



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

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

**July 11, 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 9:08 a.m. with the following members present: Vice President Jeffrey A. Cline, Commissioner Derek Harvey,

Absent: Commissioner Randall E. Wagner, and Commissioner Wayne K. Keefer.

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

Commissioner Harvey attended the Eagle Scout Ceremony for Matthew Smith. Agricultural Week is coming up July 15, 2023, through July 22, 2023. Commissioner Harvey has met with the Highway Departments Road Crews and thanks the staff for their work. He recognized the Sheriff's Department and Public Safety for their hard work.

Commissioner Cline thanked Sheriff Albert and Andrew Eshleman and staff for conducting the meeting regarding Route 67. He attended the Eagle Scout Ceremony for Matthew Smith and attended the Town of Sharpsburg meeting appreciation night for retiring Deputy Peyton and thanked him for his years of service. He attended the Sharpsburg celebration of their 260<sup>th</sup> anniversary. Commissioner Cline recognized Eric Jacobs and Cody Swope from Emergency Management.

Commissioner Barr attended the Route 67 meeting and appreciates the citizens feedback and support, and we will continue to work with the state to support MDOT's initiatives. He attended the Salute to Independence at HGC and recognized the symphony musicians and the fireworks were superb and thanked the staff for all of their work. He commented on the upcoming events for the week, today the Commissioners will tour the Beacon House. The annual Ag Expo starts this weekend, there will be many events all week long for the families and community.

#### **STAFF COMMENTS**

Kirk Downey, County Attorney provided an update regarding AFSCME Council 67 has merged into Council 3. The union has requested an MOU acknowledging that Council 3 is the organization that will be handling the AFSCME Union responsibilities pursuant to our Collective Bargaining Agreement.

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

Michelle Gordon, Acting County Administrator presented that the Senior Leadership Program which staff has attended for ten weeks has ended. She attended a tour at Brook Lane facilities with the Commission. Ms. Gordon also attended grand opening of Sideling Hill Financial in Hancock and the grand opening of Nala May Hair Studio. She attended the Route 67 meeting and thanked Andrew

Eshleman for coordinating the meeting, Linda Poffenberger from the State Highways and Sheriff Albert for providing information.

Andrew Eshleman, Director of Public Works presented the meeting for Route 67 was very well attended he has drafted two letters of support, one for State Highways and the second to Delegate Wivell for legislative solutions. He requested approval to submit the letters.

Commissioner Cline, seconded by Commissioner Harvey moved to approve submission of the letters of support as presented. The motion passed unanimously.

### **CITIZEN PARTICIPATION**

Carol Mowen, President of the Washington County Teachers Association on Oak Ridge Drive, Mary Heeringa new Uniserve Director for Maryland, Eric Yeckly, Vice President of Washington County Teachers Association provided an update on summer activities with the school system, commented on the request for additional funding for the school system and thanked the Commissioners for their past support.

Ron Twentey Commander of Antietam Chapter 312 Korean War Veterans Association, thanked the Commissioners for the generous grant they received last year at the Fort Ritchie center. This year is the 70<sup>th</sup> anniversary of the cease fire in Korea. He will have an event on July 29, 2023, at 11:00. Yumi Hogan will attend, the Embassy, and has reached out to Delegate Wivell. He is requesting one of the Commissioners to come and Speak at the event.

### **2023 AUGUSTOBERFEST**

Jill Colbert, Chairwoman, Augustoberfest; Cody Hill, Marketing and Communications Chair, Augustoberfest thanked the Commissioner's for their support last year, provided an update on the event this year including the grant request that will have been submitted by the meeting, and to invite them to the event this year. Moving the event to the Ag Center allowed them to have the largest event ever last year. Their charitable foundation works with our sister city in Wesel Germany and provides money for students to go to and come from Germany. They were also able to donate to other foundations. August 19, 2023, through August 20, 2023, are the dates of the event this year. The anniversary event starts at 2:00 pm on the August 19, 2023. This year they will add a welcome center and signage for ADA pathways and parking. Augustoberfest is a family event, children under 12 are free authentic German festival with music, food entertainment.

Commissioner discussion regarding the Grant request, attendance, and events of Augustoberfest.

### **EXPRESS APPROVAL – CITY OF HAGERSTOWN ANNEXATION FOR BLAINE PROPERTIES LIMITED PARTNERSHIP AND ALL OF THE LANDS OF EDWARD A. BLAINE REVOCABLE TRUST OF 1991**

Jill Baker, Director, Planning and Zoning; William C. Wantz, Esquire requested approval to grant/deny express waiver approval for the development of subject parcels for the stated annexation. Three properties owned by Blane Properties Limited Partnership 28.35 acres they are requesting ARMED Zoning as opposed to the RT zoning currently provided in the training. The Public Hearing was May 23, 2023, two people spoke at that hearing with their concerns. No fiscal impact from the County, proposed 174 townhomes. The City of Hagerstown does not have Adequate Public Facilities Ordinance (APFO) fees. Commissioner discussion regarding APFO fees and overcapacity of schools in the area.

Commissioner Harvey, seconded by Commissioner Cline, moved to table the discussion to come back at a future date pending dialogue with the City of Hagerstown. The motion passed unanimously.

**FY25 FAMILY LAW FUND – APPROVAL TO SUBMIT APPLICATION AND ACCEPT AWARDED FUNDING**

Kristin Grossnickle, Court Administrator, Circuit Court for Washington County; Nicole Phillips, Grant Manager, Grant Management requested approval to the submission of the FY25 Family Law Fund application in the amount of \$396,986.00 and accept award funding. Commissioner discussion regarding the funding needs. Coordinators are required to submit stats every quarter.

Commissioner Harvey , seconded by Commissioner Cline, moved to approve the submission and acceptance of grant as presented. The motion passed unanimously.

**INVESTMENT POLICY STATEMENT UPDATE**

Michelle Gordon, Acting County Administrator; Patrick Wing, Marquette Associates requested approval to update changes to the Investment Policy Statement for LOSAP funds. Recommending asset allocation changes over all 3 aspects of the plan. Prior year losses over the last two years because of Market volatility. Commissioner discussion regarding investment opportunities and seeking alternative investment outside of China markets.

Commissioner Harvey, seconded by Commissioner Cline, moved to approve the changes as presented and to amend to include the exclusion of Chinese equities. The motion passed unanimously. 3-0

**CONSTRUCTION BID AWARD – DOGSTREET ROAD CULVERT REPLACEMENT**

Scott Hobbs, Director, Engineering requested approval to award the bid for the Dogstreet Road Culvert Replacement contract to the lowest responsive, responsible bidder, Huntzberry Brothers, Inc. of Smithsburg in the amount of \$943,494.00.

Commissioner Harvey, seconded by Commissioner Cline, moved to award the bid to Huntzberry Brothers, Inc., as presented. The motion passed unanimously.

**BID AWARD (PUR-1619) CONOCOCHIEAGUE WIN-911 UPGRADE**

Rick Curry, Director, Purchasing; Mark Bradshaw, Director, Environmental' Management request approval to award the Conococheague Win 911 Upgrade to the responsible bidder with the responsive bid, Micro-Tech Designs, Inc., of Hampstead, MD in the amount of \$52,550.00.

Commissioner Harvey, seconded by Commissioner Cline, moved to award the bid to Micro-Tech Designs, Inc., as presented. The motion passed unanimously.

**CONTRACT AWARD (PUR-1606) MARTIN LUTHER KING (MLK) NATURAL GAS AND MECHANICAL UPGRADES**

Rick Curry, Director, Purchasing; Andrew Eshleman, Director, Public Works requested approval to award the contract for the MLK Natural Gas and Mechanical Upgrades project to the responsible, responsive bidder, Mick's Plumbing and Heating, Inc., of Thurmont, MD who submitted the lowest total lumps sum bid in the amount of \$93,300.00. Commissioner discussion regarding natural gas vs. fuel.

Commissioner Cline, seconded by Commissioner Harvey, moved to award the bid to Mick's Plumbing and Heating, Inc., as presented. The motion passed unanimously.

**CONTRACT AWARD (PUR-1607) – MARTIN LUTHER KING (MLK) ELECTRICAL UPGRADES**

Brandi Naugle, Buyer, Purchasing; Andrew Eshleman, Director, Public Works requested approval to award the contract for the MLK Electrical Upgrades project to the responsible, responsive bidder, Star Excavating and Electrical, LLC., of Clear Spring, MD who submitted the lowest total lump sum bid in the amount of \$204,372.60. Commissioner discussion regarding county services at the building.

Commissioner Harvey, seconded by Commissioner Cline, moved to award the bid to Star Excavating and Electrical, LLC., as presented. The motion passed unanimously.

**REJECTION OF BID (PUR-1626) – PURCHASE OR LEASE AND SUPPLYING OF GOLF CARTS FOR WASHINGTON COUNTY'S BLACK ROCK GOLF COURSE**

Brandi Naugle, Buyer, Purchasing; Andrew Eshleman, Director, Public Works requested approval to take action that is in the best interest of the County to reject the bid without prejudice for the Purchase or Lease and Supplying of Golf Carts for Washington County's Black Rock Golf Course due to the requirements of the bid specifications not being met and requested permission to re-advertise to solicit pricing for the purchase or Lease and Supplying of Golf Carts for Washington County's Black Rock Golf Course. Commissioner discussion regarding re-specification of the bids.

Commissioner Harvey, seconded by Commissioner Cline, moved to approve the rejection the bid PUR-1626 as presented and to readvertise. The motion passed unanimously.

**INTERGOVERNMENTAL COOPERATIVE PURCHASE PRICE INCREASE (INTG-20-0030) UNIFORM RENTAL SERVICE FOR VARIOUS COUNTY DEPARTMENTS**

Brandi Naugle, Buyer, Purchasing requested approval to authorize a price increase based on the utilization of Intergovernmental Cooperative Purchase/Uniform Rental Services contract with Omnia/US Communities, via Prince William County Schools Virginia (Contract Number: R-BB-1900012) that was awarded to Cintas of Cincinnati, OH. Pricing is to increase as presented in the attached spreadsheet, which the price increase varies between 3.7% - 8.33%.

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

**WATER LINE FUNDING MEMORANDUM (MOU) WITH THE TOWN OF HANCOCK AND BRUCETON FARM SERVICES, INC.**

Michelle Gordon, Acting County Administrator; Kirk Downey, County Attorney requested approval to ratify the Water Line Funding MOU with the Town of Hancock and Bruceton Farm Services, Inc. (BFS) in a private-public partnership for one-third (1/3) the cost of the construction of an eight-inch (8") water line in an amount up to and not to exceed \$139, 278.34 and to authorize the payment of \$139,278.34 to BFS from the CIP Reserves fund.

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

**POTENTIAL DISSOLUTION OF THE EMERGENCY SERVICES ADVISORY COUNCIL(ESAC)**

Michelle Gordon, Acting County Administrator requested approval to dissolve the Emergency Services Advisory Council (ESAC). Commissioner discussion regarding waiting until after Thursdays monthly ESAC meeting.

Commissioner Harvey, seconded by Commissioner Cline, moved to table the discussion and defer to a later date. The motion passed unanimously.

**MOU WITH CITY OF HAGERSTOWN REGARDING OUTSTANDING EMERGENCY COMMUNICATION DISPATCHER COSTS**

Michelle Gordon, Acting County Administrator requested approval to enter into a MOU with the City of Hagerstown to resolve the dispute regarding outstanding invoices to the City for wages & benefits related to former City employees employed by the County 911 Communication Center.

Commissioner discussion regarding the fiscal effect.

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

**CLOSED SESSION**

Commissioner Cline, seconded by Commissioner Harvey, moved to convene in closed at 10:30 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 consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State; 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; To conduct collective bargaining negotiations or consider matters that related to the negotiations; 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 Collective Bargaining, Boards and Commissions appointments, personnel matters, assignments, and vacancies, contractual matters, and cyber security matters.

Present during closed session were Commissioners John F. Barr, Jeffrey A. Cline, and Derek Harvey. Also present was Dawn Marcus, County Clerk; Kirk C. Downey, County Attorney; Michelle Gordon, Acting County Administrator; Kendall Desaulniers, Deputy County Attorney/Interim Human Resources Director; and Zachary Kieffer, Assistant County Attorney; Also present, for a certain matter, was; Dave Mason, Deputy Director, Solid Waste; Mark Bradshaw, Director, Environmental Management; Andrew Eshleman, Director Public Works; Eric Paltell, Labor Counsel; Jonathan Horowitz, Director, Business and Economic Development; Todd Moser, Real Property Administrator, Engineering;

**RECONVENE IN OPEN SESSION**

Commissioner Cline, seconded by Commissioner Harvey, moved to reconvene in open session at 12:36 p.m. The motion passed unanimously.

**ADJOURNMENT**

Commissioner Cline, seconded by Commissioner Harvey, moved to adjourn at 12:36 p.m. The motion passed unanimously.

A handwritten signature in blue ink, reading "Dawn L. Marcus", is written over a horizontal line.

Dawn L. Marcus, *County Clerk*