



Board of County Commissioners of Washington County, Maryland

Open Session Minutes

December 12, 2023

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 9:00 a.m. with the following members present: Vice President Jeffrey A. Cline, Commissioner Randall E. Wagner, Commissioner Derek Harvey and Commissioner Wayne K. Keefer.

APPROVAL OF MINUTES

Commissioner Harvey, seconded by Commissioner Wagner, moved to approve the minutes of December 5, 2023. The motion passed unanimously.

COMMISSIONERS' REPORTS AND COMMENTS

Commissioner Wagner attended the AFL-CIO Toys for Tots at Antietam Brewery. He attended the girls' volleyball league kick off with and congratulated the state champions from Clear Spring and North High, he thanked Recreation and Parks staff for the event. He attended the Ace Hardware ribbon cutting ceremony. Commissioner Wagner wished everyone a Merry Christmas and a nice holiday.

Commissioner Keefer commented on the Social Media post and the widening of Wesel Boulevard, a private partnership and the county tax dollar contribution of \$2,320,933.60. He requested a consensus from the commissioners to issue a correction to the social media post.

Commissioner Wagner requested if the information was accurate.

Michelle Gordon, County administrator responded the funds were not used to attract the warehouse they were used to create improvements to the infrastructure in the area that served the Valley Mall, Lowes and many other commercial properties located in the area. The County does not contribute money to bring any of the warehouses here. What the County does through the Business and Economic Development is the use of incentives to bring businesses to fill the warehouses they do not do anything to attract warehouses.

Commissioner Keefer commented when we do economic development incentives through conditional loan guarantees where a company may agree to hire a certain number of employees for a certain number of years that comes from the Hotel Rental Tax. He was a part of the conversations back in 2019 and 2020 with city leadership and it was intended to attract warehouses. It did help the Valley Mall to allow for the trucks and workers more road access.

Commissioner Harvey commented that he was not with the County at that time and therefore would abstain from any vote. There was no consensus.

Commissioner Keefer also commented on the Christmas movie Home Alone and commented on the cost of groceries and inflation. He hopes that is a reminder to everyone the toll inflation is taking on family budgets. He wished county staff and citizens a Merry Christmas and a Happy New Year and commented on the public staff who will be working over the holidays as well as hospitality staff.

Commissioner Harvey recognized his one-year anniversary with the County. He thanked staff for their dedication and hard work, commented on the new faces, change, and our excellent directors, legal staff, new Permits Director and the new County Administrator. He discussed new initiatives, the volunteers, emergency services, our boards and commission and local non-profit organizations. He looks forward to working with staff in the upcoming year and the opportunities before us. He thanked those who have retired. Commissioner Harvey also commented on the school system budget,

Commissioner Cline attended the Ace Hardware grand opening in Boonsboro, he attended Toys for Tots, and attended the 25th anniversary of the Williamsport Band, he thanked Jaime Dick and Recreation and Parks for the Youth Volleyball Opening. Last night Commissioner Cline and Commissioner Barr were honorary guest workers at Krumpe's Donuts, he commented on the generations of families and their commitment to the community. He wished everyone a Merry Christmas and a Happy New Year and thanked all County employees.

Commissioner Barr thanked his fellow Commissioners and staff for a good year. He commented on the fun he had at Krumpe's Donuts with Commissioner Cline last night. He wishes them well with the donut drop on New Years Eve. He gave a shout out to music teacher Kendra McDonald who had a recital on Saturday evening and congratulated Hadley Grace Hawbaker for her performance and the other 34 attendees. He attended Winter MACo and attended many good presentations including The Blueprint for the Blueprint for education and upcoming budget across the state for the school systems. President Barr commented on the Salvation Army bell ringing campaign, the money goes back to the community and the Angel Tree give away. The Commissioners will be bell ringing tomorrow and he has challenged the City of Hagerstown to ring the bell. He commented on upcoming events through the end of the year. President Barr shared the Maryland Symphony Orchestra's annual Christmas concert is this Saturday.

STAFF COMMENTS

Michelle Gordon commented on Broad Band Service and the Verizon grant which will bring service to the Hancock area. She attended the employee holiday luncheon at Highways and attended the Greater Hagerstown Area Holiday Party. Ms. Gordon thanked Jaime Dick and staff for the youth volleyball kickoff. She shared Human Resources has partnered with One Life Fitness for a discount on Gym memberships. She commented on the state's decision to delay fund the 1-81 corridor and read Senator Corderman's support letter which is supported by Senator McKay and President Barr and the Commissioners.

Commissioner comment regarding support of the letter and other areas the state is cutting funding.

Ms. Gordon requested Andrew Eshleman, Director of Public Works, come forward to address questions regarding solar farms. They are looking for comment regarding multiple items as to how applicants can

address questions and how they can gain support for data centers. She addressed comments for Friday's public hearing. And requested commissioner comment:

Commissioner Keefer suggested we find a way to incentivize for solar panels to be placed on rooftops of warehouses a rather than on empty farmland.

Andrew Eshleman commented that is a possibility and from a land use planning standpoint they will be looking at offering more incentives.

Commissioner Harvey suggested more incentives are not necessary as they make a lot of money from the solar. He would like to see retrofitting and incorporating solar into design and for every company that uses open spaces there should be a requirement or mandate that for use on farmland and roof tops etc. also.

Commissioner Wagner requested the Maryland timeframe for state requirements.

Andrew Eshleman shared there is renewable energy standards of percentages that need to be met. There are different benchmarks for the standards.

Commissioner Barr shared details for the public hearing, it is Friday December 15, 2023, in Baltimore.

Commissioner Harvey requested to have representation at the hearing. Incentives need to come from the state.

Andrew Eshleman will attend the public hearing and the Commissioners can email any additional concerns to him. He also shared it is about more than just the facilities, it is the entire electrical network.

Jill Baker, Director of Planning commented the energy portfolios are going to increase and they do not want it in the rural areas. Planning is working on text amendments to have solar energy put on the buildings including the warehouses.

Commissioner consensus that incentives should come from the state not the county.

CITIZEN PARTICIPATION

Ed Lowe, President of the Board of Directors of the Commission on Aging, shared his wishes for the holidays for the Commissioners. He discussed comments made by the Commissioners and his concerns regarding the request for an outside audit of Meals on Wheels and of information received. He discussed their audit process. He requested Commissioner's Harvey and Wagner provide detailed facts now or email him separately. He provided a letter from Amy Olack, CEO.

Commissioner Wagner commented on how he was treated at the last luncheon. The information being requested is an agenda item and will be discussed when placed on the agenda.

Commissioner Cline also commented on the treatment at the last meeting, the Social Media attacks and the attacks on the Commissioners today.

Stephanie Phillips, Hagerstown, complimented on the Santa visit at the Valley Mall, World Peace, on postal workers, support services, Washington County Library, agriculture and Truck stops, waffle house and distressed drivers and a commercial on our television channel.

Robert Robertson, Hagerstown, discussed Daubs Wood Park and has concerns of tree cutting, he requested the commissioners walk with him at the park, see the deer, nature, and he believes that no tree should be cut without a decision by the Maryland forestry service.

John Hichu, Hagerstown, commented on Halfway Boulevard at Virginia Avenue and complimented the clearing of the brush, and his concerns of not being able to see the traffic when you are coming Downsville Pike turning left Meadow View Drive from the trees, bushes and brush on the right-hand side of the road. He would like someone from the County evaluate it.

IAFF WAGE REOPENER

Kirk Downey, County Attorney; R. David Hays, Director, Emergency Services made the recommendation to approve the proposed (attached) IAFF MOU relative to Wages and Incentives. The County, as required by the IAFF Local 1605 Collective Bargaining Agreement has remain engaged in negotiations related to wages and benefits for employees of the Division of Emergency Services. The parties have reached a tentative agreement related the same and have negotiated terms, that if approved, fulfill the required wage reopeners for both the FY24 and FY25 budget years. The full contract is eligible for a reopening in FY26. Through collective discussions, the parties agree that a modification of wages will occur (5%) and in exchange, the addition of the 8 hours of holiday pay on each County recognized holiday shall be discontinued. Employees would still receive 1.5 times their regular hourly rate for each hour worked on a county holiday. Additionally, employees would receive technician incentives (Haz-Mat; \$1,000.00, Confined Space plus one; \$1,500.00, Swift Water Technician plus one; \$1,500.00), provided they are appropriately certified and remain operationally credentialed by the County in the specified disciplines. Employees who are certified as a paramedic by the State of Maryland and remain operational/available for assigned by DES as necessary will receive an annual incentive of five thousand dollars (\$5,000.00), payable bi-weekly. The wage modification and technician incentives will be retroactive to July 7, 2023. The wage modification and incentives are appropriately balanced and will help to continue the recruitment and retention of quality employees. Fiscal Impact: Approximately \$218,500.00 covered in FY24 budget.

Commission discussion regarding retroactive pay.

County Administrator, Michelle Gordon commented on extra incentives for additional certifications and requested information as to who will be tracking the certifications. Mr. Hays responded that his office, Emergency Service will do the tracking.

Commissioner Wagner, seconded by Commissioner Cline, moved to approve the IAFF MOU as presented. The motion passed unanimously.

PUBLIC HEARING – APPLICATION FOR ZONING MAP AMENDMENT RZ-23-007

President Barr convened a Public Hearing at 10:12 a.m. to obtain public comment on the rezoning and comprehensive Plan amendment applications. The Commissioners may take action to approve or deny the requests or wait until a later date to deliberate.

Commissioner Cline left the meeting at 10:13 a.m.

County Clerk, Dawn L. Marcus, administered the Oath of Testimony.

Commissioner Cline returned to the meeting at 10:15 a.m.

Jill Baker, Director, Planning and Zoning, presented the proposed text amendment Application which is being made to apply the Historic Preservation Zoning Overlay through a rezoning map amendment. The applicants Jeffrey and Laura J. Lane Unsworth seek a map amendment for a property located at 13215 Smithsburg Pike. The property is currently zoned Agricultural, Rural. The current proposal seeks to apply the Historic Preservation (HP) Overlay on a 2.46-acre portion of the total 25.52-acre tract of land. She referenced the staff report on page 5 of the agenda item.

Applicant Jeffrey Unsworth testified the property is his next mission for the rest of his life. They settled on the property on November 17, 2023. It is important for the historic preservation of the property to preserve and restore the property in the correct way. He thanked the County Staff, planning and zoning, engineering and the health department who have assisted with the process.

Ann Aldridge, of Hagerstown testified that she serves on Historic District Commission and Historic District Trust, and she supports the proposed text amendment.

Commissioner discussion thanking the applicant for their commitment and interest in preserving the property and for restoration of the home.

The Public Hearing was opened for public comment: There was no public comment.

The Public Hearing was closed at 10:25 a.m.

Commissioner consensus to approve the proposed text amendment was unanimous.

HOTEL RENTAL TAX FUNDING REQUEST, THE HOUSE ON JONATHAN STREET DOCUMENTARY

Rachel Souders, Director, Grant Management; Dan Spedden, Hagerstown/ Washington County Convention and Visitors Bureau (CVB), Russ Hodge, 3 Roads Communications, Inc. made the request to approve the request for Hotel Rental Tax funding for the "House on Jonathan Street" Documentary in the amount of \$50,000.00 for direct expenses associated with the event. The Hagerstown/Washington County Convention & Visitor's Bureau (CVB) has submitted a request for Hotel Rental Tax funding to gain an underwriting credit for a documentary film related to the history and culture of Washington County entitled "The House on Jonathan Street." The full cost for the documentary was \$100,000.00. The remaining portion of the expenses will be paid for by the CVB.

Michelle Gordon, County Administrator presented the prior vote in FY22. Staff would recommend \$25,000.00, in funding.

Commissioner discussion regarding other support for the funding.

Commissioner Cline, seconded by Commissioner Wagner, moved to approve \$25,000.00 in Hotel Rental Tax funding as recommended by staff. The motion passed 4-1. Commissioner Keefer was a Nay vote.

UPDATE TO COUNTY POLICY – UTILITY CONSTRUCTION WITHIN COUNTY PUBLIC RIGHT OF WAY

Scott Hobbs, Director, Engineering; Greg Cartrette, Director/Code Official, Permits and Inspections Requested approval to amend the DPW-2 Policy – Utility Construction within County Public Right-of-Way to address current technology and installation methods. The last amendment to the policy was July 2011.

Commissioner discussion regarding concurrences, cost, the county approving the third-party evaluators, request to have changes highlighted in red, hiring more inspectors to make sure it is working properly, evaluation processes, timely response for repairs, outcome of repairs that are not completed and setting a list of approved inspectors.

Mr. Hobb's responded there would be third party inspections to assist with the issues, any damage would be taken care of before the company moves on, the cost is the responsibility of the utility company, and the County would approve the third-party inspectors. This allows the County to hold the utility contract liable for their damages. Stop work orders will be placed until repairs are done and new permits would not be given. The inspectors will report to the County, they will be hired by the utility company with a list of approved inspectors.

Commissioner consensus to bring this agenda item back at the January 9, 2024, meeting with a redline version of the changes to the policy.

Commissioner Wagner left the meeting at 10:45 a.m.

CONTRACT AWARD (PUR-1623) – SMITHSBURG WWTP UPGRADES

Rick Curry, Director, Purchasing; Mark Bradshaw, Director, Environmental Management requested approval to award the contract for the Smithsburg WwTP Upgrades project to the responsible, responsive bidder, HRI Bridge Company aka HRI, Inc. of State College, PA who submitted the lowest Total Lump Sum bid in the amount of 10,444,290 and to approve a Budget Transfer Request in the amount of \$690,000.00 from account BLD073 (\$400,000.00) and from account TRP025 (\$290,000.00) and transferred to TRP021. The award is contingent upon MDE's approval of the Construction Bid Package.

Commissioner Wagner returned to the meeting at 10:46 a.m.

Commissioner discussion regarding the Capital Improvement Project budget.

Commissioner Harvey, seconded by Commissioner Cline, moved to approve to award the contract for the Smithsburg WwTP Upgrades project to HRI Bridge Company aka HRI, Inc. as presented. The motion passed unanimously.

ADOPTION OF THE REVISIONS OF THE COUNTY'S PROCUREMENT POLICIES

Rick Curry, Director, Purchasing requested approval to adopt the revisions to the County's Procurement Policies. The revisions are to update the procurement-related policies thresholds that were increased by this Board on July 27, 2023. Since the revisions are a minor update to the existing policies, it was not feasible to show the differences via a track-changed document, which consists of ninety-nine pages. (Note: Present policies may be found on the County's website: The \$2500.00 will now be \$7500.00.) Mr. Curry reviewed the language changes throughout the document as presented on the agenda report form.

Commissioner Wagner, seconded by Commissioner Harvey, moved to approve adopt the revisions to the County's Procurement Policies as presented. The motion passed unanimously.

Mr. Curry also provided an update in sixty days the Purchasing Department will be taking on an e-procurement policy and will be tracking electronic bids, they will continue to accept paper bids for six months.

BUDGET AMENDMENT

Mark Bradshaw, Director, Environmental Management requested approval of a budget amendment in the amount of \$31,080.00. A 2022 Chevy Colorado was involved in an accident on July 7, 2023, and was totaled by the insurance company. The insurance company issued a check in the amount of \$31,080.00. As the vehicle was purchased with Water Quality Funds, he requested the funds be transferred to the Water Quality's vehicle CIP account. There is no fiscal impact.

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

INSURANCE RENEWAL FOR WASHINGTON COUNTY VOLUNTEER FIRE & RESCUE ASSOCIATION BEGINNING JANUARY 1, 2024 THROUGH DECEMBER 31, 2024

Tracy McCammon, Risk Management Coordinator, Human Resources; Patrick Buck, CBIZ Insurance Services requested approval to renew the commercial property, auto and casualty package with VFIS Insurance Company at the estimated premium of \$510,891.00, worker's compensation insurance with Chesapeake Employers Insurance Company at the estimated premium of \$363,279.00 and cyber liability with BCS Insurance Company at the estimated premium of \$16,790.00.

Commissioner discussion regarding coverage on cyber insurance and vehicle insurance.

Commissioner Wagner, seconded by Commissioner Cline, moved to approve renewal of the commercial policy as presented. The motion passed unanimously.

CONTRACT AWARD (PUR-1666) CLEAR SPRING LIBRARY HOT WATER BOILER REPLACEMENT

Andrew Eshleman, Director, Public Works; Danny Hixon, Deputy Director, Buildings, Grounds, and Facilities requested approval to award the contract for the Clear Spring Library Hot Water Boiler Replacement project to the lowest responsible, responsive bidder, Mick's Plumbing and Heating A/C of Thurmont, MD who submitted the total lump sum bid in the amount of \$105,600.00 and to execute a budget adjustment from the CIP Reserve Account to the Library Systemic Projects Account.

Commissioner Wagner, seconded by Commissioner Harvey, moved to award the contract for the Clear Spring Library Hot Water Boiler Replacement project to Mick's Plumbing and Heating A/C as presented. The motion passed unanimously.

FORT RITCHIE REDEVELOPMENT – OUTSTANDING TAP FEES

Zachary J. Kieffer, Deputy County Attorney requested approval to enter into the attached Memorandum of Understanding (MOU) with John Krumpotich's limited liability companies. Presently, tap fees owed in connection with Fort Ritchie Redevelopment total \$941,067.58. The attached MOU contemplates forgiveness of water and sewer tap fees owed by Mr. Krumpotich and/or his entities in the amount of \$200,000.00. The MOU also includes a provision for repayment of remaining balance of tap fees (\$741,067.58) over a period of 5 years.

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

AGRICULTURE - FACES OF FARMING PRESENTATION

Leslie Hart, Business Development Specialist, Business and Economic Development “Faces of Farming” is an agricultural-focused video marketing campaign that will showcase two local Washington County farms every month, for one year. The “Faces of Farming” marketing videos will be showcased on the County’s website, as well as Facebook and other social media platforms, and will target a new industry and highlight a local farmer from that specific agricultural industry. Additionally, the Faces of Farming marketing campaign will be utilized in Washington County Public Schools as an agricultural education tool focused on kindergarten to Fifth grade students to connect Washington County youth directly with local farms. Today’s featured farms are Green Hill Farm in Sharpsburg and Beaver Creek Farm in Hagerstown.

CLOSED SESSION

Commissioner Cline, seconded by Commissioner Wagner, moved to convene in closed at 11:11 a.m. to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals; To consider the acquisition of real property for a public purpose and matters directly related thereto; To consult with counsel to obtain legal advice on a legal matter; and To consult with staff, consultants, or other individuals about pending or potential litigation.

In closed session, the Commissioners discussed land acquisitions, boards and commissions, litigation matters and personnel matters.

Present during closed session were Commissioners John F. Barr, Jeffrey A. Cline, Randall E. Wagner, Derek Harvey and Wayne K. Keefer. Also present was Dawn Marcus, County Clerk; Kirk C. Downey, County Attorney; Michelle Gordon, County Administrator; Zachary Kieffer, Deputy County Attorney;; Also present at various times were; Kelcee Mace, Chief Financial Officer; Todd Moser, Real Property Administrator; Scott Hobbs, Director, Engineering; Andrew Eshleman, Director, Public Works; Dr. David Sovine, Superintendent, WCPS; Jeffrey Proulx, Chief Operating Officer, WPCS; Becky Gander, Chief of Permitting, Permits and Inspections, and Chip Rose, Director, Human Resources.

RECONVENE IN OPEN SESSION

Commissioner Wagner, seconded by Commissioner Cline moved to reconvene in open session at 12:35 p.m. The motion passed unanimously.

SECOND STAFF COMMENTS

Chip Rose, Director of Human Resources presented the recommendation to approve the hire of Zane Garrett as the Deputy Director of Budget and Finance, at a Grade 17, Step 4 \$85,322.00/annually with an effective date of December 9, 2023.

Commissioner Wagner seconded by Commissioner Cline moved to approve the hire of Zane Garrett as presented. The motion passed unanimously.

Chip Rose, Director of Human Resources presented the recommendation to approve the hire of James Mills as the IT Administrator, Emergency Services, at a Grade 13, Step 4 \$62,754.00/annually with an effective date of December 9, 2023.

Commissioner Wagner seconded by Commissioner Cline moved to approve the hire of James Mills as presented. The motion passed unanimously.

Chip Rose, Director of Human Resources presented the Transit Director is retiring June 28, 2024, and staff requests approval to advertise and hire early for a smooth transition and to approve any related budget adjustments.

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

Chip Rose, Director of Human Resources presented the Fiscal Technician that reports to the Transit Director is retiring on January 31, 2024, and staff requests approval to advertise and hire early for a smooth transition and to approve any related budget adjustments.

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

Chip Rose, Director of Human Resources requested approval to advertise for a part-time Background Investigator for Department of Emergency Services.

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

Michelle Gordon, County Administrator requested approval to fill the accounting position to replace Zane Garrett, at a Grade 14.

Commissioner Harvey seconded by Commissioner Cline moved to approve the request as presented. The motion passed unanimously.

Dawn Marcus, County Clerk, presented the recommendation, on behalf of the Recreation and Parks Advisory Board to approve the appointment of Amy Sterner to serve a first, full three-year term from December 1, 2023, through November 30, 2026.

Commissioner Keefer, seconded by Commissioner Wagner, moved to approve the appointment of Amy Sterner as presented. The motion passed unanimously.

Dawn Marcus, County Clerk, presented the recommendation, on behalf of the Recreation and Parks Advisory Board to approve the appointment of Thomas Moore to serve a first, full three-year term from November 1, 2023, through October 31, 2026.

Commissioner Wagner, seconded by Commissioner Keefer, moved to approve the appointment of Thomas Moore as presented. The motion passed unanimously.

Dawn Marcus, County Clerk, presented the recommendation, on behalf of the Recreation and Parks Advisory Board to approve the re-appointment of Eric Michaels to serve a fifth, full three-year term from December 1, 2023, through November 30, 2026.

Commissioner Cline, seconded by Commissioner Wagner, moved to approve the re-appointment of Eric Michaels as presented. The motion passed unanimously.

Dawn Marcus, County Clerk, presented the recommendation, on behalf of the Plumbing and Mechanical Board to approve appointment of Paul Fulk to serve a fifth, full three-year term from December 1, 2023, through November 30, 2026.

Commissioner Harvey, seconded by Commissioner Wagner, moved to approve the appointment of Paul Fulk as presented. The motion passed 4 – 1. Commissioner Keefer was a Nay vote.

Dawn Marcus, County Clerk, presented the recommendation, on behalf of the Electrical Board of Examiners and Supervisors to approve the appointment of Terry Molnar to serve a first, full two-year term from December 1, 2023, through November 30, 2025. as the Washington County Fire & Rescue Association Member. This would be Mr. Molnar's fifth overall term on the Board under a new position.

Commissioner Wagner, seconded by Commissioner Keefer, moved to approve the appointment of Terry Molnar as presented. The motion passed 4-0. Commissioner Barr abstained from the vote.

Dawn Marcus, County Clerk, presented the recommendation, on behalf of the Electrical Board of Examiners and Supervisors to approve the appointment of Steven Thomas to serve a first, full two-year term from December 1, 2023, through November 30, 2025, as Member at Large.

Commissioner Wagner, seconded by Commissioner Keefer, moved to approve the appointment of Steven Thomas as presented. The motion passed unanimously.

Dawn Marcus, County Clerk, presented the recommendation, on behalf of the Area Agency on Aging Advisory Council to approve the appointment of Kelly Snodderly to serve an unfulfilled term through June 30, 2026.

Commissioner Wagner, seconded by Commissioner Keefer, moved to approve the appointment of Kelly Snodderly as presented. The motion passed unanimously.

ADJOURNMENT

Commissioner Wagner, seconded by Commissioner Cline, moved to adjourn at 12:43 p.m. The motion passed unanimously.



Dawn L. Marcus, *County Clerk*