.

RIGHT TO FARM ORDINANCE WORKSHOP

Assistant County Attorney John Martirano and Agricultural Preservation Administrator Eric Seifarth brought this discussion to the Board. Representatives of the Health Department, the County Agricultural Preservation Board and the Farm Bureau were in attendance. The County has been granted authority to adopt an ordinance or other regulations to protect a person's right to farm or engage in agricultural or forestry operations. A draft of the rule says that the Board believes that protection of this right is in the best interests of county citizens. The Ordinance would also add to the ability to efficiently regulate land use in the county. The general purpose of the Ordinance is to promote Agricultural operations and preservation and improvement of ag lands. The Ordinance would promote a more clear understanding between farmers and their non-agricultural neighbors, Martirano said. Complaints are often driven by odors, dust or farm vehicle use of the highways. The rule would limit a right to private action against an agricultural enterprise if the farm or business was in operating in accordance with accepted agricultural management practices. Notification of the right to farm would be included in transfer tax documents. The Ordinance also creates an "Agricultural Reconciliation Committee" for the County to arbitrate and mediate disputes involving ag operations. Makeup of the committee was discussed, with the farming community objecting to membership from the Maryland Municipal League and the County Association of Realtors. Commissioners' President Greg Snook told the group that the Ordinance, originally proposed in 1999, is being brought back to the forefront, and all the stakeholders should work out issues prior to taking the regulation to Public Hearing. A meeting between farm interests and Health Department representatives will take place within the next two weeks. The Public Hearing was tentatively scheduled for September 30th, at a County Commissioners' evening meeting.