



Board of County Commissioners of Washington County, Maryland

Open Session Minutes

April 13, 2021

CALL TO ORDER

President Jeffrey A. Cline called the regular meeting of the Board of County Commissioners of Washington County, Maryland to order at 10:00 a.m. with the following members present: Vice-President Terry L. Baker, Commissioner Wayne K. Keefer, Commissioner Randall E. Wagner, and Commissioner Charles A. Burkett.

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.

APPROVAL OF MINUTES

Commissioner Wagner, seconded by Commissioner Keefer, moved to approve the minutes of March 30, 2021. The motion passed 4-0 with Commissioner Burkett abstaining since he did not attend the meeting.

CONVENE IN CLOSED SESSION

Commissioner Wagner, seconded by Commissioner Keefer, moved to convene in closed session at 10:01 a.m. to consult with counsel to obtain legal advice on a legal matter, and to comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter, in accordance with Sections 3-305(b)(7) & (13) of the General Provisions Article of the Annotated Code of Maryland. The motion passed unanimously.

In closed session, the Commissioners consulted with counsel and received legal advice on a legal matter.

Present during closed session were Commissioners Jeffrey A. Cline, Terry L. Baker, Wayne K. Keefer, Randall E. Wagner, and Charles A. Burkett. Also present were John M. Martirano, County Administrator; Rachael McCarty, Legal Secretary; Kirk C. Downey, County Attorney; and Barry K. Downey, Smith & Downey.

RECONVENE IN OPEN SESSION

Commissioner Wagner, seconded by Commissioner Baker, moved to reconvene in open session at 10:12 a.m. The motion passed unanimously.

COMMISSIONERS' REPORTS AND COMMENTS

The Board welcomed newly appointed member, Commissioner Charlie Burkett. Each Commissioner offered their condolences to County Clerk Krista Hart and family regarding the loss of her father.

Vice-President Baker advised that the school board is looking for bus drivers, encouraging residents to apply. He expressed his support for both the Cascade and Hancock schools remaining open, citing the potential need for additional buses and bus drivers as supplementary reasons to keep them open. He congratulated Senator Corderman for his success in bringing a baseball stadium to Washington County and securing the funds to do so. He has received calls from citizens desiring to return to conventional septic systems after installing the formerly State-mandated BAT systems that are not as effective as was once thought by officials.

Commissioner Keefer reported participating in the bus ride from Hancock to Clear Spring, demonstrating the extended ride that Hancock students would be required to endure to be transported to Clear Spring should the school be closed. He and President Cline met with the leadership of the newly established Fraternal Order of Police that will represent Washington County Sheriff's Deputies; he expressed his support of this organization and its efforts to aid local officers.

Commissioner Burkett thanked all who aided in the process of his nomination, appointment, and confirmation as County Commissioner. Commissioner Burkett shared his concern for the proposal to close schools in the Hancock and Cascade areas.

Commissioner Wagner echoed Commissioner Baker's comments regarding the stadium. He made a formal request to move forward with recovering the roughly \$600,000 resulting from lawsuits that unjustly delayed the sale of Ft. Ritchie.

President Cline attended the Rural Heritage Open House event at the Agricultural Center, thanking Ken & Marge Peters for their support. He remembered a tragic event occurring on April 11, 1935, in which fourteen (14) people from Williamsport High School perished in an accident at a railroad crossing in Rockville, which prompted legislation for railroad crossings. He thanked Commissioner Keefer for joining him at the Fraternal Order of Police event. He expressed his support for keeping the Hancock school open, citing his participation in the arduous bus ride and roughly \$18,000,000 awarded to Hancock for infrastructure improvements that will lead to sustained economic development. He also supports the Cascade school remaining open, thanking Mr. Krumpotich for his efforts with Ft. Ritchie and noting that these improvements will aid in the endurance of the community.

AMENDMENTS TO THE RETIREMENT PLAN

Barry K. Downey, Smith & Downey, recommended approval to amend and restate the Employees' Retirement Plan of Washington County as presented. The proposed plan incorporates many changes that have been discussed and approved by Board over the past couple years. The plan includes some clarifications, flexibility to move forward on actuarial matters, provisions for the use of credit for service, unused sick leave, and changes in Federal law.

Commissioner Wagner, seconded by Commissioner Keefer, moved to amend, and restate the Retirement Plan as proposed. The motion passed unanimously.

STAFF COMMENTS

County Administrator

John Martirano welcomed Commissioner Burkett and offered his condolences to the Hart family. He pointed out that no meeting is scheduled for Tuesday, April 27th. He thanked all 911 dispatcher employees in recognition of Public Safety Telecommunicators Week.

FY2022 COMMUNITY ORGANIZATION FUNDING REVISED RECOMMENDATIONS

Susan Buchanan, Director, Office of Grant Management, recommended approval of the Community Organization Funding (COF) Committee's revised recommendations for FY22 as presented, or with amendment(s). Ms. Buchanan shared that during the previous presentation on March 9, 2021, the Commissioners requested that the Committee reconvene to distribute up to \$100,000 to the nine (9) non-funded applications in a fair and equitable manner. On March 25, 2021, the COF Committee held a Special Meeting to determine revised funding recommendations as instructed. After review and discussion of the applications, revised recommendations were determined and approved by the Committee. The Committee allocated \$55,000 through this process and requested that the

Commissioners determine whether to allocate some or all of the remaining \$45,000 and/or return the remaining funds to the general fund budget.

Commissioner Baker, seconded by Commissioner Wagner, motioned to approve the recommendations as presented acknowledging discussion and appropriation of the remaining \$45,000 to occur later within meeting. The motion passed unanimously.

The Commissioners recessed at 10:43 a.m. and returned to the meeting at 11:00 a.m.

PUBLIC HEARING: MODIFICATION OF WATER AND SEWER RATES FY2022

President Cline convened a public hearing at 11:00 a.m. to obtain public comment regarding the proposal for modification of water and sewer rates FY2022. Commissioner Cline reviewed the procedures for the Public Hearing.

Kirk Downey, County Attorney, advised that the record will remain open until close of business (4:00 pm) on April 19th. Citizens can submit comments on the Public Hearing via email to rmccarty@washco-md.net, by mail to the County Commissioners, 100 West Washington Street, Suite 1101, Hagerstown, Maryland 21740, or by leaving a voice message with the County Clerk.

Sara Greaves, CFO, and Mark Bradshaw, Director, Environmental Management, shared that water and sewer revenue requirements show that an increase in water and sewer revenue is necessary to facilitate the Department of Water Quality's long-range financial plan. Ms. Greaves shared that the proposed modifications would project a revenue impact of \$26,000 for water and \$331,611 for sewer. The proposed rate increase costs the average user \$6 per quarter.

The Public Hearing was opened for Commissioner comments.

The Public Hearing was closed at 11:13 a.m.

STAFF COMMENTS

Jonathan Horwitz, Business Leader, Business Development, requested approval to submit a letter of support for Wastewater Exception No. 6 for Economic Development Projects for utility expansion in the Breeze Hill location. The \$8 - \$10 million project, being developed by Taylor Bowen, is 16 acres and is expected to create 25-40 jobs.

Commissioner Wagner, seconded by Commissioner Baker, moved to approve the letter of support as presented. The motion passed unanimously.

SAVE HISTORIC ANTIETAM FOUNDATION, INC. RURAL LEGACY PROGRAM EASEMENT

Chris Boggs, Land Preservation Planner, Planning and Zoning, recommended approval of the Save Historic Antietam Foundation, Inc. Rural Legacy Program (RLP) project of 4.218 acres, donated by the landowner with final approval by the Maryland Department of Natural Resources, to adopt an ordinance approving the purchase, and to authorize execution of the necessary documentation to finalize the easement purchase. Mr. Boggs shared that the property is located on Mills Road, Sharpsburg, Maryland, and composed of entirely woodland and lies in a part of Washington County that was heavily trafficked during the Civil War and the Battle of Antietam. Mr. Boggs shared that one (1) development right will be extinguished with the easement. For compliance, the State will compensate the County for administrative and title costs.

Commissioner Wagner, seconded by Commissioner Keefer, moved to approve the Save Historic Antietam Foundation, Inc. RLP Easement, 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-2021-07 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the originals are in the County Commissioners' Office.)

BID AWARD (PUR-1496) LABORATORY SERVICES FOR WATER/WASTEWATER TESTING

Rick Curry, Director of Purchasing, on behalf of Brandi Naugle, Buyer, Purchasing; and Mark Bradshaw, Director, Environmental Management, on behalf of Davina Yutzy, Deputy Director, Water Quality Operations, and Becky Orndorff, Chief of Laboratory Testing, Water Quality, recommended award of the bid for Laboratory Services for Water/Wastewater Testing for the Department of Water Quality to the responsible, responsive bidder ALS Group USA, Corporation (dba ALS Environmental), Middletown, Pennsylvania, for the lowest (annual) Total Bid Sum of \$53,941.20. The contract period is for one (1) year, with option by the County to renew for up to two (2) additional consecutive one (1) year periods tentatively to commence on May 1, 2021.

Commissioner Baker, seconded by Commissioner Wagner, moved to award PUR-1496 to ALS Group, USA, Corporation (dba ALS Environmental) in the total amount of \$53,941.20, as presented. The motion passed unanimously.

EXPANSION OF THE HAGERSTOWN/WASHINGTON COUNTY ENTERPRISE ZONE

Jonathan Horowitz, Business Leader, Economic Development, on behalf of Susan Small, Director, Business Development, recommended adoption of the Resolution authorizing the submission of the joint application of the Board of County Commissioners of Washington County, Maryland (County), and the City of Hagerstown (City) for the requested expansion of an Enterprise Zone within and adjacent to the corporate boundaries of the City of Hagerstown, as outlined in the Public Hearing held March 30, 2021. Expansions done by census tracts. Some are in county and some are in city (half and half).

There were three (3) comments received during the citizens participation period: Mark Dickinson requested to add three (3) of his parcels to the Enterprise Zone via the expansion application; Chris Smith requested to have his property located off of Colonel Henry K. Douglas Drive.; Angela Davids submitted a protest of the development of the Review & Herald property.

Commissioner Wagner, seconded by Commissioner Keefer, moved to authorize by Resolution the submission of the joint application of the County and the City, as presented. The motion passed unanimously.

(Resolution No. RS-2021-08 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the originals are in the County Commissioners' Office.)

REQUEST FUNDING TO IMPLEMENT MARYLAND MONEY MARKET PROGRAM

Jonathan Horowitz, Business Leader, Economic Development, on behalf of Susan Small, Director of Economic Development; and Leslie Hart, Agricultural Specialist, Business Development, recommended approval to a match request of \$6,000 to the Western Maryland Resource Conservation and Development grant fund from the Hotel-Rental Tax fund to implement the Maryland Money Market Program (MMMP) and contract Money Market Manager beginning in May 2021. The MMMP is designed to reach those who are food insecure. With the pandemic, there has been a substantial spike in the number of people that utilize snap benefits. For every \$5 each snap utilizer spends, \$5 is matched. This requested funding will cover 2021; the financial responsibility will fall to the markets next year.

Commissioner Baker, seconded by Commissioner Burkett, moved to approve the grant match of \$6,000 from the Hotel-Rental Tax fund, as presented. The motion passed unanimously.

BUSINESS INCENTIVE PROGRAM FOR HANCOCK AND CASCADE AREAS

Mr. Horowitz provided the Board with information pertaining to potential economic development incentive programs in the Hancock and Cascade areas of Washington County. He provided a brief description of two (2) potential approaches to economic development to include a financial matching program and/or a public/private partnership for infrastructure improvement projects. The financial match is a short-term, lower cost impact that would yield quicker results. The public/private partnership is a long-term, higher investment option producing a higher return. The Commissioners discussed implementation of PILOT (Payment in lieu of Taxes) programs, residential tax incentives, and programs that attract remote workers.

The Commissioners asked Business Development staff to conduct further research into PILOT programs and residential incentives.

FY2021 BOND BUDGET ADJUSTMENT

Sara Greaves, CFO, requested approval or modification of a budget adjustment which had been previously presented by the Board of Education (BOE) in the total amount of \$1,873,841 for the transfer of funds from Sharpsburg Elementary and BISFA as a result of budgetary savings. The adjustment includes a portion of bond funding to Sharpsburg Elementary, the construction of which is complete. Therefore, these bonds should not be included in the upcoming bond sale held in May. The amount can be removed completely from the sale or redirected to BOE Capital Maintenance Projects.

Commissioner Keefer, seconded by Commissioner Burkett, moved to approve the FY21 Bond Budget Adjustment in the amount of \$1,873,841, slightly modified as presented, to be redirected BOE Capital Maintenance Projects, targeted to Cascade and Hancock schools for improvements as needed. The motion passed unanimously.

FISCAL YEAR 2022 GENERAL FUND BUDGET – PROPOSED (DRAFT 4)

Ms. Greaves provided the Board with an update on Draft 4, Fiscal Year 2022 (FY22), General Fund Budget in the amount of \$254,535,100. Ms. Greaves provided an overview of County funding provided to the BOE in comparison to other Maryland counties, illustrating that Washington County does heavily invest in education.

Commissioner Baker, seconded by Commissioner Keefer, moved to reduce the income tax rate from 3.2% to 2.8%, emphasizing that the thirty-three (33) firefighters and Emergency Services are a top priority and will not receive reduced funding. The motion passed 3-2 (Commissioners Cline and Wagner voted “NAY”).

CONVENE IN CLOSED SESSION

Commissioner Wagner, seconded by Commissioner Baker, moved to convene in closed session at 12:53 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 protect the privacy or reputation of an individual concerning a matter not related to public business; 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 comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter in accordance with Section 3-305(b)(1), (2), (4), (7), & (13) of the General Provisions Article of the Annotated Code of Maryland. The motion passed unanimously.

~~In closed session, the Commissioners discussed the filling of certain personnel vacancies, and the hiring of certain individuals.~~ In closed session, the Commissioners considered an appointment to a County board, authorized subordination of a mortgage concerning a certain individual, and considered a compensation inequity concerning certain personnel. The Commissioners also received updates on various proposals for businesses to located, expand, or remain in the State and received legal advice from counsel concerning a legal matter.

Present during closed session were Commissioners Jeffrey A. Cline, Terry L. Baker, Wayne K. Keefer, Randall E. Wagner, and Charles A. Burkett. Also present were John M. Martirano, County Administrator; Rachael McCarty, Legal Secretary, and Kirk C. Downey, County Attorney, and at various times: Jill Baker, Director, Planning & Zoning; Deborah Condo, Deputy Director, Human Resources; Jonathan Horowitz, Business Leader, Economic Development, on behalf of Susan Small, Director of Economic Development; Andrew Bright, Assistant County Attorney; and Sara Greaves, CFO.

RECONVENE IN OPEN SESSION

Commissioner Wagner, seconded by Commissioner Baker, moved to reconvene in open session at 1:56 p.m. The motion passed unanimously.

ADJOURNMENT

Commissioner Wagner, seconded by Commissioner Baker, moved to adjourn at 1:56 p.m. The motion passed unanimously.



Rachael McCarty, Legal Secretary