



Board of County Commissioners of Washington County, Maryland

Open Session Minutes

August 8, 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 Vice-President Jeffrey A. Cline 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: Commissioner Derek Harvey, Commissioner Wayne K. Keefer, and Commissioner Randall E. Wagner.

President John F. Barr was absent.

APPROVAL OF MINUTES

Commissioner Harvey, seconded by Commissioner Wagner, moved to approve the minutes of July 19, 2023. The motion passed 3-0. Commissioner Keefer abstained.

Commissioner Harvey, seconded by Commissioner Keefer, moved to approve the minutes of July 25, 2023. The motion passed unanimously.

COMMISSIONERS' REPORTS AND COMMENTS

Commissioner Wagner recognized the veterans in the audience. He attended the Flat Tops Grand Opening of the salon in Fort Ritchie. Commissioner Wagner went to Boonsboro and acknowledged the divers from Mt. Airy Fire Department there to assist with a leak in the reservoir. He would like consideration of giving a stipend to the divers who are volunteering their time to assist Boonsboro. Commissioner Wagner acknowledged the citizens who have been calling regarding issues with the cable network installations.

Commissioner Keefer thanked staff who provided updates for the potential for storm damage and those on call during the storms. He had a conversation with Paul Frye at the Chamber of Commerce and the related housing task force, thankful we have a staff member involved, Jonathan Horowitz and would like to share ideas he has to take into consideration; new jobs coming to the area, providing affordable housing, capacity in school districts, rehabbing existing infrastructure and providing incentives that are available to developer's and owner-occupied properties.

Commissioner Harvey commented on the comprehensive plan and the upcoming hearings. He commented on the vote on the Dollar General in Cascade and is requesting additional information and recordings. He attended the Maryland Trappers association annual event at the Ag Center. Commissioner Harvey commented on a meeting at Hagerstown Community College tonight with Maryland Department of Economic Development. Commissioner Harvey also commented on the upcoming Leitersburg Peach Festival this weekend and looks forward to seeing everyone there.

Commissioner Cline thanked the first responders and highways staff responding to the storms last night and the many downed trees and emergencies. He commented on the Clear Spring Carnival this week. He attended the Flat Tops grand opening at Fort Ritchie. Commissioner Cline attended the Tri County

membership meeting in Carroll County. He attended National Night out in Boonsboro and thanked the communities for holding them. Commissioner Cline attended the Fire Association picnic. He attended the meeting with the Maryland Department of Environment's Secretary who was very warm and receptive to the commissioners and their conversations. He also commented on the issues with the cable installations.

STAFF COMMENTS

Scott Hobbs, Director of Engineering provided an update regarding the cable company services and the county issued permits. He asked citizens to contact the construction supervisor with their issues referenced on the door tags they receive which provides the information for the construction manager in the area. He discussed issues regarding notifications from the utility companies. They have been directed to provide ample notice of service. They have also been directed to return the property to the way it was before construction.

Commissioner discussion regarding assigning more inspectors, extending the bond process, removal of the equipment from the properties once work is completed, costs being applied to the contractors creating the problems and reissue of permits to irresponsible contractors. The Commissioners would like to know the legal options available, the cost for inspectors and whether we recoup funds. Commissioner Consensus to bring back for an agenda item.

Ralph Weaver, Site Inspector, Permits and Inspections, commented on the process and continually putting out fires. The bond does not expire. Hiring additional inspectors would make the process smoother. Comcast has suspended work crews who are creating problems.

Kendall Desaulniers presented, a conditional offer of employment was made to Stephanie Grove, for the position of Director, Human Resources, Ms. Grove has accepted the conditional offer pending a Board vote, therefore it would be appropriate for a Board recommendation to hire Ms. Grove at a; Grade 19, Step 18; Salary \$140,670.00/annually. The BOCC has extended a conditional offer of employment and Ms. Grove has accepted.

Commissioner Harvey, seconded by Commissioner Wagner, moved to approve the hire of Stephanie Grove as presented. The motion passed 3-0. Commissioner Keefer abstained.

Brian Albert presented a request for an open session vote for the bonuses of \$10,000 for the hiring of correctional officers and an approval for the new Police Information Specialist position. They used to have a Crime Analyst at the Narcotics Task Force, which is a different position. The Sheriff's Department will use some of the savings from that position to fund the new position partially and will be using other savings within the department. There will be no budget cost to the Commissioners. The cost would be absorbed in the Sheriff's department salary.

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

Commissioner Harvey, seconded by Commissioner Wagner, moved to approve the new Police Information Specialist position as presented. The motion passed unanimously.

Michelle Gordon, Acting County Administrator met Maryland Comptroller Brooke Lierman during her recent Washington County visit. She attended National Night Out and thanked the First Responders for what they do for the citizens of Washington County. Ms. Gordon attended the grand opening of Flat

Tops Salon at Fort Ritchie. She recognized the hiring of Robert McKoy as the 911 director. She requested a consensus of the Commissioners to form a committee for the upcoming 250th anniversary of the United States in 2026. There was a Commissioner Consensus to form the committee. Ms. Gordon thanked staff for their quick response to the weather conditions yesterday. She reminded there would be no meeting next week. President Barr requested she reminded the citizens of the upcoming tax-free holiday.

CITIZEN PARTICIPATION

Mary Harringa Uniserve director for WCTA on Oak Ridge Drive discussed the need for increased funding in the school districts and the costs for additional educations for the teachers.

Kenneth Wilson Elder Drive, Hagerstown commented on the Senior Center capacity, He also commented on senior centers that he has attended in Georgia and California. He commented on Meals on Wheels and provided a booklet from one of the other centers.

Kelvin Newby Gemstone Lane, Hagerstown met Mr. Wilson at the Western Maryland Center and commented on the center's cafeteria and the closing. He commented on a Senior Center survey. He also commented on his volunteer service with Mr. Wilson regarding Meals on Wheels, Hospice and the Salvation Army. They made a request to make a presentation to the Senior Center.

PUBLIC HEARING: AMEND THE ADOPTED MARYLAND AGRICULTURAL LAND PRESERVATION FUND (MALPF) EASEMENT PROGRAM PRIORITY RANKING CRITERIA

Vice-President Cline convened a Public Hearing at 9:48 a.m. to obtain public comment on the amendment to the Maryland Agricultural Land Preservation Fund (MALPF) Easement Program Priority Ranking Criteria.

Jill Baker, Director, Planning and Zoning, presented the purchase of permanent land preservation easements through the Maryland Agricultural Land Preservation Program (MALPP) is the largest part of Washington County's rural preservation strategy. All applications are ranked using the adopted Priority Ranking formula which assigns points for such things as quality of soils, proximity to other preserved lands, agricultural status, economic viability, and relationship to other land use areas in the County. The Agricultural Land Preservation Advisory Board reviews applications annually and makes recommendations to the Board of County Commissioners (BOCC) as to which applicants to make financial offers based on their priority ranking. Amendments can be made to the priority ranking criteria; however, the amendments must be approved by both the BOCC and the State MALPF Board. During a regular meeting held in May 2023, the Agricultural Land Preservation Advisory Board approved a recommendation to revise one of the criteria in the priority ranking formula related to the category of "Distance to the UGA." This category currently awards more points to applicants further from growth areas on the basis that large, contiguous blocks of farmland in historically agrarian areas create a more sustainable and economically viable agricultural environment. This policy is reflected in COMAR and the MALPF Task Force's Ranking Guidelines and has been a historic success in Washington County. The Ag Board's proposed revision will alter the ranking system to give priority to applicants closer to growth areas, on the basis that those properties are at a higher risk of development, and therefore, must be prioritized in the ranking. No fiscal impact to County General Fund.

Recommended Motion: To approve/deny an amendment to the MALPF priority ranking formula criteria “Distance to the Urban Growth Area (UGA)” from maximum points given to properties furthest from the UGA to Maximum points given to properties closest to the UGA.

The Public Hearing was opened for public comment; no citizens offered testimony on the matter.

The Public Hearing was opened for Commissioner comment. Commissioner discussion regarding written testimony and mileage regarding the formula and changes to the rankings.

The Public Hearing was closed at 9.50 a.m.

Commissioner Harvey, seconded by Commissioner Keefer, moved to approve the Agricultural Preservation Easement Rankings as presented. The motion passed unanimously.

CONVENE AS THE WASHINGTON COUNTY BOARD OF HEALTH

Commissioner Wagner, seconded by Commissioner Harvey moved to convene as the Board of Health at 9.53 a.m. The motion passed unanimously.

SEXUAL RISK AVOIDANCE EDUCATION PROGRAM (SRAE)

Earl Stoner, Health Officer, Washington County Health Department (WCHD RFP2024-02) The Health Department presented the recommendation to approve the Board of Health award the contract to Girls Incorporated of Washington County in the amount of \$64,328.00 for contract period of July 1st, 2023, through June 30th, 2024. SRAE is a grant that is targeted to implement comprehensive sexual health education to adolescents in Washington County Public Schools. Girls Incorporated was the sole bidder for this procurement. The RFP was published on the eMaryland Marketplace and on the health department’s website. 100% of the funding for this contract is provided through a Maryland Department of Health SRAE Grant. No additional funding is being requested.

Commissioner discussion regarding oversight of the program and the number of schools affected. Question regarding the need for involvement of WCPS

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

RECONVENE AS BOARD OF COUNTY COMMISSIONERS, WASHINGTON COUNTY

Commissioner Wagner, seconded by Commissioner Keefer, moved to reconvene as the Board of County Commissioners of Washington County, Maryland at 9:57 a.m. The motion passed unanimously.

PAY INCREASE FOR CHIEF ELECTION JUDGES

Barry Jackson, Director, Board of Elections presented the recommendation to approve a \$50 increase per day worked for Chief Judges from \$250 to \$300. HB1200, effective October 1, 2023, sets a minimum daily pay for election judges at \$250. Chief Judges are the managers of the polling place with greater responsibility and have been historically paid a higher fee than other election judges. Fiscal impact is \$5,600.00. A slide presentation comparative to other counties and data of total payouts. He discussed possible options for other locations for early voting centers.

Commissioner discussion regarding staffing, locations, and potential for a third location for early voting and concerns regarding other locations for early voting centers in underserved communities such as

Hancock, Clear Spring and the South County area. They discussed the process of the Chief Judge and time involved.

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

MULTI-SIGNATURE CHANGE ORDER FOR COMPREHENSIVE HEALTH CARE SERVICES FOR INMATES – APPROVAL OF THE CHANGE ORDER

Major Craig Rowe, Warden, Washington County Sheriff's Office – Detention Center presented the recommendation to approve the Multi-Signature Change Order from \$2,133,338.34 to \$2,393,338.34, an increase of \$260,000 for claims that will be reimbursed by the State. The Washington County Sheriff's Office, Detention Division is requesting approval of the multi-signature change order so that invoices for catastrophic billing can be paid and then submitted to the State for reimbursement.

Commissioner discussion regarding actual costs and where the funds are derived for payment.

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

INTERGOVERNMENTAL COOPERATIVE PURCHASE (INTG-23-0124) TWO VEHICLES FOR THE DEPARTMENT OF WATER QUALITY (DWQ)

Rick Curry, Director, Purchasing; Mark Bradshaw, Director, Environmental Management presented the recommendation to authorize by Resolution, DWQ to purchase one (1) 2023 F350 Ford truck with a utility body in the amount of \$66,538 and one (1) 2023 F150 Ford 4x4 pick-up in the amount of \$47,638 for the total cost in the amount of \$114,176 from Apple Ford Lincoln of Columbia, MD and to utilize another jurisdiction's contract that was awarded by Baltimore County Public School (Contracts #00004504).

Commissioner discussion regarding government concession on the new vehicle presented as opposed to the lesser vehicle. Discussion regarding losing a vehicle and additional costs from the loss.

Mr. Bradshaw commented that he has checked multiple lots and was unsuccessful in locating vehicles as trucks are in a high demand.

Commissioner consensus to reach out during the legislative process regarding changing the \$50,000 threshold.

Commissioner Wagner, seconded by Commissioner Keefer, moved to authorize by Resolution as presented. The motion passed unanimously.

INTERGOVERNMENTAL COOPERATIVE PURCHASE (INTG-23-0123) TWO CHEVROLET EQUINOX FOR THE SHERIFF'S OFFICE

Rick Curry, Director, Purchasing; Alan Matheny, Fleet Logistics and Commercial Vehicle Enforcement, Washington County Sheriff's Office presented the recommendation to authorize, by Resolution, the Sheriff's Office to purchase two (2) new 2024 Chevrolet Equinox in the amount of \$26,372 each; for the total cost in the amount of \$52,744 from Hertrich Fleet Services, Inc. of Milford, DE and to utilize another jurisdiction's contract that was awarded by Howard County, MD (Contract #4400004546).

Commissioner Discussion regarding use of the vehicle.

Commissioner Wagner, seconded by Commissioner Keefer, moved authorize the Resolution as presented. The motion passed unanimously.

REJECTION OF QUOTE (Q-23-759) FOR PURCHASE AND INSTALLATION OF ONE (1) NEW COILING STEEL DOOR

Brandi Naugle, Buyer, Purchasing; Joe Moss, Deputy Director Engineering Sewer, Water Quality presented the recommendation to take action, in the best interest of the County and to request that the quote for the Purchase and Installation of One (1) New Coiling Steel Door for the Department of Water Quality be rejected due to the quote exceeding the estimated budget and we are also requesting permission to re-advertise to solicit pricing for the Purchase and Installation of one (1) New Coiling Steel Door for the Department of Water Quality.

Commissioner Wagner, seconded by Commissioner Keefer, moved to reject the quote as requested. The motion passed unanimously.

RESCIND CONTRACT AWARD (PUR-1611) – JANITORIAL SERVICES FOR WASHINGTON COUNTY

Brandi Naugle, Buyer, Purchasing; Danny Hixon, Deputy Director, Buildings, Grounds and Facilities presented the recommendation to relieve FEF Cleaning Inc., of Hollsopple, PA from the contract without prejudices for the contracted cleaning services in Washington County Office Buildings approved by the Board of County Commissioners of Washington County on June 6, 2023, for the \$232,534 annually. On August 3, 2023, they received a request from the company to be removed do to misquoted pricing on their part they were allowed to submit new pricing which would have cost the County an additional \$80,526.00 annually. We accepted their letter to rescind the bid without prejudice.

Commissioner discussion regarding employees of the vendor, buildings covered and how many people did they employ. Cost to move the services in house and the contractual responsibility of the company.

Commissioner Wagner, seconded by Commissioner Harvey, moved to approve the request as presented. The motion passed unanimously. 3-1 Commissioner Harvey abstained from the vote.

CONTRACT AWARD (PUR-1611) - JANITORIAL SERVICES FOR WASHINGTON COUNTY

Brandi Naugle, Buyer, Purchasing; Danny Hixon, Deputy Director, Buildings, Grounds and Facilities Presented the recommendation to award the Janitorial Services contract to the responsible, responsive, bidder under Option No. 1 to Jasso Maintenance LLC, of Rockville, MD for the total amount of \$285,118 annually and unit cost as follows: Additional carpet cleaning as required (per square foot) \$.11, Hourly labor rate per person for additional services as required, regular rate per hour \$17.00, and Hourly labor rate per person for additional services as required Saturdays, Sundays and Holidays \$17.00.

Commissioner discussion regarding looking at the cost to bring in house.

Commissioner Wagner, seconded by Commissioner Keefer, moved to award the bid to Jasso Maintenance LLC as presented. The motion passed unanimously.

WASHINGTON COUNTY GAMING COMMISSION'S ANNUAL REPORT AND FISCAL YEAR 2023 GAMING FUND ALLOCATION ANNOUNCEMENT

Susan Buchanan, Director, Grant Management; Sam Cool, Chairman, Washington County Gaming Commission presented the annual report to the Board of County Commissioners and to announce the Commission's fiscal year 2023 funding decisions. In fiscal year 2023, the Gaming Commission had available \$2,543,030.34 for distribution to local charitable organizations and the Volunteer Fire & Rescue Association. This figure reflects a decrease in revenues of \$47,982.59 when compared to the previous fiscal year. In accordance with State Statute, 50% of the funding received is allocated to the Washington County Volunteer Fire & Rescue Association and the remaining has been allocated to charitable organizations in Washington County. Provided a handout of the press release for the awards. Susan thanked the members of the commission for all of their time.

Commissioner discussion regarding the revenue receipt from tip jars. Criteria for selection. Committee selections for the gaming committee, guidelines for the criteria and they thanked the Committee for their time invested.

County Attorney Kirk Downey provided a breakdown of the membership requirements.

POLICE RECRUITMENT AND RETENTION GRANT – APPROVAL TO ACCEPT AWARDED FUNDING

Cody Miller, Quartermaster/Grant Manager, Washington County Sheriff's Office; Rachel Souders, Senior Grant Manager, Grant Management presented the recommendation to approve the acceptance of funding awarded under the FY24 Police Recruitment and Retention Grant Program from the Governor's Office of Crime Prevention, Youth, and Victim Services in the amount of \$30,000.

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

FIREFIGHTER CAREER LADDER

Michelle Gordon, Acting County Administrator; David Hays, Director, Emergency Services; David Chilsolm, Deputy Director Emergency Services; presented the recommendation to approve the career ladder for Firefighters and the creation of the Firefighter Recruit and Firefighter job classifications. Need to create town new job classifications titled as a Firefighter Recruit DES Grade 2 and Firefighter DES Grade 3. Potential candidates must meet the minimum Grade qualifications. This would allow for the Department to hiring persons with little to no experience as well as the protentional hiring of Tech High Fire and Rescue Academy graduates. There are currently five career vacancies, no additional positions are being requested. Human Resources and Budget and Finance concur.

Commissioner discussion regarding Tech High graduates and the responsibility to select those individuals. Commissioner discussion regarding the hiring process and having involvement with the new HR Director.

Mr. Hays commented the process currently follows the same county processes except that they have a physical agility test. They would need to create a process for reaching out to the Tech High graduates. The new ladder rankings would allow for that.

Commissioner Wagner, seconded by Commissioner Keefer, moved to approve the two position classifications as presented with follow up regarding the status. The motion passed 3-1 Commissioner Harvey abstained.

BUDGET ADJUSTMENT FOR UNBUDGETED COSTS

Michelle Gordon, Acting County Administrator presented the budget adjustments:

Police Accountability Board as mandated by the Police Accountability Act; budget adjustment cost \$25,000.00.

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

Humane Society of Washington County's newly signed Contract and the new position for County Attorney's office, budget adjustment cost \$490,640.00.

Commissioner commented regarding request for receipt of the list of animal contract functions required by law.

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

Memorandum of Understanding between the Town of Hancock and Bruceton Farms for the Water Line Extension, budget adjustment cost \$139,278.34.

Commissioner Harvey, seconded by Commissioner Keefer, moved to approve the budget adjustment as presented. The motion passed unanimously.

County Attorney's Office for Contracted Outside Legal Services, budget adjustment cost \$187,000.00.

Commissioner discussion regarding reductions to contributions to pension fund what relates to enterprise funding.

Commissioner Harvey, seconded by Commissioner Wagner, moved to approve the budget adjustment as presented. The motion passed unanimously. 3-1. Commissioner Keefer abstained.

Information and Technology Systems for Unplanned Software cost approved on April 25, 2023, budget adjustment amount of \$227,500.00.

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

Redistribute FY23 Budgeted Costs to Reallocate Vacancy Savings between Several Departments, this budget adjustment has no financial impact.

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

Parks and Recreation Capital Improvement FY23 Budget Adjustment to park bathrooms renovations project to the park project from the park equipment servicing project, budget adjustment amount \$25,000.00.

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

CLOSED SESSION

Commissioner Wagner, seconded by Commissioner Harvey, moved to convene in closed session at 10:56 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 a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State and To consult with counsel to obtain legal advice on a legal matter.

In closed session, the Commissioners discussed Boards and Commissions appointments, personnel matters, assignments, vacancies, and contractual matters.

Present during closed session were Commissioners Jeffrey A. Cline, Derek Harvey, Wayne K. Keefer, and Randall E Wagner. Also present was Dawn Marcus, County Clerk and Kirk C. Downey, County Attorney, Michelle Gordon, Acting County Administrator; Also present at various times, were: Kendall Desaulniers, Deputy County Attorney/Interim Human Resources Director; Joshua O'Neal, Director Information Systems; Kelce Mace, Interim Chief Financial Officer; Mark Bradshaw, Director Environmental Management, Davina Yutzy, Deputy Director Water Quality.

RECONVENE IN OPEN SESSION

Commissioner Wagner, seconded by Commissioner Harvey, moved to reconvene in open session at 11:56 a.m. The motion passed unanimously.

SECOND STAFF COMMENTS

Kendall Desaulniers, Deputy County Attorney and Interim Human Resources Director presented the recommendation to hire Michael Loudenslager to the position of Senior IT Service Specialist, Information Systems at a Grade 14, Step 16, salary \$91,125.00/annually.

Commissioner Wagner, seconded by Commissioner Harvey, moved to approve the hire of Michael Loudenslager as presented. The motion passed unanimously.

Kelce Mace, Interim Chief Financial Officer; Michelle Gordon, Acting County Administrator presented the recommendation to approve the transfer of two positions Deputy Directory of Information Systems Software Support and Training and the Software Support Specialist from the IT Department to the Budget and Finance Division.

Commissioner Wagner, seconded by Commissioner Harvey, moved to approve the transfer of the two positions as presented. The motion passed unanimously.

Dawn Marcus, County Clerk, presented the recommendation to re-appoint Marcia South to serve to serve a third three-year term from September 1, 2023, through August 31, 2026, as Department of Aging Representative on the Adult Public Guardianship Review Board. This is not a paid board.

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

Dawn Marcus, County Clerk, presented the recommendation to re-appoint Jennifer Sprecher to serve to serve a third three-year term from September 1, 2023, through August 31, 2026, as Disabilities Professional Representative on the Adult Public Guardianship Review Board. This is not a paid board.

Commissioner Wagner, seconded by Commissioner Harvey, moved to approve the appointment of Jennifer Sprecher as presented. The Motion passed unanimously.

Dawn Marcus, County Clerk, presented the recommendation to reappoint Dana Pentoney to serve to serve a first full three-year term from July 1, 2023, through June 30, 2026, on the Social Services Board. This is not a paid board.

Commissioner Keefer, seconded by Commissioner Harvey, moved to approve the appointment of Dana Pentoney as presented. The Motion passed unanimously.

Dawn Marcus, County Clerk, presented the recommendation to appoint both Erika Bell and Marci Corea to serve to serve first three-year terms from July 1, 2023, through June 30, 2026, on the Social Services Board. This is not a paid board.

Commissioner Wagner, seconded by Commissioner Keefer, moved to approve the appointments of Erika Bell and Marci Corea as presented. The Motion passed unanimously.

ADJOURNMENT

Commissioner , Wagner, seconded by Commissioner Harvey, moved to adjourn at 12:14 p.m. The motion passed unanimously.



Dawn L. Marcus, *County Clerk*