

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

August 29, 2017

INVOCATION AND PLEDGE OF ALLEGIANCE

Commissioner Barr offered the Invocation followed by the Pledge of Allegiance to the Flag by the full assemblage.

CALL TO ORDER

President Terry L. Baker called the regular meeting of the Board of County Commissioners of Washington County, Maryland, to order at 10:10 a.m. at 100 West Washington Street, Room 1113, with the following members present: Vice President Jeffrey A. Cline and Commissioners John F. Barr, Wayne K. Keefer and LeRoy E. Myers, Jr.

APPROVAL OF MINUTES – AUGUST 22, 2017

Commissioner Barr, seconded by Myers, moved to approve the minutes of August 22, 2017. The motion passed unanimously.

COMMISSIONERS' REPORTS AND COMMENTS

Commissioner Barr reported attending last week's New Educator's Reception for new Washington County Public School teachers. He wished all employees and students well in the new school year that begins next week.

Commissioner Cline thanked Meritus Medical staff and others for well wishes for his father who recently underwent surgery.

Commissioner Keefer stated that he would be leaving the meeting before lunch to speak about County operations to a local Lions Club. He remarked on the passing of Effie Ward, the first Clerk/Treasurer for the Town of Hancock. Mr. Keefer noted that during the Maryland Association of Counties' Summer Conference, he, Commissioners Barr, and Baker attended training for public bodies relating to the Open Meetings Act that becomes mandatory on October 1, 2017. Commissioner Keefer reported on the first meeting of a group to discuss forming a County-sponsored Diversity Committee. Attendees were Commissioners Baker and Keefer, County Clerk Vicki Lumm and local citizens ZSun-nee Matema and Arthur Hicks.

Commissioner Baker wished teachers and students a good school year.

REPORTS FROM COUNTY STAFF

County Administrator

County Administrator Rob Slocum stated that there would be no September 5 County Commissioners' meeting due to the Labor Day holiday. The regular meetings for September include evening meetings with municipalities as follows: September 12 –

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Keedysville, September 19 – Sharpsburg, September 26 – Hancock (including a 6 p.m. Hancock Library groundbreaking), October 10 – Smithsburg, City of Hagerstown afternoon joint meeting, and October 24 – Maugansville Ruritan Club.

County Attorney – Approval of Ordinance for the Purchase of 14201 Pennsylvania Avenue

Kirk C. Downey, Deputy County Attorney, presented an ordinance to formally approve the purchase of real property located at 14201 Pennsylvania Avenue for the purpose of the future Showalter Road Extended and to improve the safety of the intersection of Pennsylvania Avenue and Showalter Road. The Commissioners voted to approve the purchase during their August 1, 2017 meeting.

Commissioner Barr, seconded by Myers, moved to adopt an Ordinance to approve the purchase of real property located at 14201 Pennsylvania Avenue for the purpose of the future Showalter Road Extended and to improve the safety of the intersection of Pennsylvania Avenue and Showalter Road as presented. The motion passed with Commissioners Barr, Myers, Keefer and Baker voting “AYE” and Commissioner Cline “ABSTAIN”. (Ordinance No. ORD-2017-12 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is located in the County Commissioners’ Office.)

County Clerk - Appointments to Boards/Commissions

Local Management Board

Commissioner Barr, seconded by Keefer, moved to appoint Kianna Cooper and Diana Fulchiron as community representatives to serve first, three-year terms through August 31, 2020; and to appoint Lori Wriston as a community representative to serve a first, full three-year term retroactive from July 1, 2017 through June 30, 2020 on the Local Management Board. The motion passed unanimously.

Community Organization Funding Committee

Commissioner Cline, seconded by Keefer, moved to reappoint Linda Ebersole as Commissioner Myers’ representative, Mary Towe as Commissioner Cline’s representative and Alan Mullendore as Commissioner Keefer’s representative to serve second, two-year terms retroactive from July 1, 2017 through June 30, 2019; and to appoint Jadah Swartz as Commissioner Baker’s representative and William McKinley as Commissioner Barr’s representative to serve first, two-year terms through June 30, 2019 on the Washington County Community Organization Funding Committee. The motion passed unanimously.

LANCO DAIRY FARMS CO-OP, LLC – RESOLUTION FOR ENDORSEMENT OF MARYLAND ECONOMIC DEVELOPMENT ASSISTANCE AUTHORITY LOAN AND LOCAL INCENTIVE

Kassie Lewis, Director, Business Development, recommended approval of a resolution for the endorsement of the State of Maryland’s \$225,000 Maryland Economic Development Assistance Authority Fund (MEDAAF) loan and to provide a matching \$180,000 conditional loan from the County. The Maryland Department of Commerce, under the

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Maryland Economic Development Assistance Authority, has agreed to conditionally loan Lanco Dairy Farms Co-op LLC (Lanco) up to \$225,000 from the Maryland Economic Assistance Fund (MEDAF). The Loan proceeds would be used to expand Lanco's operations in Washington County. Lanco plans to purchase, refurbish and equip its existing facility located at 14738 Warfordsburg Road, Hancock, Maryland, to establish a cheese making operation. The company will be investing approximately \$24 million into the project site. Lanco plans to retain its existing 64 full-time employees and hire an additional 26 new full-time permanent employees for a total of 90 permanent employees at the project site by December 31, 2019. Pursuant to Maryland law, the County is required to endorse the making of the MEDAF loan for the project and approve the required local match. The Commissioners discussed the employee level that is now at 89 full time employees.

Commissioner Keefer, seconded by Cline, moved to approve the resolution for the endorsement of the State of Maryland's \$225,000 Maryland Economic Development Assistance Authority Fund loan and the \$180,000 conditional loan from Washington County as presented. Commissioner Cline commented on the importance of the loan to support the business in the Hancock community. The motion passed with Commissioners Keefer, Cline and Baker voting "AYE" and Commissioners Barr and Myers "ABSTAIN." (Resolution No. RS-2017-15 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is located in the County Commissioners' Office.)

PUBLIC HEARING – REQUESTS BY ORGANIZATIONS TO BE ADDED TO THE SECTION 1-108 LIST

President Terry L. Baker convened a public hearing at 10:30 a. m. to obtain public comment regarding requests received from various Washington County nonprofit organizations to be added to the list of organizations to which the Board of County Commissioners may contribute funds, pursuant to Section 1-108 of the Code of Public Local Laws of Washington County, Maryland (1-108 List). County Attorney John Martirano reviewed the process and stated that being added to the list does not guarantee an organization will receive funding; that decision is made separately as part of the Community Organization Funding process and ultimately during the County's budgetary process. Five organizations requested to be added to the 1-108 List:

1. Ladders to Leaders, LTD
2. Pressley Ridge, Inc., A/K/A Pressley Ridge
3. Court Appointed Special Advocates of Washington County, Maryland, Inc.
4. Hagerstown Fairgrounds Softball Association, Inc., and
5. Office of Consumer Advocates, Inc.

The hearing was opened for public comment and there was none. The public hearing was closed at 10:33 a.m. The meeting was opened for questions from the Commissioners and there were none.

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Commissioner Cline, seconded by Barr, moved to approve a resolution adding the five organizations to the 1-108 List as presented. The motion passed unanimously. (Resolution No. RS-2017-16 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is located in the County Commissioners' Office.)

PUBLIC HEARING – APPLICATION FOR WATER AND SEWAGE PLAN AMENDMENT

President Terry L. Baker convened a public hearing at 10:54 a. m. to obtain public comment regarding the proposed Water and Sewerage Plan Amendment #WS-17-001. Jill Baker, Chief Planner, Planning and Zoning, presented information on the proposal to adjust the water service area boundary to include parcels 1188-1 and 1188-2 and a portion of Parcel 499, to designate that portion of the expanded service area and the existing water line as a restricted service area and change the service priority designation of that area from No Planned Water Service (W-7) to Existing Water Service; Restricted Use (W-1). The subject properties are located in a Sensitive Area designated by the Washington County Health Department due to groundwater under the direct influence of surface water contamination (GWUDI). Ms. Baker indicated that property owner Clarence Horst has initiated multiple attempts to establish a new on-site well to serve a newly subdivided lot. All of those attempts have failed to produce a potable water supply and on-site treatment is not an option. During this process it was determined by the Health Department that the existing well serving Lot 2 is also contaminated and must be abandoned. There is an existing City of Hagerstown water line in Garden View Road at the front of the property. The City created and then approved a new category of exemption to allow these water line connections outside of its existing service area and Medium Range Growth Area. To comply with State laws governing long range planning for public water and sewer services, the Plan needs to be amended so this arrangement can be permitted and potable water from the public system can be provided to these two lots.

The hearing was opened for public comment. Clarence Horst, 17638 Garden View Road, Hagerstown, provided information on his efforts to obtain a water supply for the lot on his property. He requested some refinements to the process so that others do not have to spend unnecessary funds and go through the process he went through.

The meeting was opened for questions from the Commissioners. Commissioner Myers discussed the funds spent by Mr. Horst while attempting to drill wells that were not sufficient. He recommended a change in the process to include an upfront staff evaluation that might help to avoid the unnecessary expenditure of time and money.

The public hearing was closed at 11:12 a.m.

Commissioner Cline, seconded by Barr, moved to approve the Water and Sewerage Plan Amendment #WS-17-001 which will adjust the water service area boundary to include parcels 1188-1 and 1188-2 and a portion of Parcel 499, to designate that portion of the expanded service area and the existing water line as a restricted service area and change

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the service priority designation of that area from No Planned Water Service (W-7) to Existing Water Service; Restricted Use (W-1) as presented. The motion passed unanimously. (Resolution No. RS-2017-17 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is located in the County Commissioners' Office.)

PROCLAMATION – NATIONAL PAYROLL WEEK

Debra Murray, Chief Financial Officer, and Stephanie Baker, Payroll Manager, Budget and Finance, discussed National Payroll Week that recognizes payroll professionals. Ms. Murray stated that there are 21,000 members in the American Payroll Association that support the American system by paying wages, reporting worker earnings and withholding federal employment taxes. Stephanie Baker was recognized for her work. She and several Budget and Finance employees accepted a proclamation from the Commissioners to observe National Payroll Week designated this year as September 3-9.

WASHINGTON COUNTY SOIL CONSERVATION DISTRICT FEE INCREASE FOR EROSION AND SEDIMENT CONTROL PLAN REVIEW SERVICES

Elmer Weibley, District Manager, and Denise Price, Urban Program Director, Washington County Soil Conservation District (WCSCD), requested an increase of fees for plan review services that have not been raised since 2010. Mr. Weibley stated that WCSCD is no longer able to financially support the plan review program from other sources of funding and the proposed fee increases will enable it to maintain existing levels of service. If approved, the new fees would be implemented on October 1, 2017. Commissioner Barr discussed the fees concerning soil conservation when building a new home.

Commissioner Myers, seconded by Keefer, moved to approve the Washington County Soil Conservation District's increase in fees for plan review services as presented. The motion passed unanimously.

County Attorney John Martirano advised that a formal resolution to adopt the new fees would be presented for approval by the Commissioners during a future meeting.

PUBLIC HEARING – MODIFICATION OF CERTAIN LANDFILL USER FEES

President Baker convened a public hearing at 11:26 a.m. to obtain public comment regarding the proposed modification of certain landfill user fees. Julie Pippel, Director, Division of Environmental Management, and Dave Mason, Deputy Director, Solid Waste, discussed the proposed discounted rate of \$40 per ton for large residential trash haulers with a contract bringing in more than 10,000 tons per year. Currently County haulers with a contract bringing in more than 1,000 tons per year pay a rate of \$45 per ton. The proposed \$40 per ton would only be applied to haulers with a contract that bring in more than 10,000 tons and only applies to residential trash. Ms. Pippel stated that all waste generated must be from Washington County. The discounted rate would become effective October 1, 2017.

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The hearing was opened for public comment. Rodney Tissue, City Engineer, City of Hagerstown, discussed the amount of trash generated by the City and stated that bids for that service are being renegotiated next week. This change will allow haulers to be more competitive which will be beneficial for the City and its residents.

The Public Hearing was closed at 11:31 a.m. The meeting was opened for discussion by the Commissioners.

Commissioner Myers, seconded by Barr, moved to approve a Resolution for the Adoption and Modification of Rules and Regulations, Landfill and Convenience Box Fees and Charges at the discounted rate of \$40 per ton for large residential trash haulers (with a contract) bringing in more than 10,000 tons per year. The motion passed unanimously. (Resolution No. RS-2017-18 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is located in the County Commissioners' Office.)

CONVENE IN CLOSED SESSION

Commissioner Myers, seconded by Barr, moved to convene in closed session at 11:33 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, in accordance with Section 3-305(b)(1) of the General Provisions Article of the Annotated Code of Maryland. The motion passed unanimously.

(Commissioner Keefer left the meeting at 11:38 a.m.)

In closed session, the Commissioners discussed/considered four County employee position hiring recommendations and related staffing issues with County staff, and discussed the potential appointment/reappointment of several specific individuals to a local authority over which the Commissioners have appointment authority.

During closed session, the Commissioners provided direction to staff regarding specific hiring/employment recommendations, and agreed to further discuss the individuals being considered for appointment/reappointment to a local authority at a future open session meeting.

Present during closed session were Commissioners Terry L. Baker, Jeffrey A. Cline, John F. Barr, and LeRoy E. Myers, Jr. and at various times Wayne K. Keefer. Also present were Robert J. Slocum, County Administrator; Vicki C. Lumm, County Clerk; John M. Martirano, County Attorney; and at various times Stephanie Stone, Director, Health and Human Services.

RECONVENE IN OPEN SESSION

Commissioner Barr, seconded by Myers, moved to reconvene in open session at 11:42 a.m. The motion passed unanimously.

UNITED WAY “ALICE” PROGRAM AND DAY OF CARING

Melissa Reabold, Executive Director, and Mark Weldon, Director of Development, United Way of Washington County, discussed the agency and its “Alice” Program that stands for Asset Limited, Income Constrained, Employed families. Ms. Reabold indicated that 40% of individuals living in Washington County households work and pay taxes but aren’t sure they will be able to put dinner on the table. These families cannot survive in today’s economy. Ms. Reabold also discussed the United Way’s annual Day of Caring to be held this year on September 28 in which volunteers perform needed services in the community. County Government employees have participated in the program for many years. The Commissioners thanked Ms. Reabold and Mr. Weldon for the important work the United Way performs in the community.

PROPERTY ACQUISITIONS FOR DRAINAGE IMPROVEMENTS ALONG BOTTOM ROAD

Susan Small, Real Property Administrator, Engineering and Construction Management, requested the approval of three option agreements for easement acquisitions on Bottom Road in the Clear Spring area for the purpose stated and to adopt an ordinance approving the purchase of said areas and to authorize the execution of the necessary documentation to finalize the acquisitions. Ms. Small indicated that three properties in the area of Bottom Road required perpetual drainage easements and one will require a temporary construction easement to allow for drainage improvements, as follows: 14645 Clear Spring Road (100 square foot perpetual drainage easement); 14706 Bottom Road (679 square foot perpetual drainage easement) and 14923 Clear Spring Road (2,871 square foot temporary construction easement). This is a budgeted Capital Improvement Project with a total fiscal impact of \$2,500.

Commissioner Barr, seconded by Cline, moved to approve three option agreements for easement acquisitions on Bottom Road in the Clear Spring area for the purpose stated, to adopt an ordinance approving the purchase of said areas and to authorize the execution of the necessary documentation to finalize the acquisitions. The motion passed unanimously (4-0, Commissioner Keefer was absent.) (Ordinance No. ORD-2017-13 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is located in the County Commissioners’ Office.)

CONSTRUCTION BID AWARD – HVAC REPLACEMENT PROJECT, 80 WEST BALTIMORE STREET ADMINISTRATIVE ANNEX

Scott Hobbs, Director, Engineering and Construction Management, recommended award of the bid for the Heating, Ventilation and Air Conditioning (HVAC) Replacement Project at the 80 West Baltimore Street Administrative Annex to the responsible, responsive bidder, M.S. Johnston Company of Hagerstown, Maryland, for \$186,000. Mr. Hobbs advised that three bids were received for the project. The existing HVAC system is over twenty years old, has exceeded its useful life expectancy and no longer provides the appropriate heating and cooling needs of the building.

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Commissioner Barr, seconded by Myers, moved to award the bid for the Heating, Ventilation and Air Conditioning (HVAC) Replacement Project at the 80 West Baltimore Street Administrative Annex to the responsible, responsive bidder, M.S. Johnston Company of Hagerstown, Maryland, for \$186,000. The motion passed unanimously. (4-0, Commissioner Keefer was absent.)

CITIZENS' PARTICIPATION

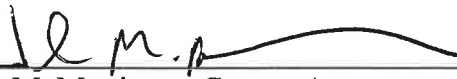
There were no citizens present that wished to participate.

ADJOURNMENT

Commissioner Myers, seconded by Barr, moved to adjourn at 12:20 p.m. The motion passed unanimously.



Robert J. Slocum, County Administrator



John M. Martirano, County Attorney



Vicki C. Lumm, County Clerk