



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

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

**November 17, 2020 (revised)**

#### **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 Jeffrey A. Cline called the regular meeting of the Board of County Commissioners of Washington County, Maryland, to order at 10:07 a.m. at 100 West Washington Street, Room 1113, Hagerstown, Maryland, with the following members present: Vice-President Terry L. Baker, Commissioner Wayne K. Keefer, Commissioner Randall E. Wagner, and Commissioner Cort F. Meinelschmidt.

#### **APPROVAL OF MINUTES**

Commissioner Wagner, seconded by Commissioner Baker, moved to approve the minutes of November 3, 2020. The motion passed unanimously.

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

Vice-President Baker wished all a safe Thanksgiving and shared his thoughts on the rising COVID-19 numbers.

Commissioner Keefer shared his appreciation for those citizens attending for comments. Additionally, he thanked all Veterans who served to protect our Country.

Commissioner Meinelschmidt echoed Commissioner Keefer's comments.

Commissioner Wagner thanked those in attendance during today's meeting.

President Cline recognized several local Veteran's events and thanked all for their service; he made special note of Vietnam Veterans Monument in Hagerstown; also adding that he and his father attended the Veterans event at the Williamsport American Legion, Post 202. Additionally, President Cline announced that Governor Hogan will be having a press conference at 2pm today to discuss COVID-19 Pandemic.

#### **STAFF COMMENTS**

##### **Boards and Commissions**

##### **Agricultural Education Center**

Commissioner Baker, seconded by Commissioner Meinelschmidt, moved to appoint/reappoint the following members: reappoint Dave Moore, Darren Olden, Mike Starliper, and Jeffrey Semler each to serve a second term from November 1, 2020 through October 31, 2023; reappoint Dennis Reeder to serve a fourth term from October 1, 2020 through September 30, 2023 with approval for exception to the two-term limit as outlined in the by-laws; and to appoint Ryan Shank to serve a first term from November 1, 2020 through October 31, 2023. This is NOT a paid board.

##### **County Attorney / Interim County Administrator**

Kirk Downey presented a request from MACO requesting Commissioner representation for the 2021 General Assembly Session. The Commissioners reached a consensus to select Commissioner Meinelschmidt and President Cline as alternate.



The Commissioners reached a consensus to permit the Interim County Administrator to permit County Offices to close at 1pm on November 25<sup>th</sup> in observance of the Thanksgiving holiday. Those departments considered essential will be compensated.

### **CITIZENS PARTICIPATION**

Robert Bowman thanked the Commissioners for their consideration regarding the matter of the 2A Resolution presentation.

Timothy Gargana shared his support for the 2A Resolution matter.

### **SECOND AMENDMENT RESOLUTION**

Timothy and Rebecca Hafer requested approval and adoption of a Resolution Expressing Support of the Second Amendment of the United States Constitution Declaring Washington County a Second Amendment Sanctuary; which would provide individuals the right to keep and bear arms.

Commissioner Meinelschmidt, seconded by Commissioner Wagner, moved to approve and adopt the Resolution as presented. The motion passed unanimously.

(Resolution No. RS-2020-34 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the originals are in the County Commissioners' Office.)

### **PUBLIC HEARING: SOLID WASTE MANAGEMENT AND RECYCLING PLAN TEXT AMENDMENT (SW-20-001)**

President Cline convened a public hearing at 10:33 a.m. to obtain public comment regarding the Solid Waste Management and Recycling Plan Text Amendments, as passed during the 2019 Maryland General Assembly, which required Counties to include Office Recycling Plans into its Solid Waste Management and Recycling Plans.

The matter of record will remain open for public comment until November 23, 2020 at 4:30 p.m. Those wishing to make comment may do so prior to that date through the County Clerk at [khart@washco-md.net](mailto:khart@washco-md.net).

Jill Baker, Director, Planning & Zoning, provided the Board with a brief overview of the requirements, adding that the Maryland Department of Environment has found the amendments to be consistent with the requirements of the legislation.

The Public Hearing was opened for Commissioner comments.

The Commissioners took no action at this time and instructed staff to return at a later date.

### **ABANDONMENT OF RIGHT-OF-WAY**

Todd Moser, Real Property Administrator, presented the recommendation to abandon a portion of right-of-way fronting the AC&T property in Big Pool, Maryland. Mr. Moser described the right-of-way as a 25 feet wide strip of land formally known as Big Pool Road/Route 56 and shared that it has not been used as public access for over twenty (20) years since the redevelopment of land and construction of the entrance to AC&T.

Vice-President Baker shared that the matter should be considered under a Public Hearing. Commissioner Keefer shared that the matter should be opened for public comment; he has requested additional information from developer.

Commissioner Wagner, seconded by Commissioner Meinelschmidt, moved approve the abandonment of the right-of-way as presented; motion withdrawn. The Commissioners instructed staff to return with additional information pertaining to this request.



**SELECTION OF WASHINGTON COUNTY BOARD OF EDUCATION MEMBER**

Pursuant to Section 3-1301(e)(8) of the Education Article of the Annotated Code of Maryland, Commissioner Meinelschmidt moved, seconded by Commissioner Keefer, to appoint Darrell Evans to fill the current vacancy on the Washington County Board of Education. The motion passed unanimously.

**FY21 BUDGET ADJUSTMENTS TO THE WASHINGTON COUNTY BOARD OF EDUCATION'S GENERAL FUND BUDGET**

Jeffrey Proulx, Chief Operating Officer, and David Brandenburg, Executive Director of Finance, Washington County Public Schools presented for approval, the Budget Adjustments to the Board of Education's (BOE) Fiscal Year 2021 (FY21) General Fund Budget. Mr. Proulx reviewed the changes to the budget as approved by the BOE on November 3, 2020.

Commissioner Wagner, seconded by Commissioner Baker, moved to approve the requested adjustments to the BOE's FY21 General Fund Budget as presented. The motion passed unanimously.

**PRESENTATION OF THE JUNE 30, 2020 AUDITED FINANCIAL STATEMENTS**

Christopher Lehman, Partner, SB and Company, provided the Board with a report of the audit opinion for financial statements ending June 30, 2020.

**FISCAL YEAR 2020 YEAR END REPORT**

Sara Greaves, CFO, provided the Commissioners with information on the FY20 Year End Revenue / Expenditure reporting.

**HAGERSTOWN COMMUNITY COLLEGE/DIVISION OF EMERGENCY SERVICES  
PARAMEDIC PROGRAM UPDATE**

Dave Hays, Director, Dave Chisholm, Assistant Director, Division of Emergency Services, and Dr. James Klauber, President, Hagerstown Community College (HCC), provided an update on the matter of determination by HCC staff through fiscal and enrollment evaluations that it would no longer provide paramedic level education as a primary component of the educational platform. Mr. Klauber shared that HCC Administration has contacted the Division of Emergency Services to seek interest in the potential partnership with HCC to continue to provide paramedic level education. Mr. Hays discussed potential costs, locations, staff needed, and proposed timeline. Additionally, he shared that today's discussion was to provide information to the Commissioners which would help to identify and evaluate future opportunities at the paramedic level education throughout Washington County.

The Commissioners reached a consensus to move forward with the development of said plan and provided additional direction to staff.

**ENVIRONMENTAL MANAGEMENT ADVISORY COMMITTEES' RECOMMENDATIONS  
FOR WASTE MANAGEMENT ALTERNATIVES**

Brock Shriver, Chair, and Dave Mason, Deputy Director, Solid Waste, presented for acceptance the Committee's recommendations of a three-point strategy which includes: 1) to expand Washington County's current recycling program; 2) to expand Washington County's current composting program, and 3) to explore palletization options. Mr. Mason requested approval to release a Request for Quotes to follow through with this recommendation.

The Commissioners instructed staff to continue with working on the initiatives and to request appearance before the Board for official vote once complete.



**NATHANIAL AND NATALIE KRAFT RURAL LEGACY PROGRAM EASEMENT**

Chris Boggs, Land Preservation Planner, Planning & Zoning, recommended approval of the Nathaniel and Natalie Kraft Rural Legacy Program (RLP) Easement Project in the amount of \$104,896.95 for 43.89 easement acres located on Mt. Carmel Church Road, Keedysville, and to adopt an ordinance approving the easement purchase and to authorize the execution of the necessary documentation to finalize the easement purchase. RLP funding is 100% State funds; the County receives up to 3% of the easement value for administrative costs, a mandatory 1.5% for compliance/monitoring costs, and funds to cover all its legal/settlement costs.

Commissioner Baker, seconded by Commissioner Meinelschmidt, moved to approve the Kraft Rural Legacy Easement Project of \$104,896.95, to adopt an ordinance approving the purchase of the easement, and to authorize the execution of all necessary documents required to affect the easement purchase. The motion passed unanimously.

(Ordinance No. ORD-2020-33 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is in the County Commissioners' Office.)

**INTERGOVERNMENTAL COOPERATIVE PURCHASE (INTG-20-0051) PERSONAL PROTECTIVE EQUIPMENT FOR DIVISION OF EMERGENCY SERVICES**

Brandi Naugle, Buyer, Purchasing, and Dave Hays, Director of Emergency Services, recommended approval by resolution, the purchase of fifty (50) sets of Personal Protective equipment for the Division of Emergency Services from Witmer Public Safety Group, Inc., Williamsport, Maryland at contracted unit prices totaling \$143,966.50 based on the contract awarded by the State of New Jersey contract (Solicitation #17DPP00100; New Jersey Contract T0790). Funds are budgeted in the departments operating account 599999-10-11525.

Commissioner Baker, seconded by Commissioner Meinelschmidt, moved to approve by resolution, the purchase of fifty sets of Personal Protective equipment from Witmer Public Safety Group through an Intergovernmental Cooperative Purchase Agreement as presented. The motion passed unanimously.

(Resolution No. RS-2020-35 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is located in the County Commissioners' Office.)

**CONTRACT AWARD (PUR1476) FOR GASOLINE AND DIESEL FUEL DELIVERIES**

Ms. Naugle presented the recommendation to award the Gasoline and Diesel Fuel Deliveries contract (PUR1476) under Option No. 1, as four (4) separate contracts to the responsive, responsible bidders who submitted the lowest bids:

1. Contract for gasoline tank-wagon deliveries to A. C. & T. Company, Inc of Hagerstown, MD, \$108,772.80,
2. Contract for gasoline transport deliveries to Petroleum Traders Corporation of Fort Wayne, IN, \$505,518.99,
3. Contract for diesel tank-wagon deliveries to A. C. & T. Company, Inc of Hagerstown, MD, \$89,982.50,
4. Contract for diesel transport deliveries to Mansfield Oil Company of Gainesville, GA, \$783,326.32.

The contracts will be for a one (1) year term with no option to renew; contract period to tentatively start on December 1, 2020 and end November 30, 2021. Ms. Naugle stated this will be a requirement contract and the County guarantees neither a maximum nor a minimum quantity. Funds are budgeted in various



accounts for this purchase. The recommendations are for the County's requirements only; the City of Hagerstown and Board of Education shall make its awards independently from the County.

Commissioner Wagner, seconded by Commissioner Keefer, moved to approve Option 1 for Contract PUR1476 to the responsive, responsible bidders as presented. The motion passed unanimously.

**BID AWARD (PUR1475) SWIMMING POOL AND WATER/WASTEWATER TREATMENT CHEMICALS**

Ms. Naugle, Mark Bradshaw, Deputy Deputy Director, Environmental Management, Water Quality, and Davina Yutzy, Deputy Director, Operations, recommended award of the bids for Swimming Pool and Water/Wastewater Treatment Chemicals (PUR1475) to the responsive, responsible bidders with the lowest bids. The following bid awards were recommended as specified:

<b>Item#10B</b> – Sulfuric Acid (110 Gallons)	George S. Coyne Co., Croydon, PA	\$6.0281/gal.	55-gallon drum
<b>Item#10B</b> – Sulfuric Acid (Gallon Bulk)	NO BID		
<b>Item #12</b> – Sodium Hypochlorite (6050 Gallons)	Chemstream, Inc – Homer City, PA	\$1.98/gal.	55-gallon drum
<b>Item #14</b> – Caustic Soda (Sodium Hydroxide) (11,935 gallons)	Chemstream, Inc – Homer City, PA	\$1.45/gal.	55-gallon drum
<b>Item #16A</b> – Hydrofluosilic Acid (H <sub>2</sub> SiF <sub>6</sub> ) (75 gallons)	George S. Coyne Co., Croydon, PA	\$9.0429/gal.	15-gallon pail
<b>Item #16B</b> – Hydrofluosilic Acid (H <sub>2</sub> SiF <sub>6</sub> ) (165 gallons)	George S. Coyne Co. Croydon, PA	\$4.9149/gal.	55-gallon drum
<b>Item #17A</b> – DelPac 2000 (Polyaluminum Chloride Hydroxide Sulfate Solution) 144,000 Pounds	USALCO Baltimore, MD	\$0.1448/lb.	Bulk Pounds
<b>Item #19</b> – Sodium Hypochlorite (2,585 gallons)	Chemstream, Inc., Homer City, PA	\$1.85/gal.	55-Gallon Drum
<b>Item #20</b> – Cyanuric Acid (100-200 pounds)	Amato Industries Inc. Silver Spring, MD	\$1.50/lb.	Pound
<b>Item #21</b> – Calcium Chloride (500 – 600 pounds)	Amato Industries Inc. Silver Spring, MD	\$0.48/lb.	Pound
<b>Item #22</b> – Muriatic Acid (20-40 Pounds)	Amato Industries Inc. Silver Spring, MD	\$20.00/lb.	Pound
<b>Item #24</b> – DelPAC 2020 (Polyaluminum Hydroxychlorosulfate Solution) 990 Drums	Chemstream, Inc., Homer City, PA	\$4.15/lb.	55-gallon drums
<b>Item #29</b> – Bacterial Enzymatic Powder (1,500 pounds)	Maryland Chemical Co, Inc. Baltimore, MD	\$9.18/lb.	Pound
<b>Item #32</b> – DelPAC 2000 (Aluminum Chloride Hydroxide Sulfate) (220 gallons)	Chemstream, Inc., Homer City, PA	\$4.15/gal.	55-gallon drums
<b>Item #33</b> – Liquid Aluminum Sulfate (8,000 gallons)	Thatcher Co.of NY, Inc., Salt Lake City, UT	\$1.64/gal.	Gallon Bulk
<b>Item #34</b> – Micro C 2000 (11,520 pounds)	George S. Coyne Co., Croydon, PA	\$3.6403/lb.	Pound Bulk
<b>Item #37</b> – Magnetite (210,000 pounds)	Gasochem International LLC, Houston TX *	\$0.45/lb	Pound Bulk

**\*Non-Responsive Bid (did not meet specification)**

The contract term is for one (1) year period with no option for renewals, tentatively beginning December 1, 2020 and ending November 30, 2021 with no option for renewal. The recommendations



are for the County's requirements only; the City of Hagerstown and the Town of Boonsboro shall make its awards independently from the County.

Commissioner Baker, seconded by Commissioner Keefer, moved to award the bids for contract PUR1475 to the responsive, responsible bidders with the lowest bids specified above. The motion passed unanimously.

**ENHANCED NUTRIENT REMOVAL AT WASHINGTON COUNTY'S WASTEWATER TREATMENT PLANT**

Mark Bradshaw, Deputy Director, Engineering Services, Division of Environmental Management, recommended approval for Change Order number 16 and to increase the contract with Buchart Horn, in the amount of \$335,974. Mr. Bradshaw outlined the reasons for the increased and decreased line items in the contract with Buchart Horn for the Enhanced Nutrient Removal at the Washington County's Wastewater Treatment Plant, PUR-977.

Commissioner Baker, seconded by Commissioner Wagner, moved to approve the Change Order as presented, in the total amount of \$335,974. The motion passed unanimously.

**INTERGOVERNMENTAL COOPERATIVE PURCHASE (INTG-20-0052) e-PLAN SOFTWARE, PLAN REVIEW & PERMITTING**

Josh O'Neal, Director, Information Systems, Ashley Holloway, Director, Plan Review & Permitting, and Rich Eichelberger, Director, Construction, recommended approval by resolution, the purchase of software and technical services in the amount of \$117,360 from ePlanSoft, Irvine, California, contingent upon successful award of a contract by the City of Chula Vista, CA (Solicitation #P03-20/21 Electronic Plan Review Software Solution) to e-PlanSoft. Funds are available from the CARES Act grant, specifically set aside for improvements to teleworking infrastructure and improvements to online citizen services throughout the COVID19 Pandemic.

Commissioner Baker, seconded by Commissioner Keefer, moved to approve by resolution, the purchase of software and technical services in the amount of \$117,360 utilizing funds as provided in the CARES Act grant. The motion passed unanimously.

(Resolution No. RS-2020-36 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is located in the County Commissioners' Office.)

**MICROSOFT OFFICE 365 ANNUAL SOFTWARE LICENSE SUBSCRIPTION RENEWAL**

Mr. O'Neal requested approval to renew the Microsoft Office 365 Annual Software License Subscriptions in the total amount of \$127,807.17 from Software House International, Somerset, New Jersey based on its quote dated November 3, 2020 utilizing Capital Improvement budgeted funds.

Commissioner Keefer, seconded by Commissioner Meinelschmidt, moved to approve the Microsoft Office 365 Annual Software License Subscription, as presented. The motion passed unanimously.

**PURCHASE OF MICROSOFT TEAMS TELEPHONY INTEGRATION LICENSING**

Mr. O'Neal, and Rick Curry, Director, Purchasing, recommended approval by Resolution, the sole source procurement of licensing in the amount of \$50,488 from Software House International, Somerset, New Jersey, based on its quote dated October 27, 2020 utilizing CARES Act grant funding.

Commissioner Meinelschmidt, seconded by Commissioner Wagner, moved to approve the Microsoft Teams Telephone Integration Licensing, as presented. The motion passed unanimously.



**PURCHASE OF DELL POWEREDGE R740XD SERVER PRODUCT (PUR1482)**

Mr. O'Neal and Mr. Curry recommended award of the procurement of ten (10) Dell 740xd servers to the low responsible bidder, MNJ Technologies Director, Inc., Buffalo Grove, IL based on their proposal to the published request for bids in the amount of \$348,006.40 utilizing CARES Act grant funding for this purpose.

Commissioner Meinelschmidt, seconded by Commissioner Keefer, moved to approve the purchase of ten (10) Dell Servers, as presented. The motion passed unanimously.

**PURCHASE POLY TELEPHONY PRODUCTS (PUR1483)**

Mr. O'Neal and Mr. Curry recommended award of the procurement of Poly Telephony products to the lowest responsive bidder Teltek, based on its proposal to the published request for bids in the amount of \$121,432.20 utilizing CARES Act grant funding.

Commissioner Meinelschmidt, seconded by Commissioner Keefer, moved to approve the purchase Poly Telephone Products, as presented. The motion passed unanimously.

**BRUCE BEREANO LOBBYIST REQUEST**

Kirk Downey, County Attorney / Interim County Administrator presented the Commissioners with a letter from Bruce Bereano requesting to represent the County during the 2021 General Assembly session in Annapolis, in the amount of \$10,000.

Commissioner Meinelschmidt, seconded by Commissioner Wagner, moved to approve the request for representation during the 2021 General Assembly in the amount of \$10,000 as presented. The motion passed (3-2, Commissioner Baker and Commissioner Keefer voted "NAY").

**CONVENE AS THE BOARD OF HEALTH**

Commissioner Wagner, seconded by Commissioner Meinelschmidt, moved to convene as the Board of Health at 12:19 p.m. The motion passed unanimously.

**CONTRACT AMENDMENT TO CARES ACT 2020 MERITUS HEALTH**

Earl Stoner, Health Officer, and Daniel Triplett, Administrator, recommended approval of a contract amendment to the CARES Act Meritus Health contract for supplies and equipment purchased by Meritus Health specifically to address the COVID-19 Pandemic. Mr. Stoner shared that Meritus Health was previously awarded a \$6,000,000 grant using CARES Act funds for reimbursement of COVID-19 related supplies, equipment, testing and personnel costs; an amendment has been presented to grant an additional \$700,000 to Meritus Health with same conditions as previously awarded.

Commissioner Meinelschmidt, seconded by Commissioner Wagner, moved to approve the award of \$700,000 to Meritus Health under the CARES Act grant funding as presented. The motion passed unanimously.

**RECONVENE AS THE BOARD OF COUNTY COMMISSIONERS**

Commissioner Wagner, seconded by Commissioner Baker, moved to reconvene as the Board of County Commissioners at 12:23 p.m. The motion passed unanimously.

**CONVENE IN CLOSED SESSION**

Commissioner Meinelschmidt, seconded by Commissioner Wagner, moved to convene in closed session at 12:24 p.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, in accordance with Sections 3-305(b) (1) of the General Provisions Article of the Annotated Code of Maryland. The motion passed unanimously.

In closed session, the Commissioners discussed the potential appointment of a specific individual or individuals to boards and commissions over which the Board has jurisdiction; as well as the employment, recruitment, possible termination and/or assignment of County personnel and the potential filling of certain personnel vacancies; the Board provided staff direction in regards thereto.

Present during closed session were Commissioners Jeffrey A. Cline, Randy E. Wagner, and Wayne K. Keefer. Also present were Kirk C. Downey, County Attorney/Interim County Administrator; Krista L. Hart, County Clerk, and at various times, Deb Condo, Deputy Director, Human Resources; Mark Bradshaw, Deputy Director, Environmental Management; Davina Yutzy, Deputy Director, Water Quality; Dave Hays Director, Emergency Services; and Dave Chisholm, Assistant Director, Emergency Services.

#### **RECONVENE IN OPEN SESSION**

Commissioner Meinelschmidt, seconded by Commissioner Wagner, moved to reconvene in open session at 12:18 p.m. The motion passed unanimously.

#### **ADJOURNMENT**

Commissioner Meinelschmidt, seconded by Commissioner Baker, moved to adjourn at 12:18 p.m. The motion passed unanimously.

  
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Krista L. Hart, County Clerk