



Board of County Commissioners of Washington County, Maryland
Open Session Minutes
August 31, 2021

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 10:00 a.m. at 100 West Washington Street, Hagerstown, Maryland, with the following members present: Commissioner Wayne K. Keefer, Commissioner Randall E. Wagner, and Commissioner Charles A. Burkett (Vice-President Terry L. Baker was absent).

APPROVAL OF MINUTES

Commissioner Wagner, seconded by Commissioner Burkett, moved to approve the minutes of August 10, 2021. The motion passed 3-0-1 (Commissioner Keefer abstained due to an absence; Commissioner Baker was absent).

Commissioner Burkett, seconded by Commissioner Keefer, moved to approve the minutes of August 17, 2021. The motion passed 3-0-1 (Commissioner Cline abstained due to an absence; Commissioner Baker was absent).

COMMISSIONER COMMENTS

Commissioner Keefer requested a resolution on a discrepancy as it relates to the premium pay for County employees, more specifically for those affected by COVID at the workplace and the impact said exposure would have on the 100% attendance requirement. John Martirano, County Administrator stated that currently, if an employee developed COVID at the workplace, that absence would not apply against the 100% requirement. Larry Etchison, Director, Human Resources, added that if an employee was required to remain at home to quarantine due to a potential work-related exposure, that time would apply to the 100% requirement.

Commissioner Keefer shared his opinion that if an employee was potentially exposed at the workplace, the employee should not be penalized; the Commissioners concurred.

The Commissioners reached a consensus that if an employee was sent home to quarantine due to an employment related exposure, that will not count against said employee and the 100% requirement for the matter of the Premium Pay.

Commissioner Burkett provided the Commissioners with an update on the Maryland Association of Counties (MACo) conference, adding the topics of the classes he attended. Additionally, he attended a meeting with the Maryland Department of Transportation and County staff to discuss the widening of Interstate 81 and the lack of funding from the State of Maryland for County roadways. He discussed matters surrounding the necessity for broadband service in Washington County, specifically the southern section. He thanked Danielle Weaver and Brittany Arizmendi, Public Relations Department, for their support of Washington County during the MACo conference on behalf of Washington County. Commissioner Burkett also asked all employees to honor John Martirano's recommendation to wear a mask, despite the fact that it is not mandated at this time. He thanked all staff members in the 911 Facility for their outstanding efforts to keep the County safe.

Commissioner Wagner thanked everyone who reached out to him during his recent surgical procedure. He also congratulated John and Teresa Barr for being honored at the 2021 Tribute to benefit the John and Teresa Barr Scholarship Fund at Hagerstown Community College.

President Cline congratulated Mr. and Mrs. Barr for the recent award and thanked them for their community efforts. Additionally, he attended an event at Pen Mar Park; he honored Jim and Fay Powers for the many years of music and entertainment.

STAFF COMMENTS

Engineering

Todd Moser, Real Property Administrator, presented the Commissioners with an option to decline an acquisition of surplus property located between National Pike and Wilson Road consisting of 4,172 square feet of unbuildable property. County staff has reviewed the property information and the property would offer no benefit to the County in terms of utilization.

The Commissioners reached a consensus to decline the acquisition of surplus property from the Maryland Department of Transportation as presented.

Budget and Finance

Sara Greaves, CFO, shared that the Maryland Public Procurement Association was awarded the Platinum Chapter Standards Seal; as well as a congratulations to Brandi Naugle, Buyer, Purchasing, who serves as President of the Association.

Commissioner Wagner, seconded by Commissioner Keefer, moved to approve the use of Commissioners' Contingency Funds for a previous award of \$30,000 to the Clear Spring Fire Department for the purchase of an LED road message sign. The motion passed unanimously (4-0, Commissioner Baker was absent).

County Administrator

John Martirano thanked all staff and the Commissioners for providing support in his request to wear masks in the County buildings. Additionally, staff is preparing for the remnants of Tropical Storm Ida and will be monitoring the storm event over the upcoming days. He reminded all that there is no Commissioner meeting next week; the next meeting will be September 14th. He invited all to attend the 20th Anniversary of the 911 Event on September 7th at 5:30 p.m. at the Hagerstown Regional Airport. He also thanked Brittany Arizmendi and Danielle Weaver for their involvement at MACo.

CITIZENS PARTICIPATION

Stan Brown, Jr., Hagerstown, brought forth the matter of renaming Col. Henry K. Douglas Drive and requested an update on such. Mr. Martirano shared that the matter has been reviewed by County staff and requested an update from the County Attorney. Kirk Downey, County Attorney advised Mr. Brown that such requests are provided for under the Addressing Ordinance and generated by property owners adjacent to the roadway in question; the County has not received any such requests from property owners.

PROCLAMATION: SUICIDE PREVENTION WEEK

The Board of County Commissioners presented a proclamation to Brooke Kerbs, Director, Child and Adolescent Services, Washington County Mental Health Authority.

PROCLAMATION: EMERGENCY PREPAREDNESS MONTH

The Board of County Commissioners presented a proclamation to Brian Lohman and Eric Hodge, Emergency Management.

ESTABLISHING A MASTER DEPUTY RANK, WASHINGTON COUNTY SHERIFF'S OFFICE

Sheriff Doug Mullendore presented the recommendation to create a position of Master Deputy within the Washington County Sheriff's Office, adding that this position would provide opportunity to increase starting salary. Additionally, he recommended approval to implement a \$5,000 recruitment incentive for Washington County Detention Center deputies, to include a contract requiring employment for a minimum of three (3) years or reimbursement of \$5,000 would be required; a \$500 bonus for current employees as a referral bonus, and approval of a budget transfer to implement changes as presented. Sheriff Mullendore explained that by adding the rank of Master Deputy, it would permit deputies who qualify by testing to increase their salary by approximately 5%, thus retaining staff members. He further advised that his intent is to revise the years of service requirement to obtain the rank of Deputy First Class from five (5) years to three (3) years and to increase pay upon promotion from \$39,333 to \$41,039 (2 steps) for Detention Staff; increase Sworn Deputy staff from \$45,053 to \$47,34; and to increase lateral hires from \$42,349 to \$43,410 for Detention and \$48,526 to \$49,733 for Sworn Deputy staff.

Sheriff Mullendore stated that the immediate financial impact would be \$100,000, which would be to cover the cost to raise three-year deputies to Deputy First Class. After testing and promotional process, the impact would grow up to an additional \$350,000 based upon the number of those who pass the testing and promotional process to Master Deputy; for a potential total of \$450,000.

Commissioner Wagner shared his opinion that the plan appears to be inadequate to those in higher ranks.

Commissioner Keefer asked if ARPA funds could be used to assist with the proposed changes; Ms. Greaves will review the guidelines and return to a future meeting.

Commissioner Cline asked if all salaries could be increased as a part of this plan.

Commissioner Wagner, seconded by Commissioner Burkett, moved to approve the plan as presented; and for Sheriff Mullendore to work with staff to review salaries of upper ranked positions, to return in no more than sixty (60) days. The motion passed unanimously (4-0, Commissioner Baker was absent).

INTERGOVERNMENTAL COOPERATIVE PURCHASE (INTG-21-0067)

Brandi Naugle, Buyer, Purchasing, and Mark Bradshaw, Director, Environmental Management, recommended authorizing by resolution the Intergovernmental Cooperative Purchase (INTG-21-0067) with Carter Machinery, Baltimore, Maryland (MD) utilizing another jurisdiction's contract awarded by Sourcewell (Contract #032119-CAT) for the Department of Water Quality to lease/purchase of one (1) 2021 Caterpillar 304E2 Excavator for a total cost of \$74,849.85. Funds are budgeted in the department's capital improvement plan account 535055.40.40040.

Commissioner Burkett, seconded by Commissioner Wagner, moved to authorize by Resolution the Intergovernmental Cooperative Purchase INTG-21-0067 with Carter Machinery, Baltimore, MD utilizing Sourcewell's Contract 032119-CAT, in the amount of \$74,849.85, as presented. The motion passed unanimously (4-0, Commissioner Baker was absent).

(Resolution No. RS-2021-24 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is in the County Commissioners' Office.)

**BID AWARD (PUR1508) LAUNDRY EQUIPMENT FOR THE WASHINGTON COUNTY
DETENTION CENTER**

Ms. Naugle, and Terry Hill, Senior Systems Mechanic, Washington County Sheriff's Office, recommended award of the contract for the purchase of three (3) Milnor V-Series Washer/Extractors (\$14,000/each) and three (3) Milnor M758V Natural Gas Dryers (\$5,550/each) to the responsible, responsive bidder, PAC Industries, LLC of Harrisburg, Pennsylvania (PA) who submitted the lowest Total Sum Bid of \$58,650. Funds are available in the Sheriff's Office Capital Improvement Plan (CIP) account 600400-30-11320- BLD089 for the purchase of the laundry equipment.

Commissioner Burkett, seconded by Commissioner Wagner, moved to award contract PUR1508 for Laundry Equipment to PAC Industries, LLC, Harrisburg, PA in the total amount of \$58,650, as presented. The motion passed unanimously (4-0, Commissioner Baker was absent).

The Commissioners recessed at 10:51 a.m. and returned to the meeting at 11:00 a.m.

**PUBLIC HEARING: REQUESTS BY ORGANIZATIONS TO BE ADDED TO THE LIST
OF NONPROFIT ORGANIZATIONS TO WHICH THE BOARD OF COUNTY
COMMISSIONERS MAY CONTRIBUTE FUNDS, PURSUANT TO § 1-108 OF THE
CODE OF PUBLIC LOCAL LAWS OF WASHINGTON COUNTY, MARYLAND**

President Cline convened a public hearing at 11:00 a.m. to obtain public comment regarding requests by various Washington County nonprofit organizations to which the Board of County Commissioners may contribute funds, pursuant to the §1-108 List. President Cline reviewed the procedures for the Public Hearing.

Mr. Downey presented the letters of request received from:

- PurrHaven, Inc.
- American's Hauling for Hope, Inc.
- Partners in Care Maryland, Inc.

Mr. Downey explained that approval by the Board for the nonprofit organizations to be added to the §1-108 list does not assure that the organizations will receive funding from the County. That decision is made separately as a part of the Community Organization Funding process and ultimately the County's budgetary process.

The Public Hearing was opened for citizen comment.

Clint Rawlings, Executive Director, American's Hauling for Hope, Inc. provided a brochure outlining the efforts and services of the organization as a portion of his testimony (Exhibit #1).

Carrie Fair, Deputy Director, Community for Life and Bud Otis, Partners in Care Maryland, spoke on behalf of their organization.

Stan Brown Jr., Hagerstown, shared that he is on the Board of Directors for the Robert W. Johnston Community Center and asked how that organization could be considered. Susan Buchanan shared that they are currently part of the list.

The Public Hearing was opened for Commissioner comment.

The Public Hearing was closed at 11:14 a.m.

Commissioner Burkett, seconded by Commissioner Wagner, moved to approve as submitted. The motion passed unanimously (4-0, Commissioner Baker was absent).

COMMUNITY ORGANIZATION FUNDING – SERVICE PRIORITY AREAS AND ELIGIBLE EXPENSES FOR FISCAL YEAR 2023

Susan Buchanan recommended approval of the Community Organizations Service Priority Areas and their respective available funding amounts as presented on August 17, 2021. Also, to approve the addition of capital expenses as eligible costs for Community Organization Funding grants. Ms. Buchanan presented the Board with the pros and cons for the additional of capital expenses as eligible costs. Ms. Buchanan confirmed that there is a total of \$774,000 to be distributed as previously discussed. She added that capital expenses are paid quarterly.

Commissioner Wagner, seconded by Commissioner Keefer (with comment), moved to approve the Community Organizations Service Priority Areas as presented, and with the addition of the following stipulations: capital project must be completed within twelve (12) months of application, and no capital funding would be approved for a building fund or endowment of any sorts – needs to be an actionable project. The motion passed unanimously (4-0, Commissioner Baker was absent).

INVESTMENT AND RETIREMENT COMMITTEE – APPOINTMENT OF COMMISSIONER

Larry Etchison, Director, Human Resources, and Sara Greaves, CFO, requested a commissioner representative for the Investment Committee and the Retirement Committee. Commissioner Keefer volunteered for the Retirement Committee and Commissioner Burkett volunteered for the Investment Committee. Each Commissioner on each board will agree to serve through the end of the current elected term.

Commissioner Wagner, seconded by Commissioner Keefer, moved to approve the appointments as presented, respectively. The motion passed unanimously (4-0, Commissioner Baker was absent).

PUBLIC HEARING: APPLICATION FOR ZONING TEXT AMENDMENT RZ-21-004,

President Cline convened a public hearing at 11:30 a.m. to obtain public comment regarding the application to amend Section 4.26 (Solar Energy Generating Systems) (SEGS) of the Washington County's zoning ordinance to deter placement of solar arrays on productive agricultural land in rural areas.

Jill Baker, Director, Planning and Zoning, presented the staff report and analysis on behalf of the Washington County Planning and Zoning. Ms. Baker shared that this item was presented to the Washington County Planning Commission at a Public Information Meeting held during their regular meeting on June 7, 2021. Written comment was received in favor of the changes. On July 19, 2021, the Planning Commission unanimously recommended approval of the proposed text amendments.

President Cline reviewed the procedures for the Public Hearing.

The Public Hearing was opened for public comment and no individuals offered comment.

The Public Hearing was opened for Commissioner comment. Commissioner Wagner noted that although Washington County could implement the matter, the Public Service Commission would have the final authority in the matter.

The Public Hearing was closed at 11:37 a.m.

The Commissioners reached a consensus to approve the text amendment and directed staff to prepare a Decision and Findings of Fact to be presented to them for consideration and vote during a future meeting.

PREMIUM PAY DISCUSSION – EMERGENCY AND FIRE FIRST RESPONDERS

John Martirano, County Administrator; Sara Greaves, CFO; and Dave Hays, Director, Emergency Services, presented the Commissioners with information regarding premium pay for the emergency and fire first responders who, during the period of March 7, 2020, and March 5, 2021, (volunteer and career) provided emergency medical care/transport, rescue, and fire suppression services to Washington County residents. Mr. Hays recommended that the maximum amount of premium pay/COVID premium pay to any one individual, any combination of corporation and/or County payments, be \$5,500 for full-time and \$4,125 for part-time. Mr. Hays shared that the fiscal impact would be approximately \$600,000.

Mr. Hays shared that this may include a potential reimbursement to Community Rescue Service, as they have already paid a premium payment to staff. Additionally, payment will be sent directly to the Department for distribution by employer. Also, Mr. Hays shared that the payment cannot be excluded from any employer tax; he will work with each company on those costs. Additionally, the Washington County Volunteer Fire and Rescue (WCVFRA) has one full-time employee, Chandler Fishack, who would be included in the premium pay.

Commissioner Wagner, seconded by Commissioner Keefer, moved to approve payment of up to \$5,500 for full-time first responders and EMS and up to \$4,125 for part-time first responders and EMS, regardless of any dual role employment in County Government or volunteer corporation; and to include the one full-time staff member of the WCVFRA, Chandler Fishack, as presented. The motion passed unanimously (4-0, Commissioner Baker was absent).

Commissioner Burkett, seconded by Commissioner Wagner, moved to approve a budget transfer of \$25,000 to provide additional funds needed relative to the local volunteer fire department's premium pay which was previously approved; this transfer is needed to adjust an error in number of employees. The motion passed unanimously (4-0, Commissioner Baker was absent).

REVISED SAFETY COMMITTEE BY-LAWS

Larry Etchison, Director, Human Resources; and Brian Overcash, Safety Compliance/Training Coordinator, recommended approval of the revised by-laws for the Washington County Safety Committee.

Commissioner Wagner, seconded by Commissioner Keefer, moved to approve the revisions as presented. The motion passed unanimously (4-0, Commissioner Baker was absent).

PR-40 REMOTE WORK

Mr. Etchison recommended approval of a new policy entitled, "PR-40 Remote Work" permitting eligible employees to work offsite at an alternate location for all or part of their work week.

Commissioner Burkett feels that a policy for a general work from home is not necessary however, he would support a policy for an emergency should one occur.

Commissioner Keefer recommended that an employee be evaluated by length of time prior to placement on a remote work policy. He requested information on potential savings of such a policy should it be implemented. Commissioner Keefer further recommended training for employees on the subject.

Commissioner Wagner, seconded by Commissioner Keefer (with comment), moved to adopt the policy for use in an emergency situation only; staff was instructed to return at a future meeting to address a more general remote work policy. The motion passed unanimously (4-0, Commissioner Baker was absent).

INTENT TO CONVEY REAL PROPERTY

Todd Moser, Real Property Administrator, Engineering, recommended the adoption of an ordinance to declare properties located on Pennersville Road, Cascade, Maryland (Tax ID 14017674), consisting of 10.5 acres as surplus, and to approve the conveyance of the same, and to authorize the execution of the necessary documentation to finalize the conveyance. Mr. Moser explained that the property has been on the open market for over two (2) years and the following offer(s) have been received: \$70,000 from John Krumpotich.

Commissioner Burkett, seconded by Commissioner Wagner, moved to adopt an ordinance declaring the property as presented as surplus properties and to convey the same and authorize the execution of the necessary documentation to finalize the conveyance. The motion passed unanimously (4-0, Commissioner Baker was absent).

(Ordinance No. ORD-2021-17 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is in the County Commissioners' Office.)

Kirk Downey, County Attorney, advised that Holcim Cement has submitted a request for a letter of support as it involves a Permit to Construct for plant improvements to Secretary Grumbles, Maryland Department of the Environment.

The Commissioners reached a consensus to provide a letter of support as requested. Staff was instructed to provide for signature.

CLOSED SESSION

Commissioner Wagner, seconded by Commissioner Burkett, moved to convene in closed session at 12:22 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, and to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State; 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) (1), (4), and (13) of the General Provisions Article of the Annotated Code of Maryland. The motion passed unanimously (4-0, Commissioner Baker was absent)

In closed session, the Commissioners discussed the filling of certain personnel vacancies and the hiring of certain individuals and the appointments to certain boards. The Commissioners also discussed potential business establishments or expansions; and to maintain the attorney-client privilege and provided staff with direction thereto.

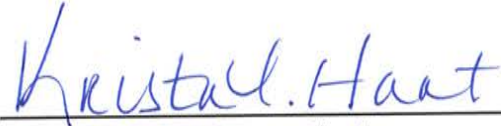
Present during closed session were Commissioners Jeffrey A. Cline, Wayne K. Keefer, Charles A. Burkett, and Randall E. Wagner; also, present were John M. Martirano, County Administrator; Kirk C. Downey, County Attorney, and Krista L. Hart, County Clerk. Additionally, the following staff members were present at times: Larry Etchison, Director, Human Resources; Todd Moser, Real Property Administrator; Scott Hobbs, Director, Engineering, and Jonathan Horowitz, Business Leader, Business Development (Commissioner Terry L. Baker was absent).

RECONVENE IN OPEN SESSION

Commissioner Wagner, seconded by Commissioner Burkett, moved to reconvene in open session at 12:58 p.m. The motion passed unanimously (4-0, Commissioner Baker was absent).

ADJOURNMENT

Commissioner Wagner, seconded by Commissioner Burkett, moved to adjourn the meeting at 12:58 p.m. The motion passed unanimously (4-0, Commissioner Baker was absent).



Krista L. Hart, *County Clerk*