



Board of County Commissioners of Washington County, Maryland

Open Session Minutes

October 24, 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 8:33 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 Cline, moved to approve the minutes of October 10, 2023. The motion passed unanimously.

Commissioner Wagner, seconded by Commissioner Keefer moved to approve the minutes of October 17, 2023. The motion passed unanimously.

COMMISSIONERS' REPORTS AND COMMENTS

Commissioner Harvey did not have any comments today.

Commissioner Keefer offered his condolences to the family of Judge Wilkinson.

Commissioner Wagner asked everyone to remember the Wilkinson family in their prayers. He attended the Beam signing event at Meritus Osteopathic School of Medicine. Commissioner Wagner attended the Breast Cancer Awareness Event at HCC and thanked them for all they do for the community.

Commissioner Cline attended the Breast Cancer Awareness Event at HCC. He attended the Chamber event at Middletown Valley. He attended the Beam signing event at Meritus Osteopathic School of Medicine. Saturday evening, he attended the Volunteer awards ceremony at the Sharpsburg Museum. Commissioner Cline offered his sympathies to Judge Wilkinson's family, his friends, his colleagues and all of those suffering from his loss.

Commissioner Barr offered his condolences to Judge Wilkinson's family and friends. He attended many of the events previously spoken about this morning. Commissioner Barr commented on upcoming events to include the Salvation Army's Hallelujah Halloween extravaganza, the Department of Housing and Community Development Washington County Tour Day Wednesday, November 1st. The last Comprehensive Plan meeting is in Williamsport on Wednesday. The Mummer's Parade will be this Saturday and there will be a Washington County Float.

STAFF COMMENTS

Dawn Marcus, County Clerk requested a consensus to move forward with the purchase of Christmas Ornaments for handouts at the Salvation Army Bell Ringing event and other holiday events as needed. The ornaments will have the County Logo on one side and a holiday message on the other. The

ornaments are shatterproof and there are two options to purchase. The traditional round ball type ornament which would cost approximately \$1,000.00 for 300 bulbs or a flatter ornament which would cost approximately \$1,000.00 for 500 ornaments. There are funds in the Commissioners promotional budget.

Commissioner consensus received to move forward with the flat ornaments.

Michelle Gordon, County Administrator attended the joint meeting with the Town of Clear Spring last week. She took a tour of the County Landfill and attended various meetings with local business partners and County and State officials. Ms. Gordon sends out her sincere condolences to Judge Wilkinsons family. She thanked law enforcement officers from the Sheriff's Department, Sheriff Albert, Maryland State Police, Department of Natural Resources, Hagerstown Police Department, and our Division of Emergency Management Services and other public safety departments who responded this weekend. She thanked the Human Resources Department and Public Works Department for coordinating grief counseling for the employees and implementing safety measures at the courthouse.

CITIZEN PARTICIPATION

Beth Harvey, Smithsburg MD, President of the Washington County Women's Commission commented on the TED EX event at the HCC Kepler Theater. She thanked the Commissioners for their private support and the counties support of the event. In August, the Women's Commission facilitated a financial literacy course at Brookes House to support women in recovery with the support of the Western Maryland Consortium and independent facilitators.

Mary Hendrickson, Hagerstown MD, Secretary of the Commission commented the next meeting is November 8th and they will host a special guest speaker the state's attorney. She invited women in the community to attend their town hall meeting on January 10, 2024, at 6:00 p.m. She provided social media and email information.

HCC DENTAL HYGIENE PROGRAM – RECOGNIZING DENTAL HYGIENE MONTH

Dr. James Klauber, President, Hagerstown Community College presented the success of the HCC Dental Hygiene program, the work of the clinic, the cost savings to Washington County residents who use the clinic, and the need for more citizens to use the clinic. Dr. Klauber presented a flyer with the services that the clinic offers, their charges and historical data on their work. Dr. Klauber handed out a dental care package to the Commissioners, staff and members in attendance at the meeting and asked for Commissioner support to promote the program.

NO-BID TAX SALE PARCELS – OUTSTANDING TAX CHARGE WAIVER

Paul Fulk, Neighborhood Services Manager, City of Hagerstown Code Compliance presented the request from the City of Hagerstown for the BOCC to waive \$142,064.77 in uncollectable taxes on no-bid tax sale parcels within the City of Hagerstown's Corporate Boundary. The 25 parcels being presented have been offered to tax sale for many years but have not sold due to specific factors related to the property. The City wishes to take ownership of the parcels for subsequent transfer, preferably to non-profit entities, upon condition that those owners make the properties habitable, and return them to the tax roll. Empty parcels will be offered to adjacent landowners for inclusion into their plat. These properties that have blighted buildings will be demolished. The goal is to make it so properties are not continually going through property tax sale. 19 properties are vacant land that cannot be rebuilt on neighboring properties could purchase the land and not have additional tax assessed.

Commissioner discussion regarding removal of blight properties, waiver of the taxes, city takeover and transfer of the properties, criteria or standards of transferred properties. Safeguards for new property owners regarding blight properties.

Commissioner Cline, seconded by Commissioner Wagner, moved to approve the waiver \$142,064.77 in uncollectable taxes on no-bid tax sale parcels within the City of Hagerstown's Corporate Boundary as presented. The motion passed 4 – 0. Commissioner Keefer abstained due to not having information regarding the vacant properties.

AGRICULTURE – FACES OF FARMING PRESENTATION

Leslie Hart, Business Development Specialist, Business and Economic Development presented “Faces of Farming” is an agricultural-focused video marketing campaign that will showcase two local Washington County farms every month, for one year. The “Faces of Farming” marketing videos will be showcased on the County’s website, as well as Facebook and other social media platforms, and will target a new industry and highlight a local farmer from that specific agricultural industry. Additionally, the Faces of Farming marketing campaign will be utilized in Washington County Public Schools as an agricultural education element focused on kindergarten to Fifth grade students to connect Washington County youth directly with local farms. The features today are Matt Harsh’s Vegetable and Fruit Farm in Smithsburg Maryland. The youth of agriculture were recognized to include Madison Toms, Roy Thomspson and Sam Straight, Lane Poffenberger Kaylee Omps and David Leather.

PROCLAMATION FOR ECONOMIC DEVELOPMENT WEEK

Washington County Board of County Commissioners presented to the Department of Business and Economic Development a Proclamation in honor of Economic Development Week.

OAK RIDGE PUMP STATION UPGRADES

Mark D. Bradshaw, Director, Environmental Management requested a motion to approve Change Order #1 for Pumping Solutions Incorporated (PSI) in the amount of \$82,011.41 and extend the completion date to September 22, 2023. The Notice to Proceed was issued to the contractor on February 7, 2022, and established the completion date to be August 5, 2022, but the motor control center (MCC) was not delivered to the site until March 13, 2023. The delay in delivery of the MCC required the by-pass pumping to remain in place. Funding is derived from CIP projects.

Commissioner discussion regarding difficulties of getting parts and funding account.

Commissioner Wagner, seconded by Commissioner Cline, moved to approve Change Order #1 for Pumping Solutions Incorporated (PSI) in the amount of \$82,011.41 and extend the completion date to September 22, 2023, as presented. The motion passed unanimously.

JAIL BASED MEDICATION ASSISTED TREATMENT (MAT) AND REENTRY PROGRAM – APPROVAL TO ADJUST BUDGET

Meaghan Willis, Program Director, Day Reporting Center is requesting approval to reallocate funding budgeted for the Jail Based MAT and Reentry Program. The Washington County Detention Center (WCDC) was awarded \$491,374.00 in grant funding from the Opioid Operational Command Center (OCCC) in order to expand access to MAT and coordinate continuation of MAT services post release as required under House Bill 116. The program provides funding for Program staff and MAT medications. Program staff has found that the inmates have been diverting their tablets of Buprenorphine and saving them rather than taking as directed. To circumvent this situation, staff would like to switch from the tablet form of the medication to the injectable version. The injectable is much

more expensive than was budgeted for the tablet, so a budget adjustment is requested as follows: Reduce grant-funded Vivitrol by \$8,769.00; Reduce grant-funded salaries & benefits for Addiction Counselor and Peer Recovery Specialist by \$118,070.56, and fund \$118,070.56 with WCDC FY24 budget; Increase grant-funded Buprenorphine by \$126,839.56. The OOC has reviewed and approved the proposed modifications to the grant budget. County Commissioner approval is requested to complete the internal budget adjustment.

Commissioner Cline, seconded by Commissioner Harvey, moved to approve to reallocate the funding as presented. The motion passed unanimously.

POLICE ACCOUNTABILITY TRIAL BOARD OAH STANDING AGREEMENT

Zachary J. Kieffer, Assistant County Attorney requested approval of and to execute Police Accountability Trial Board Agreement Between the Office of Administrative Hearings (OAH) and the Board of County Commissioners (the "Agreement"). Variable. OAH is compensated for the work performed by the Administrative Law Judge (ALJ) at a rate of \$200.00/hour. All reasonable travel expenses including food and lodging are reimbursable to OAH at their actual cost. Costs are incurred on an as-needed basis when a trial board is convened, and hearing held. The County would be presented with a list of three judges from the ALJ. A local Judge would have to be retired in Washington County.

Commissioner discussion regarding the ruling process and the alternative to select a judge, judges local to Washington County. The selection of the Police of Accountability Board and Administrative Charging Committee, Membership of the Trial Board. Generation of the list of the ALJ.

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

EMS MOU

R. David Hays, Director, Emergency Services; David Chisholm, Deputy Director, Emergency Services; Dale Fishack, President, Washington County Volunteer Fire and Rescue Association requested approval of the memorandum of understanding between the Board of County Commissioners and the Smithsburg Emergency Medical Services, Inc. and the Williamsport Volunteer Fire and Emergency Medical Services, Inc. and to move their EMS employees to county employment. Fiscal impact is approximately \$500,000.00 (included in FY24 budget).

Commissioner discussion regarding hires from Smithsburg and Williamsport.

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

RIDER JET CENTER HANGAR 26 LEASE AMENDMENT #4

Andrew Eshleman, Director, Public Works; Neil Doran, Director, Hagerstown Regional Airport requested the Board of County Commissioners to enter into Amendment #4 of the Hangar 26 Lease Agreement with the Rider Jet Center. The Rider Jet Center (RJC) proposes to construct an addition to Hangar 26 of approximately 4,800 square feet. Amendment #4 outlines the terms and condition of the lease agreement. The Hangar 26 Lease currently has a 39-year term ending 2042 and the RJC Fixed Based Operations Agreement is coterminous with the Hangar 26 Lease. The new final renewal term would end on December 31, 2047. Fiscal impact \$3,552.00 in annual land lease rent to the Airport with an automatic annual four percent (4%) escalation at the beginning of each year. Defers 5 years of future Airport ownership of Hangar 26.

Commissioner Wagner, seconded by Commissioner Cline moved to approve the Amendment #4 of Hangar 26 lease agreement as presented. The motion passed unanimously.

POTENTIAL LEGISLATIVE ISSUES

Kirk C. Downey, County Attorney; Zachary J. Kieffer, Assistant County Attorney presented discussion about potential issues the County may like to see addressed during the next session of the General Assembly. The following have been identified as items of potential interest:

1. Bond Authorization.
2. Vehicle purchases, increase of the \$50,000.00 ceiling requiring bids.
3. Office of County Treasurer, removal of position as an elected office and conversion to a staff position commencing with the next term of office.

Commissioner discussion regarding the bond legislation, bond debt, a finite amount of the bond request and Commissioner expenditure of the bond. Discussion regarding the Office of the County Treasurer conversion to County staff and who the Department would report to.

Kelcee Mace, Chief Financial Officer presented the prior request to legislation was \$60,000,000.00 for the bond authorization. She recommended request of authorization \$60,000,000.00 to \$80,000,000.00.

Michelle Gordon, County Administrator recommended that \$80,000,000.00 would likely be the amount needed over the next five years for the bond. She recommended \$100,000.00 for the vehicle ceiling request and this would need to be a budget item. She supports the Office of County Treasurer conversion reporting directly to the County Commissioners, the decision of who they would report to does not be made at this time. That can be decided on after it is approved in the legislation.

CLOSED SESSION

Commissioner Harvey, seconded by Commissioner Wagner, moved to convene in closed at 9:56 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; To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State; To consult with counsel to obtain legal advice on a legal matter; and To consult with staff, consultants, or other individuals about pending or potential litigation. The motion passed unanimously.

In closed session, the Commissioners discussed a property redevelopment matter, proposal for a business or industrial organization to locate, expand, or remain in the State, Boards and Commissions appointments, personnel matters, assignments, vacancies, and contractual 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 and Kirk C. Downey, County Attorney. Also present at various times, were: Zachary Kieffer, Assistant County Attorney; Mark Bradshaw, Director Environmental Management; John Krumpotich, Owner/Developer; Neil Doran, Director Hagerstown Regional Airport; Andrew Eshleman, Director Public Works, Sarah Richardson, Airport Affairs Manager, Allegiant Airlines; Rachel Souders, Director Grant Management; Kristine Krzysztan; Eric J. DeKenipp; Robert McCoy and Chip Rose.

RECONVENE IN OPEN SESSION

Commissioner Wagner, seconded by Commissioner Cline, moved to reconvene in open session at 2:40 p.m. The motion passed unanimously. Commissioner Keefer was absent.

SECOND STAFF COMMENTS

Dawn Marcus, County Clerk presented the recommendation to approve the re-appointments of Stephanie Pulver-Breeden fill to serve a second three-year term from November 1, 2023, through October 31, 2026 as a US Military Representative and Laura Lane-Unsworth to serve a second three-year term from November 1, 2023, through October 31, 2026 as a Veteran Service Organization Representative and to appoint Robert Summers Jr., to serve a first three-year term from November 1, 2023, through October 31, 2026, as a US Military Representative on the Veterans Advisory Committee.

Commissioner Wagner, seconded by Commissioner Cline, moved to approve the appointments of Stephanie Pulver-Breeden, Laura Lane-Unsworth and Robert Summers Jr. as presented. The Motion passed 4-0. Commissioner Keefer was absent.

Michelle Gordon, County Administrator presented the recommendation to appoint Zachary Kieffer as the Deputy County Attorney, in the division of County Attorney, at a Grade 18, Step 10 with an annual salary of \$106,829.00 with an effective date of October 30, 2023.

Commissioner Wagner, seconded by Commissioner Cline, moved to approve the appointment of Zachary Kieffer as Deputy County Attorney as presented. The motion passed 4-0. Commissioner Keefer was absent.

Michelle Gordon, County Administrator presented the recommendation to appoint Nicole Phillips as the Senior Grant Manager, in the division of Grant Management, at a Grade 13, Step 2 with an annual salary of \$59,717.00 with an effective start date of October 30, 2023.

Commissioner Wagner, seconded by Commissioner Harvey, moved to approve the appointment of Nicole Phillips as Senior Grant Manager as presented. The motion passed 4-0. Commissioner Keefer was absent.

Michelle Gordon, County Administrator presented the recommendation for a salary adjustment for Dawn Marcus the County Clerk, to a Grade 12, Step 17 with an annual salary of \$80,267.00 with an effective date of October 30, 2023.

Commissioner Wagner, seconded by Commissioner Harvey, moved to approve the salary adjustment for Dawn Marcus as presented. The motion passed 4-0. Commissioner Keefer was absent.

ADJOURNMENT

Commissioner, Wagner, seconded by Commissioner Cline, moved to adjourn at 12:45 p.m. The motion passed 4-0. Commissioner Keefer was absent.



Dawn L. Marcus, County Clerk