

RESOLUTION No. 1174-2023

WHEREAS, the Board of County Commissioners of Carroll County, Maryland, a body corporate and politic of the State of Maryland, is authorized to adopt, and from time to time amend, revise, rescind or change provisions of resolutions; and

WHEREAS, pursuant to the Maryland Annotated Code, the Board of County Commissioners of Carroll County may levy and set the tax rate for several categories of taxes in Carroll County; and

WHEREAS, by adoption of Resolution No. 815-2011 on February 22, 2011, the County Commissioners of Carroll County resolved that they would not increase the tax rate for real or personal property, admissions and amusements, hotels, 911, or income, unless the increase is approved by at least four of the five Commissioners; and

WHEREAS, the 62nd Board of County Commissioners of Carroll County wishes to strengthen the taxpayers protection set forth in Resolution 815-2011.

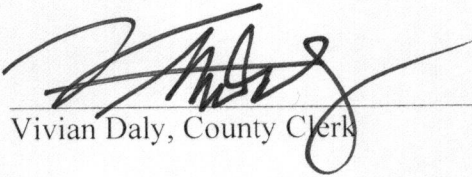
NOW, THEREFORE, IT IS HEREBY RESOLVED, that **THE BOARD OF COUNTY COMMISSIONERS OF CARROLL COUNTY, MARYLAND**, shall not repeal the taxpayer protections set forth in Resolution 815-2011 unless such action is approved by at least four (4) of the five Commissioners.

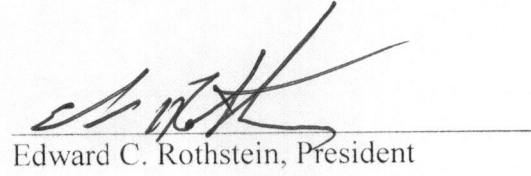
This resolution shall take effect immediately upon its execution.

RESOLVED this 19th day of January, 2023:

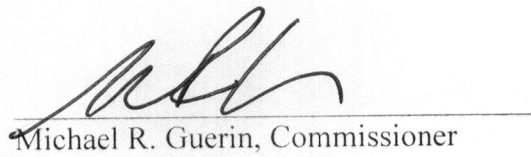
THE COUNTY COMMISSIONERS
OF CARROLL COUNTY, MARYLAND,
a body corporate and politic of the
State of Maryland

ATTEST:



Vivian Daly, County Clerk

 (SEAL)
Edward C. Rothstein, President

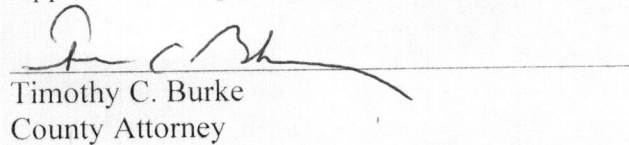
 (SEAL)
Tom Gordon III, Commissioner

 (SEAL)
Michael R. Guerin, Commissioner

 (SEAL)
Kenneth A. Kiler, Commissioner

 (SEAL)
Joseph A. Vigliotti, Commissioner

Approved for legal sufficiency:


Timothy C. Burke
County Attorney



Board of Carroll County Commissioners

County Office Building
Westminster, MD 21157
<https://carrollcountymd.gov>

Open Session

~ Voting Record ~

Admin

Thursday, January 19, 2023

10:00 AM

County Office Building Rm 311

I. Call to Order

Attendee Name	Organization	Title	Status	Arrived
Ed Rothstein	Board of Carroll County Commissioners	President	Present	
Joseph A. Vigliotti	Board of Carroll County Commissioners		Present	
Kenneth A. Kiler	Board of Carroll County Commissioners		Present	
Tom Gordon	Board of Carroll County Commissioners		Present	
Michael R. Guerin	Board of Carroll County Commissioners		Present	

II. Close for Legal Advice

- Motion To:** close for Legal Advice

RESULT: ADOPTED [UNANIMOUS]
MOVER: Kenneth A. Kiler
SECONDER: Tom Gordon
AYES: Ed Rothstein, Joseph A. Vigliotti, Kenneth A. Kiler, Tom Gordon
ABSENT: Michael R. Guerin

- Motion To:** adjourn from closed for Legal Advice

RESULT: ADOPTED [UNANIMOUS]
MOVER: Joseph A. Vigliotti
SECONDER: Tom Gordon
AYES: Rothstein, Vigliotti, Kiler, Gordon, Guerin

- Motion To:** recess until 10:00 AM

RESULT: ADOPTED [UNANIMOUS]
MOVER: Tom Gordon
SECONDER: Joseph A. Vigliotti
AYES: Rothstein, Vigliotti, Kiler, Gordon, Guerin

III. Legislative Update

81 Days Remaining Until Sine Die

Bills introduced Senate - 167 House - 193 Total - 360

Important dates Jan. 20 - Bill request guarantee date

Jan. 20 - Governor must submit budget

Feb. 6 - Senate bills introduced after this date must go to Rules

Feb. 10 - House bills introduced after this date must go to Rules

Mar. 20 - Crossover

Apr. 3 - Budget bill must be passed by both chambers

Apr. 10 - Sine Die

47 Senators

- 34 Democrats (29 votes necessary to override Gov's veto)
- 13 Republicans

141 Delegates

- 103 Democrats (85 votes necessary to override Gov's veto)
- 38 Republicans

House and Senate committee hearings will be hybrid - held in person but accepting virtual testimony

Rural County Coalition legislative review calls each Monday night at 6:30PM

MACo Initiatives

- Centralized resources for body-worn cameras
- o Opt-in state/local partnership for equipment & services
- o More balanced rules for releasing body-worn camera footage
- Adult-use cannabis - revenue sharing and local opt-out authority
- o Enable local discretion for retail and growing facilities
- o Reasonable local revenue structure to offset local service demands
- Fire recruitment and retention
- o Broad stakeholder effort to study & recommend best practices for recruiting & retention and evaluate options to modernize support for front line services
- Transparency in education spending
- o Reporting/budgeting systems must be accessible to ensure local govts. have information to fulfill fiduciary duties as funding authorities

Business & Taxes/HR/Procurement

- MACo stance on income tax subtraction modifications/property tax exemptions
- o Subtraction modifications should be credits to avoid local impact
- SB81 - Labor and Employment - State Minimum Wage Rate - Acceleration (Fight for Fifteen Acceleration Act of 2023)
- o Accelerate \$13.40 from 1/1/24 to 7/1/23
- o Accelerate \$15 from 1/1/26 to 1/1/24
- o Repeals authority of BPW to temporarily suspend increase
- SB114 - Property Tax - Constant Yield Tax Rate - Notice Requirements - SUP
- o Modifies reporting requirements to clarify rate vs. constant yield
- o Hearing 1/19 - B&T
- SB122 - Property Tax Exemption - Religious Group or Organization - Third-Party Leases - SUP
- o Property leased to third parties by religious organizations no longer tax exempt
- o Hearing 1/19 - B&T
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Environment/Agriculture/Land Use

- HB11 - Private Well Safety Act of 2023 - SUP
- o Establishes a grant program for inspections & remediation of contaminants

- o Counties may receive a grant to assist residents with testing & remediation
- o Grants require outreach by county
- o Passed House last session but caught up in larger House-Senate issues

- HB161 - Northeast Maryland Waste Disposal Authority - Evaluation and Termination of Bond Authority (Northeast Maryland Waste Disposal Authority Sunset Act)
 - o Revokes NMWDA's bonding authority
 - o State Transparency and Accountability Reform Commission (STAR)
 - o STAR recommended NMWDA merge into MES

Education

- SB95 - Counties - Construction of Sidewalks and Crosswalks - Safe Alternative Routes to Public Schools - OPP
 - o BOE to identify safe walking routes for students
 - o County must construct sidewalks/crosswalks, etc. to comply with report
 - o Must work with SHA/road owners to execute plan on non-county roads

- SB109 - Interagency Commission on School Construction - Systemic Renovation Projects - Eligibility - SUP
 - o Systemic renovation costs considered as eligible costs reduced to min. \$100k
 - o Previous threshold was \$4 mil.
 - o Effective for FY24 & FY25
 - o Hearing 1/19 - B&T

- HB5 - Education - Playground Accessibility - Communication Boards - SUP
 - o Requires BOE to install device that displays photos, symbols, or illustrations to enable individuals with limited language skills to express themselves and communicate in each school playground by 10/1/2028
 - o Hearing 1/24 - W&M

- HB65 - Education - Public Libraries - Collective Bargaining - OPP
 - o Establishes procedures for library employees to adopt collective bargaining
 - o Commissioners would retain right to refuse based on funding availability
 - o Contains no-strike clause
 - o Hearing 1/31 - APP

- HB85 - Education - Collective Bargaining - Certificated Employees - Class Size
 - o Repeals prohibition on BOE negotiating maximum class size
 - o Hearing 2/1 - W&M

- HB82 - Maryland Medical Assistance and Children's Health Insurance Programs - School-Based Behavioral Health Services - Reimbursement - SUP
 - o State to apply to CMMS for authorization to receive reimbursement for mental health services delivered in schools

Local Govt./Elections/Ethics

- SB40 - Public Information Act - Inspection of Records From Body-Worn Digital Recording Devices - SUP
 - o Limits 'fishing expeditions' of body camera footage

- o Request must be regarding an incident or complaint/allegation of officer misconduct
- o Hearing 2/2 - JPR

Public Safety/Public Health

- SB45 - Correctional Services - Restrictive Housing - Limitations (Maryland Mandela Law) - OPP

- o Broad definition of 'vulnerable individual' increases number of qualifying inmates
- o Affords wide range of supplemental services
- o Proscribes housing that may endanger staff & other inmates

- HB138/SB30 - Public Safety - 3-1-1 Systems - Non-emergency Information - SUP

- o County may establish program or county may enter into agreement with state
- o Senate hearing 1/26 - EEE

IV. Request Approval for Grant Application and Acceptance of Award –Carroll County Restoration Projects

The Bureau of Resource Management (BRM) is seeking \$2,370,000 from the Maryland Water Infrastructure Financing Administration (MWIFA), Bay Restoration Fund Wastewater Program to fund best management practices to address requirements of the County's National Pollutant Discharge Elimination System (NPDES) Permit in various watersheds throughout the County. These projects meet watershed goals of improving water quality through reduction of sediment and nutrients; reducing thermal impacts to the receiving waterways; and integrating green infrastructure practices. These projects are in predominantly residential areas and include over 281 acres of drainage area, including over 124 acres of impervious area that will be treated by the proposed facilities.

1. **Motion To:** approve the submittal of the grant application and acceptance of award to the Maryland Water Infrastructure Financing Administration, Bay Restoration Fund Wastewater Program for the Carroll County Restoration Projects.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Tom Gordon
SECONDER:	Joseph A. Vigliotti
AYES:	Rothstein, Vigliotti, Kiler, Gordon, Guerin

V. Public Safety Training Center Stormwater Retrofit – MDE Loan Application

The Bureau of Resource Management (BRM) is seeking \$1,000,000 from the Maryland Water Infrastructure Financing Administration (MWIFA), Water Quality State Revolving Loan Fund Bipartisan Infrastructure Law Funding for PFAS/Emerging Contaminants to fund the retrofit of the stormwater management facility that serves the Public Safety Training Facility. In addition to addressing nutrient reduction requirements of the County's National Pollutant Discharge Elimination System (NPDES) Permit, this facility retrofit will convert a wet pond into a lined surface sand filter in an effort to reduce PFAS soil contamination from entering the local stream. Because this project is requesting a loan, the entire construction cost of the facility is eligible to be included in the application as well as reimbursement of engineering design costs. This loan is eligible for principal forgiveness.

- 1. **Motion To:** approve the submittal of the application and acceptance of award to the Maryland Water Infrastructure Financing Administration for the Public Safety Training Center Stormwater Retrofit.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Joseph A. Vigliotti
SECONDER:	Tom Gordon
AYES:	Rothstein, Vigliotti, Kiler, Gordon, Guerin

VI. Presentation Regarding Community Solar Code – Information Only

In 2021, the Board of County Commissioners adopted a text amendment to Chapter 158 of the County Code to allow community solar energy generating systems (CSEGS) on certain remaining portion parcels in the Agricultural Zone. Requirements for community solar facilities include, among others, a landscaped buffer along public rights-of-way and contiguous residential properties, co-location with agricultural uses, and a conservation easement on the portion of the property not used for the community solar facility.

- 1. **Motion To:** direct the county attorney prepare an ordinance establishing a 6 month moratorium on the submission, review, and processing of current and future applications for community solar and energy systems in Carroll County, MD to enable the Department of Planning to review it and if appropriate make recommendations to modify Chapter 158 Community Solar generator systems particularly 158.070a and 158.153 e community solar energy systems in agricultural zones.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kenneth A. Kiler
SECONDER:	Tom Gordon
AYES:	Rothstein, Vigliotti, Kiler, Gordon, Guerin

VII. Installation of Pole Lighting at the Carroll County Farm Museum

The Office of Procurement in cooperation with the Bureau of Building Construction requests your approval for the installation of the pole lighting at the Carroll County Farm Museum in the total amount of One Hundred Ninety-Nine Thousand Five Hundred Twenty-Two Dollars and Twenty Cents (\$199,522.20) to Eastern Sales and Engineering Company, Inc. This purchase is being made through a Charles County Contract #RFQ 20-19 that was competitively bid. This amount is within the approved budget and no additional funds should be necessary.

The project is located at the Carroll County Farm Museum, at 500 South Center Street. This project will consist of the removal of 14 compromised wood poles and fixtures. Included in the project are three additional poles and fixtures which will be installed to provide adequate parking lot lighting. New electrical wiring is also in the project which will be required to support the lights, pole receptacles and to meet current electrical codes.

- 1. **Motion To:** award the installation of lighting at the Carroll County Farm Museum to Eastern Sales and Engineering Company, Inc. in the amount of \$199,522.20.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kenneth A. Kiler
SECONDER:	Tom Gordon
AYES:	Rothstein, Vigliotti, Kiler, Gordon, Guerin

VIII. Purchase of a 2022 Ford F250

The Office of Procurement in cooperation with Fleet Management requests your approval to purchase one (1) 2022 F250 from Hagerstown Ford in the amount of \$48,068.00.

This amount is within the approved budget and no additional funds should be necessary.

This truck will be a replacement vehicle for the Bureau of Roads Operations, serving the primary function of transporting staff, tools, and materials to and from job sites.

- Motion To:** award the purchase one (1) Ford F250 in the total amount of \$48,068.00 from Hagerstown Ford.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Joseph A. Vigliotti
SECONDER:	Tom Gordon
AYES:	Rothstein, Vigliotti, Kiler, Gordon, Guerin

IX. FY24 Annual Transportation Plan

Carroll Transit System provided over 70,000 passenger trips in FY22 to older adults, persons with disabilities, and the general public through demand response (door-to-door) service and the TrailBlazer (deviated-fixed routes). Over 49,000 trips have been provided to date in FY23 with a fleet of 40 vehicles.

Six TrailBlazer deviated-fixed routes operate in North Carroll, Taneytown, and Westminster. The service operates Monday through Friday. The TrailBlazer system has provided just under 13,000 passenger trips through December of FY23.

Demand Response (door-to-door) service operates Monday - Friday and currently accounts for 73% of the rides provided by the system. Riders are transported each day throughout the county with an average trip length of 6.5 miles. Riders are primarily elderly and/or disabled and use demand response for medical, employment, social service, and general-purpose trips.

Public transportation is funded in Carroll with a mix of grant funding from the Federal Transit Administration (FTA) and Maryland Transit Administration (MTA), fare revenue collected by the vendor, and County funding.

In order to include public input in the development of the Annual Transportation Plan, the opportunity to request a public hearing will be advertised by January 26, 2023. If a public hearing is requested, it will be held in open session on February 23, 2023. The preliminary FY24 budgets will be included in the advertisement for the public hearing.

The Board of Commissioners will approve the FY24 Annual Transportation Plan with final budgets prior to submission to MTA in March.

- Motion To:** direct staff to advertise the option to request a public hearing using the preliminary funding requests for the FY24 Annual Transportation Plan.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Joseph A. Vigliotti
SECONDER:	Tom Gordon
AYES:	Rothstein, Vigliotti, Kiler, Gordon, Guerin

X. Super Majority Resolution

In 2011, the 59th Board of County Commissioners adopted Resolution 815-2011 which provides that the Commissioners cannot increase the tax rate for real or personal property, admissions and amusements, hotels, 911, or income unless the increase is approved by at least four of the members of the Board. Commissioner Gordon has requested the adoption of the attached resolution, which would require a vote of at least four Commissioners to repeal Resolution 815- 2011.

- 1. **Motion To:** adopt the resolution requiring a vote of four Commissioners to repeal Resolution 815-2011.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Tom Gordon
SECONDER:	Joseph A. Vigliotti
AYES:	Rothstein, Vigliotti, Kiler, Gordon, Guerin

XI. Approval of Closed Minutes Statement from Thursday, January 12, 2023 for Land Acquisition

Upon motion of Commissioner Guerin, second by Commissioner Vigliotti, the Board (Commissioners Vigliotti, Kiler, Gordon, Guerin and Rothstein) voted to meet in closed session in accordance with the Annotated Code of Maryland, General Provisions Article, Subsection 3-305(b)(3) on Thursday, January 12, 2023, at 12:25 p.m. with Roberta Windham, County Administrator, Tim Burke, County Attorney, Bryan Bokey, Director, Department of Public Works, Eric Burdine, Deputy Director, Department of Public Works, Sheriff James DeWees and Vicky McDonold, Sheriff's Office to discuss an offer by the County to buy land for public purpose, discussion prior to submitting offer to landowner.

- 1. **Motion To:** approve the Closed Minutes Statement from Thursday, January 12, 2023 for Land Acquisition.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Joseph A. Vigliotti
SECONDER:	Tom Gordon
AYES:	Rothstein, Vigliotti, Kiler, Gordon, Guerin

XII. Public Comment

XIII. Administrative Session ~ Open

- 1. **Motion To:** close for Land Acquisition

RESULT: ADOPTED [UNANIMOUS]
MOVER: Tom Gordon
SECONDER: Joseph A. Vigliotti
AYES: Rothstein, Vigliotti, Kiler, Gordon, Guerin

2. **Motion To:** adjourn

RESULT: ADOPTED [UNANIMOUS]
MOVER: Joseph A. Vigliotti
SECONDER: Tom Gordon
AYES: Rothstein, Vigliotti, Kiler, Gordon, Guerin