



## **Board of County Commissioners of Washington County, Maryland**

### ***Open Session Minutes***

**June 27, 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 9:01 a.m. with the following members present: Commissioner Derek Harvey, Commissioner Wayne K. Keefer, and Commissioner Randall E. Wagner.

Absent: Vice-President Jeffrey A. Cline

#### **APPROVAL OF MINUTES**

Commissioner Wagner, seconded by Commissioner Keefer, moved to approve the minutes of June 6, 2023. The motion passed unanimously. Commissioner Harvey, seconded by Commissioner Wagner, moved to approve the minutes of June 13, 2023. The motion passed unanimously.

#### **COMMISSIONERS' REPORTS AND COMMENTS**

Commissioner Wagner attended the ten-year anniversary ceremony with our sister city, Hagerstown, Indiana. He attended the Grand Opening of the Greenhouse Café and Harshman Advanced Development at Fort Ritchie. Commissioner Wagner attended the Pleasant Valley Ruritan Club's 27<sup>th</sup> Annual Fishing Derby. He recognized Board of Elections retirees Kaye Robucci and Tammy Derr. He thanked the Permits and Inspections Department for the permits training clinic. Commissioner Wagner attended the Eggs and Issues event and thanked Jonathan Horowitz, Director of the Department of Business and Economic Development for his outstanding speech. He recognized the Maugansville Ruritan for celebrating their 75<sup>th</sup> anniversary.

Commissioner Keefer congratulated Board of Elections retiree's Tammy and Kaye. He thanked the staff who assisted with the Hazmat accident on I-81 he requested information regarding responsibility for the costs incurred for the clean-up and reimbursement to the County. He commented the closure of I-81 creates issues with safety and a monetary loss for local companies such as Volvo and Mack Truck. Commissioner Keefer requested to review the FY25 Budget for opportunities to realign priorities, compare costs, enterprise funds and allocation of tax-payer funds.

Commissioner Harvey agreed to the review of the FY25 Budget and commented on his concerns of prioritizing needs going forward. He reported the Comprehensive Plan is due out and would like staff to advertise aggressively to make the public aware. Commissioner Harvey attended the Smithsburg Carnival. He commented on women's sports week, as a parent of daughters he supports Women's Sports Title IX. He commented on I-81 and the impact of trucks and safety, congestion and the impact of life. He also commented on his concern regarding warehouses.

Commissioner Barr attended the Miss Maryland Mayor's Luncheon on Friday and noted for 51 years the City of Hagerstown has hosted the Miss Maryland and Miss Maryland Teen Scholarship pageants. This Saturday is the Maryland Symphony's Salute to Independence at the Hagerstown Community College. Commissioner Barr provided an update on future events to include a tour today with Brook

Lane. He also commented that Commissioner Cline's absence, we are keeping him in our prayers and wish him well. Commissioner Barr commented on the Governor's prior visit and discussing the traffic issues on I-81 with him. The Governor's Chief Aide has reached out for an update on I-81.

#### **STAFF COMMENTS**

Michelle Gordon commented that she has been meeting one on one with County Directors and Officials. She attended the Eggs and Issues event. Ms. Gordon also attended the Water Quality Department luncheon. She attended the Grand Openings at Fort Ritchie and attended the Mayor's Luncheon for Miss Maryland Scholarship Pageant. Ms. Gordon commented on the I-81 hazmat accident, as it is a state road, she will reach out to the state to check into costs of the incident. She also commented that the line of widening I-81 Phase 2 is about to start, now is the time that we need to reach out to our state legislators.

#### **CITIZEN PARTICIPATION**

Paulie Ward of Hagerstown, commented on his concerns regarding accidents on I-81 and the possible effect on the senior population in the area and concerns regarding possible evacuation.

#### **AGRICULTURE – FACES OF FARMING PRESENTATION**

Leslie Hart, Business Development Specialist, Business and Economic Development, presented that the Ag Expo and Fair will be held July 15, 2023 – July 22, 2023. The 4H/FFA Fair Market allows the youth to sell their locally raised animals to raise money for the FFA. On Friday, July 21, 2023, the event will feature the Figure 8 Demolition Derby. Ms. Hart presented the Faces of Farming video which featured dairy cattle High Point Farms of Boonsboro and dairy goat Caprikorn Farms of Gapland Maryland.

#### **SMALL PURCHASE THRESHOLD LIMITS**

Rick Curry, Director, Purchasing presented a request to approve an increase to small threshold limits from \$2,499.99 to 7,499.99 and a request to raise all three levels of thresholds by \$5,000.00. The Commissioner's discussed the request.

Commissioner Harvey, seconded by Commissioner Keefer, moved to approve the request as presented and amended the approval to include a quarterly report of threshold items over \$40,000.00. The motion passed unanimously.

#### **BID AWARD (PUR-1614) FUEL DISPENSING SYSTEM REPLACEMENT**

Rick Curry, Director, Purchasing; Dave Mason, Deputy Director, Solid Waste, presented a request to award the procurement of a Fuel Dispensing System Replacement for the Solid Waste Department to the responsible, responsive bidder, Total Environmental Concepts, Inc., of Gaithersburg, MD who submitted the total lump sum bid of \$65,073.00.

Commissioner Harvey, seconded by Commissioner Keefer, moved to award the bid to Total Environmental Concepts, Inc. as presented. The motion passed unanimously.

#### **BID AWARD (PUR-1615) – GROUNDS MAINTENANCE FOR VARIOUS COUNTY DEPARTMENTS**

Brandi Naugle, Buyer, Purchasing; George Sweitzer, Assistant Superintendent, Black Rock Golf Course, presented a request 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. 13, 20, 28, 31, 32, and 35; therefore, it is required

that the chemicals be awarded based on drawing lots in public, pursuant to Section 2.9 of the Washington County Procurement Policy Manual. The winning tie bids for chemicals for Black Rock Golf Course and other departments were drawn as listed below:

Commissioner Keefer drew for bid item 20 Provaunt WDG; awarded to Helena Chemical  
Commissioner Harvey drew for bid item 28 Dismiss NXT; awarded to Genesis Chemical  
County Attorney, Mr. Downey drew for bid item 13 Head Way; awarded to Genesis Chemical  
Commissioner Barr drew for bid item 31 Signature Extra; awarded to Genesis Chemical  
Acting County Administrator, Ms. Gordon drew for bid item 35 Emerald; awarded to Nutrient Ag  
Commissioner Wagner drew for bid item 32 Barricade; awarded to Helena Chemical

Commissioner Wagner, seconded by Commissioner Keefer, moved to approve all bids on the Bid Tabulation Summary as presented and all tie bids as drawn. The motion passed unanimously.

**DESIGN PHASE SERVICES FOR COMBINED TAXIWAY C OBJECT FREE AREA (OFA) AND RUNWAY 02-20 REHABILITATION PROJECTS: AUTHORIZE AIRPORT DIRECTOR TO INCREASE LOCAL APPLICANT MATCH LEVEL FROM FIVE TO TEN PERCENT, APPLY FOR AND LATER ACCEPT ASSOCIATED FAA GRANTS**

Neil Doran, Director, Hagerstown Regional Airport; Andrew Eshleman, Director, Public Works presented a request to increase local applicant match level from five to ten percent of the Design Phase Services for combined Taxiway C Object Free Area (OFA) and Runway 02-20 Rehabilitation Projects to authorize use of \$38,256.10, in Airport Capitol Improvement Reserve funds for the ten percent local match share of this project; and requests authorization for the Airport Director to sign an FAA grant application and related paperwork associated with the TWY C OFA & Runway 02-20 Rehabilitation projects – Phase I Design Services and to accept the grant offers.

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

**FY24 ADULT DAY REPORTING CENTER GRANT – APPROVAL TO SUBMIT APPLICATION AND ACCEPT FUNDING AS AWARDED**

Meaghan Willis, Program Director, Day Reporting Center; Rachel Souders, Senior Grant Manager, Grant Management requested approval to submit a grant application to the Governor's Office of Crime Prevention, Youth, and Victim Services and accept funding as awarded.

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

**MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE TOWN OF SHARPSBURG AND BOARD OF COUNTY COMMISSIONERS FOR DRILLING A WELL ON THE TOWN'S PROPERTY**

Mark Bradshaw, Director, Environmental Management, requested approval of the MOU between the County and the Town of Sharpsburg, regarding drilling a supplemental water source for Sharpsburg on the Town's property as an alternative water source. This was previously presented at the December 13, 2022, meeting. The Town will split the cost of drilling the well with the County. The County will purchase the water from Sharpsburg, the water will go into the County's distribution system and the County will bill the residents in and outside of Sharpsburg based on the rate structure approved by the Board. The Town will provide the citizens a rebate with the funds they receive from the County. The Commissioner's discussed the request and the fiscal impact.

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

#### **PROPERTY ACQUISITION FOR HOPEWELL ROAD**

Todd Moser, Real Property Administrator, Engineering, requested approval of the option agreement for partial property acquisition including the fee simple and easement for 11019 Hopewell Road and approval of ordinance of said purchase and to authorize the execution of the necessary documentation to finalize the acquisition. The total cost of acquisition is \$8,500.00. The Hopewell Road realignment and culvert work in this area is part of the Wright Road Appalachian Regional Commission (ARC) project.

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

#### **ANIMAL CONTROL SERVICES CONTRACT**

Kirk C. Downey, County Attorney; Adam Greivell, Counsel, Humane Society of Washington County presented a request to approve the 2023 Animal Control Services Contract between the County and the Humane Society of Washington County for the provision of Animal Control Services as proposed. The current contract has expired. The Contract has a seven-year primary term with the option of the County to extend the Contract for an additional three years. The Humane Society will continue to provide services as they do today under the Animal Control Ordinance. The Commissioner's discussed the request as proposed, impact to the community and the fiscal impact.

Commissioner Harvey, seconded by Commissioner Wagner, moved to approve, the Contract as presented. Further discussion followed regarding fiscal impact and budget approval. Commissioner Barr called for the vote. The motion passed 3 – 1, Commissioner Keefer voted, "NAY".

#### **CLOSED SESSION**

Commissioner Wagner, seconded by Commissioner Keefer, moved to convene in closed at 10:38 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; To consult with staff, consultants, or other individuals about pending or potential litigation; and To discuss cybersecurity, if the public body determines that public discussion would constitute a risk to: (i) security assessments or deployments relating to information resources technology; (ii) network security information; or (iii) deployments or implementation of security personnel, critical infrastructure, or security devices.

In closed session, the Commissioners discussed acquisition of real property, Boards and Commissions appointments, personnel matters, assignments, and vacancies, contractual matters, and cyber security matters.

Present during closed session were Commissioners John F. Barr, Derek Harvey, Wayne K. Keefer, and Randall E. Wagner. Also present was Dawn L. Marcus, County Clerk; Kirk C. Downey, County Attorney; Michelle Gordon, Acting County Administrator; Kendall Desaulniers, Deputy County Attorney/Interim Human Resources Director; and Zachary J. Assistant County Attorney; Also present, for a certain matter, was Todd Moser, Real Property Administrator, Engineering; Dave Mason, Deputy



Director, Solid Waste; Richard Eichelberger, Director/Code Official, Permits and Inspections; Becky Gander, Chief of Permitting, Permits and Inspections; and Josh O'Neal, Chief Technical Officer, Information Systems.

**RECONVENE IN OPEN SESSION**

Commissioner Harvey, seconded by Commissioner Wagner, moved to reconvene in open session at 12:28 p.m. The motion passed unanimously.

**SECOND STAFF COMMENTS**

Kendall Desaulniers, Deputy County Attorney/Interim Director, Human Resources, presented the request to approve appointment of Heather Williams as Senior Plan Reviewer Floodplain Manager at a Grade 15 Step 1 or \$67,954.00/Annually on the salary scale.

Commissioner Keefer, seconded by Commissioner Harvey, moved to appoint Heather Williams to the position as presented. Commissioner Wagner abstained from the vote. The Motion passed 3-0.

Kendall Desaulniers, Deputy County Attorney/Interim Director, Human Resources, present the request to approve appointment of Robert H. McKoy Jr. as 911 Center Assistant Director of Emergency Communications at a Grade 16 Step 1 or \$73,382.00/Annually on the salary scale.

Commissioner Harvey, seconded by Commissioner Wagner, moved to appoint Robert McKoy to the position as stated. The Motion passed unanimously.

Dawn Marcus, County Clerk, on behalf of the Adult Public Guardianship Review Board, requested a motion to approve the re-appointment of Dr. Allen Ditto to serve an additional term from July 1, 2023, through June 30, 2026.

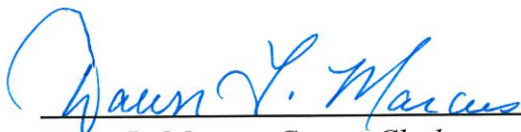
Commissioner Wagner, seconded by Commissioner Keefer, moved to re-appoint Dr. Allen Ditto. The Motion passed unanimously.

Dawn Marcus, County Clerk, on behalf of the Adult Public Guardianship Review Board, requested a motion to approve the re-appointment of Jill Zamostny to serve a fifth three-year term from July 1, 2023, through June 30, 2026.

Commissioner Harvey, seconded by Commissioner Wagner, moved to re-appoint Jill Zamostny. The Motion passed unanimously.

**ADJOURNMENT**

Commissioner, Wagner, seconded by Commissioner Harvey, moved to adjourn at 12:34 p.m. The motion passed unanimously.



Dawn L. Marcus, County Clerk

