



Board of County Commissioners of Washington County, Maryland

Open Session Minutes

April 12, 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 9:30 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.

CLOSED SESSION

Commissioner Keefer, seconded by Commissioner Burkett, moved to convene in closed session at 9:31 a.m. to consult with counsel to obtain legal advice on a legal matter, in accordance with Section 3-305(b) (7) of the General Provisions Article of the Annotated Code of Maryland. The motion passed unanimously.

In closed session, the Commissioners 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, Kevin Karpinski, Esq. was present.

RECONVENE IN OPEN SESSION

Commissioner Wagner, seconded by Commissioner Baker, moved to reconvene in open session at 10:02 a.m. The motion passed unanimously.

APPROVAL OF MINUTES

Commissioner Keefer, seconded by Commissioner Wagner, moved to approve the minutes of April 5, 2022. The motion passed unanimously.

COMMISSIONER COMMENTS

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

Vice President Baker recognized the personnel from Emergency Services.

Commissioner Keefer attended the Congressional Fire Service Banquet, thanking the recruits from Washington County for participating.

He inquired into the status of the telework policy, asking for an update. Additionally, he discussed the status of the property given to JGBLI in Cascade, which has recently been placed for sale, and asked staff to investigate documents to ensure that there is no compensation due to the County should the sale proceed as a condition of the contract.

Commissioner Burkett asked that staff provide an update as to the retiree's health insurance. Additionally, he attended the Congressional Fire Service Banquet as well. He congratulated Hagerstown Community College (HCC) on its recent fundraising event.

Commissioner Wagner recognized National Child Abuse Month event at the Maryland Theater. He also congratulated those involved in the fundraising event at HCC.

President Cline also congratulated HCC. He recognized National Public Safety Telecommunication Week and thanked those at the Communications Center, thanking them for their service. Additionally, he recognized Keith Bowen and congratulated him on his retirement. President Cline remembered Robert Talbert, a World War II veteran, and shared his condolences to the family.

STAFF COMMENTS

County Administrator

John Martirano presented a request for appointments to the Washington County Commission for Women. Commissioner Wagner, seconded by Commissioner Burkett, moved to approve the appointment of Amber Mowery, Dawn Nally, Mary Hendrickson, and Elise Weber, each to serve a first three-year term from May 1, 2022 through April 30, 2025. The motion passed unanimously.

Additionally, he reminded all that operations at 80 West Baltimore Street have been relocated to 747 Northern Avenue, Hagerstown; he thanked all staff involved in the process.

There will be no meeting next week due to Easter Holiday.

CITIZEN PARTICIPATION

Beau Ouimette, 15914 Riverbend Court, discussed Dorsey Road; Kirk Downey, County Attorney, responded that this is a legal matter, and the board does not agree with the characterization of the facts.

Dave Williams, 11 West Water Street, Smithsburg, discussed the Board of Education's budget.

UPDATE ON THE MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4) PERMIT

John Swauger, Stormwater Management Coordinator; Dave Mason, Deputy Director, Solid Waste; and Alex Reed, Watershed Specialist, Environmental Management, provided the Commissioners with an update pertaining to the MS4 audit performed by the Environmental Protection Agency and Maryland Department of Environment in 2020, to include progress made towards mandates on same. Additionally, the staff members provided information on upcoming events to recognize Earth Day (April 22) and Stormwater Week. Mr. Reed discussed cleanup efforts throughout Washington County. Additionally, he recognized the Antietam-Conococheague Watershed Alliance; the Board of County Commissioners presented a Certificate of Recognition.

PROCLAMATION: FAIR HOUSING MONTH

The Board of County Commissioners presented Washington County Community Action Council, and Habitat for Humanity with a proclamation recognizing Fair Housing Month.

HOTEL RENTAL TAX FUNDING REQUEST: 2022 JUNETEENTH CELEBRATION

Susan Buchanan, Director, Grant Management; Alesia Parson, Project Director, Doleman Black Heritage Museum; Doleman and Paul Ward, Board Members; and Cheree McCord, Friends of Black Heritage Museum, presented a request for funding in the amount of \$29,000 from the Hotel Rental Tax Fund for expenses associated with the 2022 Juneteenth Celebration-Hagerstown, a three (3) day event.

Commissioner Baker, seconded by Commissioner Keefer, moved to approve the funding request in the amount of \$29,000 from the Hotel Rental Tax Fund, as presented. The motion passed unanimously.

MILLER RURAL LEGACY PROGRAM EASEMENT

Chris Boggs, Rural Preservation Administrator, Planning and Zoning, recommended approval of the Joshua J. and Lindsay H. Miller Rural Legacy Program (RLP) project, paid for 100% by the Maryland Department of Natural Resources, for \$444,210 for 138.68 easement acres, 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 at 16951 Sprecher Road, Sharpsburg, Maryland, and composed of primarily woodland with some hayland. Mr. Boggs shared that seven (7) development rights will be extinguished with the easement.

Commissioner Wagner, seconded by Commissioner Burkett, moved to approve the Miller 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-2022-06 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the originals are in the County Commissioners' Office.)

INTERGOVERNMENTAL PURCHASE (INGT-22-0084): TRAFFIC BARRIERS

Brandi Naugle, Buyer, Purchasing, and Doug Levine, Supervisor of Operations, Highway Department, recommended authorizing by Resolution, the Intergovernmental Cooperative Purchase (INGT-22-0084) to purchase traffic barriers at a total cost of \$64,273 and to utilize another jurisdiction's contract that was awarded by the State of Maryland, Department of Transportation / State Highway Administration (Contract Number 4772161424) to L.S. Lee, Inc., York, Pennsylvania (PA); funds are budgeted in the Highway Departments operating budget.

Commissioner Wagner, seconded by Commissioner Baker, moved to authorize by Resolution purchase of traffic barriers at a cost of \$64,273 from L.S. Lee, Inc., York, PA, as presented. The motion passed unanimously.

(Resolution No. RS-2022-14 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is located in the County Commissioner's Office.)

TRANSPORTATION PRIORITIES LETTER

Scott Hobbs, Director, Engineering, requested consensus to submit the 2022 Transportation Priority letter to the Maryland Department of Transportation.

The Commissioners discussed House Bill 1187 and Senate Bill 726 and Highway User Funds. Andrew Eshleman, Director, Public Works, provided a brief update.

The Commissioners reached a consensus to submit the Transportation Priority letter as presented.

PART-TIME EMPLOYEE POSITION DIFFERENTIAL

Lane Heimer, Administrator, Weed Control, Maryland Department of Agriculture, recommended approval of a Part-Time Employee Position Differential for Weed Control Technician positions in response to increased wage, labor shortage, and retention pressures. Mr. Heimer proposed an increase of \$2.50, 17.2% above posted rate, for four (4) current and two (2) vacant Weed Control Technician positions.

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

REQUEST FOR REALLOCATION OF CAPITAL IMPROVEMENT PROJECT FUNDING

Dr. James Klauber, President, Hagerstown Community College (HCC), recommended approval to transfer Capital Improvement Project funding in the amount of \$163,526, the balance of the Learning Resource Center Exterior Metal Panel System and Roof Replacement Project, to the Center for Business and Entrepreneurial Studies project.

Commissioner Wagner, seconded by Commissioner Burkett, moved to approve the reallocation of Capital Improvement Project Funding in the amount of \$163,526, as presented. The motion passed unanimously.

FISCAL YEAR 2022 BUDGET ADJUSTMENT: SMITHSBURG WASTEWATER TREATMENT PLANT ENR UPGRADES

Kelcee Mace, Interim CFO, and Mark Bradshaw, Director, Environmental Management, recommended approval of a budget adjustment for the Smithsburg Wastewater Treatment Plant ENR Upgrade project, which would replace a budgeted bond proceeds with proceeds from a state loan.

Commissioner Wagner, seconded by Commissioner Baker, moved to approve the budget adjustment, as presented. The motion passed unanimously.

FISCAL YEAR 2023 PROPERTY TAX RATE

Ms. Mace, and Daryl Brown, Supervisor, Budget and Finance, provided the Board with information as requested, regarding the effect on the Fiscal Year 2023 (FY23) General Fund budget if the real property tax rate was reduced by \$.01 or \$.02. Ms. Mace shared that the current property tax rate is 0.948 per \$100 of assessed value; the County's personal property tax rate is 2.5 times the real property tax rate and a reduction in the real property tax rate would result in reduction of the personal property tax rate. Ms. Mace added that a reduction of \$.01 would result in \$1,525,720 reduction in the FY23 budget; a \$.02 reduction would result in \$3,051,450 reduction in the FY23 budget.

Commissioner Burkett moved to reduce property tax by \$.02 with income tax at 2.95%; no increase to water and sewer rates. Motion withdrawn.

The Commissioners reached a consensus to present the budget with a \$.02 property tax reduction, 2.95% income tax, and no increase to water and sewer rates at the next meeting.

CLOSED SESSION

Commissioner Wagner, seconded by Commissioner Burkett, moved to convene in closed session at 11:36 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; to consult with staff, consultants, or other individuals about pending or potential litigation; to conduct collective bargaining negotiations or consider matters that relate to the negotiations; and to discuss public security, if the public body determines that 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), (7), (8), (9), and (10) 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 reclassification and reorganization of certain personnel. The Commissioners also discussed a legal dispute concerning public safety and provision of fire suppression services. Additionally, the Commissioner discussed collective bargaining negotiations.

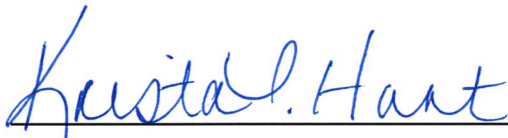
Present during closed session were Commissioners Jeffrey A. Cline, Terry L. Baker, Wayne K. Keefer, Randall E. Wagner; and Charles A. Burkett; also, present were John M. Martirano, County Administrator; Kirk C. Downey, County Attorney, and Michelle Priebe, Executive Office Associate. Additionally, the following staff member was present at times: Deb Condo, Interim Director, Human Resources; Danielle Weaver, Director, Public Relations; Dave Hays, Director, Emergency Services; and Eric Paltell, Esquire.

RECONVENE IN OPEN SESSION

Commissioner Wagner, seconded by Commissioner Burkett, moved to reconvene in open session at 12:50 p.m. The motion passed unanimously.

ADJOURNMENT

Commissioner Wagner, seconded by Commissioner Baker, moved to adjourn the meeting 12:58 p.m. The motion passed unanimously.



Krista L. Hart, *County Clerk*

