



Board of County Commissioners of Washington County, Maryland

Open Session Minutes

May 10, 2022

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 10:02 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. Vice President Terry L. Baker was absent.

APPROVAL OF MINUTES

Commissioner Wagner, seconded by Commissioner Burkett, moved to approve the minutes of May 3, 2022. The motion passed 3-1-0, (Commissioner Cline abstained due to an absence, Commissioner Baker was absent).

COMMISSIONER COMMENTS

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

Commissioner Keefer advised that today is the start of Washington County Gives (washcogives.org) and asked the community to consider donating.

Commissioner Burkett recommended all to shop local. He added that the Retiree Health Insurance option is still under consideration.

Commissioner Wagner discussed the Boonsboro reservoir and shared that the dive team was present last week to repair several leaks; he recommended an additional stipend to compensate for the assistance. He further discussed the Self-Help section at the Washington County Courthouse.

President Cline announced that the 10:30 a.m. public hearing scheduled for today has been postponed. He further asked John Martirano, County Administrator, to provide an update on the system with 911 Communications. He echoed Commissioner Keefer's comments regarding Washington County Gives.

STAFF COMMENTS

County Administrator

John Martirano advised all that the Public Hearing formerly scheduled for today will be readvertised. Additionally, he reminded all that the Budget Public Hearing is scheduled for May 17th at 6:00 p.m., Kepler Theater.

Vice President Baker joined the meeting at 10:10 a.m.

COMMISSIONER COMMENTS (continued)

Vice-President Baker shared that he looks forward to a presentation from Andrew Eshleman, Public Works, regarding Open Space projects.

Engineering

Scott Hobbs, Director, Engineering, presented the Board with a request for a letter of support to the Maryland Department of Transportation regarding the submittal by the State on the I81 Widening, Phase II to the FY23 INFRA Grant Program. Additionally, to provide a recommitment of local funding.

The Commissioners reached consensus to proceed with a letter of support as requested.

County Clerk

Washington County Planning Commission

Commissioner Wagner, seconded by Commissioner Burkett, moved to approve the reappointment of Robert Goetz Jr. to serve a second term from May 1, 2022 through April 30, 2027; this is a paid board.

CITIZEN PARTICIPATION

Dave Williams, 11 West Water Street, Smithsburg, discussed the Board of Education's budget.

Beau Ouimette declined address (Washington County resident), shared comments regarding a Public Information request.

PUBLIC HEARING - APPLICATION FOR ZONING MAP AMENDMENT RZ-21-005

This matter has been postponed.

EXPENDITURE OF ACCRUED PAYMENT-IN-LIEU OF FUNDS IN ACCORDANCE WITH THE FOREST CONSERVATION ACT

Travis Allen, Comprehensive Planner, Planning and Zoning, Dee Price, Assistant Manager, Washington County Soil Conservation District (WCSCD), and Elmer Weibley, District Manager, WCSCD, recommended approval of the use of payment-in-lieu (PIL) funds for the acquisition and implementation of easements related to forest conservation for Bryan Forsythe as outlined in the Memorandum of Understanding (MOU) with the WCSCD. Mr. Allen shared that all work completed under this task will be funded through the various developers as mitigation fees.

Commissioner Wagner, seconded by Commissioner Keefer, moved to approve the use of PIL funds for the acquisition and implementation of easements, as presented. The motion passed unanimously.

STONER RIVER FARM, LLC CONSERVATION ENHANCEMENT PROGRAM EASEMENT PROPOSAL

Chris Boggs, Rural Preservation Administrator, Planning & Zoning, recommended approval of the Stoner River Farm, LLC Conservation Enhancement Program (CREP) easement project, paid for 100% by the Maryland Department of Natural Resources, for \$65,755.80 for 17.82 easement acres located at 7604 Dam 4 Road, Sharpsburg, Maryland, and to adopt an ordinance approving the easement purchase and to authorize the execution of the necessary documentation to finalize the easement purchase. In addition to the easement funds, the County will receive up to 3% of the easement value for administrative costs, a mandatory 1.5% for compliance costs and funds to cover all the County's legal/settlement costs.

Commissioner Wagner, seconded by Commissioner Baker, moved to approve the Stoner Farm, LLC CREP project in the amount of \$65,755.80, 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-2022-08 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is in the County Commissioners' Office.)

STONER RIVER FARM, LLC RURAL LEGACY PROGRAM EASEMENT

Mr. Boggs recommended approval of the Stoner River Farm, LLC Rural Legacy Program (RLP) project, paid for 100% by the Maryland Department of Natural Resources, for \$305,626.00 for 90.89 easement acres, to adopt an ordinance approving the purchase, and to authorize execution of the necessary documentation to finalize the easement purchase. Mr. Boggs shared that the property is located at 7604 Dam 4 Road, Sharpsburg, Maryland; twenty (20) development rights will be extinguished with the easement.

Commissioner Baker, seconded by Commissioner Wagner, moved to approve the Bowman Farms RLP Easement, and to adopt an ordinance approving the purchase of the easement and to authorize the execution of the necessary documentation to finalize the easement purchase. The motion passed unanimously.

(Ordinance No. ORD-2022-09 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the originals are in the County Commissioners' Office.)

MARYLAND AGRICULTURAL LAND PRESERVATION PROGRAM WITH COUNY SIDE AGREEMENT

Mr. Boggs recommended approval of a side agreement and commitment to the Tracy E. Thomas and Brenda L. Thomas easement project from the Agricultural Transfer Tax in the amount of \$140,229.30 so that the Maryland Agricultural Land Preservation Program (MALPP) is able to make an easement offer on our number three (3) ranked applicant for the fiscal year 2022 cycle.

Commissioner Wagner, seconded by Commissioner Keefer, moved to approve the recommendation of a side agreement and commitment from the local share of the Agricultural Transfer Tax in the amount of \$140,229.30, as presented. The motion passed unanimously.

PRESENTATION OF PROCLAMATION RECOGNIZING BUILDING SAFETY MONTH

The Board of County Commissioners presented a proclamation recognizing May as Building Safety Month to staff from the Permits and Inspections Division.

AGRICULTURE - FACES OF FARMING

Susan Grimes, Director, Business Development, and Leslie Hart, Business Specialist, Business Development, shared a video showcasing Beckley Farms, and Creek Bound Farms.

FISCAL YEAR 2023 APPALACHIAN REGIONAL COMMISSION (ARC) PRELIMINARY PROJECT DESCRIPTION REVIEW AND RANKING

Susan Buchanan, Director, Office of Grant Management, recommended approval of the Preliminary Project Descriptions as prioritized by the County Review Committee and to forward the ranking to the Tri-County Council of Western Maryland for funding consideration. Ms. Buchanan stated that funding requests for Washington County's Area Development Projects include twelve (12) proposed projects requesting \$5,179,325 in ARC funding.

Commissioner Baker, seconded by Commissioner Wagner, moved to approve the project description review and ranking, to allow applicants to begin the application process, and to accept grant funding for County projects, as requested. The motion passed unanimously.

CONSTRUCTION BID AWARD – PAVEMENT MAINTENANCE AND REHABILITATION PROGRAM FOR FISCAL YEAR 2022 – Chip Seal Application (MS-PMP-298-28)

Scott Hobbs, Director, Engineering, recommended approval to award the bid for the Pavement Maintenance and Rehabilitation Program Fiscal Year 2022 (FY22) Chip Seal Applications contract to the lowest responsive, responsible bidder, Russell Standard Corporation, Fayetteville, Pennsylvania, for the amount of \$1,623,364.50 which includes the option to extend the contract for a period of up to two (2), one (1) year extensions; this is a budgeted Capital Improvement Plan (CIP) project (RDI024). Total expenses for the contract are estimated at \$1,738,364.50; including \$1,623,364.50 for proposed bid award, and \$115,000 for other expenses.

Commissioner Baker, seconded by Commissioner Burkett, moved to award the bid for the Pavement Maintenance and Rehabilitation Program FY22 Chip Seal Applications contract to Russell Standard Corporation, for the amount of \$1,623,364.50, as presented. The motion passed unanimously.

CONSTRUCTION BID AWARD – MOUSETOWN CULVERT REPLACEMENTS

Mr. Hobbs recommended approval to award the bid for the Mousetown Road Culvert Replacements contract to the lowest responsive, responsible bidder, Service All, Inc., Mitchelville, Maryland in the amount of \$593,481.00. The project is a 200 consecutive calendar day contract with an anticipated notice to proceed in June 2022, completion in December 2022; liquidated damages in the amount of \$500 per calendar day for work beyond the completion day will be assessed.

Commissioner Wagner, seconded by Commissioner Keefer, moved to award the bid for the Mousetown Road Culvert Replacements contract to Service All, Inc., for the amount of \$593,481.22, as presented. The motion passed unanimously.

CONSTRUCTION BID AWARD – CLEAR SPRING LIBRARY HEAT PUMP

Andrew Eshleman, Director, Public Works, recommended approval to award the bid for the Clear Spring Library Heat Pump contract to the lowest responsive, responsible bidder, NOVA Facility Solutions, McLean, Virginia, in the amount of \$56,549.00; funds are budgeted in the Capital Improvement Plan budget account 515000.30.11910 BLD075.

Commissioner Burkett recommended consideration be given to local contractors, Commissioner Keefer concurs, noting Local Preference. Kirk Downey, County Attorney, noted that per the Code of Local Public Laws, the County is required to accept the lowest responsive, responsible bidder.

Commissioner Wagner, seconded by Commissioner Keefer, moved to award the bid for the Clear Spring Library Heat Pump Replacement contract to NOVA Facility Solutions, for the amount of \$56,549, as presented. The motion passed unanimously.

AMENDMENT TO ANIMAL CONTROL AGREEMENT

Kirk Downey, County Attorney, recommended authorization to execute the proposed Second Amendment to the June 16, 1999 Animal Control Agreement between Washington County, Maryland and the Humane Society of Washington County, Inc., as finalized by the County Attorney's Office and the Humane Society. Mr. Downey shared that the Animal Control Agreement between the County and the Humane Society will expire on or about August 14, 2022. The proposed Second Amendment preserves the contractual agreement through August without allowing for an automatic five-year extension.

Adam Greivell discussed, on behalf of the Humane Society, the automatic renewal of said agreement and the intent to present updates.

Commissioner Wagner, seconded by Commissioner Burkett, moved to approve the execution of the Second Amendment to the 1999 Animal Control Agreement, as presented.

The motion was amended with the date of October 31, 2022 with a potential extension to November 2022 if needed. The motion passed unanimously.

REMOTE WORK POLICY

Charles Brown, Emergency Manager, Emergency Management; Danielle Weaver, Director, Public Relations, and Marketing; and Deb Condo, Interim Director, Human Resources, recommended adoption, and implementation of the remote work policy for Washington County Government.

The Commissioners discussed the proposed remote work policy presented, to include potential compensation to those staff members who cannot work remotely. Commissioner Burkett discussed Workers Compensation, safety in the home, and liability. President Cline asked for a 90-day update, following the in-place date of July 1, 2022.

Commissioner Keefer, seconded by Commissioner Burkett, moved to approve the adoption of the Remote Work Policy, effective July 1, 2022, on a 90-day period, as presented. The motion passed unanimously.

CLOSED SESSION

Commissioner Wagner, seconded by Commissioner Keefer, moved to convene in closed session at 11:52 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; 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 compensation and filling of certain personnel vacancies with specific candidates.

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: Deb Condo, Interim Director, Human Resources.

RECONVENE IN OPEN SESSION

Commissioner Baker, seconded by Commissioner Wagner, moved to reconvene in open session at 12:06 p.m. The motion passed unanimously.

ADJOURNMENT

Commissioner Baker, seconded by Commissioner Wagner, moved to adjourn the meeting 12:06 p.m. The motion passed unanimously.



Krista L. Hart, County Clerk