



Board of County Commissioners of Washington County, Maryland

Open Session Minutes

June 13, 2023

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 9:01 a.m. with the following members present: Vice-President Jeffrey A. Cline, Commissioner Derek Harvey, Commissioner Wayne K. Keefer, and Commissioner Randall E. Wagner.

APPROVAL OF MINUTES

Commissioner Wagner, seconded by Commissioner Keefer, moved to approve the minutes of May 23, 2023. The motion passed unanimously.

COMMISSIONERS' REPORTS AND COMMENTS

Commissioner Keefer welcomed everyone and thanked those listening on television or on YouTube.

Commissioner Wagner welcomed everyone. He attended the Fort Ritchie Museum grand opening event on Friday and thanked Landon Grove and John Krumpotich for their efforts in its establishment. Mrs. Hogan was in attendance in support of the Korean Veterans and Ron Twentey, Korean War Veteran, was also in attendance. Commissioner Wagner attended the Public Safety Awards and thanked our local State Police, City of Hagerstown Police, Sheriff's Deputies and other public safety members who received awards of valor. Commissioner Wagner also attended the grand opening of Sprouts, Plants and Things in Williamsport.

Commissioner Harvey attended his son's last rookie league baseball game in Smithsburg, commending the volunteers who sustain community sports activities and thanking parents and contributors who support the athletes. He attended the Public Safety Awards and commented on the award for the officer involved in the Smithsburg shooting last year. Commissioner Harvey attended the Fort Ritchie Museum event, commented on the impact of the Korean war and the involvement of family members, and thanked Fort Ritchie for the event. Commissioner Harvey commented on the school board budget and the County's lump sum funding. He noted that he spoke with Dr. Sovine who indicated almost 100 new positions were being added. Commissioner Harvey commented on Federal Holidays, additional funding for groups such as the Maryland Symphony Orchestra, and the qualifying criteria used for non-profit group funding. Commissioner Harvey met with the Historical Advisory Committee and one of the key issues was the historic black cemetery in Halfway and the need for County support of it.

Commissioner Cline visited Kemps Mill Park, noting that there were over 300 cars in the parking lot. He attended the Boonsboro American Legion retirement party. Commissioner Cline attended the Fort Ritchie Museum event and commented on the history of the Fort Ritchie Boys and Korean War Veterans. He also attended the Public Safety Awards and noted that everyday there is a miracle happening in the County. Commissioner Cline also attended the opening of Sprouts, Plants and Things.

Commissioner Barr attended the Public Safety Awards and recognized the heroic response of our first responders and thanked Fairplay Fire Department for hosting the breakfast. Friday night he attended the 48th annual Clear Spring Alumni banquet. Saturday night he attended the 50th annual class reunion of Clear Spring High School. Commissioner Barr attended the memorial service for former Mayor of Hagerstown Varner "Pat" Paddock, Sunday afternoon. He also attended the 130th anniversary of Congregation B'nai Abraham Jewish Synagogue. Commissioner Barr also noted upcoming community events.

STAFF COMMENTS

Dawn Marcus, County Clerk, on behalf of the Washington County Commission for Women, requested a motion to approve the appointment of Skyla Heise to serve a first three-year term from June 1, 2023, through May 31, 2026.

Commissioner Wagner, seconded by Commissioner Keefer, moved to appoint Skyla Heise. Commissioner Harvey abstained from the vote. The motion passed 4-0.

Dawn Marcus, on behalf of the Historic District Commission, requested a motion to re-appoint Gregory Smith to serve a second three-year term from July 1, 2023, through June 30, 2026.

Commissioner Keefer, seconded by Commissioner Harvey, moved to re-appoint Gregory Smith. The motion passed unanimously.

Dawn Marcus, on behalf of the Historic District Commission, requested a motion to re-appoint Michael Lushbaugh to serve a second three-year term from July 1, 2023, through June 30, 2026.

Commissioner Harvey, seconded by Commissioner Keefer, moved to re-appoint Gregory Smith. The motion passed unanimously.

Dawn Marcus, on behalf of the Historic District Commission, requested a motion to appoint Justin Bedard to serve an unfilled term through July 31, 2024.

Commissioner Wagner, seconded by Commissioner Harvey, moved to appoint Justin Bedard. The motion passed unanimously.

Kendall Desaulniers, Deputy County Attorney and Interim Human Resources Director, presented the recommendation to hire John Jerwick as Structural Engineer at Grade 15, Step 1 with an annual salary of \$67,288.00.

Commissioner Wagner, seconded by Commissioner Keefer, moved to approve the appointment. The motion passed unanimously.

Ms. Desaulniers presented the recommendation to appoint Michelle Gordon as Acting County Administrator effective as of June 7, 2023, and requested approval for Kelce Mace to be named Interim Chief Financial Officer.

Commissioner Harvey, seconded by Commissioner Wagner, moved to approve the appointments as presented. The motion passed unanimously.

Michelle Gordon, Acting County Administrator attended the Fort Ritchie Museum event on Friday. On Monday, she met with the Greater Hagerstown Committee to discuss transportation issues. She will be meeting with department heads, local leaders, elected officials and town officials individually. Michelle Gordon commented on the state legalization of recreational Cannabis and noted that the change does not limit or prohibit employer drug-free workplace policies.

Michelle Gordon requested a consensus for a letter of support for Maryland Rural Development Corporation, requesting continued funding at the state level. The consensus was unanimous in favor of the letter of support.

Nicole Phillips, Grant Manager, Office of Grant Management, on behalf of the Local Management Board, requested a motion to accept the recommendation to appoint Jean Carroll-Keyes to fill a partial term vacancy through June 30, 2026, and serve a first three-year term from July 1, 2023, through June 30, 2026.

Commissioner Harvey, seconded by Commissioner Cline, moved to re-appoint Gregory Smith. The motion passed unanimously.

CITIZEN PARTICIPATION

None

FY23 BUDGET ADJUSTMENTS TO THE WASHINGTON COUNTY BOARD OF EDUCATION'S GENERAL FUND BUDGET

Jeffrey Proulx, Chief Operating Officer, Washington County Public Schools; David Brandenburg, Executive Officer of Finance, Washington County Public Schools, requested approval of the adjustments to the Board of Education's FY2023 General Fund Budget.

Commissioner Wagner, seconded by Commissioner Cline, moved to approve the adjustment as presented. The motion passed unanimously.

AMENDMENT TO T-MOBILE ANTENNA LEASE

Mark Bradshaw, Director, Environmental Management requested approval of the First Amendment to the Antenna Mounting Space Lease on the Sharpsburg water storage tank, which would provide for the temporary installation of a microwave dish.

Commissioner Wagner, seconded by Commissioner Keefer, moved to approve the Amendment as presented. The motion passed unanimously.

PUBLIC HEARING – APPALACHIAN NATIONAL SCENIC TRAIL MARYLAND SEGMENT NATIONAL REGISTER NOMINATION

President Barr convened a public hearing at 9:35 a.m. to obtain public comment regarding the request to include the Maryland segment of the Appalachian National Scenic Trail on the National Register. President Barr reviewed the procedures for the hearing.

Jill Baker Director and Meghan Jenkins, GIS Coordinator, Planning and Zoning Staff presented the recommendation for National Park Listing for the Appalachian National Scenic Trail. The trail is located mostly on federal land; on private and public land the trail narrows to four feet. Various hiking clubs maintain the trail. Nomination for the National Park Listing was done on behalf of the Federal Government. Ms. Baker moved to request concurrence with the Historic District Commission's recommendation on the eligibility of the Appalachian National Scenic Trail Maryland Segment National Register Nomination.

The public hearing was opened for citizen comment, to which no citizens responded.

The public hearing was then closed.

Commissioner Wagner commented on concern for the property owners. Ms. Jenkins responded that thirty-four letters were sent out to property owners and no objections were received. The legal requirements for communicating the hearing to the public were satisfied.

Commissioner Wagner, seconded by Commissioner Harvey, moved to approve the request for concurrence with the nomination as presented. The motion passed unanimously.

REQUEST FOR QUOTATION AWARD (Q-23-749) RETENTION POND MOWING SERVICES

Rick Curry, Director, Purchasing, and John Swauger, Stormwater Management, Environmental Management, requested award of Retention Pond Mowing Services to the responsible, responsive bidder, Diamond Lawn & Landscape, of Hagerstown, MD, who submitted the lowest total sum price in the amount of \$10,050.00.

Commissioner Harvey, seconded by Commissioner Keefer, moved to award the bid as presented. The motion passed unanimously.

CONTRACT AWARD (PUR-1612) PHYSICAL EXAMINATION SERVICES

Brandi Naugle, Buyer, Purchasing; Tracy McCammon, Risk Management Coordinator, Human Resources, requested award of a contract for physical examination services and various services to be performed on employees and candidates for County employment vacancies and for Washington County Volunteer Fire & Rescue Association of Maryland, Inc. personnel, to the responsive, responsible sole proposer, Health@Work of Hagerstown, MD (incumbent), for its total sum proposal dated May 5, 2023, of \$417,157.40 per year based upon estimated quantities (no guaranteed min/max) at per its unit prices for the indicated services.

Commissioner Wagner, seconded by Commissioner Cline, moved to award the bid as presented. The motion passed unanimously.

BID AWARD (PUR-1620) DUMPSTER SERVICES AT CONOCOCHIEAGUE WWTP AND CLEAN COUNTY

Brandi Naugle, Buyer, Purchasing, and Mark Bradshaw, Director, Environmental Management, requested award of a contract for the Dumpster Services at Conococheague WwTP and Clean County

to the responsible, responsive bidder BFI Waste Services, LLC dba Republic Services of Hagerstown, MD, for the total amount of \$60,024.00.

Commissioner Harvey, seconded by Commissioner Wagner, moved to award the bid as presented. The motion passed unanimously.

FY 2024 PROGRAM OPEN SPACES ANNUAL PROGRAM

Andrew Eshleman, Director, Public Works, seeks approval of the Annual FY 2024 Program Open Space (POS) project list as presented and recommended by the Washington County Recreation and Parks Advisory Board.

Commissioner Cline, seconded by Commissioner Wagner, moved to approve the project list, as presented. The motion passed unanimously.

PUBLIC HEARING - AGRICULTURAL PRESERVATION EASEMENT RANKINGS FY2024

President Barr convened a public hearing at 10:05 a.m. to obtain public comment regarding the Agricultural Preservation Easement rankings FY2024. President Barr reviewed the procedures for the hearing.

Chris Boggs, Rural Preservation Administrator, Planning and Zoning, and Jill Baker, Director, Planning and Zoning, described the process used to evaluate and rank applications for participation in the agricultural preservation easement program. Applications are graded based on a criteria recommended by the Ag Board and approved by the Commissioners. This year there are 20 applications. The rankings are presented to the Board for its approval, following public hearing. Staff also noted that the Agriculture Board voted to recommend a change to the ranking formula based on a property's distance from the Urban Growth Area. The change would require approval by the Commissioners and the state.

The public hearing was opened for citizen comment, to which no citizens responded.

The Commissioners then discussed the matter.

Commissioner Harvey requested the Ag Board vote. Mr. Boggs commented it was unanimous 4 – 0. Commissioner Harvey addressed concerns that had been raised by staff and believes that the threat to the County's rural character primarily exists in areas closer to the growth boundaries.

Commissioner Wagner remarked that he was on the Ag Board for four years and stated his belief that any changes in the ranking criteria should apply prospectively to next year's applications.

Commissioner Keefer stated that he is in full support of the Ag Board's recommendation, noting that the County should be preserving land that is most at risk. Commissioner Keefer would like to see how other counties are handling this issue. He commented that using methods like this is good for Washington County long term and supports what the Ag are trying to accomplish.

Commissioner Harvey made a motion to approve the Ag Board's new criteria to take effect in one year. Commissioner Wagner seconded the motion. Further discussion followed.

Commissioner Cline inquired as to whether the new criteria had to be approved by the state, to which Mr. Boggs responded in the affirmative, and recommended that the proposed changes be the subject of a public hearing.

The rankings were distributed and the public hearing was closed.

Commissioner Harvey restated his motion to approve the rankings based on currently-approved criteria as presented and to bring the Ag Board's recommended ranking changes to a public hearing in the near future for consideration of adoption and use with the next round of applications. Commissioner Wagner restated his second of the motion. The motion passed unanimously.

MARYLAND DRAFT BUILDING ENERGY PERFORMANCE STANDARDS

Andrew Eshleman, Director, Public Works, presented information regarding the Maryland the Climate Solutions Now Act of 2022 which requires the Maryland Department of the Environment (MDE) to develop Building Energy Performance Standards. The first benchmarks are due in 2025. Public Works will provide a listing of the buildings which will be affected by the Act. Buildings listed on the National Registry of Historic Buildings will be exempt. Large buildings of concern are the Sheriff's Office and Detention Center.

2023 – 2024 CASUALTY INSURANCE RENEWAL

Tracy McCammon, Risk Management Coordinator, Human Resources, and Patrick Buck, CBIZ Insurance Services, presented renewal options for the liability policies with Travelers Insurance Company and the airport liability policy with AIG. The total renewal is a 3.1% increase in premium over the last year's actuals.

Commissioner Wagner, seconded by Commissioner Harvey, moved to renew the policies as presented. The motion passed unanimously.

CLOSED SESSION

Commissioner Wagner, seconded by Commissioner Harvey, moved to convene in closed at 11:04 a.m. 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 individuals; to consult with counsel regarding a contractual matter and to obtain legal advice on a legal matter in accordance with Section 3-305(b) (1), (7) and (9) of the General Provisions Article of the Annotated Code of Maryland. The motion passed unanimously.

In closed session, the Commissioners discussed, personnel matters, assignments, and vacancies, a contractual matter, and legal matters.

Present during closed session were Commissioners John F. Barr, Jeffrey A. Cline, Derek Harvey, Wayne K. Keefer, and Randall E Wagner. Also present was Dawn Marcus, County Clerk; Kirk C. Downey, County Attorney; Michelle Gordon, County Administrator; Kendall Desaulniers, Deputy County Attorney/Interim Human Resources Director; and Zachary Kieffer, Assistant County Attorney; Also present, for a certain matter, was Brian Albert, Sheriff, Washington County Sheriff's Office.

RECONVENE IN OPEN SESSION

Commissioner Wagner, seconded by Commissioner Keefer, moved to reconvene in open session at 12:53 p.m. The motion passed unanimously.

RECESS

*Evening Meeting at the Town of Boonsboro
Location: Town Annex, 21 North Main Street
Boonsboro, Maryland 21713*

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 evening meeting of the Board of County Commissioners of Washington County, Maryland, to order at 6:00 p.m. with the following members present: Vice-President Jeffrey A. Cline, Commissioner Derek Harvey, Commissioner Wayne K. Keefer, and Commissioner Randall E. Wagner.

TOWN OF BOONSBORO LEADERS' REPORTS AND COMMENTS

Mayor Howard Long thanked everyone for their hard work and support. Mayor Long introduced the new incoming Town Manager, Jared Schumacher who will be taking over on June 21, 2023.

Jared Schumacher thanked the mayor and values having a good relationship with the County and the Commissioners.

Mayor Long commented on the reservoir project and monies that are slated to be received from the Federal Government in 2024. If the reservoir situation deteriorates, they may need to discuss a loan with the County to help them get the project started earlier if the sandbags do not hold up. He commented on permits that were signed today with the County, which will save approximately \$160,000.00 for sludge removal. Mayor Long provided an update on the Chase Six Boulevard project which is currently awaiting State Highway approval. Mayor Long commented on the new Schafer Park well which they will be able to put online in the near future.

Commissioner Harvey inquired as to the output of the well. Mayor Long responded that the well pumps approximately 500 gallons per minute from what they see now, however, this is not a yield test. Commissioner Wagner inquired as to whether the town needed an additional stipend for divers at this time. Mayor Long responded that he did not think that was necessary,

Eric Kitchen, council member, introduced Anthony Nalley, Assistant Mayor, and Terri Hollingshead, council member. He commented on the funds to be received for the reservoir and noted that the Town is carefully watching the reservoir.

Terri Hollingshead also commented on reservoir and provided general awareness to the Commissioners concerning its status.

Commissioner Harvey inquired as to whether there were any sewer or water issues. Mayor Long responded that there are currently no issues.

Mayor Long verified that \$500,000.00 was still available for Chase Six Boulevard as previously approved by the Commissioners. Michelle Gordon, Acting County Administrator, verified the funds are still available.

Commissioner Barr inquired as to how the Chase Six Boulevard project would affect school traffic. Mayor Long responded it will help the traffic immensely and they are hoping to get the project finished as soon as possible.

Commissioner Wagner inquired whether the water situation has stifled development in the area. Mayor Long responded it has not, and in 15 to 20 years, he expects the area to double in size.

COMMISSIONERS' REPORTS AND COMMENTS

Commissioner Wagner is glad that the Commissioners can help and thanked the Town of Boonsboro for hosting the meeting.

Commissioner Cline thanked the Mayor and Town Council and welcomed the new Town Manager. He congratulated Boonsboro for being an Appalachian Trail Community and thanked them for the parade that they had. He attended the flag ceremony at the Boonsboro Legion last Sunday.

Commissioner Keefer welcomed Jared to local government. He shared that his grandfather's family raised honeybees in Boonsboro. Commissioner Keefer wished the town good luck with their projects.

Commissioner Harvey commented on the many events that he and his family have attended in the Town and on its vibrant community. He thanked staff for attending and introduced Michelle Gordon as the Acting County Administrator.

Commissioner Barr commented that Boonsboro was his hometown. He went to school in Boonsboro, met his wife, and married here. He has enjoyed many motorcycle trips, meeting with the Mayors at the Red Bird to have breakfast. Commissioner Barr congratulated Jared as the new incoming Town Manager.

Michelle Gordon, Acting County Administrator commented that she is a lifelong resident of Boonsboro. She welcomed Jared to his new role and looks forward to working with him.

Kirk Downey, County Attorney, welcomed Jared and offered to assist with anything he or the Town may need.

Rich Eichelberger, Director of Construction Permits and Inspections, commented that he is a graduate of Boonsboro High School. He especially enjoys going to Boonsboro. Permits and Inspections is hosting an outreach meeting this Thursday at the Public Service Training Center to talk about permitting processes.

Zane Rowe, Deputy Director Public Works and Highways, noted that the Highway Department will be closing Mousetown Road next Tuesday for culvert and headwall replacement. They are hoping to have it re-opened before school starts.

Doug Levine, Supervisor of Operations, Highways Department, commented that he works bi-weekly with Greg Huntsberry and applauds him for being a great Town employee. He commented that

Andrew, Eshleman, Public Works Director, is working on getting a meeting together regarding Route 67.

Scott Hobbs, Director of Engineering, commented that the site plans for the Slocum project will go to soil conservation for final signatures.

Tom Brown, Director of Emergency Management, thanked the town with their partnership whenever they hold meetings as the Town is always available. He presented that each municipality was involved in hazard mitigation plan update which has been submitted to the state for approval. Once the plan is approved, a resolution will be submitted to the Commissioners and then adopted by the Town to open the door for hazard mitigation grant funding.

Mayor Long commented that Tom and Cody both keep the Town very informed on weather-related issues.

CITIZEN PARTICIPATION

An update was requested on Sandy Hook Road and Harpers Ferry Road. Zane responded that late fall is the expected completion timeframe.

Oley Griffith, Coordinator of Volunteer Services, thanked the Mayor and Town Council for a job well done.

Mayor Long commented they have talked to a developer regarding a brand new fire hall, ambulance company, and police department on the corner of Royer Boulevard near the medical center. Bruce Poole, Esquire, the executor of the Flook property, has designated 6 acres of the property for the Town. Jared will research funding for the project. The building will be named after the Flook family.

ADJOURNMENT

Commissioner, Wagner, seconded by Commissioner Keefer, moved to adjourn at 6:32 p.m. The motion passed unanimously.



Dawn L. Marcus, *County Clerk*