



Board of County Commissioners of Washington County, Maryland

Open Session Minutes

September 15, 2020

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 Jeffrey A. Cline called the regular meeting of the Board of County Commissioners of Washington County, Maryland, to order at 10:02 a.m. at 100 West Washington Street, Room 1113, Hagerstown, Maryland, with the following members present: Vice President Terry L. Baker, Commissioner Wayne K. Keefer, Commissioner Cort F. Meinelschmidt, and Commissioner Randall E. Wagner.

APPROVAL OF MINUTES

Commissioner Meinelschmidt, seconded by Commissioner Wagner, moved to approve the minutes of August 25, 2020 and September 1, 2020. The motion passed unanimously.

COMMISSIONERS' REPORTS AND COMMENTS

Commissioner Keefer reviewed requests from residents of the Cearfoss area regarding the Public Service Commission, adding that the hearing is scheduled for tomorrow. He requested that the Board share its opposition to the Perennial Solar. The Commissioners reached a consensus to support Commissioner Keefer's recommendation and instructed the County Attorney's office to prepare a letter of opposition.

President Cline shared that he has received a request for exemption for the Maryland Theatre to bypass the Governor's order for restriction on number of attendees due to COVID-19.

STAFF COMMENTS

Office of Grant Management – Hotel Rental Tax Award

Susan Buchanan, Director, Office of Grant Management, provided the Board information on funding requests to be granted from the Hotel Rental Tax Fund that meets all the criteria considered for such funding. The Cumberland Valley Athletic Club was awarded up to \$10,000 to assist with the cost of WCSO overtime during the JFK 50 Mile Ultramarathon Foot Race to be held on November 21, 2020. Annually, approximately 1,000 overnight hotels stays are generated by the event. Additionally, the Maryland Theatre Association Inc. was awarded \$5,000 to assist with event costs for the Krumpke's Donut Drop 2021 event which will be held on December 31, 2020. The event is offered at no charge and is expected to attract 6,000 attendees.

County Clerk, Board Appointments / Reappointments

Washington County Plumbing and Mechanical Board

Commissioner Wagner, seconded by Commissioner Baker, moved to reappoint Charlie Semler to serve as the member of the building industry for a fifth three-year term retroactively from February 1, 2020 through January 31, 2023; Arnold Eby as the Member at large to serve a fifth three-year term retroactively from February 1, 2020 through January 31, 2023; reappoint Brian Tana as the Master Plumber to serve a fourth three-year term from August 1, 2020 through July 31, 2023; and reappoint William Vantz as the Member-At-Large to serve a fourth three-year term from August 2, 2020 through July 31, 2023; this is NOT a paid board. The motion passed unanimously.

Emergency Services Advisory Council

Commissioner Wagner, seconded by Commissioner Baker, moved to reappoint Roger Otzelberger to serve as the Washington County Volunteer Fire and Rescue Association representative for a first full term from September 1, 2020 through August 31, 2023; reappoint Ron Horn to serve as Commissioner Cline's representative for a third term from September 1, 2020 through August 31, 2023; and to appoint Tim Ammons to serve a first full three year term as the Citizen-At-Large member from September 1, 2020 through August 31, 2023; this is NOT a paid board. The motion passed unanimously.

Mental Health Authority

Commissioner Baker, seconded by Commissioner Keefer, moved to reappoint Rita Bratcher to serve a second three year term as the Consumer Representative from September 1, 2020 through August 31, 2023; and to reappoint Jennifer Lowery to serve a fourth three-year term from October 1, 2020 through September 30, 2023, and to grant an exception to the two-term limit requirement; this is NOT a paid board. The motion passed unanimously.

9/11 REMBERANCE PROCLAMATION PRESENTATION

The Board of County Commissioners presented Dave Hays, Director, Emergency Services, and Dale Fishack, President, Washington County Volunteer Fire Fighter Association with a proclamation remembering the events of 9/11.

ESTABLISHING ONE ENTITY IN WASHINGTON COUNTY AS THE LOCAL AUTHORITY FOR BEHAVIORAL HEALTH SERVICES

Rick Rock, Director, Washington County Mental Health Authority; Ear Stoner, Health Officer, and Vicki Sterling, Local Addiction Authority, Health Department recommended the Board approve the establishment of a community workgroup to discuss and recommend a new structure for a single local behavioral health authority for Washington County.

The Commissioners requested additional information regarding the community workgroup, to include number of members and guidelines and return at a future meeting. Commissioner Keefer discussed the need, if any, for additional staff members and where funding would be taken. Mr. Stoner shared that there would be no financial impact to the County at this time.

The Commissioners reached a consensus for the recommendation to begin the formation of this committee.

COUNTY COMMISSIONERS OF WASHINGTON COUNTY TAXABLE REFUNDING BONDS OF 2020 AUTHORIZING RESOLUTION

Lindsey Rader, Bond Counsel for Washington County, and Sara Greaves, CFO, recommended authorizing by resolution for the Board of County Commissioners (County) to issue and sell, at public sale, upon its full faith and credit, a series of general obligation bonds in the original aggregate principal amount not to exceed \$22,000,000 for the purpose of advance refunding in whole or in part the outstanding callable maturities of the County's (i) Public Improvement Bonds of 2011 (2011 Bonds) and/or (ii) Public Improvement Bonds of 2012 (2012 Bonds), and paying issuance costs.

Commissioner Meinelschmidt, seconded by Commissioner Keefer, moved to authorize by resolution the sale of 2011 Bonds and 2012 Bonds as presented. The motion passed unanimously.

(Resolution No. RS-2020-25 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is in the County Commissioners' Office.)

EXECUTIVE ORDER – PAYROLL TAX DEFERRAL

Ms. Greaves presented the Board with information regarding a recently released plan for the deferment of certain employee payroll taxes from the IRS. Ms. Greaves shared that if one employee participates, all must enroll in this plan; repayment of said taxes would begin January 2021.

Commissioner Wagner, seconded by Commissioner Keefer, approved to not support this deferral as presented. The motion passed unanimously.

INTERGOVERNMENTAL COOPERATIVE PURCHASE OF NINE 2021 FORD POLICE INTERCEPTOR UTILITY VEHICLES FOR SHERIFF'S OFFICE (INTG-20-0045)

Brandi Naugle, Buyer, Purchasing Department, and Alan Mathany, Fleet Logistics & Commercial Vehicle Enforcement Supervisor, Sheriff's Office, recommended authorizing by resolution, the Intergovernmental Cooperative Purchase (INGT-20-0045) utilizing another jurisdiction's contract (#001B0600159) awarded to Hertrich Fleet Service, Inc., of Milford, Delaware, awarded by the State of Maryland Department of General Services Office of Procurement and Logistics statewide contract for Police Vehicles. The cost of eight (8) vehicles for the Sheriff's Office is \$33,693 each and the cost of one (1) vehicle for the Sheriff's K-9 Unit is \$34,303, for a total amount of \$303,847. Ms. Naugle shared that funds are budgeted in the Sheriff's Office Capital Improvement Plan, account number 600300-30-11310 VEH003 VHCL.

Commissioner Keefer, seconded by Commissioner Baker, moved to authorize by resolution the Intergovernmental Cooperative Purchase relating to the purchase of nine (9) Ford Police Interceptor utility vehicles for the Sheriff's Office, from Hertrich Fleet Services, Inc., as presented. The motion passed unanimously.

(Resolution No. RS-2020-26 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is located in the County Commissioners' Office.)

INTERGOVERNMENTAL COOPERATIVE PURCHASE OF AMMUNITION (INTG-20-0046) FOR THE WASHINGTON COUNTY SHERIFF'S OFFICE

Rick Curry, Director, Purchasing Department, and Mark Knight, Sheriff's Office, recommended authorizing by resolution, the Intergovernmental Cooperative Purchase (INGT-20-0046) utilizing another jurisdiction's contract (001B9400318) awarded to Atlantic Tactical of New Cumberland, Pennsylvania awarded by the State of Maryland Department for the purchase of one hundred ninety-four (194) cases of ammunition. The cost of twenty-two (22) cases of .223 caliber ammunition is \$563.39 per case, thirty (30) cases of .40 caliber ammunition is \$121.32 per case, forty (40) cases of .40 caliber ammunition is \$253.66 per case, forty (4) cases of .223 caliber ammunition is \$326.82 per case, forty-two (42) cases of .40 caliber ammunition of \$182.53 per case, and twenty (20) cases of 5.56 caliber ammunition of \$660.38 per case. The total cost for 194 cases of ammunition would be \$60,127.24; funds are budgeted in the departments operating account of 582010 10 11310.

Commissioner Baker, seconded by Commissioner Keefer, moved to authorize by resolution the Intergovernmental Cooperative Purchase relating to the purchase of ammunition for the Washington County Sheriff's Office from Atlantic Tactical, New Cumberland, PA., as presented. The motion passed unanimously.

(Resolution No. RS-2020-27 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is located in the County Commissioners' Office.)

INTERGOVERNMENTAL COOPERATIVE PURCHASE (INTG-20-0048) AEROCALVE ROOM CONTAMINATION SYSTEM FOR DIVISION OF EMERGENCY SERVICES (DES)

Mr. Curry and Shawn Hartsock, Captain, Division of Emergency Services, recommended authorizing by resolution, the Intergovernmental Cooperative Purchase (INGT-20-0048) utilizing another jurisdiction's contract (#EP11-17) awarded by Huston Galveston Area Council Contract Emergency Preparedness for the purchase of nine (9) AeroClave Room Decontamination System, Model 3110 for DES at a cost of \$16,562 each for a total cost in the amount of \$149,058 from AeroClave, LLC of Winter Park, Florida. Funds are budgeted through the CARES Act account.

Commissioner Baker, seconded by Commissioner Wagner, moved to authorize by resolution the Intergovernmental Cooperative Purchase relating to the purchase of nine (9) AeroClave Room Decontamination Systems at a total cost of \$149,058 as presented. The motion passed unanimously.

(Resolution No. RS-2020-28 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is located in the County Commissioners' Office.)

INTERGOVERNMENTAL COOPERATIVE PURCHASE (INTG-20-0039) ONE (1) NEW 35 TON ARTICULATED DUMP TRUCK FOR SOLID WASTE

Mr. Curry and Dave Mason, Deputy Director, Solid Waste, recommended authorizing by resolution, the Intergovernmental Cooperative Purchase (INTG-20-0039) for the purchase of one new 35 ton articulated dump truck from Carter Machinery Company, Inc, Baltimore, Maryland and to utilize another jurisdiction's contract (032119-CAT) that was awarded by Sourcewell (formerly National Joint Powers Alliance) to Caterpillar, Inc. and contingent upon approval of the final Lease Agreement by the County Attorney's Office. The annual lease payment for this contract would be for a period of five (5) years at a cost of \$170,820.66; funds are budgeted in the departments account 21-21020.

Commissioner Meinelschmidt, seconded by Commissioner Baker, moved to authorize by resolution the Intergovernmental Cooperative Purchase relating to the purchase of one (1) new 35-ton dump truck as presented. The motion passed unanimously.

(Resolution No. RS-2020-29 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is located in the County Commissioners' Office.)

DRAPER CONSERVATION RESERVE ENHANCEMENT PROGRAM (CREP) EASEMENT

Chris Boggs, Land Preservation Administrator, Planning and Zoning, recommended approval of the Philip M. Draper CREP easement project, paid for 100% by the Maryland Department of Natural Resources, for \$213,642.19 for 67.62 easement acres and to adopt an ordinance approving the purchase.

Mr. Boggs shared that the property is located at 12817 Keefer Road, Big Pool, Maryland, would protect 11.37 acres of woodland and 54.1 acres of hayland; there is a 2.51-acre building envelop around the existing dwelling. Additionally, this easement will serve to buffer roughly 6,600 feet of Lane's Run and its tributaries on the property. In addition to the easement funds, the County receives up to 3% of the easement value for administrative costs, a mandatory 1.5% for compliance costs and funds to cover all legal costs and surveys.

Commissioner Wagner, seconded by Commissioner Baker, moved to approve the Draper CREP, and to adopt an ordinance approving the purchase of the easement and to authorize the execution of the necessary documentation to finalize the easement purchase. The motion passed unanimously.

(Ordinance No. ORD-2020-29 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is in the County Commissioners' Office.)

FY21 OPIOID OPERATIONAL COMMAND CENTER GRANT

Rebecca Hogamier, Program Director, Washington County Sheriff's Office, Day Reporting Center, and Allison Hartshorn, Grant Manager, Office of Grant Management, requested approval to submit a grant application for the Opioid Operational Command Center grant in the amount of \$30,000, and accept funding as awarded. There is no match associated with the grant and the grant will not result in new recurring expenses for the county.

Commissioner Wagner, seconded by Commissioner Baker, moved to approve the submission of the FY21 Opioid Operational Command Center grant application in the amount of \$30,000 and to accept funding as awarded. The motion passed unanimously.

EMERGENCY NUMBERS SYSTEMS BOARD – APPROVAL TO SUBMIT APPLICATION AND ACCEPT AWARDED FUNDING FOR ADD ON SERVICE FOR TELEPHONE SYSTEM

Brian Albert, Assistant Director, Emergency Communications, and Ms. Hartshorn requested approval to submit a grant application for the Emergency Numbers Systems Board in the amount of \$258,030 and to accept awarded funding for the add-on service for the telephone system at the 9-1-1 Center.

Commissioner Baker, seconded by Commissioner Meinelschmidt, moved to approve the submission of the grant application for the Emergency Numbers Systems Board in the amount of \$258,030 and to accept funding as awarded. The motion passed unanimously.

APPROVAL OF ZONING MAP AMENDEMENT RZ-20-001

Travis Allen, Comprehensive Planner, Planning & Zoning, brought forth Zoning Map Amendment RZ-20-001 and requested the Commissioners adopt the prepared Decision and Findings of Fact by Ordinance to implement their previous consensus to approve the requested rezoning in this case.

Commissioner Baker, seconded by Commissioner Meinelschmidt, moved to adopt the Ordinance as presented. The motion passed unanimously.

(Ordinance No. ORD-2020-30 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is in the County Commissioners' Office.)

EMPLOYEE VACATION LEAVE CARRY-OVER REQUEST

Deb Condo, Deputy Director, Human Resources, presented information regarding the vacation hour carry over for 2021. Ms. Condo stated that the maximum amount of carry-over currently is 250 hours however due to COVID-19, most employees will have well beyond that figure.

The Commissioners discussed providing the option for employees to "buy back" vacation time rather than using, which may assist some departments which are short handed due to the hiring freeze. The Commissioners instructed Ms. Condo to provide potential cost for this option, as well as which departments are teleworking.

CITIZEN PARTICIPATION DURING OPEN MEETINGS

Tom Brown, Emergency Manager, requested direction from the Commissioners with regard to Citizen Participation during the Open Session Commissioner meetings while working through the COVID-19 pandemic. Mr. Brown outlined the two options for Citizens Participation and the processes of such.

Commissioner Meinelschmidt requested that citizens do not call prior to release of the agenda for that week. Additionally, the Commissioners discussed the need to remove items #19 and #20 from the plan as written.

Commissioner Meinelschmidt, seconded by Commissioner Keefer, moved to proceed with recommended changes (remove 19, 20 – email preferred), as discussed by Commissioner Meinelschmidt. The motion passed unanimously.

CONVENE IN CLOSED SESSION

Commissioner Meinelschmidt, seconded by Commissioner Baker, moved to convene in closed session at 11:32 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 to obtain legal advice; and to consider matters that relate to potential collective bargaining negotiations, in accordance with Sections 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 the potential appointment of specific individuals to a council over which the Board has appointment authority, discussed the filling of certain personnel vacancies; discussed appointment, employment, removal, conditions and working hours of specific employees, received advice of counsel; and the Board provided staff direction in regards thereto.

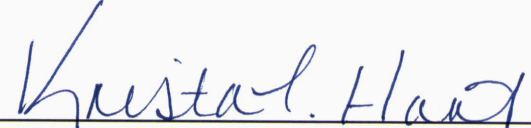
Present during closed session were Commissioners Jeffrey A. Cline, Terry L. Baker, Randy E. Wagner, Wayne K. Keefer, and Cort F. Meinelschmidt, Also present were Kirk C. Downey, County Attorney/Interim County Administrator; Krista L. Hart, County Clerk, and at various times, Susan Buchanan, Director, Office of Grant Management; Tom Brown, Emergency Manager; Deb Condo, Deputy Director, Human Resources; and Garrison Plessinger, Director, Hagerstown Regional Airport.

RECONVENE IN OPEN SESSION

Commissioner Meinelschmidt, seconded by Commissioner Keefer, moved to reconvene in open session at 12:48 p.m. The motion passed unanimously.

ADJOURNMENT

Commissioner Meinelschmidt, seconded by Commissioner Keefer, moved to adjourn at 12:48 p.m. The motion passed unanimously.



Krista L. Hart, County Clerk