



Board of County Commissioners of Washington County, Maryland

Open Session Minutes

October 10, 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 10:00 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 September 26, 2023. The motion passed 4-0. Commissioner Barr abstained.

COMMISSIONERS' REPORTS AND COMMENTS

Commissioner Wagner attended the Hagerstown Regional Airport Disaster Drill and thanked staff and the volunteers. He attended event for the Detention Center Officers that retired and was taken on a tour of the pods. Commissioner Wagner attended the MDOT meeting at the Public Safety and Training Center they discussed the next phases of the I-81 expansion. He attended the Children's Village event and congratulated them on receiving a Hometown Grant of \$50,000.00 from T-Mobile. Commissioner Wagner attended the Certain Teed ceremony and commented on their addition of 157,000 square feet to enhance shipping on the construction and insulation products. He attended the 104th Annual Chamber of Commerce meeting and commended Paul Frey and his staff. He attended the North High Homecoming and commented on their new football records set.

Commissioner Keefer attended a birthday celebration at the Maryland Theater he commented on attendees from North Carolina who came for the Billy Ocean concert and that it was nice to see the taxpayers investment come to fruition and come full circle.

Commissioner Harvey endorsed Commissioner Wagner's comments. He commented on his career and the Israeli situation, we should all be praying for the people of Israel and concern for the goals of Hamas and the need to exterminate evil. Commissioner Harvey commented on real Women's Day and Women's history month, the need for legislation to protect women and what they contribute and the importance of fighting for the rights of girls and women.

Commissioner Cline commented four years ago today was the groundbreaking for the Maryland Theater and agreed that it was a great investment. October 6, 2013, was the ribbon cutting for the Library another great investment for downtown and Washington County. He recognized employees Mark Bradshaw, Jimmy Hastings and his crew who were on the force main break on route 34 and thanked all county employees who are on service at all times of the day. He attended the Emergency Airport Drill and commented on the first responders training. He attended the retirement ceremony at the Detention Center and congratulated the retirees. Commissioner Cline attended the MDOT meeting and hopes the state will fund the last phase of I-81 with the upcoming legislation. He attended the

Children's Village and thanked the supporters. Commissioner Cline attended the Rural Heritage Museum Apple Festival and recommended visits to the museum. He attended the groundbreaking at Certain Teed for their new facility and thanked with all of their behind-the-scenes support of local charities and non-profits. He attended the 80th anniversary of Sharpsburg Fire Department.

Commissioner Barr commented on his recent travel. He attended the luncheon for the Detention Center retirees thanked them for their many years of service to the community. He attended the MDOT meeting and commented on the rally for support for I-81 and reached out to Governor Moore for his support. Commissioner Barr attended the Dargan Fire Hall breakfast with Commissioner Cline. He commented on the Easter Seals groundbreaking and ribbon cutting on their new facility and on the Go for Bold Healthy Living event Meritus event to lose one million pounds the first-year annual celebration has recorded a loss of one hundred thousand pounds in the first year. Commissioner Barr commented on the upcoming events to include the Comprehensive Plan meeting and the grand opening of Sharpsburg Pike.

STAFF COMMENTS

Michelle Gordon, Acting County Administrator attended the Certain Teed groundbreaking. She attended the 104th annual Chamber Meeting. Ms. Gordon took a tour of the waste-water facilities and was excited to meet with the employees. She attended the Chamber Eggs and Issues where they discussed the Family Time to Care Act and she attended the MDOT transportation tour and thanked staff in Engineering for coordinating the event. She thanked staff in Water Quality and the Airport for addressing issues that arose over the weekends. She attended the Emergency Disaster Drill at the Airport and thanked all of the members and volunteers who attended. She commented on the next Comprehensive Plan meeting. She advised the Commission on changes to the employee prescription plan that will be implemented with a sixty day implementation period; smart logic for anti-diabetics and anti-diabetic therapies for past use the prescription will be dispensed as normal, if no prior use it will require pre-authorization and weight loss-therapies are not covered under our health insurance plan, implement enhancements for rheumatoid arthritis of specialty medications for new users; implement enhanced specialty guidelines for specialty medications for atopic dermatitis.

Kelcee Mace, Interim Chief Financial Officer is seeking approval for a budget adjustment in the amount of \$73,090.00 for the Hagerstown Eastern Panhandle Metropolitan Organization. There has been an increase in the MDOT Planning grant for FY24 of \$65,780.00. It requires a 10% local match of \$7,310.00 which will be drawn from HEPMO's fund balance.

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

CITIZEN PARTICIPATION

Stephanie Phillips aka Schlapo commented on the Harvest Hoe Down in Williamsport, clustered school districts, law enforcement and rotating officers, Red Cross, the Discovery Station and protest on human trafficking and international emergencies.

Mary Heeringa, Washington County Teacher's Association commented on the excess revenue, increasing teacher salaries and teacher duties. She provided statistics regarding teacher salaries, commented on other positions in the schools and commented on prior budget funding and urged a mid-year budget adjustment.

**WASHINGTON COUNTY COMMUNITY COALITION (WCCC): RECAP OF 2023;
REQUEST FOR SUPPORT IN 2024**

Paul Frey, President and CEO, Washington County Chamber of Commerce; Jim Kercheval, Executive Director, Greater Hagerstown Committee presented the request for \$10,000.00 in funding. Since 2005, local leaders from the Washington County Community Coalition (WCCC), an advocacy group, have had a two-fold mission: First, we lobby Annapolis on issues important to Washington County. Second, we educate State leaders and policy makers on the priorities, activities, and strengths of our community. To be successful, the Coalition understands that it must go to Annapolis with “one voice.” To build this consensus, we debate the issues among the Coalition members and select only those on which all of the Coalition partners agree. We then go to Annapolis with a unified message and an increased chance for success. Once the issues are chosen and the agenda is set, the Coalition works with a team of professional lobbyists, led by John Favazza of Manis Canning & Associates. The lobbying team uses our consensus agenda to develop a coordinated plan of action. They commented on prior fundings from WCCC to include the new BMX Park. They discussed shifting liabilities from the state to local governments our lobbyist will be watching this closely.

Commissioner discussion regarding the watch list. The status of phase II of I-81 designs completion and the need for money for phase III and funding for the Route 11 bridge deterioration. Is there a need for a focus group specifically for I-81. Concerns about revenue and priority, and bringing Amazon, the Trucking Firms and Warehouse Companies forward for use of lobbying funds.

Commissioner Cline, seconded by Commissioner Keefer moved to approve the \$10,000.00 in funding from the Commissioners Contingency Fund as presented. The motion passed unanimously.

CHARACTER COUNTS! FUNDING REQUEST AND OCTOBER 2023 PROCLAMATION

Carolyn Brooks, Director, Character Counts! And Colleen beaver, WCPS presented the request for \$3,000.00 in funding for direct expenses associated with the year-end event (Elementary Youth Celebration) from the Commissioners Contingency Fund. They follow the golden rule and promote simple acts of kindness. They have a monthly newsletter that goes out to parents and offer a scholarship. The year-end event celebrates a child from each elementary school that exemplify good character and is held at Hagerstown Community College.

Commissioner, Cline seconded by Commissioner Harvey moved to approve the request for \$3,000.00 in funding to be taken from the Commissioners Contingency Fund as presented. The motion passed unanimously.

The Commissioner’s presented a Proclamation to Character Counts!

OPTIONAL 3RD EARLY VOTING CENTER FOR WASHINGTON COUNTY

Barry Jackson, Director, Washington County Board of Elections provided an update on the approval of Boonsboro American Legion as the third Early Voting Center in Washington County. Fiscal impact: the optional third Early Voting site, estimated at a total cost of \$50,000.00 was already included in the approved FY24 budget. The three voting sites are No. 1 the Election Center on Virginia Avenue, No. 2 The Hancock Town Hall and No. 3 the American Legion in Boonesboro. Approval is required by the County Commissioners and the State Board of Elections for the third voting site.

Commissioner discussion to commend the Board of Elections for their work, they strongly support adding a third site and support of the locations and thanked the Board of Elections for their hard work.

Commissioner Harvey, seconded by Commissioner Wagner moved to approve the Boonsboro American Legion as the third Early Voting Center in Washington County as presented. The motion passed unanimously.

INTERGOVERNMENTAL COOPERATIVE PURCHASE (INTG-23-0133) TWO (2) CHEVROLET TAHOE FOR THE SHERIFF'S OFFICE

Rick Curry, Director, Purchasing; Alan Matheny, Fleet Logistics and Commercial Vehicle Enforcement, Washington County Sheriff's Office presented the recommendation to authorize by Resolution, the Sheriff's Office to purchase two (2) new 2023 Chevrolet Tahoe in the amount of \$43,936.00 each; for the total cost in the amount of \$87,872.00 from Hertrich Fleet Services, Inc. of Milford, DE and to utilize another jurisdiction's contract that was awarded by the State of MD (Contract #01B2600312). Fiscal impact Funds in the amount of \$1,790,940.00 are available in the department's Capital Improvement Budget (CIP) 600300-30-11310-VEH006.

Commissioner discussion regarding insurance reimbursement.

Commissioner, Wagner seconded by Commissioner Keefer moved to authorize by Resolution, the Sheriff's Office to purchase two (2) new 2023 Chevrolet Tahoe from Hertrich Fleet Services, Inc. as presented. The motion passed unanimously.

(Resolution No. RS-2023-31 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the originals are in the County Commissioners' Office.)

INTERGOVERNMENTAL COOPERATIVE PURCHASE (INTG-23-0134) FIRE APPARATUS TOOLS AND ACCESSORIES FOR DIVISION OF EMERGENCY SERVICES

Rick Curry, Director, Purchasing; Eric Jacobs, Operations Manager, Emergency Services presented the request to authorize by Resolution, for the approval of the purchase of fire apparatus tools and accessories for the Division of Emergency Services from Municipal Emergency Services of Rockville, MD and utilize another jurisdiction's that was awarded by Sourcewell to Municipal Emergency Services of Rockville, MD contract (RFP #040220); S799E3 Cutter 2 @ \$11,327.85 = \$ 22,655.70, SP555E3 Spreader 2 @ \$12,083.58 = \$24,167.16, R522E3 Ram 2 @ \$7,939.62 = \$ 15,879.24, R320E3 Ram w/Extension 2 @ \$7,763.85 = \$15,527.70, EWXT 9 Ah Battery 7 @ \$809.19 = \$5,664.33 and EWXT/E3 Charger 3 @ \$550.81 = \$1,652.43; for the total sum of \$85,546.56. Fiscal Impact Funds in the amount of \$185,982 are available in the department's FY'24 operating budget 600300-10-11525.

Commissioner discussion regarding location of new equipment and replaced equipment.

Commissioner Wagner, seconded by Commissioner Cline moved to authorize by Resolution the approval of the purchase of fire apparatus tools and accessories for the Division of Emergency Services from Municipal Emergency Services as presented. The motion passed unanimously.

(Resolution No. RS-2023-32 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the originals are in the County Commissioners' Office.)

MARYLAND DEPARTMENT OF TRANSPORTATION THREE YEAR SALT UTILIZATION AGREEMENT

Andrew Eshleman, Director, Public Works presented the request to execute the Three-Year Salt Utilization Agreement with the Maryland Department of Transportation State Highway Administration (MDOT SHA) This Agreement will allow the County to obtain Salt from MDOT SHA stockpiles

during a Snow Event. The County will reimburse MDOT SHA for the cost plus other related expenses. This option is a secondary option in the event County salt stockpiles are depleted. Fiscal Impact: Snow Removal including salt supplies is a budgeted item and ordered as needed. The cost of salt, at the time of executing of this Agreement is \$92.91/ton.

Commissioner Cline, seconded by Commissioner Wagner moved to approve the County to obtain Salt from MDOT SHA stockpiles as presented. The motion passed unanimously.

AIRPORT SEEKS COMPETITIVE FFA GRANT UNDER THE BIPARTISAN INFRASTRUCTURE LAW BIL-ATP. PROJECT TO PROVIDE 4,800 SF OF EAST SIDE EXPANSION SPACE IN THE "LANDSIDE" PORTIONS OF THE TERMINAL

Neil Doran, Director, Hagerstown Regional Airport; Andrew Eshleman, Director, Public Works present the request to authorize use of \$180,556.00 in Airport Capitol Improvement Reserve funds for the 5% local match share of this project; to empower the Airport Director to sign an FAA and MAA grant applications, Maryland State Clearinghouse documents and any other related paperwork associated with the Terminal East Expansion project; and to empower the Airport Director to accept the grant offer(s) related to the Terminal East Expansion project from the Federal Aviation Administration and Maryland Aviation Administration if awarded in the future.

Commissioner Wagner, seconded by Commissioner Cline moved to authorize use of Airport Capitol Improvement Reserve funds and to apply and accept the airport grants as presented. The motion passed unanimously.

CLEMENT RURAL LEGACY PROGRAM (RLP) EASEMENT

Chris Boggs, Rural Preservation Administrator, Planning and Zoning presented the request to approve the James and Linda Clement RLP Easement project, in the amount of \$107,619.00 for 39.64 easement acres, paid for 100% by the Board of County Commissioners of Washington County, Maryland, and to adopt an ordinance approving the easement purchase and to authorize the execution of the necessary documentation to finalize the easement purchase. Mr. Bogg's provided an updated on the programs for the Maryland Agriculture Land Preservation and the Rural Legacy Program. This project will be funded entirely by County transfer tax dollars in order to improve our grading with DNR's Rural Legacy Program.

Commissioner discussion regarding the transfer tax and funds available for land preservation.

Commissioner Wagner, seconded by Commissioner Harvey moved to approve the James and Linda Clement RLP Easement project as presented. The motion passed unanimously.

(Ordinance No.'s ORD-2023-19 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the originals are in the County Commissioners' Office.)

MEMORANDUM OF AGREEMENT, TIME TO CARE ACT, INSURANCE COLLABORATIVE

Michelle Gordon, County Administrator presented the request to approve the Memorandum of Agreement, Time to Care Act, Insurance Collaborative effective October 1, 2023, at a cost of \$10,000 funded by savings in the Human Resources Operating Budget for FY24. Review and approval of the Memorandum of Agreement, Time to Care Act, Insurance Collaborative which will enable Washington County to join the Maryland Association of Boards of Education (MABE), the Maryland Association of Counties (MACO) and the Maryland Municipal League (MML) Time to Care Act Collaborative at

an annual cost of \$10,000.00. Fiscal Impact: \$10,000.00 unbudgeted for FY2024 to be funded by expenditure savings in the Human Resources Department.

Commissioner discussion regarding staff concurrences and FMLA compared to the Time to Care Act.

Commissioner Harvey, seconded by Commissioner Keefer moved to approve the Memorandum of Agreement, Time to Care Act as presented. The motion passed unanimously.

FY23 EXCESS OF REVENUES

Kelcee Mace, Interim Chief Financial Officer presented the request to approve allocation of funding as presented or as amended by the BOCC. Staff recommends putting \$5M into the pension fund and the remaining \$20M into the capital reserve fund for future use. The FY23 excess of revenues over expenditures in the General Fund is approximately \$25M. The excess is the result of revenues being over budget \$13.8M and expenses under budget \$11.2M. It is best practice that excess funds be used for one-time costs and not ongoing operating costs. A handout of revisions of the five-year long-range projections. Cost inflation of CIP projects has elevated from 100% to 180%.

Commissioner discussion regarding revenue projections, CIP projects, inflationary expenses, interest rates, mortgage interest rates, incomplete projects, the 9 ½ % increase of wages and how that is reflected in the budget. Comparison of original budget to the final budget. Money that was borrowed and under funding of the pension plan and other needed costs and paying down the debt. Pension fund plan, investments and use of the pension plan fund for slush funds and how the market value effects the fund.

Commissioner Wagner, seconded by Commissioner Cline moved to allocate \$5,000,000.00 funding to the Pension Fund and the remaining into Capital Reserve Fund.

Commissioner Barr's commented he has thought about this and in his business philosophy this is a profit and his philosophy is one-third of 8.4 million would be for the Capital Reserves and one-third of 8.4 million would be for the pension plan, and one-third of 8.4 million would go back into the community i.e. for the school board, water and sewer and current capital needs such as bridges and roads.

Commissioner Keefer suggested that we can bring this back for further consideration. He would also like to see funds for the Commission on Aging and would like more discussion regarding the matter.

Commissioner Cline commented that even if voted on this can come be brought back in the future for further discussion and changes.

Kelcee Mace presented that this is the current recommendation and if a future change is decided upon a FY 2024 budget adjustment would be made.

Michelle Gordon, County Administrator presented a change can come back for further discussion with a majority of the Commission.

Commissioner Barr called for the vote. The motion on the floor: Commissioner Wagner, seconded by Commissioner Cline moved to allocate \$5,000,000.00 funding to the Pension Fund and the remaining \$20,000,000.00 into Capital Reserve Fund. The motion passed unanimously.

CLOSED SESSION

Commissioner Cline, seconded by Commissioner Wagner, moved to convene in closed at 12:10 p.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.

RECESS

In closed session, the Commissioners discussed Boards and Commissions appointments, personnel matters, assignments, and vacancies.

Present during closed session were Commissioners John F. Barr, Jeffrey A. Cline, Derek Harvey, Wayne K. Keefer, and Randall E. Wagner. Also present was Michelle Priebe, Administrative Executive Assistant; Kirk C. Downey, County Attorney; Michelle Gordon, Acting County Administrator; Zachary J. Kiefer, Assistant County Attorney; Also present, for a certain matter, was Sheriff Brian Albert, Pete, Chief Deputy, Lazieh, Jeffrey A. Holdren, Kelcee Mace, Interim Chief Financial Officer Budget and Finance, Krista Davis, Elizabeth Andrews and Zunny Miller-Matema and Terrance Ngwa of the Diversity and Inclusion Committee.

RECONVENE IN OPEN SESSION

Commissioner Wagner, seconded by Commissioner Cline, moved to reconvene in open session at 6:54 p.m. The motion passed unanimously.

ADJOURNMENT

Commissioner Wagner, seconded by Commissioner Cline, moved to adjourn at 6:54 p.m. The motion passed unanimously.



Dawn L. Marcus, *County Clerk*

