



Board of County Commissioners of Washington County, Maryland

Open Session Minutes

November 19, 2024

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 John F. Barr called the regular meeting of the Board of County Commissioners of Washington County, Maryland, to order at 9:01 a.m. with the following members present: Vice-President Jeffrey A. Cline, Commissioner Derek Harvey, Commissioner Randall E. Wagner and Commissioner Wayne K. Keefer.

APPROVAL OF MINUTES

Commissioner Wagner, seconded by Commissioner Harvey, moved to approve the minutes of October 22, 2024. The motion passed (3-0-2). Commissioner Cline and Commissioner Keefer abstained.

COMMISSIONERS' REPORTS AND COMMENTS

Commissioner Wagner attended the Morris Frock Veteran's Day ceremony and the ceremony at the Vietnam War Veterans Memorial. He attended the grand opening of Sweet Notes Bakery and Ruths Market. Commissioner Wagner congratulated Bud Gudmundson on his retirement of 44 years. He attended the Washington County Drug Court Graduation Ceremony.

Commissioner Cline congratulated Bud Gudmundson on his retirement. He attended the Washington County Drug Court Graduation. Commissioner Cline attended the grand opening of Sweet Notes Bakery and Ruths Market. He attended Veteran's Day ceremonies at Marty Snook Park, the Town of Sharpsburg, the Veterans Day service at Boonsborough High School and the ceremony recognizing the Veterans at Homewood at Williamsport Retirement Center. He congratulated Commissioner Harvey on his 64th birthday.

Commissioner Harvey attended the grand opening of Sweet Notes Bakery and Ruths Market. He attended the Veterans Day Service at Boonsboro High School. Commissioner Harvey thanked the volunteers that assisted with the multiple Veterans Day events. He thanked the Election volunteers and poll watchers. Commissioner Harvey commented on the Washington County Public School Board election. He commented on the City of Hagerstown elections.

Commissioner Keefer commented on the Washington County Public Schools Board election. He commented on the Hancock Veterans Day ceremony. Commissioner Keefer commented on upcoming funding on the agenda and requested an agenda item for one-time funding for Meals on Wheels. He requested Federal level elected officials be invited to events initiated by Washington County Government. Commissioner Keefer commented on I-81 safety issues and Maryland Department of Transportation responses.

Commissioner Barr commented on the Veterans Day ceremonies throughout the community. He attended the annual Veterans Day ceremony at Clear Spring High School and the Vietnam War Veterans Memorial service. Commissioner Barr attended the Antietam Battlefield movie presentation

at the Maryland Theater. He attended the Donor Reception at Hagerstown Community College. Commissioner Barr attended the Maryland Symphony Orchestra at the Maryland Theater. He congratulated Bud Gudmundson on his retirement and on his 44 years of service. Commissioner Barr attended the University of Maryland Hagerstown Campus Board meeting. He attended the monthly meeting for Hagerstown Churches with newly elected Mayor Bill McIntire. Commissioner Barr attended the Heart of the Civil War Heritage Area evening reception. He shared upcoming events.

STAFF COMMENTS

Chip Rose, Director of Human Resources, presented the request to approve the offer to Shawn Harbaugh for the position of Transit Director at a Grade 17, Step 15, \$54.37/hourly. Effective November 11, 2024.

Commissioner Wagner, seconded by Commissioner Harvey, moved to approve the offer to Shawn Harbaugh as presented. The motion passed unanimously (5-0).

Chip Rose, Director of Human Resources, presented the request to approve the offer to Brandi Naugle for the position of Purchasing Director, at a Grade 16, Step 18, \$54.67/hourly. Effective November 11, 2024.

Commissioner Cline, seconded by Commissioner Harvey, moved to approve the offer to Brandi Naugle as presented. The motion passed unanimously (5-0).

Chip Rose, Director of Human Resources, presented the request to approve the offer to Victor Scarpelli for the position of Assistant County Attorney, at a Grade 17, Step 5, \$42.48/hourly. Effective November 25, 2024.

Commissioner Cline, seconded by Commissioner Wagner, moved to approve the offer to Victor Scarpelli as presented. The motion passed (4-1). Commissioner Keefer was a Nay vote.

Chip Rose, Director of Human Resources, presented the request to approve the offer to Mark Lauman for the position of Project Manager, Environmental Management, at a Grade 13, Step 7, \$34.97/hourly. Effective December 9, 2024.

Commissioner Wagner, seconded by Commissioner Harvey, moved to approve the offer to Mark Lauman as presented. The motion passed unanimously (5-0).

R. David Hays, Director of Emergency Services, and Eric Jacobs, assistant Director of Emergency services presented a request for a change to the work order for the Emergency Apparatus Vehicles to \$5011.00 per unit times, at three units, for a total of \$15,033.00.

Commissioner Wagner, seconded by Commissioner Harvey, moved to approve the work order change to \$15,033.00 as presented. The motion passed unanimously (5-0).

Michelle Gordon, County Administrator, attended the Overdose Prevention Team meeting, the Land Use Council Home Builder Association meeting, and the University of Maryland Systems Board

meeting. She attended the Veteran's Day ceremony at Marty Snook Park. Ms. Gordon attended the meeting with officials from the Maryland Department of Transportation and the Maryland Transportation Authority. She thanked Senator Corderman for facilitating the meeting and commented on I-81 traffic studies. She attended RMI/MEP Manufacturing Stars celebration dinner with the Department of Business and Economic Development. Ms. Gordon attended the retirement party for Bud Gudmundson and congratulated him on his 44 years of service. She attended the Kilpatrick Woods Housing Development Tour. Ms. Gordon attended the grand opening of Sweet Treats Bakery and Ruths Market. She commented on the next meeting.

CITIZEN PARTICIPATION

Beth Harvey, Washington County Commission for Women, Smithsburg
Billy Woods, Washington County Emergency Services
Keith Hose, Washington County Emergency Services
Mark Kopp, Washington County Emergency Services
Carol Mowen, Washington County Teachers Association, Hagerstown
Stephanie Phillips, Hagerstown

PRESENTATION OF THE JUNE 30, 2024 AUDITED FINANCIAL STATEMENTS

Michelle Gordon, County Administrator shared the independent auditor was unable to attend this morning, the agenda item will be rescheduled to a new date and time.

FY25 FUNDING REQUEST – BOARD OF EDUCATION

Kelcee Mace, Chief Financial Officer, presented the request to approve a one-time capital funding request for the Washington County Board of Education; \$225,000.00 for visitor management software and \$422,910.00 for the replacement of (3) three school busses, for the total sum of \$647,910.00 from Capital Reserves.

Commissioner Wagner, seconded by Commissioner Cline, moved to approve the one-time capital funding request for the Board of Education as presented. The motion passed unanimously (5-0).

CONTRACT AWARD (PUR-1707) FOR GASOLINE AND DIESEL FUEL DELIVERIES

Brandi Naugle, Buyer, Purchasing; and Zane Rowe, Deputy Director Public Works, Highways Department, presented the request to award the bids for gasoline and diesel fuel transport deliveries under four (4) separate contracts to the responsive, responsible bidders who submitted the lowest bids. Item No. 7 of the bid will be contingent upon individual departmental requirements. Contract awards as follows:

1. Contract for gasoline tank-wagon deliveries to James River Solutions LLC of Ashland, VA at the unit bidder factor prices as stated in its bid dated October 17, 2024.
2. Contract for gasoline transport deliveries to Petroleum Traders Corporation of Fort Wayne, IN, at the unit bidder factor prices as stated in its bid dated October 18, 2024.
3. Contract for diesel tank-wagon deliveries to James River Solutions LLC of Ashland, VA at the unit bidder factor prices as stated in its bid dated October 17, 2024.
4. Contract for diesel transport deliveries to Petroleum Traders Corporation of Fort Wayne, IN, at the unit bidder factor prices stated in its bid dated October 18, 2024.

Commissioner Harvey, seconded by Commissioner Wagner, moved to approve the contract awards for gasoline and diesel fuel transport as presented. The motion passed unanimously (5-0).

BID AWARD (PUR-1708) SWIMMING POOL AND WATER/WASTEWATER TREATMENT CHEMICALS

Brandi Naugle, Buyer, Purchasing; and Mark Bradshaw, Director, Environmental Management, presented the request to award the bids for Swimming Pool and Water/Wastewater Treatment Chemicals to the responsive, responsible bidders with the lowest bids for each item as follows:

| <u>Product/(Estimated Annual Usage)</u> | <u>Vendor</u> | <u>Unit Price</u> | <u>Unit of Measure</u> |
|--|---------------------|-------------------|------------------------|
| Item No. 4 Polymer | PolluTech Inc. | \$13.68 | Gallon |
| Item No. 10 Sulfuric Acid 93%-95% | Univar | \$6.97 | Gallon |
| Item No. 11 Sodium Hypochlorite | Univar | \$5.08 | Gallon |
| Item No. 12 Potassium Permanganate | Chemrite Inc. | \$2.49 | Pound |
| Item No. 13 Caustic Soda (Sodium Hydroxide) | Univar | \$3.10 | Gallon |
| Item No. 15 Hydrofluosilicic Acid (H2SiF6) (Sharpsburg) | Univar | \$5.45 | Gallon |
| Item No. 16 Hydrofluosilicic Acid (H2SiF6) (Cascade Well House) | Univar | \$5.45 | Gallon |
| Item No. 17 DelPac 2000 (Polyaluminum Chloride Hydroxide Sulfate Solution) or PAX-XL6 | USALCO | \$0.24 | Pound |
| Item No. 19 Sodium Hypochlorite | Univar | \$5.08 | Gallon |
| Item No. 22 Muriatic Acid | North Ind. Chemical | \$35.63 | Gallon |
| Item No. 24 DelPac 2020 (Polyaluminum Hydroxychlorosulfate Solution) | Univar | \$4.70 | Gallon |
| Item No. 29 Bacterial Enzymatic Powder | MD Chemical Co. | \$8.73 | Pound |
| Item No. 33 DelPac 2000 (Aluminum Chloride Hydroxide Sulfate) | Univar | \$5.72 | Gallon |
| Item No. 34 Liquid Aluminum Sulfate | Univar | \$2.21 | Gallon |
| Item No. 35 Micro C 2000 | George Coyne Chem. | \$4.68 | Gallon |

Commissioner Harvey, seconded by Commissioner Wagner, moved to approve the contract awards for swimming pool and water/wastewater treatment chemicals as presented. The motion passed unanimously (5-0).

SOLE SOURCE PROCUREMENT (PUR-1716) KEYSTONE (CAD) INTERFACE

Brandi Naugle, Buyer, Purchasing; and James Mills, acting Administrator, Emergency Management, presented the request to authorize a sole source procurement for CAD Interface software, maintenance, and annual licensing fees used by the Division of Emergency Services (DES) in the amount of \$129,185.00 from Keystone Public Safety Inc., of Maple Shade, NJ.

Commissioner Harvey, seconded by Commissioner Wagner, moved to authorize the sole source procurement from Keystone Public Safety, Inc. as presented. The motion passed unanimously (5-0).

CERTIFIED REBUILD OF THE CATERPILLAR 345BL EXCAVATOR (PUR-1717)

David A. Mason, Deputy Director, Solid Waste, presented the request to authorize by resolution, Carter Machinery Company, Inc of Salem VA, to perform a certified rebuild of the Caterpillar 345BL Excavator for the total sum of \$531,208.10.

Commissioner Harvey, seconded by Commissioner Cline, moved to authorize by resolution the certified rebuild by Carter Machinery Company, Inc. as presented. The motion passed unanimously (5-0).

INTERGOVERNMENTAL COOPERATIVE PURCHASE (INTG-24-0170) – LEASE/PURCHASE FOR ONE (1) NEW D7 CATERPILLAR DOZER

Rick Curry, Director, Purchasing; and David Mason, Deputy Director, Solid Waste, presented the request to authorize, by resolution, the Department of Solid Waste to lease/purchase of one (1) new D7 Caterpillar dozer from Caterpillar Financial Services Corporation, with an annual payment in the amount of \$201,178.69, for the total sum of \$882,268.00 and to utilize another jurisdiction's contract (#011723-CAT) that was awarded by Sourcewell (formally National Joint Powers Alliance) to Caterpillar, Inc.

Commissioner Harvey, seconded by Commissioner Wagner, moved to authorize by resolution to lease/purchase one (1) new D7 Caterpillar dozer from Caterpillar Inc. as presented. The motion passed unanimously (5-0).

INTERGOVERNMENTAL COOPERATIVE PURCHASE (INTG-24-0169) LEASE/PURCHASE FOR ONE (1) ARTICULATED TRUCK FOR THE SOLID WASTE DEPARTMENT

Rick Curry, Director, Purchasing; and Dave Mason, Deputy Director, Solid Waste, presented the request to authorize by resolution, the Solid Waste Department to lease/purchase one (1) new Caterpillar 735-4 Articulate Truck from Caterpillar Financial Services Corporation of Nashville, TN with an annual payment in the amount of \$169,014.70 for the total sum of \$761,074.00 and to utilize another jurisdiction's contract (#011723) that was awarded by Sourcewell to Caterpillar Inc.

Commissioner Wagner, seconded by Commissioner Harvey, moved to authorize by resolution to lease/purchase one (1) new Caterpillar 735-4 Articulate Truck from Caterpillar Inc. as presented. The motion passed unanimously (5-0).

INTERGOVERNMENTAL COOPERATIVE PURCHASE (INTG-24-0168) – ONE (1) RESCUE SQUAD

Rick Curry, Director, Purchasing; and Eric Jacobs, Operations Manager, Emergency Services, presented the request to authorize by resolution, for Fire/EMS, Division of Emergency Services to purchase one (1) Enforcer MWI rescue squad in the amount of \$1,624,684.00 (if paid in full the total sell price is \$1,396,684.00) from Atlantic Emergency Solutions of Manassas, VA and to utilize another jurisdiction's contract that was awarded by Houston Galveston Area Council (Contract #FS1223) to Atlantic Emergency Solutions, Inc.

Commissioner Harvey, seconded by Commissioner Wagner, moved to authorize by resolution to purchase one (1) Enforcer MWI rescue squad as presented. The motion passed unanimously (5-0).

INTERGOVERNMENTAL COOPERATIVE PURCHASE (INTG-24-0172) TWO (2) BRINE TANKS FOR THE HIGHWAY DEPARTMENT

Rick Curry, Director, Purchasing; and Zane Rowe, Deputy Director, Highway Department, presented the request to authorize by resolution, the Highway Department to purchase two (2) Henderson Brine tanks for the total sum of \$62,378.00 from Stephenson Equipment, Inc. of Harrisburg, PA and to utilize another jurisdiction's contract (#080818-HPI) that was awarded by Sourcewell.

Commissioner Harvey, seconded by Commissioner Wagner, moved to authorize by resolution to purchase two (2) Henderson Brine tanks from Stephenson Equipment, Inc. as presented. The motion passed unanimously (5-0).

APPROVAL/SIGNATURE OF UPDATED AND REISSUED BUSINESS PERMIT FOR ALLEGIANT AIRLINES

Neil Doran, Director, Hagerstown Regional Airport; and Andrew Eshleman, Director, Public Works, presented the request to authorize the BOCC President, Deputy County Attorney and Airport Director to sign the updated Airport Business Permit document with Allegiant Air, LLC.

Commissioner Harvey, seconded by Commissioner Keefer, moved to authorize the request to sign the updated Airport Business Permit with Allegiant Air, LLC as presented. The motion passed unanimously (5-0).

APPROVAL OF ZONING MAP AMENDMENT RZ-24-002

Aaron Weiss, Assistant County Attorney, County Attorney's Office, presented the request to approve the request to rezone the applicant's property and accompanying ecision for Rezoning Case RZ-24-002. The applicant has requested to amend the current zoning of his property located at 12635 Flying Duck Lane, Clear Spring, Maryland 21722 from Agricultural Rural ("AR") to Agricultural Rural with a Rural Business ("RB") overlay.

Commissioner Wagner, seconded by Commissioner Cline, moved to approve the request to rezone the property located at 12635 Flying Duck Lane, Clear Spring, Maryland 21722 from Agricultural Rural ("AR") to Agricultural Rural with a Rural Business ("RB") overlay as presented. The motion passed unanimously (5-0).

CLOSED SESSION

Commissioner Harvey, seconded by Commissioner Wagner, moved to convene in closed session at 10:07 a.m. The motion passed unanimously (5-0).

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 individual.

(1) These topics include the discussion of confidential personnel matters:

- Appointments to Commission for Women, Housing Authority of Washington County, Property Tax Assessments Appeals Board;
- Hiring recommendations for open positions (2) in Department of Budget and Finance.

To consider the acquisition of real property for a public purpose. Open session discussion would negatively impact County's bargaining position.

- Discussion of acquisition of certain parcels of real property in the County.

To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in Washington County.

- Discussion of MEDAFF Conditional Loan to business to locate in Washington County. Discussion in open may result in the disclosure of proprietary information of the business provided to County, as well as prematurely disclose proposed incentives, putting the County in a disadvantageous bargaining position.
- Discussion of implementation issues with certain provisions of APFO.

Consult with staff about pending or potential litigation. Discussion in open session would put County in disadvantageous position with regard to possibly settling potential litigation.

- Proposal and discussion of settlement offer.
- Discussion of dismissal of defendant in Opioid litigation and status of appeal in pending litigation.

To conduct collective bargaining negotiations or consider matters that relate to the negotiations. Open session discussion would disadvantage County bargaining position.

- Update to Commissioners on negotiations with unions representing employees of Sheriff's Office. Discussion of union proposals and forthcoming County counter-proposals.)

In closed session, the Commissioners discussed; and reached a consensus to:

- For boards and commission appointments and reappointments to the Washington County Commission for Women, Housing Authority of Washington County and the Property Tax Assessments Appels Board;
- Hiring recommendations for Department of Budget and Finance;
- Regarding the acquisition of real property;
- Regarding MEDAFF conditional loan for a business to locate in Washington County;
- Regarding implementation issues with certain provisions of APFO;
- Regarding a proposed settlement offer;
- Regarding dismissal of defendant in Opioid litigation and status of appeal in pending litigation; and
- Regarding update on negotiations with unions representing employees of Sheriff's Office.

Present during closed session at various times were Commissioners John F. Barr, Jeffrey A. Cline, Derek Harvey, Wayne K. Keefer and Randall E. Wagner; Dawn Marcus, County Clerk and Zachary J. Kieffer, County Attorney; Michelle Gordon, County Administrator; Rosalinda Pascual, Deputy County Attorney; Aaron Weiss, Assistant County Attorney; Chip Rose, Director Human Resources; Dominick Turano, Deputy Director, Human Resources; Sheriff Brian Albert, Washington County Sheriff's Office; Colonel Pet Lazich, Washington County Sheriff's Office; Attorney Andrew Bright, Washington County Sheriff's Office; Eric Paltell, Labor Counsel; Todd Moser, Real Property Administrator, Engineering; Scott Hobbs, Director, Engineering; Andrew Eshleman, Director, Public Works; Jonathan Horowitz, Director, Business and Economic Development; Linda Spence, Business Specialist, Business and Economic Development; and Jill Baker, Director, Planning and Zoning.

RECONVENE IN OPEN SESSION

Commissioner Harvey, seconded by Commissioner Wagner, moved to reconvene in open session at 12:17 p.m. The motion passed unanimously.:

ADJOURNMENT

Commissioner Wagner, seconded by Commissioner Harvey, moved to adjourn at 12:17 p.m. The motion passed unanimously (5-0).



Dawn L. Marcus, County Clerk

