



## Board of County Commissioners of Washington County, Maryland

### *Open Session Minutes*

September 14, 2021

#### **MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE**

President Cline asked that Vice-President Baker be kept in everyone's thoughts and prayers.

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 8:41 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 for the duration of the meeting).

#### **APPROVAL OF MINUTES**

Commissioner Wagner, seconded by Commissioner Keefer, moved to approve the minutes of August 31, 2021. The motion passed unanimously (4-0, Commissioner Baker was absent).

#### **COMMISSIONER COMMENTS**

The Commissioners provided a brief overview of events attended throughout Washington County.

Commissioner Keefer shared prayers for friend and colleague, Terry Baker. Additionally, he requested review and discussion regarding COVID-Premium Pay for County retirees. Commissioner Keefer further discussed the mandated vaccine for staff at the Circuit Courthouse and requested staff create a plan for a central testing of those County staff members who report to the Administrative Judge at the Courthouse.

Commissioner Burkett welcomed NFL vet, Jason Ankrah as the new football coach for Clear Spring. He touched on Washington Goes Purple month and commented on the kick-off event recently held; he encouraged all to participate and support the efforts. Additionally, he welcomed Nathan's Ridge and shared information on how to donate to the facility.

Commissioner Wagner concurred with Commissioner Keefer's comments regarding COVID-Premium pay. He thanked staff from the Washington County Humane Society and Marty Snook Park for a successful Pooch Plunge recently held. He noted the 9/11 Event recently held by County staff and thanked all those involved.

President Cline recognized staff who organized and attended the 9/11 Event at the Hagerstown Regional Airport. Additionally, he thanked those involved in the Boonsboro Remembrance Parade.

#### **STAFF COMMENTS**

##### *Budget and Finance*

Sara Greaves, CFO, recommended approval to transfer \$9 million of General Fund money to the Capital Fund.

The Commissioners discussed the request in detail, to include the amount of revenue as it relates to the COVID-Pandemic.

Commissioner Keefer requested that staff provide an update on the COVID-Premium Pay for retirees.

Commissioner Wagner, seconded by Commissioner Keefer, moved to approve the budget transfer as presented. Commissioner Keefer requested that staff return at a future meeting with information pertaining to projects in which the funds would be allocated toward. The motion passed unanimously (4-0, Commissioner Baker was absent).

#### County Clerk

#### Local Management Board

Commissioner Wagner, seconded by Commissioner Keefer, moved to accept the recommendation to reappointment Dennis Whitmore to serve a first full three-year term from July 1, 2021, through June 30, 2024, as the Community Representative; to appoint Gerard Kendle and Kimberly Duncan each to serve a first three-year term from September 1, 2021, through August 31, 2024, as Community Representatives. The motion passed unanimously (4-0, Commissioner Baker was absent).

#### County Administrator

John Martirano shared that the County is supporting the Washington Goes Purple campaign. He added that United Way Day of Caring is upcoming on Thursday, he thanked all staff involved in the organization of the event. He also thanked Krista Hart, Clerk, and Tom Brown, Emergency Management for organizing the 9/11 Remembrance Event at the Hagerstown Regional Airport and shared a video from that event.

#### **CITIZENS PARTICIPATION**

None

#### **CONVENE AS THE BOARD OF HEALTH**

Commissioner Wagner, seconded by Commissioner Keefer, moved to convene as the Board of Health at 9:23 a.m. The motion passed unanimously (4-0, Commissioner Baker was absent).

#### **AWARD OF THE PROGRAM "ADOLESCENT CLUBHOUSE" – WASHINGTON COUNTY HEALTH DEPARTMENT #RFP-2022-01**

Earl Stoner, Health Officer, and Dan Triplett, Health Department, presented the recommendation to award the program "Adolescent Clubhouse", RFP#2022-01 to Horizon Goodwill Industries, Hagerstown, Maryland (MD), in the amount of \$250,000. Mr. Stoner shared that the proposed project would be funded by the Behavioral Health Administration (BHA) and is 100% Federally funded. The total amount of grant award to Washington County Health Department from BHA was \$350,000; the remainder of monies will be used for indirect cost.

Commissioner Burkett, seconded by Commissioner Wagner, moved to award the "Adolescent Clubhouse" program to Horizon Goodwill Industries, Hagerstown, MD in the total amount of \$250,000, as presented. The motion passed unanimously (4-0, Commissioner Baker was absent).

#### **RECONVENE AS THE BOARD OF COUNTY COMMISSIONERS**

Commissioner Wagner, seconded by Commissioner Burkett, moved to reconvene as the Board of County Commissioners at 9:26 a.m. The motion passed unanimously (4-0, Commissioner Baker was absent).

#### **PROPOSED PILOT AGREEMENT FOR SGC POWER, LLC**

Zachary Kieffer, Esquire, The Law Office of Zachary J. Kieffer LLC, and Jack Hovis, Partner, SGC Power, presented the recommendation to accept a proposal for a PILOT Agreement with SGC Power, LLC. Mr. Kieffer shared that on December 2, 2020, the Board of Zoning Appeals approved a two (2) megawatt SEGs on +/- ten (10) acres of land located at 14455 Weller Road,

Hancock, Maryland. Under the Maryland Code, Tax-Property § 7-514(a) (1-2), the County is permitted to “enter into an agreement with the owner of a facility for the generation of electricity that is located or locates in the county for a negotiated payment by the owner in lieu of taxes on the facility”.

Under the contemplated PILOT agreement, SGC Power, LLC would pay \$13,000.00 per year (\$6,500 per megawatt), totaling \$260,000.00 over the 20-year term of the lease for the real property between SGC Power, LLC, and the landowner. In the event the lease was to be renewed, SGC Power’s payments to the County would equal \$390,000.00 over 30 years and \$520,000.00 the full 40-year term of the lease.

Commissioner Keefer advised the Board that he abstains from any and all communication and vote on the matter due to a potential conflict of interest.

Commissioner Burkett requested additional review time.

The Commissioner reached a consensus to grant additional review time and instructed staff to return on October 12, 2021, for consideration of the matter. (Commissioner Keefer abstained from the consensus).

### **RENEWAL OF WASHINGTON COUNTY’S COMMUNITY DEVELOPMENT BLOCK GRANT PLANS**

Rachel Souders, Senior Grant Manager, Office of Grant Management, requested approval to renew the Fair Housing and Equal Opportunity (FHEO), Minority Business/Women Owned Business (MBE/WBE), and Section 3 Plans policies. Ms. Souders stated that, if approved, the policies would be effective for a five (5) year period, allowing the County to continue eligibility for CDBG funding through September 2026.

Commissioner Wagner, seconded by Commissioner Burkett, moved to approve renewal of the FHEO, MBE/WBE, and Section 3 Plans as presented. The motion passed unanimously (4-0, Commissioner Baker was absent).

### **EDWARD J. BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT**

Ms. Souders and Captain Mark Knight, Washington County Sheriff’s Office, requested approval to submit a grant application in the amount of \$30,095 for the Edward J. Byrne Memorial Justice Assistance Grant to the Governor’s Office of Crime Control and Prevention and to accept the award funding. Grant funds would be used to cover the entire cost of an AVATAR Tactical Robot to be used by the Special Response Team. There are no matching funds required to accept the grant.

Commissioner Wagner, seconded by Commissioner Burkett, moved to approve the submission of a grant application in the amount of \$30,095 for an Edward J. Byrne Memorial Justice Assistance Grant to the Governor’s Office of Crime Control and Prevention and to accept the funding as awarded, as presented. The motion passed unanimously (4-0, Commissioner Baker was absent).

### **ONLINE SALES AND TELEWORKING GRANT**

Ms. Souders and Linda Spence, Business Specialist, Business Development, recommended approval to accept awarded funding from the Department of Commerce for Online Sales and Teleworking in the amount of \$125,164. Grant funds would be used to assist businesses in setting up online sales frameworks and offering employees telework opportunities.

The Office of Grant Management has reviewed the grant funding guidelines and grant application. The funds must be distributed to eligible grantees by December 1, 2021. The total anticipated grant funding to be received, including the initial grant received in March, is \$137,680.41. Matching funds are not required.

Commissioner Keefer, seconded by Commissioner Burkett, moved to approve the acceptance of awarded funding in the amount of \$125,164 from the Department of Commerce for Online Sales and Teleworking, as presented. The motion passed unanimously (4-0, Commissioner Baker was absent).

**UTILITY BUDGET TRANSFER – WATER QUALITY**

Mark Bradshaw, Director, Environmental Management, and Davina Yutzy, Deputy Director, Water Quality, recommended approval of a budget transfer in the amount of \$40,000 from Contingency Utility Admin (ADM003) to the Local Limits Study (STY025).

Commissioner Burkett, seconded by Commissioner Wagner, moved to approve the budget transfer in the amount of \$40,000, as presented. The motion passed unanimously (4-0, Commissioner Baker was absent).

**APPLICATION FOR ZONING TEXT AMENDMENT RZ-21-004**

Jill Baker, Director, Planning and Zoning, recommended approval of Zoning Text Amendment RZ-21-004, and to adopt the Ordinance amending the test of Section 4.26 of the Zoning Ordinance.

This text amendment was presented to the Washington County Planning Commission at a Public Information Meeting on June 7, 2021. On July 19, 2021, the Planning Commission unanimously recommended approval of the proposed amendment. A Public Hearing before the Board of County Commissioners of Washington County was held on August 31, 2021. The Commissioners reached a consensus to approve the amendment. The ordinance effectuating the amendment is ready for adoption.

Commissioner Wagner, seconded by Commissioner Keefer, moved to approve Zoning Text Amendment RZ-21-004 and to adopt the Ordinance, as presented. The motion passed unanimously (4-0, Commissioner Baker was absent).

(Ordinance No. ORD-2021-18 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is in the County Commissioners' Office.)

**ADMINISTRATION OF AN END-OF EMPLOYMENT ACTION IN CONJUNCTION WITH THE EXHAUSTING OF ALL FMLA, PAID SICK LEAVE, AND SHORT-TERM DISABILITY PLAN BENEFITS**

Larry Etchison, Director, Human Resources, recommended approval of a revision to the EB-4 Short Term Disability Policy authorizing the Director of Human Resources (with County Administrator review and concurrence) to administer end-of-employment actions to Employees who have exhausted all FMLA, Paid Sick Leave and Short-Term Disability Plan Benefits.

Commissioner Burkett motioned to approve and withdrew motion for additional discussion.

The Commissioner's discussed a timeline for the decision to be made and who would be included in final decision.

The Commissioners reached a consensus to bring the matter forth at a future meeting for additional language to include a timeline.

**CLOSED SESSION**

Commissioner Wagner, seconded by Commissioner Keefer, moved to convene in closed session at 10:10 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 on a legal matter; and to conduct collective bargaining negotiations or consider matters that relate to the 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 (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 a collective bargaining negotiation matter, consulted with counsel, 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 member was present at times: Larry Etchison, Director, Human Resources; (Commissioner Terry L. Baker was absent).

**RECONVENE IN OPEN SESSION**

Commissioner Wagner, seconded by Commissioner Keefer, moved to reconvene in open session at 10:44 a.m. The motion passed unanimously (4-0, Commissioner Baker was absent).

**ADJOURNMENT**

Commissioner Wagner, seconded by Commissioner Burkett, moved to adjourn the meeting at 10:45 a.m. The motion passed unanimously (4-0, Commissioner Baker was absent).



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Krista L. Hart, *County Clerk*

