

**BOARD OF COUNTY COMMISSIONERS OF  
WASHINGTON COUNTY, MARYLAND**  
Hagerstown, Maryland

January 30, 2018

**INVOCATION AND PLEDGE OF ALLEGIANCE**

Commissioner Barr offered the Invocation followed by the Pledge of Allegiance to the Flag by the full assemblage.

**CALL TO ORDER**

President Terry L. Baker called the regular meeting of the Board of County Commissioners of Washington County, Maryland, to order at 10:08 a.m. at 100 West Washington Street, Room 1113, with the following members present: Vice President Jeffrey A. Cline and Commissioners John F. Barr, Wayne K. Keefer and LeRoy E. Myers, Jr.

**APPROVAL OF MINUTES – JANUARY 9, 2018 AND JANUARY 16, 2018**

Commissioner Barr, seconded by Myers, moved to approve the minutes of January 9, 2018. The motion passed unanimously.

Commissioner Keefer, seconded by Barr, moved to approve the minutes of January 16, 2018. The motion passed unanimously.

**COMMISSIONERS' REPORTS AND COMMENTS**

Commissioner Barr thanked his fellow Commissioners for filling in for him last week at the Maryland Association of Counties' (MACo) meetings and reception.

Commissioner Keefer reported attending the MACo reception in Annapolis. He also toured the Star Community Inc. facility that provides programs for children with intellectual disabilities and is partly supported with Gaming Commission funds. He and Susan Buchanan, Grant Manager, Community Grant Management, attended a meeting with Hancock parents to discuss methods to provide funding for after school programs next year in that community.

Commissioner Baker attended the MACo reception in Annapolis and the Clear Spring Volunteer Fire Company awards banquet. Mr. Baker noted that former County Commissioner Ron Bowers was recognized during the banquet for initiating the LOSAP program during his tenure that assists volunteer firefighters.

**REPORTS FROM COUNTY STAFF**

**County Attorney – Legislative Item**

Deputy County Attorney Kirk C. Downey reported that Delegate Neil Parrott has requested a letter of support from the County Commissioners for a local bill that would prohibit the prolonged parking of disabled or inoperable vehicles on roadways in Washington County. The Commissioners discussed the details of the bill.

January 30, 2018

Page 2

Commissioner Barr, seconded by Cline, moved to send a letter of support for the bill to the local delegation as presented. The motion passed unanimously. (The bill has since been designated as HB 903 and SB 847.)

**Community Grant Management – Thomas Kennedy Center and Memorial**

Tom Riford, Executive Director of the planned Thomas Kennedy Center and Memorial, described the project to honor the former legislator who introduced the “Jew Bill” in the 1800s to extend Jews the same rights and privileges as Christians. The project includes a ten-foot statue designed by famed local sculptor Toby Mendez to be placed at the Hagerstown site. Mr. Riford requested a contribution toward the project from the Hotel Rental Tax Fund.

Commissioner Cline, seconded by Barr, moved to provide \$2,000 from the County’s share of the Hotel Rental Tax Fund toward the Thomas Kennedy Center and Memorial project as requested. The motion passed unanimously.

**County Administrator – Brooke’s House Donation Request**

County Administrator Rob Slocum discussed a request from Todd Snook, board member of Brooke’s House, for the waiver of County permit fees and sewer connection fees for the facility that will assist adult females fighting substance abuse. The waivers are valued at approximately \$2,000 and \$7,700 respectively and the Commissioners have waived those fees in the past for certain projects. Brooke’s House is a registered non-profit organization. It was the consensus of the Commissioners to waive the fees as requested.

Mr. Slocum noted that the Commissioners would be holding an evening meeting next week in the Town of Williamsport.

**County Clerk – Appointments to Boards and Commissions**

**Public Golf Corporation Board (Black Rock)**

Commissioner Barr seconded by Myers, moved to appoint Scott Matheny to serve a first, three-year term through January 31, 2021; reappoint Matthew Dick to serve a second, three-year term through December 31, 2020; and appoint Roy Lorshbaugh to serve a first, three-year term through December 31, 2020 on the Public Golf Corporation Board. The motion passed unanimously.

**CITIZENS’ PARTICIPATION**

Daniel Moeller, a south County resident, commented on the agreement between Washington County and Green Kinetics Gateway, LLC.

Local developer Paul Crampton and attorney Jason Divelbiss discussed an issue relating to a County policy that provides that Washington County will only accept letters of credit from banks with a bank branch located in the State of Maryland. Mr. Divelbiss specifically discussed the County’s S-3 Policy that is currently causing an issue for Mr. Crampton

January 30, 2018

Page 3

regarding financing for one of his projects. Mr. Divelbiss requested that the County agree to an interim policy that would permit F&M Trust and other nearby banks to issue letters of credit acceptable to the County. The Commissioners discussed the justification for the policy that has been in place for many years and the possibility of revising the policy to allow for the acceptance of letters of credit from banks in the State of Maryland as well as other banks located within fifty miles of Hagerstown. County Attorney John Martirano discussed the specific request and noted that several other County policies and ordinances contain similar language. He suggested that the Commissioners provide for an interim policy to address the current issue and that staff review all other policies and provide a recommendation for a more permanent comprehensive solution at a future time. Commissioner Keefer suggested using contiguous counties instead of a specified mileage. Commissioner Myers agreed due to changes in interstate commerce.

Commissioner Myers, seconded by Barr, moved to adopt an interim policy amendment to the County's S-3 Policy to permit the acceptance by the County of letters of credit issued from banks with a Maryland bank branch and from those banks located in counties contiguous to Washington County. Mr. Martirano advised that the change would become effective immediately. The motion passed unanimously.

#### **PRESENTATION OF YOUTH MERITORIOUS AWARDS – JANUARY 2018**

The Commissioners presented certificates of merit to students selected by the Washington County Office of Community Grant Management (OCGM) for their scholastic achievement, leadership qualities, community service performed or other positive contributions to their school or community. The following students received January 2018 Youth Meritorious Awards: Rachel Gross and Hunter Briscoe of Springfield Middle School. Each student received a Washington County lapel pin from the Commissioners and a \$100 Office Max gift card from the OCGM. The Commissioners commended the students for their achievements and families for their support.

#### **FISCAL YEAR 2019 RURAL LEGACY PROGRAM GRANT**

Stephanie Lapole, Grant Manager, Community Grant Management, and Eric Seifarth, Rural Preservation Administrator, Planning and Zoning, requested approval to submit a grant application for a Fiscal Year 2019 Rural Legacy Program grant award of \$2,388,000 from the Maryland Department of Natural Resources and to accept all funding as awarded from the State. Ms. Lapole stated that the yearly request submitted by the County's Department of Planning and Zoning provides for the purchase of conservation easements in the County's Rural Legacy Area. Rural Legacy properties are lands of significant agricultural, historic, environmental, public and cultural value inside the designated Rural Legacy Area boundary and are concentrated around the Antietam Battlefield. Landowners agree to protect areas vulnerable to development that can weaken the area's natural resources. Mr. Seifarth commented that the County has achieved approximately 60% of its long term land preservation goal.

January 30, 2018

Page 4

Commissioner Barr, seconded by Cline, moved to approve the submittal of a grant application for a Fiscal Year 2019 Rural Legacy Program grant award of \$2,388,000 from the Maryland Department of Natural Resources, to accept all funding as awarded, and to approve the execution of all necessary documents to accept said awarded funding. The motion passed unanimously.

**APPROVAL OF MEMORANDUM OF AGREEMENT FOR ELECTRONICS RECYCLING**

Dave Mason, Deputy Director, Solid Waste, requested approval of a Memorandum of Agreement with Federal Prison Industries, Inc. (UNICOR) for the Electronics Recycling Program. UNICOR has proposed an increase from \$0.18 per pound to \$0.20 per pound for TVs, CRTs and LCD monitors. All other items will be accepted at no cost. The County will also be responsible for transportation of electronics to the UNICOR facility. Mr. Mason indicated that the cost of electronics recycling in surrounding areas averages \$0.20 per pound.

Commissioner Barr discussed with Mr. Mason the original agreement made approximately ten years ago that has never increased in price. Mr. Mason advised that after placing the hauling or recyclables out for bid, none were received from any trucking companies.

Commissioner Barr, seconded by Keefer, moved to approve a Memorandum of Agreement with UNICOR for the Electronics Recycling Program as presented. The motion passed unanimously.

**BID AWARD – ROOF REPLACEMENT OF CONTROL BUILDING AT CONOCOCHIEGUE WASTEWATER TREATMENT PLANT**

Rick Curry, Director, Purchasing, and Rocky Bishop, Chief of Maintenance, Water Quality, recommended award of the contract for the Roof Replacement of the Control Building at the Conococheague Wastewater Treatment Plant (PUR-1368) to the lowest responsive, responsible bidder, Detwiler Roofing of New Holland, Pennsylvania, for the total lump sum of \$66,460. The original roof was installed around 1990 and has experienced issues with water leakage. The contractor will replace the existing membrane and install a new roof system with a twenty-five year warranty. Funds for the replacement are contained in the department's budget.

Commissioner Barr, seconded by Keefer, moved to award the contract for the Roof Replacement of the Control Building at the Conococheague Wastewater Treatment Plant to the lowest responsive, responsible bidder, Detwiler Roofing of New Holland, Pennsylvania, for the total lump sum of \$66,460 as recommended. The motion passed unanimously.

**DELIBERATION/DECISION ON ZONING MAP AMENDMENT RZ-17-003**

Travis Allen, Comprehensive Planner, and Stephen Goodrich, Director, Planning and Zoning, brought forward Zoning Map Amendment application RZ-17-003 from Applicant Downsville Pike Land, LLC for consideration and discussion by the Commissioners. The

January 30, 2018

Page 5

subject property consists of two parcels containing 1.60 acres located on the northwest side of the Downsville Pike (10662 Downsville Pike and 10656 Downsville Pike), one quarter of a mile north of Interstate 70 in Election District 26. The application concerns the request to change the zoning classification from RS-Residential Suburban to HI-Highway Interchange. The Commissioners held a public hearing on December 12, 2017 regarding the application.

The Commissioners discussed the specifics of the rezoning request. Commissioner Baker mentioned the property's location that is adjacent to Marty Snook Park. Rob Slocum stated that the owners of the property were approached in the past about a potential sale but were not interested in selling the property to the County at that time. County Attorney John Martirano noted that the rezoning request by the applicant is the matter before the Commissioners at this time and any potential conveyance of the property is a separate and distinct matter that should be considered outside of the context of the pending rezoning request. Deputy County Attorney Kirk C. Downey reviewed the specific factors that must be considered when deciding a rezoning request. It was the Commissioners' consensus to not take any action on the rezoning request at this time and to discuss the matter at a future meeting.

#### **APPROVAL OF OFFER ON 59 WINTER STREET PROPERTY**

Susan Small, Real Property Manager, and Jodi Bell, Re-Max Realtor, presented an offer received for the former Winter Street Elementary School property located at 59 Winter Street, Hagerstown. The offer includes a \$300,000 purchase price; 100% buyer-paid closing costs to include all fees and commissions; a ninety-day feasibility period; sale being contingent upon approval by the Maryland Board of Public Works; a right of first refusal for the County if the buyer decides to sell the property within five years of the purchase; and a \$5,000 down payment to be held in seller's agent escrow.

The Commissioners discussed the offer and the specific contract terms including the Commissioners' first right of refusal.

Commissioner Cline, seconded by Myers, moved to accept the offer for property located at 59 Winter Street, Hagerstown, for \$300,000 under and subject to the terms and conditions as presented. The motion passed unanimously.

#### **APPROVAL OF OFFER ON 22930 FEDERAL LOOKOUT ROAD**

Susan Small presented an offer received for the former Job Development Center located at 22930 Federal Lookout, Smithsburg, for a purchase price of \$300,000. The offer includes 100% buyer-paid closing costs to include all fees and commissions; a ninety-day feasibility period; sale being contingent upon approval by the Maryland Board of Public Works; a right of first refusal for the County if the buyer decides to sell the property within five years of the purchase; and a \$5,000 down payment to be held in seller's agent escrow.

January 30, 2018

Page 6

Commissioner Myers, seconded by Keefer, moved to accept the offer for property located at 22930 Federal Lookout, Smithsburg, for \$300,000 under and subject to the terms and conditions as presented. The motion passed unanimously.

**CONVENE IN CLOSED SESSION**

Commissioner Myers, seconded by Cline, moved to convene in closed session at 11:15 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 in accordance with Section 3-305(b)(1) of the General Provisions Article of the Annotated Code of Maryland. The motion passed unanimously.

In closed session, the Commissioners discussed certain vacancies and the potential appointment of specific individuals to two local commissions over which the Commissioners have appointing authority, and considered a number of specific County employee hiring/employment recommendations from staff.

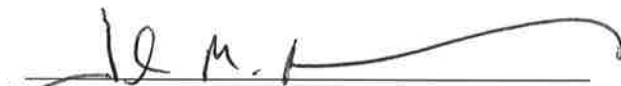
During closed session, the Commissioners directed staff to undertake certain steps in regards to the filling of the commission vacancies including the further discussion and presentation for approval of said individuals in a future open session meeting, and provided direction to staff regarding several hiring/employment recommendations. Present during closed session were Commissioners Terry L. Baker, Jeffrey A. Cline, John F. Barr, Wayne K. Keefer and LeRoy E. Myers, Jr. Also present were Robert J. Slocum, County Administrator; Vicki C. Lumm, County Clerk; John M. Martirano, County Attorney; and at various times Kirk C. Downey, Deputy County Attorney; Michael Reyka, Secretary, Economic Development Commission; Kassie Lewis, Director, Business Development; Stephanie Stone, Director, Health and Human Services; David Hays, Director, Sam Anderson, Emergency Planner, and Jonathan Hart, Director of Fire Services, Emergency Services; and Jim Hovis, Chief Operations Officer.

**ADJOURNMENT**

Commissioner Keefer, seconded by Myers, moved to adjourn at 12:07 p.m. The motion passed unanimously.



Robert J. Slocum, County Administrator



John M. Martirano, County Attorney



Vicki C. Lumm, County Clerk