



Board of County Commissioners of Washington County, Maryland

Open Session Minutes

April 5, 2022

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: Vice-President Terry L. Baker; Commissioner Wayne K. Keefer; Commissioner Randall E. Wagner; and Commissioner Charles A. Burkett.

APPROVAL OF MINUTES

Commissioner Keefer, seconded by Commissioner Wagner, moved to approve the minutes of March 22, 2022, and revised minutes of March 8, 2022. The motion passed 4-1; Commissioner Burkett abstained.

COMMISSIONER COMMENTS

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

Vice President Baker thanked all for the thoughts and prayers as he recovered from a recent medical procedure.

Commissioner Keefer received a request from the Town of Boonsboro for a letter of support for a Federal Grant for Lead Pipe Remediation project.

Commissioner Wagner, seconded by Commissioner Burkett, moved to approve the request as presented; President Cline asked the County Attorney's office to prepare for signature. The motion passed unanimously.

Commissioner Burkett shared his appreciation for the passing of the Commission on Aging budget. Additionally, he shared that this month is recognized as Child Abuse Awareness Month. He further thanked all those serving the Town of Williamsport for the invitation to visit the Williamsport Volunteer Fire Company Banquet; he added that Public Safety is County Government's priority.

Commissioner Burkett shared information on a communication received from an employee regarding health insurance for retirees and the cost to the retiree, which is 50/50; in order to revise that to 90/10, it would increase the County's cost by \$283,000; if elected to cover at 100%, the County's cost would be \$353,000.

Commissioner Burkett, seconded by Commissioner Keefer, moved to change the policy of retiree benefits to a rate of 90/10 to the age of 65, effective July 1, 2022. Commissioner Keefer shared that additional discussion should be held on the matter to include length of service. The Commissioners asked staff to add discussion as an agenda item for the next week's meeting. The motion failed due to lack of support. Kirk Downey, County Attorney, added that the proposal be discussed with Benefits Counsel.

Commissioner Wagner remembered Dwayne Bowlus and his service to Kemps Mill Girls Softball League. Additionally, he attended the 3rd Anniversary to the Vietnam War Memorial and asked all to support. He thanked the Purchasing Department for the luncheon on recognition of Purchasing Month.

President Cline also thanked the staff of the Purchasing Department. He congratulated Rick Bishop and Barry Levey for their years of service to the Town of Keedysville. He recognized Mr. Bowlus, noting his 22 years of service as a volunteer with the league.

STAFF COMMENTS

Business Development

Linda Spence, Business Specialist, introduced Michael Genevro, Plant Manager, Parker Plastic. Mr. Genevro provided the Commissioners with an overview of the practices of Parker Plastic.

The Commissioners thanked him for his community engagement and wished him well in his new position.

Environmental Management

Mark Bradshaw, Director, and Davina Yutzy, Deputy Director, Water Quality, requested consensus to include fifteen (15) analysis for modified rates of Laboratory Direct Expenses to the upcoming Public Hearing for rate increases. The Commissioners reached a consensus to proceed as presented.

County Administrator

John Martirano presented a request from the Boys and Girls Club for a letter of support for Federal Community Project Funding for updates to the Clubhouse project.

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

CITIZEN PARTICIPATION

There were no citizens requesting participation.

AGRICULTURE - FACES OF FARMING

Jonathan Horowitz, Business Development, and Leslie Hart, Business Specialist, Business Development, shared a video showcasing Upper Stem, Hagerstown, and Pathfinder Farm Distillery, Keedysville.

RESOLUTION HITACHI RAIL USA

Mr. Horowitz recommended approval via Resolution of the endorsement of the State of Maryland, Maryland Economic Development Assistance Authority Fund (MEDAAF) loan in the amount of \$1,600,000 and to provide a matching County conditional loan in the amount of \$1,200,000; which would be utilized by Hitachi Rail USA to establish a new facility as a central hub for its American business.

Commissioner Burkett, seconded by Commissioner Wagner, moved to approve a Resolution authorizing approval to endorse the MEDAAF loan and to approve the conditional loan, as presented. The motion passed unanimously.

(Resolution No. RS-2022-13 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is located in the County Commissioners' Office.)

PUBLIC HEARING: PROPOSED ANIMAL CONTROL ORDINANCE REVISION

President Cline convened a public hearing at 10:30 a.m. to obtain public comment regarding proposed revisions to the Animal Control Ordinance. The proposed revision alters the impoundment period for cats to align with similar provisions in State law (from a hold of 5 day hold to a 3 day hold on stray's) and defines "cat". Commissioner Cline reviewed the procedures for the Public Hearing.

Colin Berry, Washington County Humane Society shared that approval of the proposed revisions would provide for the safety of the public, the humane care and treatment of animals, and the promotion of responsible pet ownership. She shared that the revision would change the stray hold from five (5) days to three (3) days, which would expedite the placement of pets into adoptive homes.

The Public Hearing was opened for Commissioner comments. Commissioner Keefer asked about the reuniting of lost pets and if the three (3) days would be sufficient; additionally, he asked why the need to define "cat"; Kirk Downey shared that dog is defined in the ordinance; however, cat is not.

The Public Hearing was opened for Public Comment; no citizens appeared to comment.

The Public Hearing was reopened for Commissioner comment. Commissioner Wagner asked about the Trap Neuter Release program as compared to the stray hold.

The Public Hearing was closed at 10:48 a.m.

Commissioner Wagner, seconded by Commissioner Keefer, moved to approve the revisions as presented. The motion passed unanimously.

(Ordinance No. ORD-2022-04 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is located in the County Commissioners' Office.)

SENATOR AMOSS FUNDING ALLOCATION

Dave Hays, Director, Emergency Services, presented the recommendation for distribution of the Senator William H. Amoss Fire, Rescue and Ambulance Fund subsidy allotted to counties by the State of Maryland for disbursement to fire and rescue companies. The funds may be used toward capital expenses such as firefighting apparatus and a spending report is submitted to the County each year from companies receiving such funds. Mr. Hays indicated that the Fiscal Year 2022 allocation of \$334,904 is proposed to be distributed as follows: \$12,880.75 each to the twenty fire companies (including \$77,289 divided between the six Hagerstown Fire Departments), and \$12,880.75 each divided between the six ambulance companies operating in the County.

Commissioner Burkett, seconded by Commissioner Wagner, moved to approve the recommended distribution of the Fiscal Year 2022 Senator William H. Amoss Fire, Rescue & Ambulance Fund subsidy of \$334,904 as discussed and outlined in the attachment to the Agenda Report Form. The motion passed unanimously.

EMERGENCY SERVICES STAFFING UPDATE

Mr. Hays, and Dale Fishack, President, Washington County Volunteer Fire and Rescue Association (WCVFRA), provided the Commissioners with an update on efforts pertaining to staffing strategies.

The Commissioners discussed several approaches to a resolution of various staffing issues.

MEMORANDUM OF AGREEMENT

Mark Bradshaw, Director, Division of Environmental Management, recommended approval of a Memorandum of Agreement (MOA) between the Maryland Department of Human Services and the County, which would permit the County to participate in the Maryland's Low Income Household Water Assistance Program.

Commissioner Baker, seconded by Commissioner Keefer, moved to approve the MOA with the MD Department of Human Services and the County, as presented. The motion passed unanimously.

FOREIGN TRADE ZONE #255 – ZONE SCHEDULE CHANGES INCLUDING FEES

Linda Spence, Business Specialist, Department of Business Development, recommended approval of changes to the Zone Schedule, including the addition of administrative fees for handling activities inside Foreign Trade Zone #255.

Commissioner Keefer, seconded by Commissioner Burkett, moved to approve the changes to the Zone Schedule, as presented. The motion passed unanimously.

2022 EMERGENCY MANAGEMENT PERFORMANCE GRANT – APPROVAL TO SUBMIT GRANT APPLICATION AND ACCEPT AWARDED FUNDING

Cody Swope, Emergency Management Specialist, and Rachel Souders, Senior Grant Manager, Office of Grant Management, recommended approval to submit the FY22 Emergency Management Performance Grant to the Maryland Department of Emergency Management in the amount of \$102,000 and accept funding as awarded.

Commissioner Baker, seconded by Commissioner Keefer, moved to approve the grant application in the amount of \$102,000, and to accept funding as awarded. The motion passed unanimously.

STATE HOMELAND SECURITY GRANT PROGRAM – APPROVAL TO SUBMIT GRANT APPLICATION AND ACCEPT AWARDED FUNDING

Mr. Swope and Ms. Souders recommended approval to submit the FY22 State Homeland Security Grant to the Maryland Department of Emergency Management in the amount of \$177,000 and accept funding as awarded.

Commissioner Baker, seconded by Commissioner Wagner, moved to approve the grant application in the amount of \$177,000, and to accept funding as awarded. The motion passed unanimously.

INTENT TO QUIT CLAIM HOOD STREET TO THE MARYLAND STADIUM AUTHORITY

Todd Moser, Real Property Administrator, recommended approval to adopt an Ordinance declaring certain real property as surplus property (Hood Street) and to approve the Quit Claim of the same and authorize the execution of the necessary documentation to finalize the conveyance.

Commissioner Baker, seconded by Commissioner Wagner, moved to approve an Ordinance declaring certain real property as surplus, and to approve the Quit Claim of same, and to authorize the execution of the documentation to finalize the conveyance. The motion passed unanimously.

(Ordinance No. ORD-2022-05 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is located in the County Commissioners' Office.)

FISCAL YEAR 2023 GENERAL FUND BUDGET – HIGHWAY DEPARTMENT

Andrew Eshleman, Director, Public Works, and Zane Rowe, Deputy Director, Highway Department, presented the Board with an overview of the Highway Departments FY23 budget request, submitted at \$11,837,990 an increase of \$361,190 or 3.15% from FY22.

FISCAL YEAR 2023 GENERAL FUND BUDGET – BLACK ROCK GOLF COURSE

Ryan Crabtree, Manager, and Mr. Eshleman provided the Board with an overview pertaining to the FY23 budget request, submitted at \$1,183,970, which represents a \$11,500 or .98% increase over FY22.

FISCAL YEAR 2023 GENERAL FUND BUDGET –TRANSIT DEPARTMENT

Kevin Cerrone, Director, Transit and Mr. Eshleman, provided the Board with an overview pertaining to the FY22 budget request, submitted at \$2,878,870 which represents a \$100,700 or 3.62% increase over FY22.

Commissioner Wagner left the meeting at 12:26 p.m. and returned at 12:29 p.m.

PRESENTATION OF THE 2023-2032 CAPITAL BUDGET (DRAFT 2)

Kelcee Mace, Interim CFO; Mr. Eshleman, and Scott Hobbs, Director, Engineering, provided the Board with an update on Draft 2, 2023-2032 Capital Budget of \$65,402,000.

FISCAL YEAR 2023 GENERAL FUND BUDGET – PROPOSED (DRAFT 3)

Ms. Mace and Kim Edlund, Director, Budget & Finance, provided the Board with an update on Draft 3, Fiscal Year 2023, General Fund Budget in the amount of \$266,715,390.

Commissioner Burkett discussed the potential for a tax reduction of \$.02, which would amount to \$3 million or \$1.5 million per penny.

Commissioner Burkett moved to reduce the property tax rate by \$.02 effective 2022-2023; Commissioner Keefer seconded with comment. Commissioner Keefer confirmed the projections with Kelcee Mace, Interim CFO; the Commissioners discussed proposed surplus and projections. Commissioner Keefer recommended a reduction of \$.01 to save \$1.5 million, while funding pension.

Mr. Downey shared that there are legal processes to include a Public Hearing and the actual rate is set with the approval of budget; therefore, the motion would be for instruction to staff only.

Ms. Mace asked if rate differentials to Towns / Municipalities remain constant or if those rates be reduced as well.

Staff was instructed to return at a future meeting with additional information on a \$.01 and \$.02 reduction for discussion and consideration.

Commissioner Baker, seconded by Commissioner Wagner, moved to table the matter for a future meeting. Mr. Downey shared that this motion takes precedence over the previous motion by Commissioner Burkett. The motion passed 3-2 with Commissioner's Keefer and Burkett voting "NAY".

CLOSED SESSION

Commissioner Wagner, seconded by Commissioner Burkett, moved to convene in closed session at 1:25 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 consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State; and to consult with counsel to obtain legal advice on a legal matter, in accordance with Sections 3-305(b) (1), (4), and (7) of the General Provisions Article of the Annotated Code of Maryland. The motion passed unanimously.

In closed session, the Commissioners discussed the filling of personnel vacancies and a business proposal. The Commissioners also discussed a business proposal and consulted with counsel on a legal matter.

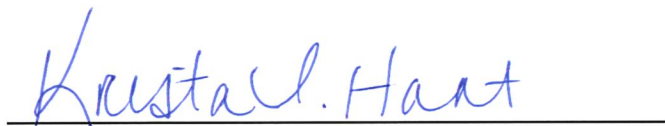
Present during closed session were Commissioners Jeffrey A. Cline, Terry L. Baker, Wayne K. Keefer, Randall E. Wagner, and Charles A. Burkett; also, present were John M. Martirano, County Administrator; Kirk C. Downey, County Attorney, and Michelle Priebe, Executive Office Associate. Additionally, the following staff member was present at times: Sheriff Douglas Mullendore, B. Andrew Bright, Sheriff's Office; Deb Condo, Interim Director, Human Resources; Todd Hershey, Treasurer; Jonathan Horowitz, Business Development; and Kendall Desaulniers, Deputy County Attorney.

RECONVENE IN OPEN SESSION

Commissioner Wagner, seconded by Commissioner Baker, moved to reconvene in open session at 2:41 p.m. The motion passed unanimously.

ADJOURNMENT

Commissioner Wagner, seconded by Commissioner Baker, moved to adjourn the meeting 1:50 p.m. The motion passed unanimously.



Krista L. Hart, *County Clerk*