



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

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

**November 2, 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 2:32 p.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 Wagner, seconded by Commissioner Burkett, moved to approve the minutes of October 19, 2021. The motion passed 3-1-0 (Commissioner Burkett abstained due to an absence).

Commissioner Baker, seconded by Commissioner Keefer, moved to approve the minutes of October 26, 2021. The motion passed unanimously.

#### **COMMISSIONER COMMENTS**

*The Commissioners provided a brief overview of events attended throughout Washington County.*

Vice-President Baker thanked everyone for the support and his regrets for missing the previous meetings. Additionally, he requested support for the Washington County Technical High School for donations of mulch for the housing built by the students with funding from the Commissioners Contingency Fund, up to \$400, in mulch. The Commissioners reached a consensus to provide assistance as requested.

Commissioner Keefer welcomed the return of Vice-President Baker. He discussed a meeting held with Dr. Klauber, Hagerstown Community College, and the potential for upcoming projects.

Commissioner Burkett shared information on National Epilepsy Month; he further shared information as to upcoming changes with the Washington County Humane Society and recommended all to volunteer time if possible. Commissioner Burkett toured the Boys and Girls Club, adding that the building in which they are located is in deplorable condition and recommended County support. He also provided an update as to the actions and discussions of the members of the Maryland Association of Counties. He also requested support for a two-by-two meeting with the City of Hagerstown Mayor and Town Councilmembers and the Board of County Commissioners.

Commissioner Wagner shared that the Washington County Humane Society is in the process of auctioning art sculptures as a part of a recent fundraising event. Additionally, he discussed Emergency Services and the staffing issues; he requested a report on number of calls received and coverage of said calls.

President Cline congratulated Joan Bowers and husband, Jerred Brown, for the re-grand opening of Antietam Wealth. Additionally, he requested staff provide an update on the Paramedic program and recommended that the process be moved along quickly.

### **STAFF COMMENTS**

#### **County Clerk**

##### **Hagerstown Regional Airport Advisory Board**

Commissioner Wagner, seconded by Commissioner Keefer, moved to accept the recommendation to reappoint the following members: Gary Bockrath to serve a second three-year term from November 1, 2021, through October 31, 2024; Rob Ferree to serve a second three-year term from August 1, 2021 through July 31, 2024 as the Community Representative; George Stone to serve a first-year term as from October 1, 2021 through September 30, 2024 as the Community Representative; and John Barr to serve a first three year term from November 1, 2021 through October 31, 2024. This is not a paid board. The motion passed unanimously.

##### **Washington County Building Code Board of Appeals**

Commissioner Wagner, seconded by Commissioner Keefer, moved to accept the recommendation to reappoint Terry Wishard to serve a first three-year term from October 1, 2021, through September 30, 2024. This is not a paid board. The motion passed unanimously.

#### **County Administrator**

John Martirano shared an update as to the timeline for paramedic program; hire date of March 2022; he will discuss moving the dates up with Director of Emergency Services. He also shared his condolences to Josh O'Neal, Director, Information Systems, and his family for the passing of his mother.

### **CITIZENS PARTICIPATION**

Stan Brown, Hagerstown, requested consideration to rename Colonel Henry K. Douglas Drive.

### **AGRICULTURE – FACES OF FARMING PRESENTATION**

Leslie Hart, Agricultural Business Development Specialist, and Susan Grimes, Director, Business Development, presented the Commissioners with a presentation on the Faces of Farming.

### **PROPOSED PILOT AGREEMENT FOR SGC POWER, LLC**

Zachary Kieffer, Esquire, presented the recommendation to accept a proposal for a PILOT Agreement with SGC Power, LLC. Mr. Kieffer described the property as +/- 10 acres of land located at 14455 Weller Road, Hancock, Maryland (MD). The PILOT Agreement proposal presented \$13,000 per year, totaling \$260,000 over the 20-year term of the lease.

Commissioner Burkett, seconded by Commissioner Wagner with discussion, moved to approve the PILOT Agreement for SGC Power, as presented. The motion passed 4-1-0, Commissioner Keefer abstained from voting due to a potential conflict.

### **UPDATE ON PREMIUM PAY**

John Martirano, County Administrator; Sara Greaves, CEO; and Dave Hays, Director, Emergency Services, presented the Commissioners with an update as to the process for distributing the premium pay to Division of Emergency services staff, and volunteer corporation employees. Mr. Hays recommended approval to proceed with the cost to implement the premium pay to any one individual would be \$5,500 for full-time, or \$4,125 for part-time employee's, regardless of any multiple role employments.

Commissioner Burkett, seconded by Commissioner Keefer, moved to approve the removal of caps (\$5,500 for full-time employees and \$4,125 for part-time employees) when they have collective employers; if only employed with Washington County, maximum amount would be \$5,500, and to approve the change of up to \$51,456.89, as presented. The motion passed unanimously.

#### **PROPOSED SALARY SCALES FOR THE SHERIFF'S OFFICE**

Sheriff Mullendore presented the recommendation to approve the revised salary scales and reclassifications for the Sheriff's Office; the total cost is estimated to be \$1.9 million of wages and benefits. Sheriff Mullendore asked that the proposed salaries become effective December 1, 2021 and to address issues related to all county salaries.

The Commissioners discussed issues found regarding proposed salary adjustments and reached a consensus that staff would need to review the salary options presented and return at a future date. Additionally, consensus was reached that once the matter was approved, any pay increases would be backdated to July 1, 2021.

#### **QUIRAUK RADIO TOWER SHELTER – APPROVAL OF TRANSFER OF INSURANCE REIMBURSEMENT FUNDS TO ORIGINAL WIRELESS COMMUNICATIONS ACCOUNT**

Thomas Weber, Deputy Director, Wireless Communications, requested approval to transfer \$48,081.98 in funds paid to the County by the insurance carrier (LGIT) to Wireless Communications account that funded the emergency repairs for Quirauk Radio Tower Site, due to a power surge at the tower shelter on May 25, 2021.

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

#### **OFFER OF DONATION**

Todd Moser, Real Property Administrator, and Andrew Eshleman, Director, Public Works, recommended approval of an Ordinance to accept the donation of property located at 24701 Oak Avenue, Cascade, Maryland, and to authorize the execution of documentation necessary to finalize the acquisition. Mr. Moser explained that Ms. Keenan has offered to donate a vacant parcel consisting of .255 acres adjoining Pen Mar Park, to be used as park land.

Commissioner Baker, seconded by Commissioner Wagner, moved to approve by Ordinance, the acceptance of the donation of property as presented. The motion passed unanimously.

(Ordinance No. ORD-2021-19 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is in the County Commissioners' Office.)

#### **CONTRACT FOR BIKES FOR THE WORLD**

Dave Mason, Deputy Director, Solid Waste, recommended approval of a contract with Bikes for the World. Mr. Mason explained that the agreement with MS Johnson, local representatives for Bikes for the World, in which the landfill would provide discarded bikes for repair and reuse; all expenses would be paid by the program.

Commissioner Wagner, seconded by Commissioner Baker, moved to approve the contract as presented; Commissioner Keefer asked about the safety of staff throughout the process of pulling bikes from the scrap pile. The motion passed unanimously.

**BID REJECTION (PUR1485) – OAKRIDGE PUMP STATION UPGRADE**

Brandi Naugle, Buyer, Purchasing, and Mark Bradshaw, Director, Environmental Management, recommended approval to reject the bid received from Johnston Construction Company, Dover, Pennsylvania, without prejudices for the Oakridge Pump Station Upgrade due to a misinterpretation when submitting the bid.

Commissioner Baker, seconded by Commissioner Keefer with discussion, moved authorize the rejection of the bid from Johnston Construction Company for PUR148, as presented. The motion passed unanimously.

**BID AWARD (PUR1485) – OAKRIDGE PUMP STATION UPGRADE**

Ms. Naugle and Mr. Bradshaw recommended award of the contract for the Oakridge Pump Station Upgrade to the responsible, responsive bidder, PSI Pumping Solutions, Inc., York Springs, Pennsylvania, with the lump sum bid of \$1,782,950 (Items No 1, Plus Contingent Items C-1 through C-4) and to approve a budget transfer request of \$200,000 from 515000.32.42010 LIN040 to account 515000.32.42010 LIN034.

Commissioner Baker, seconded by Commissioner Burkett, moved to authorize the award of contract PUR1485 to PSI Pumping Solutions, Inc. in the lump sum amount of \$1,782,950, as presented. The motion passed unanimously.

**POTENTIAL LEGISLATIVE ITEMS**

Kirk Downey, County Attorney, presented the Board with potential issues that the County may like to see addressed during the upcoming session of the General Assembly. The matters presented include removal of statutory language requiring mobile homes to be assessed as real property; the reinstatement of the requirement for a zoning certification prior to issuance of a business license; and the request for funding for burn buildings: City of Hagerstown and Washington County Public Safety Training Center.

Commissioner Cline recommended consideration for a waiver of the Emissions Fee; Commissioner Keefer shared that Garrett and Allegany Counties are exempt.

**CLOSED SESSION**

Commissioner Wagner, seconded by Commissioner Keefer, moved to convene in closed session at 4:25 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 Section 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 specific individuals to a board over which the Board has appointment authority and discussed a variety of personnel matters to include the compensation and filling of certain personnel vacancies with specific candidates, the Board provided staff direction in regards thereto.

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; Kirk C. Downey, County Attorney, and Krista L. Hart, County Clerk. Additionally, the following staff member was present at times: Larry Etchison, Director, Human Resources.

**RECONVENE IN OPEN SESSION**

Commissioner Keefer, seconded by Commissioner Wagner, moved to reconvene in open session at 4:40 p.m. The motion passed unanimously.

**RECESS**

The Commissioners recessed at 4:40 p.m. and returned to the meeting at 6:00 p.m., Kepler Theater, Hagerstown Community College, Hagerstown, Maryland.

**PUBLIC HEARING: BLACK ROCK PUD RZ-21-003**

President Cline convened a public hearing at 6:01 p.m. to obtain public comment regarding the rezoning application to revise the approved development plan for Black Rock PUD. Commissioner Cline reviewed the procedures for the Public Hearing. County Clerk Krista Hart administered the oath to those planned to give testimony.

Jill Baker, Director, Planning and Zoning, presented the staff report and analysis for RZ-21-003. Ms. Baker explained that the request pertains a revision of the approved development plan of 595 residential dwelling units to 1,148 units, thus increasing the approved residential density from 2.7 dwelling units per acre to 5.2 dwelling units per acre.

The Washington County Planning Commission held a Public Information Meeting on June 14, 2021; numerous written and verbal comments were received as part of the meeting. The request was then deliberated by the Planning Commission at its regular meeting on July 19, 2021, where the members unanimously recommended denial of the proposed map amendment.

On behalf of the applicant, Morris & Ritchie Associates (MRA), Inc., a presentation was shared by Matt Powell, DRB Group; William Erskine, Attorney, Offit, Kurman; Sean Davis, MRA; and Mickey Cornelius, P.E., The Traffic Group.

The Public Hearing was opened for public comment and the following individuals shared opposition to the matter:

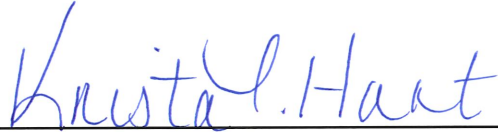
Martin Brubaker	Hugo Bonatti
Sherron Miller	Paul Needy
Gary Shriver	Erica Araha
Richard Bodine	Michael Shives
Richard Pulier	Adam Lane
David Ridenour	Randy Rachor
David Kirkman	Rachel Stoops
Ken Archer	Sopheap Sun
Kandace Carpenter	Tony Wallace
Anita Thomas	Martha Sullivan
Tom Henderson	Jatin Patel
Steve Slavick	John Scrivener
William Stryker	Harold Ridenour

Matt Powell, DRB Group presented a rebuttal on behalf of the Applicant.

The public hearing was closed at 8:15 p.m.

**ADJOURNMENT**

Commissioner Wagner, seconded by Commissioner Keefer, moved to adjourn the meeting at 8:17 p.m. The motion passed unanimously.

A handwritten signature in blue ink that reads "Krista L. Hart". The signature is written in a cursive style with a horizontal line underneath it.

Krista L. Hart, *County Clerk*