



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

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

**June 8, 2021**

#### **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. Vice-President Baker offered support and prayers to President Cline and his father.

#### **CALL TO ORDER**

Vice-President Terry L. Baker called the regular meeting of the Board of County Commissioners of Washington County, Maryland, to order at 9:06 a.m. at 100 West Washington Street, Hagerstown, Maryland, with the following members present: Commissioner Wayne K. Keefer, Commissioner Randall E. Wagner, and Commissioner Charles A. Burkett; President Jeffrey A. Cline was absent.

#### **APPROVAL OF MINUTES**

Commissioner Burkett, seconded by Commissioner Keefer, moved to approve the minutes of May 25, 2021. The motion passed unanimously 4-0, Commissioner Cline was absent).

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

*The Commissioners shared information on various events each attended throughout Washington County.*

*Additionally, the Commissioners shared their thoughts and prayers for the Cline family.*

Commissioner Keefer congratulated the recent graduates of the Washington County Public School system and all private schools. Additionally, he thanked all those involved in supporting efforts for the Cascade and Hancock Schools to remain open; to include the Board of Education members who voted in favor of said action. He shared that line stripping is currently underway on the County roadways and asked all the remain patient should they be behind a paint truck. Additionally, Commissioner Keefer toured the Pittsburgh Institute of Aeronautics (PIA) and thanked all involved in the successful tour.

Commissioner Burkett attended and spoke at the Board of Educations Public Meetings and thanked the Board of Education for arriving at an early vote to allow the schools to remain open.

Commissioner Wagner shared his condolences for the family of Chris Boggs for the loss of his father, Dean Boggs, and Billy Routzhan, Highway Department for the loss of his son. He shared information on several Memorial Day events he attended and the success of each event. Additionally, Commissioner Wagner thanked Susan Small, Director, Business Development, for her presentation at Eggs & Issues conference.

Vice-President Baker thanked the community for all the successful Memorial Day events and thanked the School Board for the decision to allow the Cascade and Hancock schools to remain open.

#### **STAFF COMMENTS**

##### **Human Resources**

Larry Etchison, Director, recommended approval to promote Chris Boggs to Rural Land Preservation Administrator, Grade 15, Step 7, \$69,846.



Commissioner Wagner, seconded by Commissioner Keefer, moved to approve the increase as presented. The motion passed unanimously (4-0, Commissioner Cline was absent).

Mr. Etchison recommended approval to promote Eric Miklosovich to Project Manager, Engineering, Grade 13, Step 2 \$52,915.

Commissioner Keefer, seconded by Commissioner Wagner, moved to approve the promotion as presented. The motion passed unanimously (4-0, Commissioner Cline was absent).

### **Budget & Finance**

Sara Greaves, CFO, discussed the rate for Semi-Annual Service Fee, which is currently set at .03% and supported Todd Hershey's, Treasurer, recommendation of eliminating this fee for FY22.

Commissioner Wagner, seconded by Commissioner Burkett, moved to approve eliminating this fee for FY22 as presented. The motion passed unanimously 4-0 (Commissioner Cline was absent).

### **County Clerk**

#### **Washinton County Public Golf Corporation (Black Rock Golf Course)**

Commissioner Wagner, seconded by Commissioner Keefer, moved to accept the recommendation to appoint Richard Block to serve a first three-year term from June 1, 2021 through May 31, 2024; appoint Michael Harsh to serve a first three-year term from June 1, 2021, through May 31, 2024; and to reappoint Scott Matheny to serve a second three-year term from February 1, 2021 through January 31, 2024; this is not a paid board. The motion passed unanimously 4-0 (Commissioner Cline was absent).

### **County Administrator**

John Martirano passed on condolences to Billy Routzhan and family during the passing of their son, and Chris Boggs for the passing of his father and prayers for the father of President Cline. Additionally, he informed the Commissioner's that it is his intent to open county buildings effective June 14<sup>th</sup>; Mr. Martirano welcomed Tom Brown, Emergency Manager, to provide a brief update regarding the matter.

Tom Brown, Emergency Manager, shared that the EOC will be returning to normal operations and recommended that the Commissioners rescind the Declaration of Emergency effective June 14<sup>th</sup>.

Commissioner Keefer, seconded by Commissioner Burkett, moved to rescind the Declaration of Emergency effective June 14<sup>th</sup> as presented. The motion passed 4-0 (Commissioner Cline was absent).

### **CITIZEN PARTICIPATION**

Roger Vincent, 16845 Longfellow Court, Hagerstown, shared his opposition to the mobile home tax fee.

Steven McDonough, 16906 Pickwick Lane, Hagerstown, shared his opposition to the mobile home tax fee.

### **DISCUSSION OF NON-PROFIT REQUESTS FOR REDUCED FEES – BLACK ROCK GOLF COURSE**

Selena Wilkes, Richard Block, and Randy Dick, Board of Directors, Washington County Public Golf Course, shared information regarding reduced fees at the Black Rock Golf Course for non-profit organizations. Ms. Wilkes referenced discussion held during the Open Session meeting of the Board of County Commissioners of May 25<sup>th</sup> in which user fees for the golf course had been



reduced for the Senior Center and shared the lack of support from the Board of Directors of the Black Rock Golf Course.

**FY22 SCHOOL BASED HEALTH CENTER GRANT – APPROVAL TO SUBMIT APPLICATION AND ACCEPT AWARDED FUNDING**

Allison Hartshorn, Grant Manager, Office of Grant Management, requested approval to submit a grant application for the FY22 School Based Health Center Grant Program to the Maryland State Department of Education in the amount of \$200,384 and to accept awarded funding. Funding in the amount of \$10,019 is included in the award for County administrative support.

Commissioner Wagner, seconded by Commissioner Keefer, moved to approve the submission of a grant application for the FY22 School Based Health Center Grant in the amount of \$200,384 and to accept the funding as awarded. The motion passed 4-0 (Commissioner Cline was absent).

**OFFICE OF PROBLEM-SOLVING COURTS DISCRETIONARY GRANT – APPROVAL TO SUBMIT APPLICATION AND ACCEPT AWARDED FUNDING**

Ms. Hartshorn, and Kristin Grossnickle, Court Administrator, Circuit Court, requested approval for the submission of a \$195,000 application for the FY22 Office of Problem-Solving Courts Discretionary Grant, and to accept funding as awarded. The Grant would assist with the operation of the Adult Drug Court Program, which will provide supervision and access to services for court involved, substance dependent participants.

Commissioner Keefer, seconded by Commissioner Wagner, moved to approve the submission of the FY22 Office of Problem-Solving Courts Discretionary Grant application of \$195,000 and to accept the funding as awarded. The motion passed 4-0 (Commissioner Cline was absent).

**REQUEST FOR APPROVAL FOR DRUG COURT CASE MANAGER POSITION**

Ms. Grossnickle, and Jennifer Bricker, Drug Court Coordinator, Circuit Court, requests approval for a position titled Drug Court Case Manager, and to fill said position by appointment of the Administrative Judge of the Circuit Court. Ms. Grossnickle shared that the Office of Problem-Solving Courts Discretionary Grant has provided approval for funding of a part-time Case Manager for the Adult Drug Court program. The grant will currently cover the position equivalent to a Grade 12, Step 1 on the county salary scale at a maximum of 32 hours per week with no benefits.

Commissioner Wagner, seconded by Commissioner Keefer, moved to approve the position of Drug Court Case Manager, and to fill said position by appointment as presented. The motion passed 4-0 (Commissioner Cline was absent).

**CONTRACT AWARD (PUR1499) GROUNDS MAINTENANCE FOR VARIOUS COUNTY DEPARTMENTS**

Brandi Naugle, Buyer, Purchasing, and George Sweitzer, Assistant Superintendent, Black Rock Golf Course, recommended award of the contract to the responsible companies with the responsive lowest bids that meet the specifications for each chemical item. The contract provides the needed chemicals for the Black Rock Golf Course, Highway Department, and Department of Water Quality. The City of Hagerstown may also utilize the contract. The contract term is for one year tentatively commencing July 1, 2021, and ending June 30, 2022. The Commissioners drew lots to award the procurement in the case of tie bids for Items No. 13, 20, 27, 28, and 35, pursuant to Section 2.9 of the Washington County Purchasing Policy.



#	Vendor	Unit	FY21\$	#	Vendor	Unit	FY20\$
1	Nutrien Ag Solutions	Gallon	\$499.99	20	Site One Landscape	Case	\$1526.40
2	Nutrien Ag Solutions	Gallon	\$ 42.29	21	Helena Agri Enterprises	Gallon	\$ 14.00
3	Nutrien Ag Solutions	Gallon	\$ 42.29	22	Helena Agri Enterprises	Gallon	\$335.00
4	Helena Agri Enterprises	Gallon	\$293.00	23	Nutrien Ag Solutions	Gallon	\$ 42.99
5	Helena Agri Enterprises	Gallon	\$116.00	24	Nutrien Ag Solutions	Gallon	\$ 21.99
6	Helena Agri Enterprises	Gallon	\$ 38.40	25	Helena Agri Enterprises	Gallon	\$133.00
7	Helena Agri Enterprises	Pound	\$ 14.00	26	Nutrien Ag Solutions	Gallon	\$ 16.17
8	Site One Landscape	Gallon	\$ 44.48	27	Nutrien Ag Solutions	Gallon	\$554.00
9	Nutrien Ag Solutions	Gallon	\$ 33.40	28	Site One Landscape	Case	\$2300.00
10	Helena Agri Enterprises	Gallon	\$ 44.00	29	Nutrien Ag Solutions	Gallon	\$299.99
11	Helena Agri Enterprises	Pound	\$ 68.50	30	Helena Agri Enterprises	Gallon	\$118.00
12	Nutrien Ag Solutions	Pound	\$ 7.77	31	Helena Agri Enterprises	Pounds	\$ 31.81
13	Site One Landscape	Gallon	\$438.00	32	Helena Agri Enterprises	Gallon	\$137.00
14	Helena Agri Enterprises	Gallon	\$ 49.55	33	Helena Agri Enterprises	Gallon	\$ 4.15
15	Helena Agri Enterprises	Case	\$375.00	34	Site One Landscape	Gallon	\$212.00
16	Site One Landscape	Gallon	\$ 57.06	35	Nutrien Ag Solutions	Case	\$1063.00
17	Site One Landscape	Gallon	\$ 43.05	36	Site One Landscape	Gallon	\$ 75.00
18	Helena Agri Enterprise	Gallon	\$102.00	37	Nutrien Ag Solutions	Gallon	\$ 54.40
19	Helena Agri Enterprise	Gallon	\$138.10				

Commissioner Wagner, seconded by Commissioner Keefer, moved to award the various contracts for Grounds Maintenance for Various County Departments (PUR1499) as presented. The motion passed 4-0 (Commissioner Cline was absent).

#### **FY22 PROGRAM OPEN SPACE ANNUAL PROGRAM**

Andrew Eshleman, Director, Public Works, discussed the FY22 Program Open Space (POS) projects funding as recommended by the Washington County Recreation and Parks Advisory Board. He stated that the anticipated POS allocation for FY22 is \$1,131,771. Mr. Eshleman discussed the program requests and the process.

Andrew Eshleman introduced Chad Rooney, Town Manager, Town of Smithsburg.

Commissioner Wagner, seconded by Commissioner Burkett, moved to approve the Annual FY22 POS Program, as presented and recommended by the Washington County Recreation and Parks Advisory Board. The motion passed 4-0 (Commissioner Cline was absent).

#### **CONSTRUCTION BID AWARD – COMMUNICATION TOWER EXTENSION**

Scott Hobbs, Director, Engineering, and Tom Weber, Deputy Director, Wireless Communications, presented the recommendation to award the bid for the 33/35 West Washington Street Communication Tower Extension contract to the lowest responsive, responsible bidder, Best Endeavors, Inc., Wakefield, Rhode Island, in the amount of \$67,929. The project is a 90 consecutive calendar day contract with an anticipated Notice to Proceed in June 2021 and a completion date in September 2021 and will utilize Capital Improvement Plan Urban Improvement Project (BLD094). The bid documents include liquidated damages in the amount of \$500.00 per calendar day for work beyond the completion date.

Commissioner Wagner, seconded by Commissioner Keefer, moved to award the Communication Tower Extension contract to Best Endeavors, Inc. in the amount of \$67,929, as presented. The motion passed 4-0 (Commissioner Cline was absent).



**CONSTRUCTION BID AWARD – FROG EYE ROAD BRIDGE REPLACEMENT**

Mr. Hobbs presented the recommendation to award the bid for Frog Eye Road Bridge Replacement contract to the lowest responsive, responsible bidder, C. William Hetzer, Inc., Hagerstown, Maryland, in the amount of \$744,955.75. The project is a 180 consecutive calendar day contract with an anticipated Notice to Proceed in June 2021 and a completion date in December 2021 and will utilize budgeted project funds (BRG087). The bid documents include liquidated damages in the amount of \$500.00 per calendar day for work beyond the completion date.

Commissioner Wagner, seconded by Commissioner Keefer, moved to award the Frog Eye Road Bridge Replacement to C. William Hetzer, Inc. in the amount of \$744,955.75, as presented. The motion passed 4-0 (Commissioner Cline was absent).

**CONSTRUCTION BID AWARD – PAVEMENT MAINTENANCE & REHABILITATION PROGRAM FY21 HOT MIX ASPHALT APPLICATIONS SUPPLEMENTARY CONTRACT (MS-PMP-287-28)**

Mr. Hobbs presented the recommendation to award the bid for the Pavement Maintenance & Rehabilitation Program FY21 Hot Mix Asphalt Applications Supplementary contract to the lowest responsive, responsible bidder, Craig Paving, Hagerstown, Maryland, in the amount of 1,777,862.10. The project is a 125 consecutive calendar day contract with an anticipated Notice to Proceed in July 2021 and a completion date in November 2021 and will utilize budgeted project funds (RDI024). The bid documents include liquidated damages in the amount of \$500.00 per calendar day for work beyond the completion date.

Commissioner Burkett, seconded by Commissioner Wagner, moved to award the Pavement Maintenance & Rehabilitation Program FY21 Hot Mix Asphalt Applications Supplementary Contract to Craig Paving in the amount of \$1,777,862.10, as presented. The motion passed 4-0 (Commissioner Cline was absent).

**CONTRACT AWARD (PUR1498) STOP LOSS INSURANCE COVERAGE**

Brandi Naugle, Buyer, Purchasing, Larry Etchison, Director, Human Resources, and Steve Dillman with CBIZ Benefits and Insurance, Inc., recommended award of the contract for Stop Loss Insurance (PUR1498) to the responsive, responsible firm of Highmark, Pittsburg, Pennsylvania, with the lowest price for a total annual premium for Option 2 of \$951,035.04 with specific stop loss at \$175,000 per claimant.

Commissioner Burkett, seconded by Commissioner Keefer, moved to award contract PUR1498 to Highmark in the amount of \$951,035.04, as presented. The motion passed 4-0 (Commissioner Cline was absent).

**SEX OFFENDER COMPLIANCE AND ENFORCEMENT MARYLAND GRANT**

Cody Miller, Quartermaster/Grants Manager, Washington County Sheriff's Office, and Rachel Souders, Senior Grant Manager, Office of Grant Management, recommended approval to submit the grant application for the FY22 Sex Offender Compliance and Enforcement Maryland Grant to the Governor's Office of Crime Control and Prevention in the amount of \$30,348 and to accept funding as awarded. This would provide funding for salaries of two (2) part-time civilian employees, assisting the Sex Offender Registrar.

Commissioner Wagner, seconded by Commissioner Burkett, moved to approve the submission of the grant application for the FY22 Sex Offender Compliance and Enforcement Maryland Grant in



the amount of \$30,348 and to accept funding as awarded. The motion passed 4-0 (Commissioner Cline was absent).

After discussion and two amendments, Commissioner Burkett, seconded by Commissioner Wagner, moved to approve an amount up to \$3,500 from the Commissioners Contingency fund for the Black Rock Golf Course fees for the non-profit agency, Children's Village, the payment will be made directly to the non-profit, Children's Village. The motion passed 4-0 (Commissioner Cline was absent).

*Commissioner Wagner left the meeting at 11:03 a.m. and returned to the meeting at 11:05 a.m.*

### **PUBLIC HEARING: AGRICULTURAL PRESERVATION EASEMENT RANKINGS FY22**

Vice-President Baker convened a Public Hearing at 11:03 a.m. to obtain public comment on the priority ranking of Agricultural Land Preservation Easement Applications, as recommended by the Agricultural Land Preservation Advisory Board. Jill Baker, Director, Planning and Zoning, explained the process and added that if approved, the twelve (12) applicants would be forwarded to the Maryland Agricultural Land Preservation Foundation (MALPF); easements would be purchased in order from the priority list until funds are exhausted. Ms. Baker briefed the Commissioners on each property included in the request.

The public hearing will remain open until 4:30 pm on June 14<sup>th</sup> for public comment by contacting the County Clerk's office at [khart@washco-md.net](mailto:khart@washco-md.net) or by phone at 240.313.2204.

The Commissioners took no action, took the matter under advisement, and asked that it be placed on a future agenda for further consideration.

### **CONVENE IN CLOSED SESSION**

Commissioner Burkett, seconded by Commissioner Wagner, moved to convene in closed session at 11:09 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; 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 comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter, in accordance with Sections 3-305(b) (1), (4), and (13) of the General Provisions Article of the Annotated Code of Maryland. The motion passed unanimously.

In closed session, the Commissioners discussed the filling of certain personnel vacancies and the hiring of certain individuals with specific candidates, to include a position reclassification and business development updates. Additionally, the Commissioners discussed and provided direction to staff and counsel regarding a legal matter.

Present during closed session were Commissioners Terry L. Baker, Wayne K. Keefer, Randall E. Wagner, and Charles A. Burkett; also, present were John M. Martirano, County Administrator; Krista L. Hart, County Clerk, and Kirk C. Downey, County Attorney. Additionally, the following staff members were present at times: Larry Etchison, Director, Human Resources; Susan Small, Director, Business Development; Jennifer Kinzer, Planning & Zoning; Todd Moser, Real Property Administrator, Engineering; and representatives of a business organization looking to expand or remain in the state and county.

**RECONVENE IN OPEN SESSION**

Commissioner Wagner, seconded by Commissioner Burkett, moved to reconvene in open session at 12:34 p.m. The motion passed unanimously.

*The Commissioners recessed at 12:35 p.m. and returned to the meeting at 12:57 p.m.*

Commissioner Keefer, seconded by Commissioner Burkett, moved to reclassify the County Clerk position to a Grade 15, and to promote Krista Hart, County Clerk to the Grade 15, Step 10, \$75,213, and to reclassify the currently budgeted position of Administrative Assistant to the Clerk to a Part-time Office Associate position, Grade 6. The motion passed 3-1 (Commissioner Wagner voted "NAY").

**CERTIFICATE OF RECOGNITION**

The Commissioners presented the Merrbaugh family, owners and operators of Allegany Wrecking and Salvage, with a Certificate of Recognition for their knowledge and expertise in halting demolition of a historical structure on Jonathan Street, Hagerstown. Had it not been for the quick thinking of the team, the structure would have been demolished.

**ADJOURNMENT**

Commissioner Wagner, seconded by Commissioner Burkett, moved to adjourn at 1:16 p.m. The motion passed unanimously.

  
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Krista L. Hart, County Clerk

