



Board of County Commissioners of Washington County, Maryland

Open Session Minutes

August 27, 2024

MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

A moment of silence was observed, followed by the Pledge of Allegiance to the Flag by the full assemblage.

CALL TO ORDER

President John F. Barr called the regular meeting of the Board of County Commissioners of Washington County, Maryland, to order at 9:00 a.m. with the following members present: Vice-President Jeffrey A. Cline, Commissioner Derek Harvey, Commissioner Randall E. Wagner and Commissioner Wayne K. Keefer.

APPROVAL OF MINUTES

Commissioner Cline, seconded by Commissioner Wagner, moved to approve the minutes of August 6, 2024. The motion passed unanimously.

COMMISSIONERS' REPORTS AND COMMENTS

Commissioner Wagner attended the grand opening of Boonsboro Post Office and the Crunch Fitness Gym. He attended the kickoff of Augustoberfest Fest. Commissioner Wagner attended the PIA graduation ceremony. He commented on the need for increasing our staff with the Sheriff's Department.

Commissioner Keefer attended MACo Summer Conference. He attended multiple seminars to include the State Department of Transportation meeting and shared information discussed during the seminars. Commissioner Keefer recognized the upcoming Labor Day Holiday.

Commissioner Harvey attended the Lion's Club event at the Redman's Club. He congratulated the Elder Group for their successful Senior Prom event. Commissioner Harvey commented on youth sports activities. He commented on the passing of Fred Smith and his accomplishments as a Korean War Veteran. Commissioner Harvey commented on the public safety meeting hosted by Senator Paul Corderman. He thanked the Mayor and City Council for their meetings regarding the public safety issue. He commented on the Public Safety meeting, controversy surrounding the recording and shared the recording has been uploaded to the County website.

Commissioner Cline commented on the safety of I-81. He met with Tom Alexander of P.R.O.T.E.C.T. Coordinator for Governor's Office of Crime Prevention. Commissioner Cline attended the PIA Graduation. He attended the Lion's Club kickoff event for Williamsport's Canal Days. He attended the Boonsboro Post Office. Commissioner Cline attended Spud Fest at the Ag Center. He attended Everybody's Day's Concert at Pen Marr. He shared that Jack Meyers will be singing the National Anthem at the Flying Boxcars Game this evening. Commissioner Cline shared the passing of past employee Lew Thomas. He shared the passing of Leanne Mazer Executive Director of the Tri County Council.

Commissioner Barr attended the MACo Summer Conference and commented on the events he attended. He commended the Public Relations and Marketing Department for the booth and thanked

the staff attending the booth. Commissioner Barr commented on the transportation meeting and thanked staff for attending. He attended the Gatekeepers event at St. Mary's. He shared information for a video that he would like to have the Commissioners review regarding inmate release. Commissioner Barr shared this weekend is Labor Day Weekend. He shared upcoming events.

STAFF COMMENTS

Chip Rose, Director of Human Resources, presented the request to approve to advertise the GIS Manager position at a Grade 15, Step 5.

Commissioner Wagner, seconded by Commissioner Harvey, moved to approve to advertise the GIS Manager position as presented. The motion passed (5-0).

Chip Rose, Director of Human Resources, presented the request to approve to over hire three (3) full-time FF/FAO positions in the Department of Emergency Services.

Commissioner Harvey, seconded by Commissioner Wagner, moved to approve to hire three (3) full time FF/FAO position as presented. The motion passed (5-0).

Chip Rose, Director of Human Resources, presented the request to approve to advertise the Senior Grant Manager position at a Grade 13, Step 1.

Commissioner Harvey, seconded by Commissioner Keefer, moved to approve to advertise the Senior Grant Manager position as presented. The motion passed (5-0).

Chip Rose, Director of Human Resources; and Jason Miller, Benefits Manager, shared information regarding the new employee Wellness Program, Wellable.

Andrew Eshelman, Director, Public Works; and Kristin Grossnickle, Administrator Circuit Court, shared the proposed new Circuit Court logo for the courthouse seal.

Jonathan Byrd, Public Relations Coordinator, Public Relations and Marketing shared information regarding the upcoming events to honor Olympic medalist Aaron Brooks.

Dawn Marcus, County Clerk presented the request to approve the appointment of Joshua Miller to serve a first, full, five-year term from October 1, 2024 through September 30, 2029 on the Washington County Agricultural Land Preservation Advisory Board. This is not a paid board.

Commissioner Wagner, seconded by Commissioner Keefer, moved to approve the appointment of Joshua Miller as presented. The motion passed unanimously (5-0).

Dawn Marcus, County Clerk presented the request to approve the reappointment of Suzanne Hayes to serve a first, full, five-year term from October 1, 2024 through September 30, 2029 on the Washington County Agricultural Land Preservation Advisory Board. This is not a paid board.

Commissioner Wagner, seconded by Commissioner Keefer, moved to approve the reappointment of Suzanne Hayes as presented. The motion passed unanimously (5-0).

Zachary Kieffer, County Attorney presented the request to affirm the consensus for a letter of support on behalf of the Maryland Theatre in support of their funding request to the Maryland State Arts Council Capital Grant Program.

Commissioner Cline, seconded by Commissioner Keefer, moved to approve the letter of support as presented. The motion passed unanimously (5-0).

Michelle Gordon, County Administrator attended the Maryland Theater Board meeting. She attended the Retirement Committee meeting. Ms. Gordon attended the Public Safety Meeting with Senator Corderman. She attended the MDOT transportation meeting at the MACo Conference and shared information regarding funding cuts. She thanked the Public Relations staff for their booth at the conference. She commented on the upcoming Labor Day Holiday. She shared the next meeting will be on September 10, 2024.

CITIZEN PARTICIPATION

Shaun Porter

REQUESTS BY ORGANIZATIONS TO BE ADDED TO THE LIST OF NONPROFIT ORGANIZATIONS TO WHICH THE BOARD OF COUNTY COMMISSIONERS MAY CONTRIBUTE FUNDS, PURSUANT TO SECTION 1-108 OF THE CODE OF THE PUBLIC LAWS OF WASHINGTON COUNTY, MARYLAND (THE "1-108 LIST")

President Barr convened a Public Hearing at 10:05 a.m. to obtain public comment for requests by organizations to be added to the list of nonprofit organizations to which the Board of County Commissioners may contribute funds, pursuant to § 1-108 of the Code of the Public Local Laws of Washington County, Maryland (the "1-108 List").

Zachary J. Kieffer, County Attorney presented the Board may approve inclusion of one or more organizations to the 1-108 list or may take the matter under advisement for action at a later date. The following organizations have submitted letters of request to be added to the 1-108 list:

1. Community Foundation of Washington County
2. HMP Training, Inc
3. The Elder Group, LLC

The Public Hearing was opened for public comment:

Stacey Crawford, President/CEO Community Foundation of Washington County shared information regarding their request to be added to the 1-108 list.

Commissioner Harvey requested clarification on the procedures for application to the 1-108 list.

The Public Hearing was closed at 10:12 a.m.

The Public Hearing was opened for Commissioner comments:

There was Commissioner discussion regarding the organizations.

The Commissioners reached a consensus (5-0) to include the three organization to be added to the 1-108 list as presented.

FORGET-ME-NOT MONTHS (SEPTEMBER, OCTOBER, NOVEMBER 2024) PROCLAMATION

Board of County Commissioners presented a Forget-Me-Not proclamation to Douglas Flanigan, Disabled American Veterans Organization.

PUBLIC HEARING TO ADD A LOCAL AMENDMENT TO THE 2021 INTERNATIONAL SWIMMING POOL AND SPA CODE (ISPSC)

President Barr convened a Public Hearing at 10:17 a.m. to obtain public comment for the proposed local amendment of Section 305.1 of the International Swimming Pool and Spa Code.

Greg Cartrette, Director/Code Official, Permits and Inspections; and Rosalinda Pascual, Deputy County Attorney, presented the proposed amendment adds the level of safety that the State and County was trying to accomplish. The provision shall apply to the design of barriers for restricting entry into areas having pools and spas.

The Public Hearing was opened for public comment:
Sean Porter commented on hot tubs and pool spas with locking covers.

The Public Hearing was closed at 10:38 a.m.

The Public Hearing was opened for Commissioner comments:
There was Commissioner and County Administrator discussion regarding clarification on the difference between inground pools and hot tubs/spas.

The Commissioners reached a consensus (5-0) to allow the change for pools, however, to eliminate the request for the change to hot tubs and spas. This request will be amended and brought back in a future open session for further consideration.

COUNTY COMMISSIONERS OF WASHINGTON COUNTY WATER QUALITY BOND, SERIES 2024 (TAX-EXEMPT) AUTHORIZING RESOLUTION

Lindsey A. Rader, Bond Counsel for Washington County; and Kelcee Mace, Chief Financial Officer presented the request to approve the resolution authorizing the County Commissioners of Washington County (the "County") to issue and sell to the Maryland Water Infrastructure Financing Administration ("MWIFA") a general obligation bond in the maximum original principal amount of \$4,488,552.00 (the "Bond") in order to finance or reimburse costs of the project generally referred to as "Smithsburg WwTP – ENR Upgrades" (the "Project") and to enter into a loan agreement with MWIFA.

Commissioner Harvey, seconded by Commissioner Keefer, moved to approve the resolution for the bond as presented. The motion passed unanimously (5-0).

Kelcee Mace presented the request for a budget adjustment in the amount of \$516,382.00 for the bond request.

Commissioner Harvey, seconded by Commissioner Keefer, moved to approve the budget adjustment as presented. The motion passed unanimously (5-0).

CONTRACT AWARD (PUR-1683) WORKERS' COMPENSATION THIRD PARTY ADMINISTRATOR (TPA)

Brian Overcash, Safety Compliance Administrator, Human Resources on behalf of Rick Curry, Director, Purchasing, presented the request to award the contract for Workers' Compensation Third Party Administrator Services to the responsive, responsible proposer, Davies Claims North America, Inc., (formally Johns Eastern Company, Inc.) of Lakewood, FL with the lowest total lump sum fee of \$201,747.00 for FY 2025 (tentatively beginning September 1, 2024) through 2029.

Commissioner Wagner left the meeting at 10:53 a.m.

Commissioner Harvey, seconded by Commissioner Keefer, moved to award the contract for Workers' Compensation Third Party Administrator Services to Davies Claims North America as presented. The motion passed (4-0). Commissioner Wagner was absent.

Commissioner Wagner returned to the meeting at 10:55 a.m.

INTERGOVERNMENTAL COOPERATIVE PURCHASE (INTG- 24-0152) – 2025 FORD EXPLORER AWD FORD POLICE INTERCEPTOR UTILITY VEHICLES FOR THE SHERIFF'S OFFICE

Sheriff Brian Albert, Washington County Sheriff's Office on behalf of Rick Curry, Director, Purchasing, presented the request to authorize by Resolution, the Sheriff's Office to purchase sixteen (16) – 2025 Ford Police Inceptors utility vehicles from Apple Ford of Columbia, MD; cost per vehicle in the amount of \$44,729.00; for the total sum amount of \$715,664.00 and to utilize another jurisdiction's contract (#1B4600226) that was awarded by State of Maryland Department of General Services.

Commissioner Wagner, seconded by Commissioner Keefer, moved to authorize by Resolution the purchase of sixteen (16) – 2025 Ford Police Inceptors utility vehicles from Apple Ford as presented. The motion passed unanimously (5-0).

INTERGOVERNMENTAL COOPERATIVE PURCHASE (INTG-24-0154) ONE (1) NEW 2024 F550 EXTENDED CHASSIS/CAB TRUCK W/ READING UTILITY BODY

Mark Bradshaw, Director, Environmental Management, on behalf of Rick Curry, Director, Purchasing, presented the request to authorize by Resolution, the Department of Water Quality to purchase one (1) new/used 2024 Ford F550 Super Duty chassis/cab with a Reading utility body in the amount of \$111,074.00 from Apple Ford of Columbia, MD and to utilize another jurisdiction's contract (#00004504) that was awarded by Baltimore County, MD Procurement Office to Apple Ford.

Commissioner Wagner, seconded by Commissioner Harvey, moved to authorize by Resolution the purchase of one (1) new/used 2024 Ford F550 Super Duty chassis/cab with a Reading utility body from Apple Ford as presented. The motion passed unanimously (5-0).

FY25 SENIOR CITIZEN ACTIVITIES CENTER OPERATING FUND GRANT – APPROVAL TO ACCEPT AWARDED FUNDING

Richard Lesh, Grant Manager, Grant Management; and Amy Olack, CEO, Washington County Commission on Aging, presented the request to approve the acceptance of funding awarded under the Senior Citizens Activities Center Operating Fund Grant program from the Maryland Department of Aging in the amount of \$51,572.00.

Commissioner Harvey, seconded by Commissioner Wagner, moved to approve funding awarded under the Senior Citizens Activities Center Operating Fund Grant as presented. The motion passed unanimously (5-0).

MARYLAND 9-1-1 BOARD – APPROVAL TO SUBMIT APPLICATION AND ACCEPT AWARDED FUNDING

Alan Matheny, Director, Emergency Management and Communications; Kelly Fisher, Deputy Director, Emergency Communications; and Richard Lesh, Grant Manager, Grant Management, presented the request to approve the submission of a grant application to the Maryland 9-1-1 Board in the amount of \$42,351.50 and accept funding as awarded for Training, Consulting and Quality Assurance Software yearly renewals.

Commissioner Wagner, seconded by Commissioner Keefer, moved to approve the submission of a grant application to the Maryland 9-1-1 Board and accept funding as awarded as presented. The motion passed unanimously (5-0).

Mr. Matheny shared for clarification purposes the request is made by the Division of Emergency Management and Communications and not the Department of Emergency Services.

COMMUNITY ORGANIZATION FUNDING – AVAILABLE FUNDING AND SERVICE PRIORITY AREA ALLOCATIONS

Nicole Phillips, Senior Grant Manager, Office of Grant Management; and Richard Lesh, Grant Manager, Office of Grant Management, presented the request to approve the Community Organization Funding (COF) Service Priority Areas and their respective available funding amounts as presented (or amended). It is the recommendation of the County's Chief Financial Officer and the Office of Grant Management that the amount of funding made available for each respective service priority area.

Michelle Gordon, County Administrator, shared the COF releases applications on November 1, 2024 and they are due on December 4, 2024. She also shared that the funding available was increased last year by \$200,000.00.

The Commissioner reached a consensus to have the COF revisit the percentages and funding request amounts to bring back at a future date.

EMPLOYEE GIVING CAMPAIGN DISCUSSION

Chip Rose, Director, Human Resources, presented the request to approve the United Way as the singular partner for the Employee Giving Campaign and to end the relationship with Creating Healthier Communities (CHC).

Commissioner Keefer, seconded by Commissioner Cline, moved to approve the United Way as the singular partner for the Employee Giving Campaign as presented. The motion passed unanimously (5-0).

THE HOUSING AUTHORITY OF WASHINGTON COUNTY (HAWC) SEEKS APPROVAL OF MORTGAGE ON PARKVIEW KNOLL PROPERTY AND RELEASE OF REVERTER CLAUSE ON SAID PROPERTY'S DEED

Morgan Gower, Executive Director, Housing Authority of Washington County; and Brian Kane, Counsel for Housing Authority of Washington County, presented the request to approve to grant a lien

on the Parkview Knoll property for secured financing purposes; and to approve release of the reverter clause on the deed to the property known as Parkview Knoll.

Commissioner Harvey, seconded by Commissioner Wagner, moved to release the property and allow an office building to be built on the property.

County Attorney, Zachary Kiefer stated the motion needed to expressly the state to allow a lien and mortgage to be placed on the property.

Commissioner Harvey, seconded by Commissioner Wagner, amended the motion to allow a lien and mortgage to be placed on the property as presented. The motion passed unanimously (4-0-1). Commissioner Keefer abstained.

The Commissioners reached a consensus (5-0) to table the request to remove the conveyance restrictions of the prior deed and to allow office building as presented.

CLOSED SESSION

Commissioner Wagner, seconded by Commissioner Harvey, moved to convene in closed session at 11:29 a.m. The motion passed unanimously (5-0).

To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individual.

(1) These topics include the discussion of confidential personnel matters:

- Discussion of filling of open Transit Director position.
- Discussion of hiring forthcoming open project manager position in Water Quality.
- Discussion of hiring recommendation in Division of Emergency Services.
- Discuss discipline and recommended removal of County employee.
- Discussion of applicants/seek consensus to appoint or reappoint individuals to fill open positions on Washington County Gaming Commission, Board of Zoning Appeals, Property Tax Assessments Appeals Board, Ethics Commission, and "Black Rock Golf Board".
- Employee in-person appeal of a county policy.
- Discussion of hiring practices. Topic involves confidential personnel discussion.

(7) To consult with counsel to obtain legal advice on a legal matter.

- Provide legal advice and options to Board regarding proposed legislation.

In closed session, the Commissioners discussed and reached a consensus to:

- Filling of Transit Director Position;
- Hiring of project manager position in Water Quality;
- Hiring recommendation of Division of Emergency Services;
- Discipline and removal of County employee;
- For boards and commissions appointments and reappointments to the Washington County Gaming Commission, Board of Zoning Appeals, Property Tax Assessments Appeals Board, Ethics Commission, and "Black Rock Golf Board";
- Employee appeal of County policy;
- Hiring practices;

- Received legal advice and updates on pending litigation matters for which the County is a party.

Present during closed session at various times were Commissioners John F. Barr, Jeffrey A. Cline, Derek Harvey, Wayne Keefer and Randall E Wagner; Dawn Marcus, County Clerk and Zachary J. Kieffer, County Attorney; Michelle Gordon, County Administrator; Rosalinda Pascual, Deputy County Attorney; Aaron Weiss, Assistant County Attorney; Nicole Phillips, Director, Grant Management; Jill Baker, Director, Planning and Zoning; Andrew Eshleman, Director, Public Works; Chip Rose, Director Human Resources; R. David Hays, Director, Emergency Services; Mark Bradshaw, Director, Environmental Management; Joesph Moss, Deputy Director, Engineering Services; Carroll Braun, Staff Representative AFSCME Maryland; Mike Morrell, Sam Mallory; Kris Lescalleet; and Cole Levine.

RECONVENE IN OPEN SESSION

Commissioner Wagner, seconded by Commissioner Harvey, moved to reconvene in open session at 1:26 p.m. The motion passed unanimously.

ADJOURNMENT

Commissioner Wagner, seconded by Commissioner Cline, moved to adjourn at 1:26 p.m. The motion passed unanimously.



Dawn L. Marcus, *County Clerk*