



**Board of County Commissioners of Washington County, Maryland**  
***Open Session Minutes***  
**June 22, 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.

**CALL TO ORDER**

President Jeffrey A. Cline called the regular meeting of the Board of County Commissioners of Washington County, Maryland, to order at 9:03 a.m. at 100 West Washington Street, Hagerstown, Maryland, with the following members present: Vice-President Terry L. Baker, Commissioner Wayne K. Keefer, Commissioner Randall E. Wagner, and Commissioner Charles A. Burkett.

**APPROVAL OF MINUTES**

Commissioner Baker, seconded by Commissioner Wagner, moved to approve the minutes of June 15, 2021. The motion passed 4-1 (President Cline abstained).

**COMMISSIONERS' REPORTS AND COMMENTS**

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

Vice-President Baker congratulated Clayton Anders for his recent retirement as Coach, Boonsboro Schools and thanked him for his work with the youth of Washington County.

Commissioner Keefer thanked all County staff for their efforts in dealing with the aftermath of recent storms throughout Washington County. He thanked the Tri-County Council for supporting Washington County by approving several projects in various areas of the County.

Commissioner Burkett thanked County staff for efforts with the road clearing as a result of the storms and asked all to be patient while staff continues to work on clearing the roadways. He also recognized Coach Anders for his achievements.

Commissioner Wagner wished all a Happy Father's Day. He thanked the Rotary Club for a successful event last Wednesday in which Kelly Schultz, Secretary, State of Maryland, attended. He also recognized staff for a remarkable event at Black Rock Golf Course.

President Cline shared that he represented the Commissioner's at the Juneteenth Event at the University Plaza, downtown Hagerstown, and thanked all those involved. Additionally, he thanked all staff of the Highway Department for tree removal, as well as staff of the 911 Center who responded appropriately to the recent storm event.

**STAFF COMMENTS**

**County Clerk**

**Washington County Commission for Women**

Commissioner Wagner, seconded by Commissioner Baker, moved to accept the recommendation to appoint Melissa Wilder to serve a first three-year term from July 1, 2021, through June 30, 2024, this is not a paid board. The motion passed unanimously.

Washington County Board of Zoning Appeals

Commissioner Baker, seconded by Commissioner Keefer, moved to accept the recommendation to reappoint Jay Miller to serve a second three-year term from June 1, 2021, through May 31, 2024, this is not a paid board. The motion passed unanimously.

County Administrator

John Martirano thanked all County employees who assisted with the clean-up from the storm event last evening, to include the City of Hagerstown for prompt response to the power outage at the County Administration Building. Also, he reminded the Board that the next Board of County Commissioner meeting is July 13, 2021.

**APPOINTMENT OF AN ACTING BLUEPRINT IMPLEMENTATION COORDINATOR**

Kirk Downey, County Attorney, provided the Commissioners with an update as to the process of the matter of the appointment for the Blueprint Implementation Coordinator, as recommended by funding requirements for the Kirwan Commission, due by June 30, 2021.

Dr. Boyd Michael, Superintendent of Schools, and Mr. Jeffrey Proulx, Chief Operating Officer, presented the recommendation to appoint Dr. Gary Willow as the acting Blueprint Implementation Coordinator until such a time as additional guidance is received relating to this position and a permanent appointment can be made, as outlined in HB1300 of 2020, and HB1372 of 2021.

Commissioner Keefer, seconded by Commissioner Burkett, moved to accept the recommendation with the inclusion of Sara Greaves, CFO, to represent Washington County in any matters of finance until additional guidance is received and a permanent appointment to the position can be made. The motion passed unanimously.

**CITIZENS PARTICIPATION**

Kristin Aleshire, 1217 Virginia Avenue, Hagerstown, shared concern pertaining to the Local Parks Infrastructure and POS funding, and the potential use of funds. Additionally, he shared concern over the increase of density area in the location of the Robinwood Corridor and the impact it has had on the sustainability of the water supply in that area. He requested that the Board allow the City of Hagerstown to have deliberation on the subject.

**FISCAL YEAR 2021 BUDGET ADJUSTMENTS TO THE WASHINGTON COUNTY BOARD OF EDUCATIONS GENERAL FUND BUDGET**

Mr. Proulx, and David Brandenburg, Executive Director of Finance, Washington County Public Schools presented for approval, 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 June 15, 2021, as outlined.

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

Commissioner Keefer requested that the Washington County BOE provide information as to the intended use of the additional \$1.8 million in funding which has been earmarked for specifically the Cascade Elementary and the Hancock Elementary Schools.

**MAINTAIN DUAL STRUCTURE OF LOCAL AUTHORITIES FOR ADDICTION AND MENTAL HEALTH IN WASHINGTON COUNTY AND NOT INTEGRATE INTO SINGLE LOCAL BEHAVIOR AUTHORITY**

Rick Rock, Director, Washington County Mental Health Authority; Earl Stoner, Health Officer; Vicki Sterling, Local Addiction Authority; and Allen Twigg, Integration Workgroup Representative, presented the recommendation of the Behavior Health Integration Workgroup to maintain the Washington County Mental Health Authority as the Local Mental Health Authority but establish a formal collaborative partnership under the oversight of the Recovery Oriented Systems of Care Committee.

Commissioner Wagner, seconded by Commissioner Baker, moved to accept the recommendation as presented. The motion passed unanimously.

*Vice-President Baker left the meeting at 9:30 a.m. and returned at 9:41 a.m.*

**2020 – 2021 PROPERTY AND CASUALTY INSURANCE RENEWALS**

Tracy McCammon, Risk Management Administrator, Human Resources, and Patrick Buck, CBIZ, presented the recommendation to renew policies in place with Travelers Insurance Company, property and equipment policies with Local Government Insurance Trust, and the airport liability policy with Global Aerospace. Ms. McCammon advised that, excluding the cost for cyber liability, the premiums for FY22 are \$1,386,490; a 7.3% increase of overall coverage but remains within budgeted premiums. Ms. McCammon shared concern for lack of cyber liability coverage due to the Multifactor Authorization (MFA) procedures. Josh O’Neal, Director, Information Systems, shared that the MFA update would be in excess of \$80,000 (excluding the financial systems).

Commissioner Wagner, seconded by Commissioner Burkett, moved to renew policies in place as presented. The motion passed unanimously.

**FIRE COMPANY AUDIT AND AGREED UPON PROCEDURES DISCUSSION**

Sara Greaves, CFO; Dave Hays, Director, Emergency Services; and Richard Hopkins, Emergency Services Advisory Council, recommended approval to immediately suspend funding and reimbursement requests owed to Fire companies who have not been fully responsive to UHY audit and the agreed upon procedure process, and to return in seven (7) to fourteen (14) days to arrive at a consensus on additional charges, fines and/or fees for any company who remains non-compliant following the suspension of funding.

Commissioner Wagner, seconded by Commissioner Keefer, moved to authorize staff to retain reimbursement requests as presented. The motion passed unanimously.

**CITIZEN COMMENT (cont’d)**

Kathy Scott, 17000 Shepherdstown Pike, Sharpsburg MD, discussed needed maintenance to her lane. President Cline assured Ms. Scott that the matter will be addressed (Ms. Scott provided photos).

*The Board of County Commissioners meeting was recessed at 10:07 a.m. until 10:10 am.*

**BID AWARD (PUR1500) PUBLIC SAFETY TRAINING CENTER AUDIO/VISUAL SYSTEM**

Rick Curry, Director, Purchasing, Mr. Hays; and Sheriff Mullendore, recommended award of bid PUR1500 for the Public Safety Training Center Audio/Visual System to the responsible, responsive bidder, Ford Audio – Video Systems, LLC, Tulsa, Oklahoma with the lowest Total Base Bid amount

of \$431,302 and Alternates A through I in the amount of \$657,003.85 for the total sum of \$1,088,305.85. The audio/visual project is a two hundred thirty (230) consecutive calendar day contract with an anticipated Notice to Proceed in July 2021, and completion date in February 2022. Bid documents include liquidated damages in the amount of five hundred (\$500) dollars per calendar day for work beyond the completion date.

Commissioner Baker, seconded by Commissioner Burkett, moved to approve the award of PUR1500 to Ford Audio-Video Systems, LLC in the total amount of \$1,088,305.85, as presented. The motion passed unanimously.

**CONTRACT AWARD (PUR1504) CONSTRUCTION / BUILDING INSPECTION SERVICES REQUIREMENTS CONTRACT**

Mr. Curry and Rich Eichelberger, Director, Construction, recommended award of a primary contract to Development Facilitators, Inc., Millersville, MD (*incumbent*), based on the responsive, responsible proposal dated May 26, 2021, with the lowest price proposal amount of \$167,040; and, as permitted in the in the Request for Proposals (RFP), to award a *stand-by* contract to A. Morton Thomas, of Baltimore, MD (*incumbent*) based on the responsive, responsible proposal dated May 26, 2021 with the next lowest price proposal amount of \$218,200, at the specified unit costs and estimated hours (no minimum or maximum guaranteed). The duration of the contract shall be for a period of two (2) years tentatively to begin June 1, 2021, with an option by the County to renew for up to three (3) additional one (1) year periods. Under the terms of the contract, other political jurisdictions within the County may utilize the services provided as a result of this contract. This is a requirements contract; therefore, services will be utilized on an as-needed basis at the respective hourly unit prices for each class of inspector and at the unit price for each test as specified in their Price Proposals with no guarantee of a maximum or minimum number of hours or tests.

Commissioner Baker, seconded by Commissioner Keefer, moved to approve the award of PUR1504 to Development Facilitators, Inc., Millersville, MD in the total amount of \$167,040, and to award a *stand-by* contract to A. Morton Thomas, Baltimore, MD in the amount of \$218,200 as presented. The motion passed unanimously.

**BID RESULTS/AWARD UPDATE – NATURAL GAS SUPPLY SERVICE TO WASHINGTON COUNTY GOVERNMENT AND WASHINGTON COUNTY VOLUNTEER FIRE AND RESCUE ASSOCIATION OF MD**

Mr. Curry, Richard Anderson, CQI Associates, LLC, and Andrew Eshleman, Director, Public Works, recommended concurrence enter into the record the results of the contract award made on April 18, 2021 to Direct Energy Business Marketing, LLC dba Direct Energy Business of Iselin, NJ of the bid (WCPS Bid #2021-28) for Natural Gas Supply Services at the following rate: Base Bid Price – All-In Fixed Price to the City Gate for 48 months of service tentatively beginning July 1, 2021 at \$0.3734 Per/Therm.

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

**FY2022 LOCAL PARKS AND PLAYGROUND INFRASTRUCTURE STATE FUNDING**

Mr. Eshleman requested authorization for staff to prepare a project funding schedule and budget adjustment for the expenditure of \$1,500,000 in FY22 Local Parks and Playground Infrastructure State funds (as outline in HB590). He added that he is seeking direction on the allocation of said funds.

The Commissioners reached a consensus for staff to proceed with obtaining additional information and budget information.

**CONSTRUCTION BID AWARD – HVAC WORK 17718 VIRGINIA AVENUE**

Mr. Eshleman recommended award of the contract for the heating, ventilation, and air conditioning work at 17718 Virginia Avenue to the lowest responsive, responsible bidder, M.S. Johnson Company, Hagerstown, MD, in the amount of \$295,380 which includes the Base Bid plus Alternates 1 and 2. The project is a 90 consecutive calendar day contract with an anticipated notice to proceed in July and a completion date in October 2021. The bid documents include liquidated damages in the amount of \$250.00 per calendar day for work beyond the completion date. The project will utilize available funds from the Systemic Improvements-Buildings account (BLD078) in the Capital Improvement Plan (CIP).

Commissioner Wagner, seconded by Commissioner Keefer, moved to award the contract for HVAC work at 17718 Virginia Avenue to M.S. Johnson, Company, Hagerstown, in the amount of \$295,380 as presented. The motion passed unanimously.

**APPLICATION FOR ZONING TEXT AMENDMENT RZ-20-002**

Jill Baker, Director, Planning and Zoning, recommended consensus to approve the text amendment for several sections of the Zoning Ordinance to address uses associated with short-term residential rentals as previously presented in the Public Hearing from June 15<sup>th</sup>, which closed on June 21, 2021 at 4:00 p.m. This item was presented to the Washington County Planning Commission at a Public Information Meeting held during their regular meeting on April 5, 2021. One verbal comment was received in favor of the changes. It was then brought back for recommendation at the May 3, 2021 meeting, where the members unanimously recommended approval of the proposed text amendments with comments.

The Commissioners reached a consensus in favor of the text amendment and directed staff to prepare a Decision of Findings of Fact to be presented for consideration and vote during a future meeting.

**HOTEL RENTAL TAX FUNDING REQUEST, MISS MARYLAND PAGEANT LEASE AGREEMENT RENEWAL**

Susan Buchanan, Director, Office of Grant Management, and Jessica Green, Maryland Theatre, recommended approval of a request for renewal of the five-year lease agreement between The Maryland Theatre Association, Inc., the Carroll County Foundation, Inc., the City of Hagerstown, and the County to sponsor the Miss Maryland Pageant and for the County to approve an amount of up to \$16,000 annually for five (5) years.

Commissioner Wagner, seconded by Commissioner Keefer, moved to approve the five (5) year lease agreement and the funding amount of up to \$16,000 for a five (5) year period. The motion passed unanimously.

**CONVENE IN CLOSED SESSION**

Commissioner Wagner, seconded by Commissioner Burkett, moved to convene in closed session at 10:52 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 consult with counsel to obtain legal advice on a legal matter; to consult with staff, consultants, or other individuals about ending or potential litigation; 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), (7), (8), and (13) of the General Provisions Article of the Annotated Code of Maryland. The motion passed unanimously.

In closed session, the Commissioners discussed potential appointments to boards over which the Commissioners have authority, the filling of certain personnel vacancies with specific candidates, and the assignment of a certain employee; the Board provided staff direction in regards thereto. Additionally, the Commissioners discussed legal proceedings and litigation and provided direction to staff and counsel regarding certain legal matters.

Present during closed session were Commissioners Jeffrey A. Cline, 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: Andrew Bright, Assistant County Attorney; Andrew Eshleman, Director, Public Works; Sara Greaves, CFO; Larry Etchison, Director, Human Resources; Todd Moser, Real Property Administrator, Engineering, and an employee.

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

Commissioner Baker, seconded by Commissioner Wagner, moved to reconvene in open session at 1:36 p.m. The motion passed unanimously.

#### **STAFF COMMENTS**

Larry Etchison, Director, Human Resources, presented the recommendation to hire Megan Smith for the position of Accountant, Budget and Finance (Grade 13, Step 1, \$51,626); this position is vacant due to the promotion of Misty Rosenberry.

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

#### **ADJOURNMENT**

Commissioner Wagner, seconded by Commissioner Keefer, moved to adjourn at 1:40 p.m. The motion passed unanimously.



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Krista L. Hart, *County Clerk*