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BOARD OF COUNTY COMMISSIONERS
June 13, 2017
Agenda

- 10:00 A.M. INVOCATION AND PLEDGE OF ALLEGIANCE
CALL TO ORDER, *President Terry L. Baker*
APPROVAL OF MINUTES –JUNE 6, 2017
- 10:05 A.M. COMMISSIONERS' REPORTS AND COMMENTS
- 10:10 A.M. REPORTS FROM COUNTY STAFF
- 10:15 A.M. CITIZENS PARTICIPATION
- 10:20 A.M. 2017 MD AGRICULTURAL LAND PRESERVATION (MALPF) FINAL
CERTIFICATION REPORT APPROVAL – *Eric Seifarth*
- 10:30 A.M. BID AWARD (PUR-1352) INFORMATION TECHNOLOGY AND RELATED
ELECTION TECHNICAL SERVICES FOR THE WASHINGTON COUNTY BOARD
OF ELECTIONS – *Karen Luther, Purchasing; Barry Jackson and Bruce Field, Board Of
Elections*
- 10:35 A.M. CONTRACT AWARD (PUR-1345) LANDFILL MONITORING SERVICES – *Karen
Luther and Dave Mason*
- 10:40 A.M. FY2018 ANNUAL PROGRAM OPEN SPACE PROGRAM – *Jim Sterling*
- 10:45 A.M. 2017 – 2018 PROPERTY AND CASUALTY INSURANCE RENEWALS – *Tracy
McCammon and Patrick Hancock of AON Risk Solutions*
- 10:50 A.M. BID AWARD (PUR-1349) GROUNDS MAINTENANCE FOR VARIOUS COUNTY
DEPARTMENTS – *Rick Curry, Purchasing and John Easterday, Black Rock Golf
Course*
- 10:55 A.M. CONVEYANCE OF REAL PROPERTY TO CASCADE TOWN CENTRE
DEVELOPMENT, LLC. – *Susan Small*

11:00 A.M. **CLOSED SESSION**

(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 a proposal for a business or industrial organization to locate, expand, or remain in the State; to consult with staff, consultants, or other individuals about pending or potential litigation; and to consult with counsel to obtain legal advice on a legal matter.)

11:45 A.M. **ADJOURNMENT**



Agenda Report Form

Open Session Item

SUBJECT: 2017 Maryland Agricultural Land Preservation Foundation (MALPF) Final Certification Report Approval

PRESENTATION DATE: June 13, 2017

PRESENTATION BY: Eric Seifarth, Rural Preservation Administrator, Dept. of Planning & Zoning

RECOMMENDED MOTION: Approve the enclosed Final Certification Report (checklist) of the Washington County Agricultural Land Preservation Program to present to the Maryland Departments of Planning (MDP) and Agriculture (MDA) for approval.

REPORT-IN-BRIEF: Every 3 years the Land Preservation staff is required to prepare and submit a Certification Report so as to retain an additional 42% (total 75% retention) of state agricultural transfer taxes. Agricultural Land Preservation Staff will submit the certification report to MDP and MDA after approval by the Board of County Commissioners. The Certification Report is based on questions developed at the State level to assess the County's Agricultural Land Preservation Program and consistency with the Comprehensive Plan. While the Certification Report addresses all the County agricultural land preservation programs, Washington County has traditionally used 100% of the transfer tax funds for the 60/40 match component of MALPP. A sample under **FISCAL IMPACT** shows the multiplying effect of the certification on the 60/40 match mechanism.

DISCUSSION: The County's Final Certification Report addresses several main items from the interim certification report which the State feels need to be clarified. These items are located on page 8 item IV.D.3.b.(County easement acquisition programs), page 9 item IV.E (inventory), page 9 item IV.G.1 (program development strategy) and page 10 item IV.G.3 (coordination with neighboring counties). The report discusses our plans to achieve a goal of 50,000 acres in permanent preservation. MDA and MDP understand that factors affecting our strategy will change over time and we will have on-going opportunity to update and modify our land preservation plans.

FISCAL IMPACT: The certification process allows the County to retain an additional 42% of State Agricultural Transfer Tax. While the tax amount collected varies, in years of high farmland to residential use conversion the additional 42% has yielded several hundred thousand dollars. With the amount of transfer tax revenue decreasing in the past several years, it is important that we receive as much funding as possible to better serve our land preservation needs.

Example: Collection of tax w/o certification - $\$200,000 \times 33\% = \$66,000$ then leveraged through 60/40 match = $\$165,000$. With certification - $\$200,000 \times 75\% = \$150,000$ then leveraged = $\$375,000$.

CONCURRENCES: The Agriculture Land Preservation Advisory Board has approved the report.

ALTERNATIVES: Decline certification and not receive the 42% additional funds from agricultural transfer tax.

ATTACHMENTS: Final Certification Report

AUDIO/VISUAL NEEDS: N/A

Based on COMAR Title 34 Department of Planning, Subtitle .03 Land Use, Chapter .03 Certification of County Agricultural Land Preservation Programs

DATE: May, 2017

COUNTY: WASHINGTON

DATE OF TRANSMITTAL:

CHECKLIST FOR CERTIFIED COUNTIES' ANNUAL REPORTS¹ - FY 14,15,16

I. The county agricultural preservation advisory board, or the county office of planning or county planning commission, as designated by the county, and the governing body of the county:

OK A. Have approved the application for (re)certification of the county program (.05(A)(2)).

Letters were signed by

II. Financial Reporting. Both annual reports shall provide a financial report that includes:

OK A. Estimated revenues and expenditures for the county's agricultural land transfer tax account for fiscal years that have transpired in their entirety during the certification period (.10(B)(1)(a)); and

Agricultural Land Transfer Tax in Washington County				
	Ag Land Transfer Tax Collected	Surcharge	Remitted to State (Incl. Surcharge)	Retained
FY 2014	\$183,764	\$45,860	\$91,801	\$137,823
FY 2015	\$35,266	\$8,389	\$17,205	\$26,450
FY 2016	\$164,742	\$40,628	\$81,814	\$123,556
TOTAL	\$383,772	\$94,877	\$190,819	\$287,830

OK B. Revenue sources for, and estimated expenditures of, any other funds used to purchase development rights, provide financial enhancements to purchases of development rights, or administer the county's agricultural preservation program (.10(B)(1)(b)).

Expenditure of "Other" County Funds			
	FY 2014	FY 2015	FY 2016
Installment Payments	\$563,735	\$548,203	\$366,726
Tax Credits on Easement Properties	\$146,268	\$157,776	\$161,276
TOTAL	\$710,003	\$705,979	\$528,002

¹ Note: The first report is due on October 1 following the completion of the first full fiscal year of the certification period, except as extended by MDP for reasonable cause.

The second report is due on October 1 following completion of the second full fiscal year of the certification period, except as extended by MDP of reasonable cause.

- OK C. Information necessary for MDP and MALPF to determine if the county is meeting its commitment of qualifying expenditures in an amount at least equal to the additional funds available to the county as a result of certification (a financial reporting form for this purpose is available from MDP) (05(D); .10(B)(2)).

As the figures above show, the county is more than meeting its commitment for qualifying expenditures.

- OK D. All expenditures reported shall be identified as qualifying or non-qualifying expenditures (.10(B)(3)).

- OK E. Financial reports shall be verified and signed by the county's chief financial officer or by an independent auditor (.10(B)(4)).

Financial reports for FYs 2014, 2015, and 2016 were signed by SB & Company, LLC.

III. In addition to the financial report above, the FIRST and SECOND annual report of each certification period shall include: Attachment C

- OK A. An inventory of properties which have been permanently preserved by an agricultural land preservation easement during the reporting period (.10(C)(2)).

- OK B. The total number of easements purchased and acreage preserved through the county and State agricultural land preservation easement purchase programs during the reporting period (.10(C)(3)).

Washington County preserved 1,548 acres for the three fiscal years FY 2014-FY 2016.

Washington County Land Preserved by Easement FY 2014-2016					
FY	MALPF	Rural Legacy	MET	CREP	IPP
2014	152.3	317.3			
2015	41.1	70.9		99.8	
2016	185.8	510.7		170.2	
Total	379.2	898.9	0	270	0

- OK C. An update on progress made to reach the milestones established in the county's most recent program development strategy (.10(C)(4)).

Provided elsewhere in checklist.

IV. In addition to the financial report and the information required in the first annual report, above, the SECOND annual report of each certification period shall include:

- OK A. A map of all agricultural lands preserved in the county, including those preserved both during and before the certification period, showing those properties in relation to priority preservation areas (.10(D)(2)).

- OK B. A description of the programs the county has established to encourage participation of farmers in agricultural land preservation efforts, including purchase of development rights or financial enhancements related to the purchase of development rights, outside of MALPF (.05(B));

Washington County uses a full array of easement programs: MALPF, MET, Rural Legacy, MET, local PDRs with an IPP option, CREP, and other federal programs such as transportation scenic easements.

- C. An evaluation of the county's agricultural land preservation program, including the strengths and shortcomings in each of the following areas (.05(E); .05(E)(1)):
1. The ability of the county's zoning and other land use management tools to do the following in the county's priority preservation area (.05(E)(1)(a)):

- OK a. Limit the amount and geographic distribution of subdivision and development in accordance with established agricultural land preservation goals (.05(E)(1)(a)(i));

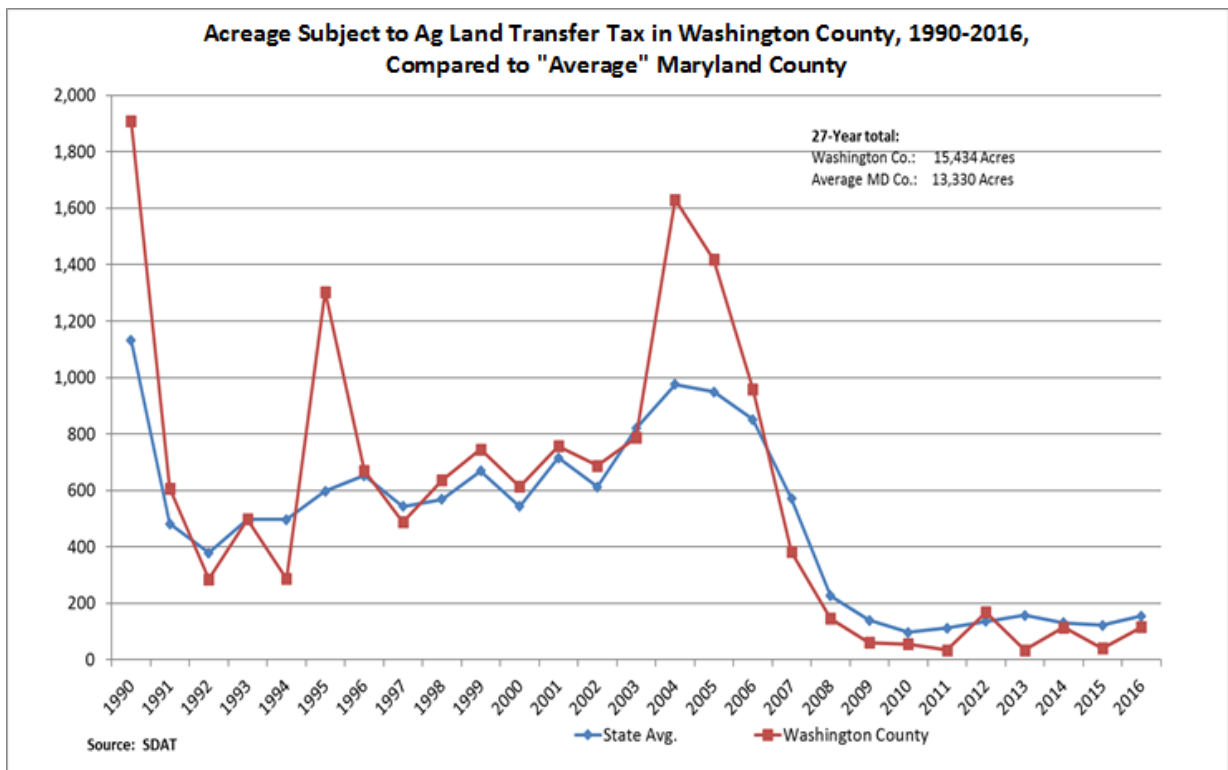
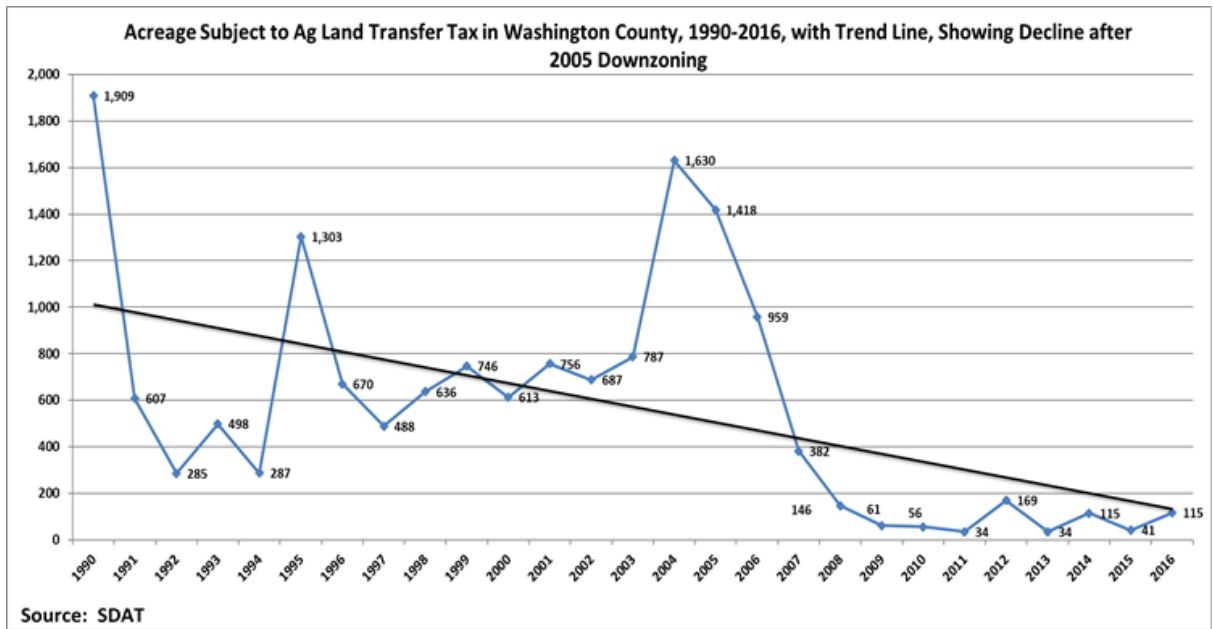
Washington County reports the following: "While in the past Washington County had a liberal lot allowance of 1/5 in the Agricultural Zoning, the Sustainable Growth and Agricultural Preservation Act allows a maximum of only 7 subdivision rights per parcel. 16,300 subdivision rights were lost leaving only 18,400 rights available in the rural areas."

- OK b. Stabilize the land base (.05(E)(1)(a)(ii)); and

See above IV.C.1.a. In addition, the acreage subject to agricultural land transfer tax, depicted on the graph below, shows a steep decline after the 2005 downzoning, even before the economic downturn that started in FY 2009. (In 2005 Washington County made its zoning significantly more protective by changing it from 1:1 (Agriculture) or 1:3 (Conservation) to the following:

*1:5 (+3 lots) Agricultural zone,
1:20 (+ 3 lots) Environmental Conservation zone,
1:30 (+ 3 lots) Preservation (Rural Legacy) zone. Plus 2 more lots at 1:50.*

The chart below shows that since 1990, the total acreage subject to agricultural land transfer tax in Washington County is notably higher than in the "average" Maryland County. However, just four years of excessive development in Washington County explain all the difference. In fact, if you exclude the years 1990, 1995, and 2004, the total acreage of farmland converted in Washington County (10,592) would be lower than that for the "average" Maryland County (10,624)

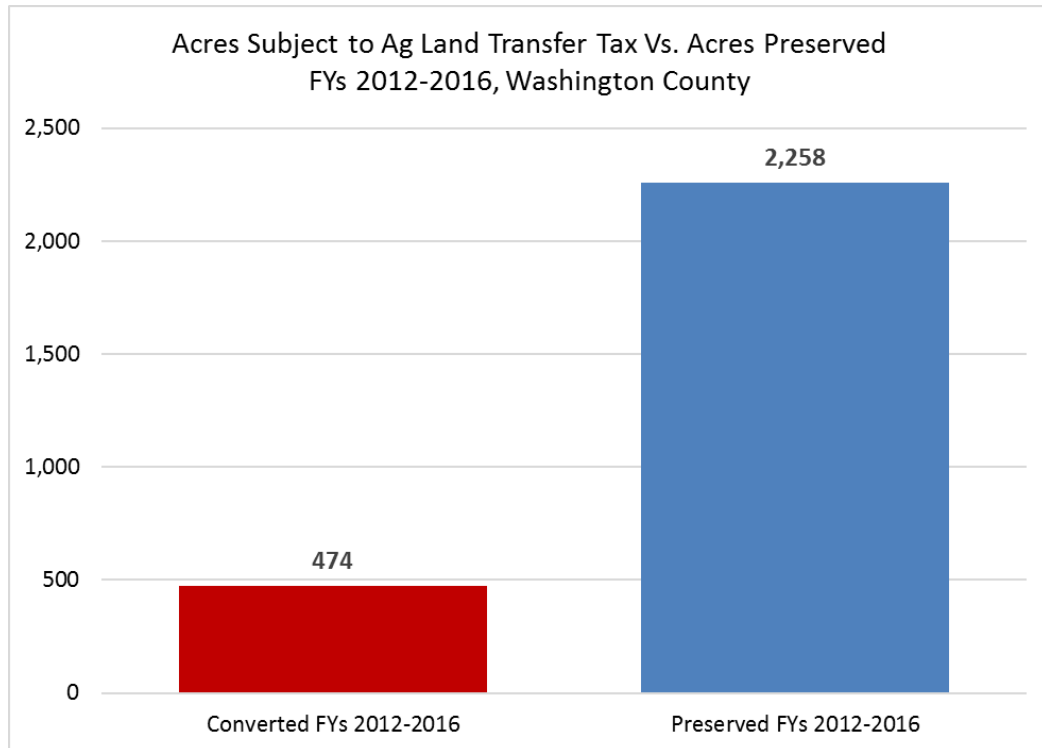


OK

- c. Provide time for agricultural land preservation easement acquisition to achieve State and local preservation goals before the agricultural land resource is excessively compromised by development (.05(E)(1)(a)(iii)).

For the five-year period of FYs 2012-2016, Washington County preserved 2,258 acres while 474 were subject to Agricultural Land Transfer Tax. The county reports that

“[s]ince the rate of conversion had slowed so significantly from past 5 year periods and the rate of protection will continue to increase with State funds being restored, it appears very likely that our permanent easement efforts will allow us to keep pace.”



- OK 2. The ability of combined State, local, and other agricultural land preservation easement acquisition programs to permanently preserve lands in the county's priority preservation area at a rate sufficient to achieve State and local preservation goals (.05(E)(1)(b)).

Washington County reports that of the 859 acres permanently preserved in FY 2016, all was in the PPA. The five-year figure for acres subject to agricultural land transfer tax in the whole county was just 474, so easements are being acquired in the PPA at a rate sufficient to achieve State and local preservation goals.

- OK 3. The degree to which county land use and other ordinances and regulations restrict or otherwise interfere with the conduct of normal agricultural activities in the priority preservation area (.05(E)(1)(c)).

The county's right-to-farm ordinance protects farmers by allowing any normal farm activity.

- OK 4. The ability of county zoning, subdivision, and development regulations and policies to minimize the degree to which development in the priority preservation area interferes with normal agricultural activities (05.(E)(1)(d)).

As mentioned in IV.C.1.a above, the Sustainable Growth and Agricultural Preservation Act has countered the effects of the liberal 1:5 agricultural zoning. Meanwhile, Environ-

mental Conservation zoning of 1:20 and Preservation zoning of 1:30 further limit development in rural areas, including PPAs.

- OK 5. The ability of county and other farming assistance programs to support profitable agriculture and forestry activities in the priority preservation area (05.(E)(1)(e)).

The recertification application reports that "Washington County has a complete package of farmer assistance programs, including Soil Conservation, Farm Services Agency, Extension Service, Ag Marketing specialist, as well as an active farmland preservation program. In addition, we have encouraged farm support services such as feed and equipment dealers to maintain a strong presence in the County."

6. Statistics and other factual information necessary to evaluate the county's agricultural land preservation program, such as:

- OK a. A description of the amount of subdivision and development allowed on land within zoning districts comprising the priority preservation area, including base density and additional lots allowed for clustering, density transfers between parcels, and any other provisions affecting lot yields (.05(E)(2)(a));

See IV.C.1.4, above. As mentioned above, for the 5 years of FY 2012-2016, 474 acres were subject to agricultural land transfer tax countywide. Washington County reports that from 1/1/2011 to 12/31/2015 Washington County lost only 231 acres of converted farmland in the entire rural area.

- _____ b. The numbers and locations of residential parcels and acres subdivided and developed within the priority preservation area during the most recent 5-year period (.05(E)(2)(b));

- OK c. The total acreage and locations of farms and parcels permanently preserved through agricultural land preservation easements recorded in the land records of the county during the most recent 5-year period (.05(E)(2)(c));

Program totals were provided.

- OK d. The constraints and restrictions placed by county ordinances and regulations on normal agricultural activities, such as minimum setbacks from property boundaries (.05(E)(2)(d)); and

Washington County reports that there are no restrictions placed on normal agricultural activities.

- OK e. The constraints and restrictions placed by county ordinances and regulations on non-agricultural development activities, in order to minimize conflicts with normal agricultural activities within the priority preservation area (.05(E)(2)(e)).

Setbacks requiring a 50 feet buffer.

D. A program development strategy which:

- OK 1. Describes the way in which the goals of the program will be accomplished in the county's priority preservation area, including the county's strategy to protect land from development through zoning, preserve the desired amount of land with permanent easements, and maintain a rural environment capable of supporting normal agricultural and forestry activities (.05(F)(1)).

While Washington County's overall goal is to protect 50,000 acres in permanent preservation in the county as a whole, the PPA properties receive bonus points in the priority rankings of their easement programs. In addition, the county's easement priority ranking system gives about 25% of the total points available for properties which are contiguous to other easements. Since Washington's PPA was selected in part because of close proximity to permanently protected land, the chances are higher for protection in those areas.

The Sustainable Growth and Agricultural Preservation Act has dramatically curtailed potential lot rights in most rural areas. As mentioned previously, between 1/1/2011 and 12/31/2015 only 231 acres of farmland were converted. Washington County expects that trend to continue; in fact, in several cases subdivided lots have been added back to farms being preserved with easements. The county program administrator, Eric Seithforth, reports, "We have often heard people in the rural area complain recently about not being able to sell lots they have spent considerable money on to subdivide. We have seen a shift from using rural areas as temporary farmland until development occurs. There is a much stronger sense of permanence now in our rural areas."

Finally, with the increased state funding levels and the county plan to use a portion of Installment Payment Program funds to gain an additional \$600,000 of MALPP 60/40 match money each cycle, Washington County reports that it is on pace to achieve our goal of 50,000 acres in permanent preservation in about 20 more years.

- OK 2. Includes a schedule of activities the county will undertake to overcome shortcomings in the ability of county tools identified in the evaluation (.05)(F)(3)).

With the limited number of lot rights now available in the rural area, the increasing pace of preservation, and the rate of land preserved compared to land developed, Washington County is on track to reach its goal of 50,000 acres of land permanently preserved by easement. With state funding being increased in the next few years and, hopeful, a return to normal levels of land preservation funding, the county does not see obstacles to achieving its goals. Landowner interest remains very strong for all programs and local support is high. [MDP data show about 29,400 acres under easements of all types in Washington County.]

3. Includes a schedule of milestones according to which the county hopes to overcome the identified shortcomings, including but not limited to changes the county intends to make or pursue in:

- OK a. The county comprehensive plan, zoning, land use management tools, and related regulations and procedures (.05(F)(4)(a));

The comprehensive plan is currently being updated and should be completed in 2017. The county does not expect to change its rural zoning because of the reduction of lots resulting from the Sustainable Growth and Agricultural Preservation Act.

- OK b. County easement acquisition programs (.05(F)(4)(b));

As mentioned in IV.D.2 above, the county reports that easement programs have seen increased interest, with funding being restored over the next 10 years at the State level and extra allocations of funding in the meantime. Legislation enacted in 2016—HB 462, Program Open Space - Transfer Tax Repayment – Use of Funds—including the following earmarks, “Notwithstanding any other section of the law”:

<i>FY 2017</i>	<i>FY 2018</i>
<i>POS-State: \$4 million</i>	<i>POS-State: \$3.412 million</i>
<i>POS-Local: \$5 million</i>	<i>POS-Local: \$11 million</i>
<i>Rural Legacy: \$4.862 million</i>	<i>Rural Legacy: \$9 million</i>
<i>MALPF: \$3.5 million</i>	<i>MALPF: \$9 million</i>

In FY2017, Washington County approved the use of County Real Estate Transfer Tax (RETT) to fund the MALPF 60/40 Match. Over the past 12 years, that funding has been used to fund the County’s Installment Payment Program (IPP). However, in order to leverage more funding, now that agricultural transfer tax revenue collections are low, the County has elected to use half of the \$400,000 per year it receives from the RETT for its 40% portion of the 60/40 Match. The Board of County Commissioners has approved a \$330,000 allotment from the RETT towards the 60/40 Match for the FY17 MALPF Cycle, which will result in a \$495,000 match from MALPF, and an overall allotment of \$825,000 for the 60/40 Match mechanism.

- OK c. County ordinances, regulations, or procedures supporting or restricting normal agricultural activities (.05(F)(4)(c));

Washington County has a Right to Farm ordinance that protects all normal agricultural activities. Every property sold in the County has a statement saying that the county protects normal farming practices.

- _____ d. County ordinances, regulations, or procedures limiting non-agricultural development activities that might interfere with the conduct of normal agricultural activities (.05)(F)(4)(d));

- OK e. County strategies or mechanisms to fund easement acquisition (.05(F)(4)(e)); and

Washington County created a 2% county piggyback agricultural land transfer tax. It runs its own PDR program, which has an Installment Payment Program(IPP). The county also accepts donated easements and uses its local share of ag transfer tax for 60/40 MALPF matching and the use of a county ag transfer tax for easements. In addition, Washington County is exploring the use of IPP funds for additional leveraging

in the MALPP 60/40 match. The county also has had success in obtaining easements through CREP and federal transportation funds.

OK

- f. Farming assistance programs and activities (.05(F)(4)(f));
Washington County has an active Soil Conservation Service, Farm Services Agency, Ag Marketing , Extension Service and Farm Credit to help farmers.

E. **An inventory, in digital or tabular form**, of the properties which have been permanently preserved by a recorded conservation easement, which:

- _____ 1. If in digital form, is approved by MDP for content and format (.05(G)).
- _____ 2. If in tabular form, includes, for each property:
- _____ a. The number of each tax map on which each parcel comprising the easement occurs (.05(G)(2)(a));
- _____ b. Each grid cell number of each tax map for each parcel comprising the easement (.05(G)(2)(b));
- _____ c. Each parcel number through which the property can be identified on each tax map (.05(G)(2)(c));
- _____ d. The total number of acres of each easement property (.05(G)(2)(d));
- _____ e. The date on which the easement became effective (.05(G)(2)(e));
- _____ f. The preservation program which holds the easement (.05(G)(2)(f));
- _____ g. The means through which the easement was acquired, such as purchase, transfer of development rights between private parties, or another means specified by the county (.05(G)(2)(g)); and
- _____ h. The easement purchase price, if the easement was purchased through or with financial assistance from a government program (.05(G)(2)(h)).

N/A F. A description of any changes in the county priority preservation area and the priority preservation area element of the local plan (.10(D)(4)).

G. During the certification period, the county:

- _____ 1. Has made reasonable progress on the recommendations and improvements scheduled in its most recent program development strategy, or can justify deviation from that strategy (.05(11)(B)(1)(c)).

We have made excellent progress in all programs since the last reporting period. We have recently surpassed the 31,000-acre mark, which puts us over three-fifths of the way

toward our goal. Funding and interest in our programs continue to climb and we are optimistic of reaching our 50,000 acres of permanent preservation in the next 25 years.

In 2014's recertification report, Washington County listed the following items in its program development strategy:

- *A continuing evaluation of development occurring in the PPA will provide the data to support the implementation of additional preservation measures if needed. In the last five years, 30 parcels were subdivided in the PPA, equating to 82.38 total acres. In contrast, 42 easements were preserved in the PPA over the same time frame, consisting of 1,993.55 acres. That means that for every 1 acre subdivided, the County has managed to preserve roughly 25 acres of land in the PPA.*
- *The continuing encouragement of donated easements and a County TDR program. While the County has made no progress in the development of a TDR program, it has made strides in procuring donated easements. Landowners continue to discover the benefits of donated easements on their land, especially regarding improving easement rankings, ag-subdivision feasibility, and tax benefits.*
- *Continue to support the clustering of easements. Washington County's ranking systems for the bulk of its easement programs tend to lead toward the clustering of easements, as they give weight to contiguity. To that affect, it is no surprise that the majority of easements procured over the past several years have been in close proximity to existing permanent easements.*
- *Revising the zoning in the UGA to support higher densities, where appropriate. With the County-wide goal of protecting 50,000 acres of farmland taken into account, the Department of Planning and Zoning is currently in the process of updating its Comprehensive Plan. As a practice, the UGA is has been designated as a high-growth area, and the Comprehensive Plan update itself will reiterate this, as well as provide recommendations for directing density into the UGA and preserving the intrinsic qualities of Washington County's open space.*

The recertification application states that the county has rezoned the Urban Growth Areas in ways that will make them more attractive for development.

- OK 2. Has been reasonably successful in preserving agricultural land and controlling subdivisions and conversion of agricultural land consistent with State and county goals and plans to preserve agricultural land and to protect environmental quality (.05(11)(B)(1)(d)).

As mentioned above, for the five-year period of FYs 2012-2016, Washington County preserved 2,258 acres while 474 were subject to Agricultural Land Transfer Tax. The previous five-year report, covering the fiscal years 2009-2013, showed 3,289 acres preserved and just 354 converted.

- _____ 3. Has made significant attempts to coordinate agricultural preservation efforts with those of neighboring counties, when appropriate, and MDP and MALPF (.05(11)(B)(1)(d)).
Washington County works with other Maryland counties on a regular basis through a variety of programs. Generally, it is in the form of providing guidance

for, and troubleshooting, different nuances of the many preservation programs available. However, there have been occasions, especially along the Appalachian Trail, where we have had to consult with our Frederick County counterpart. Further, the updating of MALPF Uses Policies has been a coordinated effort with several other Administrators, as Eric Seifarth sits on the Uses Committee. In addition, we have met with land preservation officials from W.Va. to seek Federal easement funds through NRCS.



Agenda Report Form

Open Session Item

SUBJECT: **Bid Award (PUR-1352) – Information Technology and Related Election Technical Services for the Washington County Board of Elections**

PRESENTATION DATE: June 13, 2017

PRESENTATION BY: Karen R. Luther, CPPO – Director of Purchasing; Barry Jackson, Deputy Director and Bruce Field, President – Washington County Board of Elections

RECOMMENDED MOTION: Motion to award the bid for Information Technology and Related Election Technical Services for the Washington County Board of Elections to the responsible, responsive bidder **IT Election Services, LLC** of Hagerstown, MD who submitted the lowest (annual) Total Bid Price in the amount of **\$49,920.00**.

REPORT-IN-BRIEF: The Washington County Board of Elections sought bids for information technology and related Election technical services as required by the Board of Elections in order to permit the Board of Elections to discharge its statutory duties and satisfy those information technology and election related requirements imposed upon the Board of Elections by the State Board of Elections (SBE), including, but not limited to, those services outlined in the bid document that included specified minimum requirements, necessary skills and abilities, maintenance of equipment, training for users, policy development, warehouse management, reports and performance schedules for each.

The successful contractor shall be compensated for his or her time and professional services in twelve (12) equal monthly installments payable the first of each month beginning August 2017 for the month of July's service. No services are needed from the successful contractor for a sixty (60) calendar day period prior to any election as the State furnishes a contractor to provide services during that period; therefore, no compensation will be paid to the successful contractor for those two-month periods as they occur. Since these services may span more than one (1) fiscal year, the hourly rates for Extra Work will automatically adjust three (3%) percent on the anniversary of the date of the contract between the County and the Contractor.

The contract will be for a one-year period tentatively commencing July 1, 2017, with an option by the County to renew for up three (3) additional consecutive one-year periods, subject to written notice given by the County at least sixty (60) calendar days in advance of each expiration date. If the Bidder wishes to renew the contract, he/she must submit a letter of intent to the County's Representative at least ninety (90) calendar days prior to the expiration of each contract term. The County reserves the right to accept or reject any request for renewal and any increase in costs that the Bidder may request. All other terms and conditions shall remain unchanged.

The bid was advertised on the State's "*eMaryland Marketplace*" and County's website, and published in the local newspaper. One hundred forty-eight (148) persons/companies registered/downloaded the bid document on-line, and one (1) firm was represented at the pre-bid conference. One (1) bid was received on May 31, 2017 as indicated on the attached bid tabulation sheet.

DISCUSSION: Please take note that the principal of IT Election Services, LLC is Dean Robucci, the long-time provider over more than the last ten (10) years of similar services to the Election Board in his prior positions as an employee of the various vendors who, under contracts with the State Board of Elections ("SBE") and local election boards ("LBEs") across the State, routinely staff the requirements of LBEs in the several month run-up to and close-down of primary and general elections. Unfortunately, the extensive IT services now necessary to satisfy SBE mandates for election systems (including substantial security issues) require that the County contract for a full-time position.

Further, please note that Mr. Robucci is the spouse of Kaye Robucci, the Director of the Washington County Election Board. Recognizing the inherent issues arising from that relationship, Ms. Robucci recused herself from all consideration of the subject position and assigned all responsibilities and decisions related thereto to the Deputy Election Director, Barry Jackson. Further, as the Minutes of the Election Board will reflect, Ms. Robucci absented herself from all meetings of the Board related thereto. The Election Board President, Bruce Field, and counsel to the Election Board, Roger Schlossberg, have taken a hands-on role in all activities related to the position and, with the active participation of the County Administrator and the Director of Purchasing (and expressly without any role of Ms. Robucci), prepared the Request for Bids and all specifications of the Contract. Further, all procurement procedures related to the subject Contract similarly have been monitored by the Director of Purchasing, the County Administrator's Office and the County Attorney to ensure strict compliance with those procedures.

FISCAL IMPACT: Funding in the amount of \$50,000 has been approved in the FY'18 budget under *Contracted/Purchased Service* for these services

CONCURRENCES: Washington County Board of Elections

ALTERNATIVES: N/A

ATTACHMENTS: Bid Tabulation

AUDIO/VISUAL NEEDS: N/A

PUR-1352
Information Technology and Related Election Technical Services

		IT Election Services, LLC * Hagerstown, MD	
Description	Qty.	Unit Price	Total Price
Information Technology and Related Election Technical Services - PER MONTH	12	\$4,160.00	\$49,920.00

Description	Unit	Unit Price
Service Rate for Extra Work not covered by Service Contract - REGULAR	Hour	\$24.00

Repair parts and materials not included herein shall be billed at cost plus twenty-five (25%) perce:

REMARKS / EXCEPTIONS:

I have over ten (10) years of experience working with the Washington County Board of Elections



Agenda Report Form

Open Session Item

SUBJECT: Contract Award (PUR-1345) - Landfill Monitoring Services - Requirements Contract

PRESENTATION DATE: June 13, 2017

PRESENTATION BY: Karen R. Luther, CPPO – Director of Purchasing and David A. Mason, P.E., Deputy Director of Environmental Management – Department of Solid Waste and Watershed Programs

RECOMMENDED MOTION: Motion to award the contract to the responsive, responsible, proposer with the lowest total (annual) proposal amount for providing Landfill Monitoring Services.

REPORT-IN-BRIEF: The services under this contract consist of providing gas and water monitoring services at the five (5) landfill locations for the Department of Solid Waste. It is a requirements contract, utilized on an as-needed basis with no guarantee of minimum or maximum number units of services. The duration of the contract is for a period of two (2) years for these services with an option by the Board of County Commissioners of Washington County, Maryland (the “County”) to renew for up to three (3) additional, consecutive one (1) year periods. Extensions are subject to written approval by the County at least sixty (60) calendar days prior to the contract expiration date.

The Request for Proposal (RFP) was advertised in the local newspaper, on the State of Maryland’s web site, “*eMaryland Marketplace*”, and on the County’s web site. Forty-one (41) firms/persons accessed the RFP document from the County’s web site, and five (5) firms were represented at the pre-proposal conference. Five (5) proposals were received; three (3) proposals were deemed responsive and their Price Proposals were opened. The Coordinating Committee was comprised of the following members: County Director of Environmental Management (Chairman Designee), County Director of Purchasing, County Deputy Director of Environmental Management - Solid Waste, Assistant Director of Solid Waste and Operations Supervisor.

DISCUSSION: N/A

FISCAL IMPACT: Landfill Monitoring Services funding for monitoring of groundwater, surface water, domestic wells, gas migration monitoring, and NPDES stormwater at applicable department landfill sites is from the specific departments’ budgets in Fund 21.

CONCURRENCES: Coordinating Committee

ALTERNATIVES: N/A

ATTACHMENTS: N/A

AUDIO/VISUAL NEEDS: N/A



Open Session Item

SUBJECT: FY 2018 Annual Program Open Space Program

PRESENTATION DATE: June 13, 2017

PRESENTATION BY: Jim Sterling, Director of Public Works

RECOMMENDED MOTION: Move to approve the Annual FY 2018 POS Program as presented and recommended by the Washington County Recreation and Parks Advisory Board.

REPORT-IN-BRIEF: as per POS guidelines, each year the Board of County Commissioners is required to adopt the annual POS Program.

DISCUSSION: The various municipalities, Board of Education, Hagerstown Community College as well as the City of Hagerstown and County submit projects for consideration for inclusion in the annual POS Program. Based upon anticipated funds available, a program is developed giving consideration to the priority ranking of the project given by its sponsor. The Recreation and Parks Advisory Board then recommends to the Board of County Commissioners a program for adoption. After adoption by the Board of County Commissioners, notification is provided to the sponsors as to which projects have been included in the program along with approval letters. This then allows the sponsors to apply for funding after July 1.

FISCAL IMPACT: Anticipated POS allocation for FY 2018, \$773,841.00

CONCURRENCES: Washington County Recreation and Parks Advisory Board

ALTERNATIVES: Adopt different projects than those recommended by the Washington County Recreation and Parks Advisory Board.

ATTACHMENTS: FY 2018 Annual POS Program

AUDIO/VISUAL NEEDS:

FY 2018 POS PROGRAM

SPONSOR	PROJECT	PROJECT COST	REQUEST DEVELOPMENT	REQUEST ACQUISITION	APPROVED PROJECTS
BOONSBORO	Boonsboro Park Trail Phase III	\$130,000	\$80,000		\$60,000
FUNKSTOWN	Land Acquisition Project	\$62,769		\$62,769	\$143,460
HAGERSTOWN	City Park Play Equipment	\$100,000	\$90,000		\$90,000
	Park Amenities, Various Parks	\$40,000	\$36,000		\$36,000
	City Park Lake Fountain	\$15,000	\$13,500		
HANCOCK	Kirkwood/Widmeyer Park Pedestrian Trail	\$76,000	\$56,000		\$49,000
SMITHSBURG	Vererans Park, Walking Trail	\$60,000	\$54,000		\$54,000
WILLIAMSPORT	Byron Memorial Park Lightpost	\$10,800	\$8,025		
	Potomac Street Acquisition	\$50,000		\$50,000	\$50,000
BOE	Boonsboro High Tennis Courts	\$25,000	\$22,700		\$22,687
KEEDYSVILLE	Park Pavilion Upgrades Roof Replacement	\$22,275	\$20,250		\$20,250

FY 2018 POS PROGRAM

SPONSOR	PROJECT	PROJECT COST	REQUEST DEVELOPMENT	REQUEST ACQUISITION	APPROVED PROJECTS
WASHINGTON COUNTY	Regional Park Playground Replacement	\$92,000	\$83,000		\$83,000
	MLS Pool Sun Shades	\$10,000	\$9,000		\$9,000
	Ag Center Land Development Horse Ring, Access Rd	\$103,000	\$93,000		\$66,444
	Patching, Overly, Chip Seal Various Parks	\$50,000	\$45,000		\$45,000
	BRGC Maintenance Building Roof Replacement	\$50,000	\$45,000		\$45,000
Total Request Projects		\$896,844	\$655,475	\$112,769	\$773,841
	Development Approved	\$580,381			
	Acquisition Approved	\$193,460			
	Total POS Program	\$773,841			
	25% Acquisition Requirement	\$193,460			
	75% Development	\$580,381			



Agenda Report Form

Open Session Item

SUBJECT: Bid Award (PUR-1349) - Grounds Maintenance for Various County Departments

PRESENTATION DATE: June 13, 2017

PRESENTATION BY: Rick Curry, CPPO, Buyer – Purchasing Department and John Easterday, Superintendent at Black Rock Golf Course

RECOMMENDED MOTION: Move to award the contract to the responsible companies with the responsive lowest bids that meet the specifications for each chemical item (as indicated on the Bid Tabulation Summary). Tie bids were received for Item Nos. 1, and 13, therefore, it is required that the chemicals be awarded based upon drawing lots in public, pursuant to Section 2.9 of the Washington County Procurement Policy Manual.

REPORT-IN-BRIEF: The County accepted bids on May 10, 2017. The Invitation to Bid was published in the local newspaper, listed on the State’s “*eMarylandMarketPlace*” web site and the County’s website. This contract primarily provides the needed chemicals for the Black Rock Golf Course, County Highway Department and Department of Water Quality; the City of Hagerstown may utilize the contract. The contract term is one (1) year tentatively commencing July 1, 2017 and ending June 30, 2018.

Bidders were declared Non-Responsive if: a Bidder submitted two (2) prices for one (1) item, and/or if a Bidder submitted a substitute (equivalent) chemical that was not on the list of approved chemicals, and/or if a Bidder submitted the wrong unit of measure pricing. Tie Bids were received on three (3) chemicals (Item # 1, and Item # 13). Therefore, it is required that the three (3) chemicals be awarded based upon drawing from lots in public, pursuant to Section 2.9 of the Washington County Procurement Policy Manual.

DISCUSSION: N/A

FISCAL IMPACT: Funds are budgeted for the chemicals in various expense operating accounts.

CONCURRENCES: N/A

ALTERNATIVES: N/A

ATTACHMENTS: Bid Tabulation Matrix

AUDIO/VISUAL NEEDS: N/A

PUR-1349
Grounds Maintenance Chemicals
Bid Tabulation Summary

Item #	Product	Vendor	Unit of Measure	FY' 17 Unit Price	FY' 18 Unit Price
1	Acclaim Extra	Tie Bid	Gallon	\$458.00	\$465.00
2	Aqua Shade	SiteOne Landscape Supply	Gallon	\$38.29	\$38.48
3	Propiconazole 14.3%	Crop Production Services	Gallon	\$51.00	\$48.55
4	Propamocarb Hydrochloride 66.2%	Crop Production Services	Gallon	\$287.74	\$299.00
5	Bensumec – 4LF	Landscape Supply	Gallon	\$108.00	\$104.00
6	Thiophonate Methyl 46.2%	Crop Production Services	Gallon	\$44.08	\$43.14
7	Aluminum Tris WDG 80%	Landscape Supply	Pound	\$13.73	\$13.42
8	Crossbow	Crop Production Services	Gallon	\$41.42	\$44.99
9	Chlorothalonil 720 SFT 54.0%	Landscape Supply	Gallon	\$33.35	\$28.90
10	Chlorpyrifos 4E 42.5%	Helena Chemical Company	Gallon	\$40.64	\$46.00
11	Dylox 420 SL	Landscape Supply	Pound	\$61.00	\$60.00
12	Fore WSP	Landscape Supply	Pound	\$6.95	\$7.25
13	Head Way	Tie Bid	Gallon	\$417.00	\$417.00
14	Tebuconazole 3807%	Crop Production Services	Gallon	\$47.49	\$44.40
15	Imidacloprid 75 %	Landscape Supply	Case	\$359.64	\$281.00
16	PCNB 40%	SiteOne Landscape Supply	Gallon	\$48.95	\$48.95
17	Pendulum Aqua Cap	Crop Production Services	Gallon	\$45.24	\$44.99
18	Trinexapac Ethyl 11.3%	Landscape Supply	Gallon	\$104.80	\$102.00
19	Prograss	Crop Production Services	Gallon	\$122.22	\$123.75
20	Provaunt	Crop Production Services	Case	\$520.00	\$499.40
21	Glyphosate 41%	Crop Production Services	Gallon	\$10.99	\$11.99
22	Mefenoxam 22.5%	Landscape Supply	Gallon	\$340.00	\$329.00
23	Talstar	Crop Production Services	Gallon	\$33.00	\$32.93
24	Trimec Classic	Crop Production Services	Gallon	\$35.20	\$21.20
25	Paclobutrazol 22.3%	Landscape Supply	Gallon	\$152.00	\$149.00
26	Phosguard	Crop Production Services	Gallon	\$15.55	\$16.97



Agenda Report Form

Open Session Item

SUBJECT: Conveyance of Real Property to Cascade Town Centre Development, LLC

PRESENTATION DATE: June 13, 2017

PRESENTATION BY: Susan Small, Real Property Administrator

RECOMMENDED MOTION: Move to adopt the Ordinance declaring 63.0 acres, more or less, located within the Cascade Development District and identified on the attached aerial (the "Property"), as surplus property and to approve the conveyance of the same and authorize the execution of necessary documentation to finalize the conveyance.

REPORT-IN-BRIEF: The County's intent to convey the Property was duly advertised on May 16, 23, and 30, 2017, and a portion of the Property (42.29 acres) is ready to be conveyed to Cascade Town Centre Development, LLC with the remaining 20.71 acres, more or less, to be conveyed after a simplified subdivision process has occurred.

DISCUSSION: It has been determined by the County that the Property is not needed for public use and is being conveyed for no monetary consideration since it is meant to activate redevelopment in the Cascade Development District.

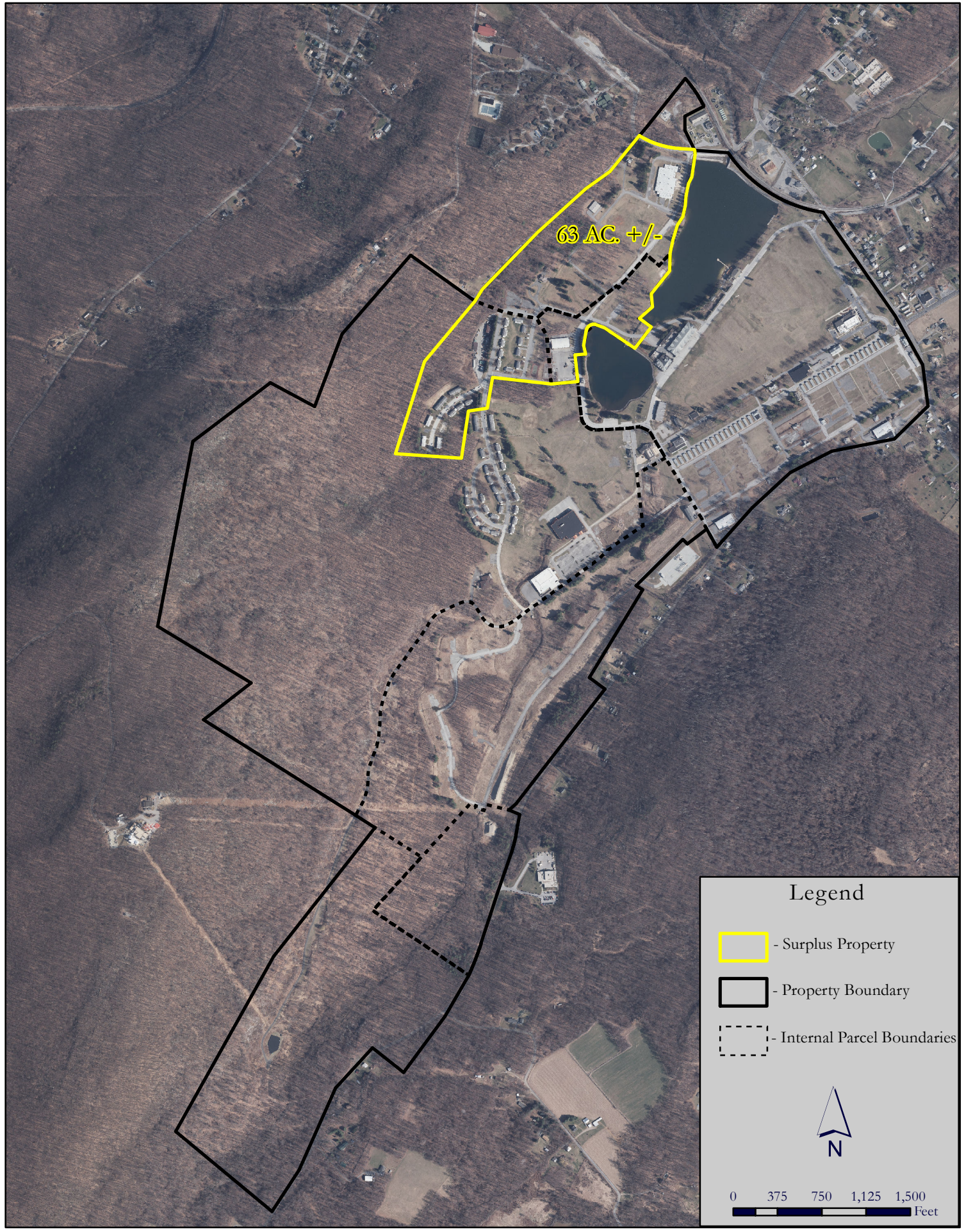
FISCAL IMPACT: No fiscal impact.

CONCURRENCES: Director of Engineering

ALTERNATIVES: N/A

ATTACHMENTS: Aerial GIS Map

Cascade Town Centre @ Fort Ritchie Surplus Property



ORDINANCE NO. ORD-2017-_____

**AN ORDINANCE TO DECLARE CERTAIN REAL PROPERTY
AS SURPLUS PROPERTY AND TO APPROVE THE CONVEYANCE OF SAID REAL
PROPERTY**

BE IT ORDAINED by the County Commissioners of Washington County, Maryland (the "County"), as follows:

1. It is hereby established and declared that certain real property consisting of 63 acres of land, more or less, located within the Cascade Development District and along the north side of the former Fort Ritchie Military Reservation (the "Property"), is surplus and no longer needed for a public purpose or a public use.

2. The County believes that it is in the best interest of the citizens of Washington County to convey the Property and Notice of Intention of Washington County to Convey Land was duly advertised pursuant to Section 1-301, Code of the Public Local Laws of Washington County, Maryland, in *The Herald-Mail*, a daily newspaper of general circulation, on May 16, 23, and 30, 2017.

3. It has been determined that the Property will be conveyed in two parts. The first conveyance will consist of 42.29 acres of land, more or less, and is more fully described in Exhibit A attached hereto. The second conveyance will be for the remaining 20.71 acres of land, more or less, and will take place after a simplified subdivision process has occurred.

4. The President of the Board of County Commissioners of Washington County, Maryland and the County Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the County any and all deeds conveying the Property to Cascade Town Centre Development, LLC for no monetary consideration.

ADOPTED this ____ day of _____, 2017.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY, MARYLAND

Vicki C. Lumm, Clerk

BY: _____
Terry L. Baker, President

Approved as to form
and legal sufficiency:

John M. Martirano
County Attorney

Mail to:
Office of the County Attorney
100 W. Washington Street, Suite 1101
Hagerstown, MD 21740

EXHIBIT A

Description of Surplus Property (42.29 acres)

All those two (2) parcels of land situate in Election District 14, Washington County, Maryland, and more particularly described as follows:

PARCEL NO. 1:

Beginning at a point where the westerly boundary of lands now or formerly of the United States of America (Liber 265, folio 475 Parcel No. 1) intersects the southwest margin of the CSX Railroad right of way, thence with said right of way with a curve to the right having a radius of 1,112.53 feet, an arc length of 286.62 feet and a chord bearing and distance of S33°44'59"E 285.83 feet to a point where said right of way intersect the northern boundary of lands now or formerly of Washington County Sanitary District (Liber 1109, folio 138), thence with the same S63°17'16"W 180.20 feet to a point, thence S00°50'13"E 120.04 feet to a point, thence S25°57'35"E 189.03 feet to a point, thence leaving said lands and crossing Penn Mar Road S02°18'02"E 34.04 feet to a point, thence S08°27'15"W 191.06 feet to a point at or near the shoreline of Lake Royer, thence with said shoreline S26°34'25"W 62.34 feet to a point, thence S10°18'31"W 103.90 feet to a point, thence S06°04'29"W 87.85 feet to a point, thence S11°29'36"W 96.43 feet to a point, thence S33°27'23"W 80.94 feet to a point, thence S18°00'37"W 130.29 feet to a point, thence S10°43'54"W 119.33 feet to a point, thence leaving said shoreline S41°42'28"W 140.15 feet to a point, thence N48°48'23"W 138.12 feet to a point, thence S40°42'43"W 366.68 feet to a point, thence N48°22'04"W 23.27 feet to a point, thence S52°11'20"W 431.50 feet to a point, thence N73°04'22"W 255.37 feet to a point, thence with a curve to the left having a radius of 82.06 feet, an arc length of 141.03 feet and a chord bearing and distance of S47°05'37"W 124.30 feet to a point, thence N79°06'23"W 281.41 feet to a point, thence N69°04'54"W 262.59 feet to a fence post in the western boundary of lands now or formerly of the United States of America (Liber 265, folio 475 Parcel No. 1), thence with said western boundary N31°42'28"E 117.08 feet to a concrete monument, thence N44°12'06"E 672.75 feet to a concrete monument, thence N47°51'32"E 548.56 feet to a fence post, thence N54°15'38"E 252.25 feet to a fence post, thence N39°19'33"E 352.87 feet to a fence post, thence N40°26'53"E 141.24 feet to a drill hole in a boulder, thence N38°17'07"E 517.79 feet to the place of beginning;
Containing 35.63 acres of land more or less.

PARCEL NO. 1 being all of Phase 1, Parcel No. 1 in the Quitclaim Deed from PenMar Development Corporation, a Maryland corporation, to the Board of County Commissioners of Washington County, Maryland, dated September 20, 2016 and recorded among the Land Records of Washington County, Maryland, in Liber 5329, folio 232.

PARCEL NO. 2:

Beginning at a point, said point being S74°16'04"E 541.92 feet from the end of the forty fifth or S55°10'E 735 feet line of lands now or formerly of the United States of America (Liber 265, folio 475 Parcel No. 1) as surveyed by R.F. Gauss & Associates, Inc. dated July 16, 2001 thence running through said lands with a curve to the right having a radius of 82.06 feet, an arc length of 141.03 feet and a chord bearing and distance of N47°05'37"E 124.30 feet to a point, thence S73°04'22"E 255.37 feet to a point, thence N52°11'20"E 431.50 feet to a point, thence S48°22'04"E 23.27 feet to a point, thence N40°42'43"E 366.68 feet to a point, thence S48°48'23"E 138.12 feet to a point, thence N41°42'28"E 140.15 feet to a point, thence S01°05'05"W 147.36 feet to a point, thence S39°16'23"W 251.46 feet to a point, thence S06°00'56"E 112.00 feet to a point, thence S48°28'23"W 146.32 feet to a point, thence S54°36'12"E 124.03 feet to a point, thence S37°42'20"W 231.07 feet to a point, thence N55°56'24"W 310.04 feet to a point, thence N68°20'35"W 81.19 feet to a point, thence with a curve to the left having a radius of 66.79 feet, an arc length of 113.43 feet and a chord bearing and distance of S52°06'38"W 100.28 feet to a point, thence S09°51'58"W 120.19 feet to a point, thence S12°48'34"E 74.42 feet to a point. thence S85°13'41"W 90.51 feet to a point, thence S05°43'03"E 224.41 feet to a point, thence S84°04'18"W 226.47 feet to a point. thence N05°23'36"W 413.20 feet to a point, thence N29°29'26"W 167.62 feet to the place of beginning; **Containing 10.16 acres of land more or less.**

PARCEL NO. 2 being all of Phase IV, Parcel No. 1 of the Quitclaim Deed from PenMar Development Corporation, a Maryland corporation, to the Board of County Commissioners of Washington County, Maryland, dated September 20, 2016 and recorded among the Land Records of Washington County, Maryland, in Liber 5329, folio 232.

EXCEPTING AND RESERVING: The **County**, hereby reserves unto itself, in **fee simple**, 3.50 acres more or less, being a portion of the former Fort Ritchie Military Reservation, situate along the northerly margin for Pen Mar Road that, said 3.50 acres being a naturally subdivided portion of Phase I Parcel 1 by said road more particularly described as follows:

Beginning for the outline hereof at a point on the northerly right of way line for Pen Mar Road where it intersects the twenty seventh (27) or N40°26'53"E 141.24 foot line of the grantors deed described as Parcel I Phase I in the Grantors deed dated September 20th, 2016 and recorded among the Land Records of Washington County Maryland in Liber 5329 at folio 232, and its intersection of the northerly right of way line for Pen Mar Road. Said point also being S40°26'53"E 101.98 feet from a drill hole in a boulder for the End of the aforementioned line, thence with the existing outline for Parcel 1 Phase 1 on bearings to agree with Maryland Grid (NAD83-91) in accordance with a survey performed by the Division of Engineering and Construction Management dated April 27, 2017

1. North 40 degrees 26 minutes 53 seconds East 101.98 feet to a drill hole in a boulder, thence
2. North 38 degrees 17 minutes 07 seconds East 517.79 feet to a point in the southwest margin of the CSX Railroad Right-of-Way; thence with the said right of way with a curve to the right, having a radius of 1,112.53 feet, a length of 277.70 feet, and a chord bearing and distance of
3. South 34 degrees 04 minutes 44 seconds East 276.74 feet to a point being the end of the North 63 degree 17 minute 47 second East 180.20 foot line of Tract "B" of a deed for the Washington County Sanitary District dated August 18, 1993 and recorded among the said land records in Liber 1109 at folio 160, thence running with the said Sanitary District for three (3) courses
4. South 63 degrees 17 minutes 16 seconds West 180.20 feet to a capped rebar
5. South 00 degrees 50 minutes 13 seconds East 120.04 feet to a capped rebar, and
6. South 25 degrees 51 minutes 20 seconds East 187.83 feet to a point on the northerly right of way line for Pen Mar Road; thence with said right of way line for two (2) courses
7. North 86 degrees 34 minutes 50 seconds West 119.15 feet, and by a curve to the right having radius of 732.63 feet, a length of 366.10 feet, and a chord bearing and distance of
8. North 72 degrees 38 minutes 11 seconds West 362.30 feet to the place of beginning encompassing an area of 152,304 square feet or **3.50 acres of land**, more or less,

Being portions of the property that was conveyed unto the **Board of County Commissioners of Washington County, Maryland**, from **Penmar Development Corporation, a Maryland corporation**, by a Quitclaim Deed dated September 20, 2016 and recorded among the Land Records of Washington County, Maryland in Liber 5329 at folio 232.