



## **Board of County Commissioners of Washington County, Maryland**

### ***Open Session Minutes***

**January 26, 2021**

*The meeting of the Board of County Commissioners was held virtually via Zoom due to Governor Hogan's State of Maryland Executive Order pertaining to the COVID-19 Pandemic.*

### **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 10:04 a.m. via Zoom Meeting with the following members present: Vice-President Terry L. Baker, Commissioner Wayne K. Keefer, Commissioner Randall E. Wagner, and Commissioner Cort F. Meinelschmidt.

### **APPROVAL OF MINUTES**

Commissioner Meinelschmidt, seconded by Commissioner Wagner, moved to approve the minutes of January 12, 2021. The motion passed unanimously.

### **COMMISSIONERS' REPORTS AND COMMENTS**

Commissioner Wagner discussed the COVID-19 vaccine statistics and the method of which the vaccine is distributed through phases via the State of Maryland directive. He shared that the concentration of distribution needs to be given to the elderly group who has proven to be more susceptible to the pandemic.

Vice-President Baker concurred with Commissioner Wagner, adding that the method in which the vaccines are distributed needs to be rectified to follow the State of Maryland directive.

Commissioner Keefer also concurred with Commissioner Wagner's comments; adding that the matter is under direction of the State of Maryland rather than the Board of County Commissioners. He thanked President Cline for the inclusion of the Pledge of Allegiance in the virtual Commissioner meetings. Also, Commissioner Keefer recognized the efforts of the Commission on Aging and other community partners for utilizing its resources for aiding in the vaccine for seniors.

Commissioner Meinelschmidt provided the Board with updates regarding several bills under legislative review. He requested a letter of support for SB389 and HB552, Medicaid Reimbursement. The Commissioners reached a consensus to provide a letter of support for both and directed the County Attorney's office to draft said letters. Additionally, Commissioner Meinelschmidt discussed HB495 and advised the Commissioners to review said bill for future support.

Commissioner Meinelschmidt discussed a recent article written in The Herald-Mail newspaper which referenced Meinelschmidt Distillery and monies received through the County from the Restaurant Relief Grant. He added that he has forwarded the matter of his "Yay" vote in the distribution of funding to the Ethics Commission for review.

President Cline shared his sentiments regarding the vaccine for senior citizens, expressing the urgency for vaccinations to the more vulnerable community members. He added that there will be a press conference by Governor Hogan at 2:00 p.m. regarding the vaccine.



Commissioner Meinelschmidt shared that three (3) additional restaurants applied for aid from the Restaurant Relief Grant program and asked if funding could be provided for from the Hotel Motel tax fund.

### **STAFF COMMENTS**

#### **Purchasing Department**

Rick Curry, Director, and Andrew Eshleman, Director, Public Works, presented the Board with information pertaining to Washington County Public Schools Natural Gas Bid process and requested authorization to assign the Director, Public Works, as the Primary Representative and the Director, Purchasing, as the Secondary Representative/Alternate, thus authorizing said representatives to sign the natural gas contract on behalf of the Board and to enter into a contract following bid opening.

Commissioner Meinelschmidt, seconded by Commissioner Wagner, moved to authorize the Director of Public Works as primary, Director of Purchasing as secondary, and/or the President of the Board of County Commissioners as the representatives as presented. The motion passed unanimously.

#### **Department of Business Development**

Jonathan Horowitz, Business Leader, provided the Board with an update on the status of the Restaurant/Lodging Relief Grant program. He shared that check payments will be available for pick-up at the County Administration Building from Friday, January 29 through Thursday, February 4<sup>th</sup>. For those payments not picked up, delivery will be arranged on Friday, February 5<sup>th</sup>.

#### **County Administrator**

John Martirano, County Administrator, thanked all team members for their continued efforts in providing outstanding service throughout the COVID-19 pandemic. Additionally, he recognized staff who worked throughout the night during the recent snow/ice event. Mr. Martirano announced that the release of the State of the County video will transpire on February 2<sup>nd</sup>, additional information will be forthcoming.

### **REQUEST FOR INCREASE IN RATE OF PAY FOR CIRCUIT COURT BAILIFFS**

Honorable Daniel Dwyer, Administrative Judge, and Kristin Grossnickle, Court Administrator, Circuit Court for Washington County, presented the recommendation for an increase in pay for Circuit Court Bailiffs to a flat rate of \$100 per day, equivalent to \$12.50 per hour, and to eliminate the daily meal allowance. Honorable Dwyer shared that the current rate of pay is set at \$35 per half day, plus \$3.50 daily meal allowance, equivalent to \$9.19 per hour. He shared that effective January 1, 2021, the minimum wage rate in Maryland will be increased to \$11.75 per hour; January 1, 2022 to \$12.50 per hour.

Commissioner Wagner, seconded by Commissioner Keefer, moved to approve the pay increase to \$100 per day and to eliminate the daily meal allowance effective during the upcoming pay cycle, as presented. The motion passed unanimously.

### **CONTRACT RENEWAL (PUR1403) LANDFILL INSPECTION SERVICES**

Mr. Curry, and Dave Mason, Deputy Director, Solid Waste, recommended renewal of the contract with BAI Group, LLC, of State College, Pennsylvania (PUR1403) Landfill Inspection Services for a one-year period commencing March 13, 2021 on the same terms and conditions as the current contract, with the exception of a rate increase of 2.6% for construction inspection and engineering services based on BAI's letter of request dated January 7, 2021; this is the third year of the requirements contract.

Commissioner Meinelschmidt, seconded by Commissioner Keefer, moved to renew contract PUR1403 with BAI Group, LLC, as requested in its letter dated January 7, 2021 as presented. The motion passed unanimously.



**FISCAL YEAR 2022 RURAL LEGACY PROGRAM GRANT – APPROVAL TO SUBMIT APPLICATION AND ACCEPT AWARDED FUNDS**

Allison Hartshorn, Grant Manager, Grant Management; and Chris Boggs, Land Preservation Planner, Planning and Zoning, recommended approval of the submission of the fiscal year 2022 (FY22) Rural Legacy Program grant application in the amount of \$4,821,500 and to accept funding as awarded. The Office of Grant Management has reviewed the grant application and funding guidelines; there are no unusual conditions or requirements attached to the acceptance of the grant. There are recurring department operating expenses for the inspections of the easement properties by staff. Time required for inspections are 8 hours per year or \$300.00 per year and the cost is covered by the Department of Planning and Zoning. The grant provides 3% administration for staff time and 1.5% compliance allowance; all title, survey and settlement costs are paid in full by the grant.

Commissioner Keefer, seconded by Commissioner Baker, moved to approve the submission of the FY22 Rural Legacy Program grant application in the amount of \$4,821,500, and to accept funding as awarded. The motion passed unanimously.

**HOOD CONSERVATION RESERVE ENHANCEMENT PROGRAM (CREP) EASEMENT**

Mr. Boggs recommended approval of the Daryl E. and Alexis B. Hood CREP easement project, paid for 100% by the Maryland Department of Natural Resources, for \$277,200.00 for 89.39 easement acres and to adopt an ordinance approving the purchase.

Mr. Boggs shared that the property is located at 12744 Little Antietam Road, Hagerstown, Maryland, would protect 12.55 acres of woodland and 61.01 acres of hayland; there is a 4.91-acre building envelop around the existing dwelling. Additionally, this easement will serve to buffer roughly 800 feet and 10.92 acres around a tributary to Antietam Creek that runs through 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 Meinelschmidt, seconded by Commissioner Baker, moved to approve the Hood 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-2021-02 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is in the County Commissioners' Office.)

**JOINT RESOLUTION AND AMENDMENT TO THE CONSOLIDATED GENERAL SERVICES AGREEMENT**

Mark Bradshaw, Interim Director, Environmental Management, recommended approval of the Joint Resolution of the Board of County Commissioners and the Mayor and Council of the City of Hagerstown, amending the Consolidated General Services Agreement (CGSA) for Provision of Sanitary Sewer Service. Mr. Bradshaw stated that the CGSA establishes the parameters for wastewater service to, and the expansion of, the Joint Sewer Service Area (JSA.) He indicated that Amendment No. 12 to the CGSA would incorporate the property identified as Parcel 427, Washington County Tax Map Number 24, identified as Harpers Park into the JSA, pending approval by the Mayor and Council of the City of Hagerstown.

Commissioner Meinelschmidt, seconded by Commissioner Wagner, moved to approve Amendment No. 12 to the CGSA and the JRA as presented and to authorize the execution of any required documentation. The motion passed unanimously.

(Resolution No. RS-2021-01 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is located in the County Commissioners' Office.)



**BUDGET TRANSFER FOR PARKS DEPARTMENT PARKING LOT REPAIRS**

Andrew Eshleman, Director, Public Works, recommended approval of a budget adjustment for the use of available Program Open Space (POS) grant funds in the amount of \$41,723 with \$37,051 reimbursable from POS, and \$4,672 as the local share. Mr. Eshleman shared that the funds would be used in Capital Improvement account REC042 for Parking Lot Repair/Overlay.

Commissioner Meinelschmidt, seconded by Commissioner Baker, moved to approve the budget transfer in the amount of \$41,723 as presented. The motion passed unanimously.

**CONVENE IN CLOSED SESSION**

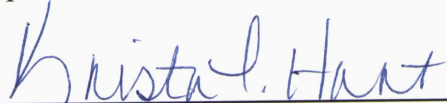
Commissioner Meinelschmidt, seconded by Commissioner Wagner, moved to convene in closed session at 11:02 a.m. to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation or performance evaluation of appointees, employees or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals; to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State; and to discuss public security, if the public body determines that a public discussion would constitute a risk to the public or to public security, including (i) the development of fire and police services and staff, and (ii) the development and implementation of emergency plans, in accordance with Sections 3-305(b) (1), (4), and (10) 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 board over which the Board has appointment authority and discussed a variety of personnel matters to include the compensation and filling of certain personnel vacancies with specific candidates, the Board provided staff direction in regards thereto. The Commissioners also discussed the potential for a business entity or entities to locate in the State and County. Additionally, the Commissioners discussed public security and the provision of fire and EMS services, and received legal advice related thereto.

Present during closed session were Commissioners Jeffrey A. Cline, Terry L. Baker, Wayne K. Keefer, Cort F. Meinelschmidt, and Randall E. Wagner. Also present were John M. Martirano, County Administrator; Krista L. Hart, County Clerk; Kirk C. Downy, County Attorney, and at various times Sara Greaves, Chief Financial Officer; Deb Condo, Deputy Director, Human Resources; Andrew Eshleman, Director, Public Works; Dave Hays, Director, Emergency Services; Dale Fishack, President, Washington County Volunteer Fire and Rescue Association; Jill Baker, Director, Planning and Zoning; and Senator Paul Corderman; Blackie Bowen; Frank Boulton, Atlantic League Founder and CEO; Eric Menzer, President, York Revolution; Dan Spedden, Hagerstown-Washington County Convention and Visitors Bureau; and Jim Kercheval, Greater Hagerstown Committee.

**ADJOURNMENT**

Commissioner Baker, seconded by Commissioner Wagner moved to adjourn at 1:47 p.m. The motion passed unanimously.



Krista L. Hart, County Clerk