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**BOARD OF COUNTY COMMISSIONERS  
OF WASHINGTON COUNTY, MARYLAND**

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John F. Barr, *President*  
Terry L. Baker, *Vice-President*  
Kristin B. Aleshire  
James F. Kercheval  
William J. Wivell

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**FOR IMMEDIATE RELEASE**

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**NEWS  
RELEASE**

Review of Actions Taken in the Washington County  
Board of County Commissioners Meeting  
Tuesday, July 8, 2008

**THE BOARD ATTENDED THE ANNUAL WASHINGTON COUNTY SOIL  
CONSERVATION DISTRICT AWARDS CEREMONY AT THE BREAKFAST HOUR**

The Washington County Soil Conservation District (WCSCD) presented award plaques and Commissioners presented award certificates to each winner., selected for commitment to soil and water conservation through installation and maintenance of best management practices on their farm operations. The Outstanding Conservation Farmer award was presented to the Avondale Farms, Harold and Sharon Carbaugh and Sons. The Sustaining Conservation Farmer Award was presented to Creek Bound Farms, James, Bonnie, Jeremiah, Janelle and Jamie Weddle. The Conservation District Employee Awards was presented to Neil Rotruck for work with the Forest Conservation Act Program and Jay Duell and Christopher Herbert for their work with the annual tree seedling sale program.

**COMMISSIONERS' REPORTS AND COMMENTS**

Commissioner Terry Baker commented that mulch has been sold out at the landfill. Commercial users have purchased the entire supply and a method should be worked out to ensure citizens have access to the material before commercial entities. The Solid Waste Board and Division of Environmental Management staff will look into the issue. Baker also reported on coming fund-raising events at the Ag Education Center, presenting awards to the Recreation Department Tennis program participants.

Commissioner Jim Kercheval reported on a meeting of the Local Management Board, which discussed renewal of dental assistance programs at the Heath Department. A Needs Assessment conducted by the LMB is nearly complete and will help target areas for funding, Kercheval said. The Commissioner toured the new Rockland Woods and Pangborn Elementary Schools and commented on how nice the new facilities will be for the students. The Tri-County Council met in Washington County last week and discussed priorities for federal funding in the region. About \$1.3 million could be available for area development projects and \$827,000 for TEA-21 transportation projects, the Commissioner reported. The Planning Commission met Monday and reviewed several

residential developments and commented on the proposed retail development of the Doub Property. The Commissioner thanked all those involved with the Antietam Salute to Independence and commented that the Delegation's invite to legislators and state officials which included a dinner hosted by local business was successful, Kercheval said.

Commissioner Bill Wivell reported that the Department of Social Services Advisory Board held its annual end-of-fiscal-year meeting. At that meeting, the participants thanked the Commissioners for their support in the upcoming FY '09 budget,

Commissioner Kristin Aleshire commented on a recent article that speculated on a large farm tract being used for a federal prison. There is no interest on the part of the U.S. government in that idea. A letter from the Board of Education to the Governor's Office requesting additional funds for County school construction should have been a joint, coordinated effort by both elected bodies, Aleshire said. A letter regarding a flea market at the old Leitersburg Theater parking lot was addressed. Planning staff is looking into the issue. A letter regarding a tour of the Weverton Cliffs suggested that the Commissioners do not care about the beauty of the South County area was in error, Aleshire said, and stated the Commissioners will attend any such event provided adequate notice is provided in advance. A letter from the City of Hagerstown to the Washington County Library was forwarded to the Commissioners. Aleshire stated that the Board provided fiscal support through its budget process for FY '09.

Commissioners' President John Barr discussed recent complaints regarding safety of Harper's Ferry Road area near Sandy Hook due to roads made impassible by river raft/tube vehicles. Barr stated that he made several trips to the area and conferred with citizens, C&O canal officials and the rafting companies regarding the situation and that steps have been taken by the County and by the Parks Service to address the issues. New traffic patterns will direct raft company vehicles, pave parking areas and modify infrastructure on that narrow road. Barr stated that he has ridden the course of the road several times on his motorcycle and that the road is safe if posted speed limits are obeyed. New chip seal mixture is being applied to Broadfording Road in light of recent complaints, Barr said.



#### CERTIFICATE OF MERIT

Commissioners' President John Barr presented a Certificate of Merit to Debbie Peyton of the Human Resources Department, who recently received certification as a Professional in the Society of Human Resources Managers . The certificate cited Peyton's diligence and hard work in achieving the level of professional certification.

#### CITIZENS PARTICIPATION

Each week the Board of County Commissioners sets aside time to hear from citizens of Washington County on matters of importance to the community.

Jack Parkin, a business owner in the East Oak Ridge Drive area commented on the Funkstown bridge project.

#### OTHER BUSINESS

Appointments to Boards and Commissions: County Clerk Joni Bittner brought the names of the officers for the Local Management Board for the year before the Commissioners for approval, per LMB Bylaws. Chair would be Paul Pittman, Vice Chair would be Carolyn Brooks, Secretary would be Mellicent Malcheson and the Treasurer position would be filled by Donna Rudy. The motion to approve was passed by unanimous vote.

County Attorney Issues: Assistant County Attorney Andrew Wilkinson brought the name of Kathy Ballentine to serve on the Salary Study Commission as representative of the Board of Education. The measure was approved by unanimous vote. Westfield's Investors LLC has assigned the School Adequate Public Facilities Ordinance mitigation agreement to Westfield's Developers LLC, Wilkinson said.

Reports From County Staff: Human Resources Director Bill Sonnik presented a request for approval to advertise three positions, Deputy Director of Fire and Emergency Services, an Emergency Communications Specialist at DFES, and the Assistant Section Supervisor at Highways Central section. The requests ere approved by unanimous vote.

County Administrator's Comments: County Administrator Greg Murray commented on the Economic Development Commission's new website and told the

Board that installation of equipment for internet streaming video of the Board meetings is underway.

#### **PRIORITY RANKING FOR MARYLAND AGRICULTURAL LAND PRESERVATION PROGRAM**

The Board of County Commissioners took no action on this request and requested further consideration of equity and contiguity issues. Land Planners Eric Seifarth and Sara Edelman presented this follow-up on the Priority Ranking for Maryland Agricultural Land Preservation Program (MALPP) to the Board. In follow-up to the April 15<sup>th</sup> meeting of the Board, the Agriculture Land Preservation Advisory Board met to discuss suggestions and comments from the Commissioners pertaining to the priority ranking checklist used to determine the order of easement payment through MALPP. After reviewing information from the April Commissioners meeting, as well as e-mail comments from Commissioners Aleshire and Kercheval, the Advisory Board recommended changes to the ranking system. Changes include: Reducing the penalty for property excluded from preservation or developed; Considering that land in terms of actual lots instead of percentages; and Creation of a new category to allow for properties, which are not contiguous to other easements but are greater than 300 acres by themselves or as part of a larger block of 10-year District properties. This category allows 7 additional points. Commissioner Aleshire requested reduction in size of easement blocks and ability for points to be assigned to smaller parcels contiguous to land protected under County, State or Federal statutes. Commissioner Kercheval requested that the percent of lots rather than number of lots be used in ranking properties that have been developed.

#### **SCHOOL MITIGATION: ROSEHILL MANOR**

The Board of County Commissioners took no action on this proposed school mitigation pending additional information from the School Board, the developer and Planning Department staff.. Planning Director Mike Thompson and Attorney Jason Divelbiss presented this request, for approval of a school mitigation proposal for Rosehill Manor development, Dan Ryan Developer. The developer requested approval of a School Mitigation Proposal for a One Hundred and Thirty-two unit single-family development known as Rosehill Manor under Section 9.1 of the Adequate Public Facilities Ordinance. Planning recommended a motion to deny the applicant's proposal because of the existing and proposed enrollment at the elementary school or, in the alternative approve the applicant's proposal to pay \$7,100.00 for school mitigation, to be collected prior to the approval of the final plat(s) in addition to the payment of Excise Tax in an amount of not less than \$13,000.00 per unit, but with a condition that no building permits be issued if enrollment exceeds the present 120% and no more than 25 lots can be recorded per calendar year and instruct the County Attorney to prepare the necessary agreement incorporating these and any other conditions specified by the Board. His proposal to mitigate the elementary school situation is for the payment of a mitigation fee in the amount of \$7,100.00 per dwelling (\$937,200.00 total) as a condition of recording the final plat and to pay the current excise tax, but no less than \$13,000.00 for each single-family dwelling. This would mean that each dwelling would pay a minimum excise tax and mitigation fee of no less than \$20,100.00. Staff disagreed with the process for the payment of the mitigation fee. As proposed, the mitigation fee is to be paid at the

time of the building permit. This is contrary to recent agreements, as staff has recommended that the mitigation fee be paid at the time of the recordation of the final plat(s), as the mitigation and excise tax are two different items. The project must pass the requirements of Adequate Public Facilities Ordinance in order to obtain approval and the mitigation process is part of the APFO. Therefore, it is staff's position that the mitigation fee in the amount of \$937,200.00 should be paid prior to the final approval of the final plat(s) and then the \$13,000.00 or higher excise tax be collected as it is now at the time of the issuance of the building permit.

#### SCHOOL MITIGATION: REGENT PARK

The Board of County Commissioners took no action on this proposed school mitigation pending additional information from the School Board, the developer and Planning Department staff. Planning Director Mike Thompson and Jason Divelbiss, Esq., representing Churchey Group, III, LLC brought this request for approval of a School Mitigation Proposal for a twenty-five unit single-family development known as Regent Park under Section 9.1 of the Adequate Public Facilities Ordinance. Planning recommended a motion to accept the applicant's proposal for school mitigation under the provisions of Section 9.1 of the Adequate Public Facilities Ordinance to pay \$3,743.00 for school mitigation, to be collected prior to the approval of the final plat in addition to the payment of Excise Tax in an amount of not less than \$13,000.00 per unit and instruct the County Attorney to prepare the necessary agreement incorporating any conditions specified by the Board. The proposed twenty-five unit single-family development was submitted in March of this year for approval by the planning department. As this development exceeds five lots, the development is considered a major subdivision and subject to review under the provisions of the Adequate Public Facilities Ordinance. The project is located on Trovinger Mill Road off of Jefferson Boulevard.

#### SCHOOL MITIGATION: REGENT PARK

The Board of County Commissioners took no action on this proposed school mitigation pending additional information from the School Board, the developer and Planning Department staff. Planning Director Mike Thompson and Jason Divelbiss, Esq., representing Antietam Pines, III, LLC presented a request for approval of a School Mitigation Proposal for a twenty-two unit single-family development known as Blooming Meadows under Section 9.1 of the Adequate Public Facilities Ordinance. Planning recommended a motion to accept the applicant's proposal for school mitigation under the provisions of Section 9.1 of the Adequate Public Facilities Ordinance to pay \$3,743.00 per unit for school mitigation, to be collected prior to the approval of the final plat in addition to the payment of Excise Tax in an amount of not less than \$13,000.00 per unit and instruct the County Attorney to prepare the necessary agreement incorporating any conditions specified by the Board. The proposed twenty-two unit single-family development was submitted in June of this year for approval by the planning department. As this development exceeds five lots, the development is considered a major subdivision and subject to review under the provisions of the Adequate Public Facilities Ordinance. The project is located on the west side of Alt. US 40 a half mile south of Cool Hollow Road. The developer proposed to mitigate the high school situation by the payment of a mitigation fee in the amount of \$3,743.00 per dwelling (\$54,054.00 total) as a condition

of recording the final plat and to pay the in effect excise tax, but no less than \$13,000.00 for each single-family dwelling. This would mean that each dwelling would pay an excise tax and mitigation fee of no less than \$16,743.00. Staff's position was that the mitigation fee in the amount of \$54,054.00 should be paid prior to the final approval of the final plat(s) and then the \$13,000.00 or higher excise tax be collected as it is now at the time of the issuance of the building permit.

#### RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION PLAN

The Board approved this plan, with clarification of certain terms by legal staff, by unanimous vote. Sonja Hoover, Economic Development Commission Fiscal/Research Specialist presented this recommendation for adoption of the Washington County, Community Development Block Grant Program Residential Anti-Displacement and Relocation Assistance Plan to the Board. Federal regulations require that all grantees of the Community Development Block Grant ("CDBG") Program must adopt and make public a residential anti-displacement and relocation assistance plan. It is now required that a jurisdiction's plan be current and effective for a three-year period. The Plan is a document that states the County or its designee will comply with all requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 ("URA"), as amended, and the Housing and Community Development Act of 1974 ("HCD Act of 1974"), when any tenant is to be displaced as a result of CDBG financed rehabilitation, acquisition, conversion, or demolition: The County or its designee will replace all occupied, and vacant occupiable, low/moderate-income dwelling units demolished or converted to a use other than as low/moderate-income housing in connection with activities assisted with funds provided under the HCD Act of 1974, as amended. The County or its designee will provide relocation assistance, to each low/moderate-income household displaced by the acquisition or demolition of housing or by the conversion or rehabilitation of low/moderate-income dwelling to another use as a direct result of assisted activities.

#### SCOPE OF WORK: SOLID WASTE MANAGEMENT PLAN REQUEST FOR PROPOSALS

The Board approved this request, with inclusion of provisions for a waste sorting facility, feasibility of using waste energy and enhanced recycling by a vote of 4 yeas and one abstention. Division of Environmental Management (DEM) Director Julie Pippel and DEM Deputy Director of Solid Waste Bob Davenport presented this request to approve the scope of work for and authorization to proceed with advertising the Solid Waste Management Plan Request for Proposals (RFP). At the Commissioner's request, the scope of work from the previous RFP for Residential Solid Waste/Recycling collection was to be expanded to include a comprehensive evaluation of solid waste management in accordance with the 2008 Commissioners' goals. Cost for the project was estimated at \$150,000 with \$76,000 budgeted in the FY '09 CIP. The remaining balance of \$74,000 would be transferred from reserve account. Commissioner Bill Wivell abstained.

#### GRANT AGREEMENT: WEED CONTROL

The Board approved this request by unanimous vote. Lane Heimer, Vegetation Management Specialist and Herb Baker, Weed Control Coordinator presented a request for approval of the annual Grant Agreement between the State of Maryland, Department of Agriculture, and Washington County for the Control and Eradication of Noxious Weeds (Johnsongrass, Shattercane, Thistles and Multiflora Rose). Each year, the County and the Department of Agriculture enter into such a Grant Agreement for the purpose of allocating funds and providing a program for the control and eradication of specific noxious weeds in accordance with Maryland Law. The grant amount may not exceed \$5,000.00.

#### GRANT AWARD: EMERGENCY NUMBERS BOARD/EMERGENCY COMMUNICATIONS

The Board approved accepting this grant by unanimous vote. Bardonna Woods, Director, of the Department of Emergency Communications presented this request, to authorize the Department of Emergency Communications to accept a grant from the Emergency Number System Board (ENSB) in the amount of \$66,891.00 in special project funding for the new Emergency Communications Center. The grant would provide \$57,210.00 for a Security System and Cameras, and \$ 9,681.00 for an Uninterrupted Power Supply System. The ENSB falls under Maryland Department of Public Safety and Correctional Services with a fifteen-member board overseeing activities of the organization. The mission of the board is to manage the “911 fee” assessed on all land-based and cellular connections in Maryland. The current fee in Washington County is \$1.00. The ESNB returns 75 cents to the respective County to cover operational costs and the remaining 25 cents is held in a statewide account and awarded for special projects.

#### GRANT AWARDS: CRIME ANALYST AND SEX OFFENDER PROGRAM

The Board approved accepting these grants by unanimous vote. Sheriff Doug Mullendore presented this request, to accept grants from the Governor’s Office of Crime Control & Prevention for a Crime Analyst position at \$36,733.00 and for a contractual Sex Offender Program in the amount of \$29,500.00. Mullendore told the Board that the Sheriff’s Office (WCSO) has been working closely with the Hagerstown Police Department, Maryland State Police, and the other smaller municipal police agencies to better utilize resources. WCSO has joined forces with Frederick County and Washington County law enforcement agencies to establish a Western Maryland Intelligence Center so that crime analysis and information sharing can identify trends in crime, and gang activity. WCSO has also recently implemented a process that brings our supervisors together to address crime patterns and trends within Washington County and that holds these supervisors accountable for implementing plans to address these problems. A crime analyst position is necessary to perform the analysis on the crime occurring in Washington County in order to identify crime trends and patterns quickly and more efficiently. The Crime Analyst would be the GIS specialist for the Sheriff’s Office and would work very closely with the Crime Analysts from Frederick and Hagerstown to identify regional crime trends as well as those only affecting Washington County. Crime analysis and mapping is a Statewide initiative identified as a priority by Governor Martin

O'Malley. The Sex Offender Program registers all sex offenders in Washington County as required by law. The Sheriff's Office checks on these sex offenders quarterly to insure they are residing at the address they stated on their registration. The Sheriff's Office presently has 177 registered sex offenders and more who register every week. By law, we are required to re-register these individuals every 6 months. It is a very laborious process, but an essential one. The \$29,500 grant from GOCCP allows the Sheriff's Office to use civilian personnel, generally retired police officers, to check on these offenders to insure compliance. The Sheriff's Department would provide \$12,121.00 in benefits for the Crime Analyst position, from unused salaries in the Patrol Division FY 09 budget. In another action, the Sheriff requested approval of a \$15,000 grant for officer overtime to assist with school bus safety. Deputies observe school buses as they run their routes and watch for motorists illegally passing the stopped buses. That grant was also approved by unanimous vote.

#### OTHER BUSINESS

Appointments to Boards and Commissions: County Clerk Joni Bittner brought the name of Drew Bowen before the Board for appointment to the Planning Commission to fill an unexpired term. The measure had been previously discussed in closed session. In open session, the measure was approved by unanimous vote.

Reappointments to Advisory School Design Review Committee of Gary Rohrer (designee of the Director of Public Works), Stan Valentine (Electrical Contractor), James Bryan (Mechanical Contractor), James Nipps (Facilities Manager), Harry Reynolds (General Contractor), George Stone (At-Large), Gary Nally (At-Large), Donna Hanlin (BOE rep), and Rob Rollins (Facilities - BOE rep), also discussed in closed session, were approved in open session.

County Administrator's Comments: County Administrator Greg Murray reminded the Board that on Tuesday July 15<sup>th</sup> a Public Meeting will be held at 5 p.m. at Hagerstown Community College regarding the Doub property annexation and the possibility of Express Approval being granted by the Board of County Commissioners.

#### BID AWARD: REHABILITATION OF EAST OAK RIDGE DRIVE BRIDGE

The Board approved award of this bid on a 2-1 vote with Commissioner Kercheval abstaining. Deputy Director of Public Works Rob Slocum, and Scott Hobbs, Structural Engineer presented this proposal, for conditional award of a Construction Bid for the rehabilitation of East Oak Ridge Drive Bridge over Antietam Creek at Funkstown to the low bidding firm of Building Systems, Inc. of Hagerstown for the amount of \$1,239,627. Because this is a Federal Aid project, conditional award pending State Highway Administration (SHA) concurrence is recommended. Concurrence is typically provided by SHA within four weeks of the bid date. However, recent changes in SHA processing may extend the time required for SHA concurrence. The project was advertised for bid in accordance with Maryland Law. Five bids were received for the project. The project involves the rehabilitation of East Oak Ridge Drive Bridge over Antietam Creek. Work includes reconstruction and repointing of stone masonry, placement of concrete, hot mix asphalt paving, and installation of traffic barriers. All permits have been received and work is in the existing right-of-way. Traffic will be detoured for the duration of the project. Appropriate signs will be posted and road

closure notices will be made approximately 2 weeks prior closing the bridge. Total construction expenses are estimated at \$1,444, 627 to include \$1,239,627 for the proposed bid award, \$100,000 for inspection, \$45,000 for the maximum incentive and \$60,000 for a 5% construction contingency. This is a 150-calendar day contract with an incentive-disincentive provision. The incentive is \$1,500 per calendar day for a maximum of 30 days or \$45,000. The disincentive is \$1,500 per calendar day with no maximum time or value. In addition, liquidated damages in the amount of \$500.00 per calendar day will apply. Thus, a total fee of \$2,000 per day will be assessed every day that the Contractor extends the detour beyond 150 Calendar days. Assuming prompt bid award, the anticipated notice to proceed date will be on or about August 4, 2008, with a final completion date of December 31, 2008. Federal Aid funds at the rate of 80% will amount to \$1,064,500. Commissioners President John Barr was only required to cast a vote if the measure was tied, or if then vote would alter the outcome. Barr, who has been supportive of businesses in the East Oak Ridge Drive area that opposed the project calling for a temporary bridge, stated that after hearing the alternatives he would not vote to stall the project, saying there was no choice but to move ahead. Latest information from independent inspectors indicated that if the bridge were not repaired within 6 months, it could be deemed a hazard to public safety and closed. The bid and resultant construction of a temporary bridge would take that 6 months at a bare minimum, Slocum said, and called that estimate optimistic at best. At least one property owner at the existing bridge emailed the Board in opposition to granting right of way for a temporary bridge. Slocum said that the detours would be minimized and only put into place when the bridge was required to actually be closed. Signage was discussed, with Slocum saying that locations of the businesses affected would be advertised by use of movable electronic traffic signs, and a list of affected business will be posted on the County website. On a related matter, a budget transfer of \$86,000 from the Capital Improvement Projects contingency, to cover a possible shortfall for the project was approved on a 2-1 vote, with Commissioner Kercheval abstaining.

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