

Review of Actions Taken in the Washington County

Board of County Commissioners Meeting

August 19, 2003.

INTRODUCTION OF NEW EMPLOYEES

Acting Human Resources Director Dee Hawbaker introduced Bonnie Keltner to the Board as the new Office Associate III in the Department of Emergency Services.

COMMISSIONERS' REPORTS AND COMMENTS

Commissioner Dori Nipps reported on a meeting of the Historic District Commission. The Leitersburg historic area was approved as a historic district and can proceed towards state and federal recognition, Nipps said. The Maryland Association of Counties' conference showed that the years spent on the School Board were valuable in developing communication strategies between government entities. Nipps called the meetings helpful in terms of interaction with elected officials from other Counties and with officials of State Government.

Commissioner Bill Wivell said that state law regulating Program Open Space requires that appraised values of properties transferred as part of the conversion process be equal. The parcel traded for the Ditto Knolls property was not appraised as highly, and a differential will have to be paid to the state. That difference will come from savings in last fiscal year's Commissioners' contingency fund. A motion to approve the transfer passed by unanimous vote. The property on French Lane has a possible purchaser, Wivell said, but details on a proposed greenway are needed from the Planning Department before such a sale could take place.

Commissioner Jim Kercheval reported on an Eagle Scout ceremony last weekend, on the Cityfest and the National Corvette Club convention held in Hagerstown, both of which were boons to the Tourism industry. The Planning Commission reviewed 12 different zoning requests during its meeting this week. Kercheval said.

Commissioners' President Greg Snook told the Board that form letters are being received from persons in opposition to a proposed truck fueling facility in the Maugansville area. Snook said that a site plan for such a facility has not been submitted to Planning, and that there would be major roadway issues with the State of Pennsylvania should such a facility reach the planning stage. The Disabled American Veterans have informed the Commissioners of a new memorial dedication to take place on October 4th at 11 a.m., Snook said. The Tri-Country Council met recently and discussed cuts in state funding. That group is progressing with plans for a revolving loan program for the three counties, Snook reported. A request by officials of the St. James School for abatement of sewer hookup fees has been received. The

fees would amount to \$80,000.00, and St. James wants to have them waived, or to enter into a long-term prorating agreement. The Water Quality Advisory Commission should review this request and make comment to the Board, Snook said.

LOCAL MANAGEMENT BOARD/COMMUNITY PARTNERSHIP: AWARD OF COMMUNITY MOBILIZATION FUNDS

Tom Kline, Community Mobilization Liaison with the Washington County Community Partnership (WCCP) brought this item before the Board for approval. The Community Mobilization Funds are state monies from the Maryland Subcabinet for Children, Youth and Families made available through the WCCP, which provides oversight on how the funds are expended, and how the grantee meets the grant requirements and stipulations. A total of \$8,000 is available through the Community Development Funds for projects to take place outside the designated HotSpot area. Funding is available for the period from September 1, 2003 to June 30, 2004, contingent upon continued availability of state funds. Organizations responding to the Call for Concept could request the full award or any portion of that award. The WCCP/Local Management Board approved awarding \$5,500.00 to the Boys and Girls Club of Washington County for an outreach program at Cascade Elementary School. Components of the program would include homework assistance, social recreation, cultural diversity education and a lifeskills curriculum, serving a minimum of 100 students. The program would require a minimum of 312 hours of social skill and diversity training, and be offered Monday through Thursday from 2 p.m. until 7 p.m. The funds supplement \$25,000 in Juvenile Justice funds and allow for the addition of the social and diversity curricula. The Washington County Interdenominational Youth Partnership (WCIYP) was recommended to receive \$2,500.00 to strengthen collaboration of area church leaders in addressing problems and issues concerning children and youth in the County. A program titled "Reality Encounter" would take place during the coming winter months and address issues such as divorce, violence, substance abuse, interpersonal relationships and other issues. WCIYP would sustain future outreach programs. The measures were approved by unanimous vote

PUBLIC HEARING: AMENDMENTS TO THE TIP JAR REGULATIONS

Washington County Gaming Office Director Dan DiVito brought these amendments to the Tip Jar Regulations before the Board for Public Hearing. The changes would preserve the intent of statutory prohibition against wholesaler's licenses being held by tip jar operators by expanding the class of persons excluded from holding a wholesaler's license to controlled entities and members of their immediate families; preserve the intent of not allowing a wholesaler's license to be held by an entity owned largely by tip jar operators; require seal cards to be imprinted with the manufacturer's serial number; change the name of the regulations to more clearly reflect their purpose, clarify that the Gaming Office is directed by the Board of County Commissioners, and update statutory references to the gaming law. Gaming Commission Chair Orlyn Ostereich representing the Washington County Club Association recommended that the tip jar users and wholesalers be kept separate as outlined in

amendment #5. Lou Thomas, President of the Washington County Restaurant and Beverage Association and Attorney Jay Schwartz raised questions as to the County's ability to modify the regulations under the state statute which created the Gaming Commission. A question as to the Fire and Rescue Association's ability to act as Wholesaler and Retailer was raised. A letter from Delegate John Donoghue dealing with the original intent of the regulations was presented to the Board. Tom Altman representing Clear Spring Fire and Rescue companies stated that Donoghue was not a member of the legislature in 1995 when the regulations were passed, and asked that the regulations not be watered down, or loopholes created in record-keeping requirements. Jason Baer, President of the Washington County Volunteer Fire and Rescue Association told the Board that a difference exists between the funds mandated by the state for Fire-Rescue operations which come from tip jars, and those donated to charities by clubs. John Glaser of Hagerstown, a Wholesaler, said that the Gaming Commission was a model agency and recommended no changes at this time. Commissioners' President Greg Snook thanked the commenters and said that the written record will remain open for five working days to allow for further citizen comment. Comments should be addressed to Board of County Commissioners, Room 226, 100 West Washington Street, Hagerstown, Maryland 21740.

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.

Jim Laird, representing the CPWC spoke in favor of proposed Engineering Review Fees. The increasing costs associated with growth and development in the County should not be shouldered by taxpayers, Laird said, but should be borne by developers and homebuyers.

Bob Darby of Hagerstown commented on safety issues involving highway intersections, railroad crossings, bicycle lanes and waterways within Washington County.

Carri Gouff of Cascade, representing DSL sports leagues requested Commissioner's action on a potential sublease between that organization and the PenMar Development Corporation regarding reuse of the Fort Ritchie Gymnasium. Commissioners' President Snook said that the sublease is being developed, and an answer could be given next week.

OTHER BUSINESS

County Attorney Issues: Assistant County Attorney John Martirano brought two agreements before the Board dealing with the Hagerstown Regional Airport Funding. The first agreement would accept \$5 million from the Federal Aviation Administration for the Runway 9-27 extension project, the other would accept \$1 million in FAA funds for expansion of the terminal apron at the airport and purchase of snow removal equipment. The measures were approved by unanimous vote.

County Administrator Rod Shoop requested approval of a budget transfer for Sheriff's Department vehicles, from the FY '03 to FY '04 budget in the amount of \$215,000. The measure was approved by unanimous vote. Refilling a Payroll Accounting position in the Department of Budget and Finance at Grade 8, with starting salary of \$25,713 was approved by unanimous vote. A Water Quality Department Plant Operator III position was requested for filling, due to a resignation, at Grade 9 or starting salary of \$27,770. The measure was approved by unanimous vote.

ACTION ON REQUEST TO CLOSE AND ABANDON STARLIPER ROAD AND HART ROAD

Director of Public Works (DPW) Gary Rohrer brought this matter before the Board. On August 5th a public hearing was held on a request from the C&O Canal for the closing of Hart Road and Starlipper Road located in the Four Locks vicinity. The County has not maintained the roads for some time and DPW had no objection to disposing of the properties. Both roads are in the 100-year flood plain and are located on the Prather's Neck oxbow of the Potomac River. Several citizens from the Clear Spring area appeared to comment against the measure, stating that closure of the road would eliminate a popular area for recreation in the County. The public record remained open for 10 days in order to collect written comment from the public. Commissioner Wivell commented on a recent tour of the area with Rohrer, and recommended that the roads not be closed. Wivell cited his opposition to the National Park Service acquiring properties along the C&O Canal, only to have the properties fall into a state of disrepair, and made a motion to deny. That motion was approved by unanimous vote and the roads will remain in the county domain.

APPROVE BYLAWS: LOCAL EMERGENCY PLANNING COMMITTEE

Director of Emergency Services Joe Kroboth brought this request, to approve proposed bylaws for the local Emergency Planning Committee (LEPC), before the Commissioners. The LEPC was formed in 1987 and is comprised of public officials and business and industry leaders. The committee is mandated by the U.S. Environmental Protection Agency, and has the community role of increasing public awareness about hazardous chemicals. The bylaws will allow the LEPC to be eligible for federal grant funding related to educational outreach programs. The measure was approved by unanimous vote.

APPROVE BYLAWS: FIRE AND RESCUE COMMUNICATIONS ADVISORY COMMITTEE

Kroboth also brought this request, for approval of bylaws for the Fire and Rescue Communications Advisory Committee, before the Board. That Committee has been working to streamline the meeting format and to address membership and attendance issues. Changes deal with staggered terms of service and assigns responsibility for nominations to the committee to the President of the Washington County Volunteer Fire and Rescue Association. Kroboth said that the bylaws were last amended in 1991. The measure was approved by unanimous vote.

MEMORANDUM OF UNDERSTANDING: PREPAREDNESS EQUIPMENT PROGRAM GRANT

Kroboth requested authorization to execute a Memorandum of Understanding (MOU) between the Maryland Emergency Management Agency and the County to accept \$277,929.93 in grant funding. These funds are allocated each year to increase safety and capabilities of first responders across Maryland. This is the second of a two-phase allocation, the first came in July and totaled \$117,927.00. The list of equipment to be purchased with the funds was reviewed by a committee including law enforcement, the Volunteer Fire/Rescue Association and the Department of Emergency Services. Personal Protective Equipment such as chemical suits and respirators would be purchased. Kroboth said the goal is for each law enforcement officer in the City and County to have a chemical protective suit as part of gear carried in police cruisers. Half the funds would be available immediately, the other half contingent on the County completing an updated State Homeland Security Assessment and submission of a local jurisdiction Homeland Security Strategy. The Measure was approved by unanimous vote.

CONSTRUCTION BID AWARD: CLOPPER ROAD BRIDGE REHABILITATION

County Chief Engineer Terry McGee brought this request before the Board, to award the low bid for rehabilitation of the Clopper Bridge Road over Antietam Creek to Building Systems of Hagerstown, Inc. in the amount of \$1,084,044.00, on the condition that the State Highway Administration give concurrence. McGee said this is a Concrete Arch Bridge built in 1906, and that the replacement steel and concrete bridge will be configured to look like a stone arch bridge, to match others over Antietam Creek, in accord with citizen input gathered in public meetings held in the late 90's. A Federal Aid bridge project, the work involves replacement of Clopper Road Bridge over the creek and construction of approach roadways. Grading, storm drainage, hot mix asphalt pavement, removal of the existing bridge, new bridge construction and traffic control is included. The contract is for 350 calendar days and provides for \$500.00 per day damages for each day of project overrun. The projected notice to proceed would be September 8th with anticipated completion date of August 24, 2004. The cost would be paid by 80% federal funding of \$1.42 million and 20% County funding of \$364,160.00. McGee told the Board that the bridge is structurally unsound, and a change in alignment will be needed to alleviate a sharp right-hand turn at one end. Commissioner Nipps told the Board that School Buses routinely hit that bridge while attempting to negotiate the turn. The measure was approved with 4 votes; Commissioner Kercheval abstaining for business reasons.

BROADFORDING ROAD BRIDGE UPDATE

Public Works Director Rohrer and McGee told the Board that the contractor has only performed about 10% of the work expected at that site and is more than 50% into the project time. A letter has been sent to the surety company giving notification of the possibility of contract termination. The contractor has

not provided a construction schedule, McGee said. Rohrer told the Board that the alternative to cancellation is to contact an officer in the surety company and set up a mediation in an attempt to salvage the contract. Difficulties are compounded due to the fact that the project is federally funded. Commissioner's President Snook asked that a mediation meeting be arranged as soon as possible.

The Board toured GESAC, INC. of Boonsboro during the afternoon.