



Board of County Commissioners of Washington County, Maryland

Open Session Minutes

July 12, 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 10:05 a.m. at 100 West Washington Street, Hagerstown, Maryland, with the following members present: Commissioner Terry L. Baker; Commissioner Wayne K. Keefer; Commissioner Charles A. Burkett; and Commissioner Randall E. Wagner.

APPROVAL OF MINUTES

Commissioner Baker, seconded by Commissioner Wagner, moved to approve the minutes of June 28, 2022. The motion passed unanimously.

COMMISSIONER COMMENTS

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

Vice President Baker thanked all those who attended the early voting at the Board of Elections and staff for guiding all through the process.

Commissioner Keefer thanked all the staff of the Board of Elections; he further congratulated the Meritus Medical Center for the upcoming Meritus Medical School and thanked all for their efforts.

Commissioner Burkett thanked all involved in the fireworks at Hagerstown Community College.

Commissioner Wagner echoed Commissioner Keefer's comments; he also thanked all involved in the early voting.

President Cline also thanked the Board of Elections.

STAFF COMMENTS

Office of Grant Management and Department of Business Development

Susan Buchanan, Director, Office of Grant Management, and Susan Grimes, Director, Business Development, announced a new grant opportunity funded through the Rural Maryland Economic Development Fund. The grant program is funded by the Maryland Department of Commerce through a partnership with the State's five (5) Tri-County Councils serving rural regions of Maryland; the amount of funding available for the Western Maryland Region is \$10,000,000. Ms. Buchanan stated that applications are due no later than Tuesday, July 26th at 4:00 pm.

County Clerk

Washington County Community Health Advisory Committee

Commissioner Wagner, seconded by Commissioner Keefer, moved to appoint Melissa Dasch to serve an unfulfilled term from July 1, 2022 through September 30, 2024 as the Behavioral Health Representative; this is NOT a paid board. The motion passed unanimously.

Washington County Historic District Commission

Commissioner Baker, seconded by Commissioner Wagner, moved to appoint Brianna Candelaria to serve an unfulfilled term from July 1, 2022 through July 31, 2024; this is NOT a paid board. The motion passed unanimously.

County Administrator

John Martirano thanked staff who responded to the weather-related incident in South County. Additionally, he announced that Andrew Eshleman, Director, Public Works, has been overseeing the activities of the Hagerstown Regional Airport. He recommended that the Airport be permanently placed under the Division of Public Works, thus the Director of the Hagerstown Regional Airport would report directly to Mr. Eshleman.

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

Mr. Martirano discussed the Western MD Future Economic Investment Board requested one Commissioner representative and one staff member. Mr. Martirano recommended Susan Grimes, Director, Business Development and President Cline volunteered for the Commissioner representative.

Commissioner Wagner, seconded by Commissioner Burkett, moved to approve the recommendations, as presented.

Mr. Martirano presented a request for a letter of support from APPLES for Children, Inc. for the submission of a grant application to the Maryland Rural Council.

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

CITIZEN PARTICIPATION

Dave Williams, 11 West Water Street, Smithsburg, discussed the County funds and surplus.

PUBLIC HEARING: APPLICATION FOR ZONING TEXT AMENDMENT RZ-22-001

President Cline convened a public hearing at 10:26 a.m. to obtain public comment regarding the rezoning application to amend several sections of the Zoning Ordinance to consistently address uses associated with educational facility campuses in certain zoning districts. President Cline reviewed the procedures for the Public Hearing.

Jill Baker, Director, Planning and Zoning, presented the staff report and analysis for RZ-22-001; based upon feedback and comments from other governmental agencies, developers, property owners, and the general public, staff recommends approval of these amendments in order to provide consistent implementation of our land use policies and regulations.

This matter was presented to the Washington County Planning Commission at a Public Information meeting held during its regular meeting on May 2, 2022; no written or verbal comments have been received for this case. The Planning Commission voted unanimously to recommend approval of the amendments.

The Public Hearing was opened for citizen participation; no citizens offered testimony.

The Public Hearing was opened for Commissioner comment. Commissioner Wagner asked if the referenced education facilities were consulted; Ms. Baker shared that this request provides the ability to expand the flexibility in how business is conducted, providing no negative impact.

The Public Hearing was concluded at 10:31 a.m.

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.

AGRICULTURE - FACES OF FARMING

Susan Grimes, Director, Business Development, and Leslie Hart, Business Specialist, Business Development, presented information on two local farms; the video showcasing Milk and Honey Farm, Smithsburg, Maryland, and Cool Hollow Flower Farm, Hagerstown, Maryland will be shared on the County's website (technical difficulties).

ANNUAL CONSERVATION AWARDS – WASHINGTON COUNTY SOIL CONSERVATION DISTRICT

Dee Price, Assistant Manager, and J.D. Rinehart, presented awards for the Outstanding Cooperator to Dwayne Coulter and the Outstanding Contractor to Potomac Excavating. The Board of County Commissioners also presented Certificates of Recognition.

CONTRACT BID AWARD (PUR1541) CONSULTANT TO DEVELOP PERFORMANCE SPECIFICATIONS AND PROVIDE TECHNICAL ASSISTANCE FOR A COUNTY-WIDE LOCAL GOVERNMENT / PUBLIC SAFETY RADIO SYSTEM

Rick Curry, Director, Purchasing; Tob Weber, Deputy Director, Wireless Communications; and Sheriff Mullendore, recommended award of a contract for the subject services to ACD Telecom, LLC, Lake Mary, Florida (FL), based on its proposal dated June 6, 2022 for the total lump sum amount of \$224,008.05; the service is contingent upon the firm being registered and providing proof of being in "Good Standing" with the Department of Assessment and Taxation; funds are budgeted in the departments Capital Improvement Plan COM030, Public Safety Radion Comm System Upgrades.

The total amount of this contract includes thirty (30) days for contract negotiations that will start after the vendor has been approved by the County's selection committee. If the negotiations go beyond the thirty (30) day mark, ACD Telecom will charge \$175 per hour plus expenses in addition to the contract amount of \$244,008.05.

Commissioner Burkett, seconded by Commissioner Keefer, moved to approve award of the contract PUR1541 to ACD Telecom, LLC, Lake Mary, FL in the amount of \$224,008.05, as presented. The motion passed unanimously.

CONTRACT BID AWARD (PUR1552) MATTRES AND BED BASE REMOVAL, DISPOSAL RECYCLING

Mr. Curry and Dave Mason, Deputy Director, Solid Waste, recommended award of a contract for the Mattress and Bed Base Removal, Disposal Recycling for the Department of Solid Waste to the responsible, responsive bidder Turbo Haul, Inc., Annapolis Junction, Maryland (MD) who submitted the Total Bid Price in the amount of \$832.53 per ton; funding in the amount of \$150,000 has been approved in the FY'23 budget for these services

All prices offered shall be firm against any increase for one (1) year from the effective date of this Contract. Prior to commencement of subsequent renewal terms, Washington County, Maryland will entertain a request for escalation considering the Solid Waste's budgetary and economic conditions. If those conditions allow, the County shall use the U.S. Department of Labor Consumer Price Index (CPI) for the Washington Metropolitan Area, based upon a twelve (12) month average over the prior year to help determine the amount of the increase. If the increase is approved, it would become effective the first day of the subsequent renewal and shall not exceed three percent (3%).

The contract will be for an initial three (3) year period, tentatively commencing July 1, 2022, with an option by the Board of County Commissioners to renew for up to two (2) additional consecutive one (1) year periods, subject to written notice given by the County Commissioners at least sixty (60)

calendar days in advance of the expiration date. If the Bidder wishes to renew the Contract, he/she must submit a letter of intent to the Owner's Representative at least ninety (90) calendar days prior to the expiration of each contract year. The County reserves the right to accept or reject any request for renewal and any increase/decrease in costs for each location that the bidder may request.

Commissioner Keefer, seconded by Commissioner Wagner, moved to approve the award of the contract PUR1552 to Turbo Haul, Inc., Annapolis, MD in the amount of \$832.53 per ton, as presented. The motion passed unanimously.

CONSTRUCTION BID AWARD (SR-TP-300-28) – FALL 2022 TREE PLANTING

Scott Hobbs, Director, Engineering, presented the recommendation to award the bid for the Fall 2022 Tree Planting contract to the lowest responsive, responsible bidder, Conservation Services, Inc., Waynesboro, Virginia (VA) in the amount of \$215,224.00; funds will be available from the Stormwater Retrofits account (DNG039) in the Capital Improvement Plan.

he project involves planting trees in various locations throughout Washington County on public school properties. This best management practice is a cost-effective measure to fulfill the Municipal Separate Storm Sewer System (MS4) permit requirements for water quality. This is a 90 consecutive calendar day contract with an anticipated Notice to Proceed in August 2022 and a completion date in November 2022. The bid documents include Liquidated Damages in the amount of \$100.00 per calendar day for work beyond the completion date.

Commissioner Burkett, seconded by Commissioner Baker, moved to approve award of the contract SR-TP-300-28 to Conservation Services, Inc., Waynesboro, VA in the amount of \$215,224.00, as presented. The motion passed unanimously.

CONSTRUCTION BID AWARD – SHOWALTER ROAD AT CRAYTON BOULEVARD SIGNAL INTERSECTION IMPROVEMENTS

Mr. Hobbs presented the recommendation to award the bid for the Showalter Road at Crayton Boulevard Signal Intersection Improvements contract to the lowest responsive, responsible bidder, C. William Hetzer, Inc., Hagerstown, Maryland (MD) in the amount of \$661,660; funds are budgeted in the Capital Improvement Plan project RDI065 and EQP052). Total expenses are estimated at \$711,660; including \$661,660 for the proposed bid award, \$30,000 for inspection/testing/utilities/right-of-way and \$20,000.00 for construction contingency.

The project is a 275 consecutive calendar day contract with an anticipated notice to proceed in August 2022 and a completion date in May 2023. The bid documents include Liquidated Damages in the amount of \$250.00 per calendar day for work beyond the completion date. There are no road closures associated with this work.

Commissioner Baker, seconded by Commissioner Wagner, moved to approve award of the contract for the Showalter Road at Crayton Boulevard Signal Intersection Improvements to C. William Hetzer, Inc., Hagerstown, MD in the amount of \$661,660, as presented. The motion passed unanimously.

2021 BUILDING CODE REVIEW COMMITTEE

Rich Eichelberger, Director, Permits and Inspections, presented the recommendation to approve the proposed Building Code Review Committee members to assist in the review of the 2021 Building Codes in preparation for local adoption; as follows: Maryland Registered Architect – Michael Gehr AIA, Bushey Feight Morin Architects Inc. – BFM Architects Inc.; Maryland Registered Structural Engineer – Dan Matonak, P.E., Matonak & Associates; Maryland Licensed Mechanical Engineer – Les Grim, P.E., LEED AP, CxA, L. S. Grim Consulting Engineers; Washington County Licensed Residential Home Builder – Carl Vogel Oliver Homes; City of Hagerstown Building Official Representative – Blaine Mowen Chief Code Official, City of Hagerstown Planning & Codes

Administration; Maryland State Fire Marshal Official Representative – Joe Goodrich State Fire Marshal Inspector; County Building Code Official/Division Director – Richard W. Eichelberger Division of Permits and Inspections; County Deputy Code Official/Chief Plans Examiner – Frank Quillen Division of Permits and Inspections’ County Chief Building Inspector/Senior Plans Examiner – Terry Feiser Division of Permits and Inspections; Administrative Assistant- Jennifer Mellott, Division of Permits and Inspections; Code Review Coordinator- Chief of Permitting – Becky Gander, Division of Permits and Inspections.

Mr. Eichelberger shared that the cost will be approximately \$5,500 for Committee member code books, this is a budgeted expense.

Commissioner Wagner, seconded by Commissioner Baker, moved to approve the appointment of the members, as presented. The motion passed unanimously.

FY24 FAMILY LAW FUND – APPROVAL TO SUBMIT APPLICATION AND ACCEPT AWARDED FUNDING

Kristin Grossnickle, Court Administrator, Circuit Court for Washington County and Nicole Phillips, Grant Manager, Office of Grant Management, recommended approval to submit the FY24 Family Law fund application in the amount of \$392,068, and to accept funding as awarded.

Commissioner Wagner, seconded by Commissioner Burkett, moved to approve the submission of the grant application in the amount of \$392,068, and to accept funding as awarded. The motion passed unanimously.

COMMUNITY LEGACY GRANT APPLICATION SUBMITTAL – FT. RITCHIE BUILDING 305 REHABILITATION

Jennifer Kinzer, Deputy Director, Planning and Zoning, presented the recommendation to submit a grant application or rehabilitation of Building 305 for the Fort Ritchie Redevelopment Project to the Maryland Department of Housing & Community Development (DHCD) in the amount of \$275,000.

The Office of Grant Management has reviewed the request, grant funding guidelines and provided supporting documentation. The grant does not require any matching fund contribution from the County, but does require that the County and Cascade Properties, LLC execute a MOU outlining each party’s roles and responsibilities related to this project. If awarded, the matter will be brought before the Board to obtain approval to accept the funding and enter into an agreement with Cascade Properties, LLC. The performance period for the grant is October 1, 2022 through December 31, 2023 and there are no unusual conditions or requirements associated with the grant.

Commissioner Wagner, seconded by Commissioner Keefer, moved to approve the submission of the grant application in the amount of \$275,000 to the DHCD, as presented. The motion passed unanimously.

FY22 CAPITAL BUDGET ADJUSTMENT – ADMINISTRATION ANNEX RELOCATION

Kelcee Mace, Interim CFO, presented the recommendation to approve a budget adjustment to properly record the settlement and disposal of the 80 West Baltimore Street property. The original budget adjustment for the Administration Annex Relocation project was approved on December 7, 2021. This budget adjustment does not change the total project budget but changes the funding source and adds the appropriation to come from the General Fund to match the proper accounting treatment of the settlement for the 80 West Baltimore Street property.

Commissioner Burkett, seconded by Commissioner Baker, moved to approve the budget adjustment, as presented. The motion passed unanimously.

The Commissioners recessed at 11:10 am and returned to the meeting at 11:17 am

BUDGET ADJUSTMENT – FY22 CONTROLLED ASSETS

Dave Hays, Director, Emergency Services, recommended approval of a budget adjustment in the amount of \$144,750, in effect moving the funding to Capital Improvement Plan budget funds under the Division of Emergency Services.

The items/equipment included in this budget transfer are all approved for purchase under the Divisions existing FY22 funding. Due to limitations and availability, the Division has not been able to successfully execute the purchase of the items/equipment prior to June 30, 2022. The transfer of available funding will allow the Division to complete the purchase of the identified items after July 1, 2022 (FY23).

Commissioner Burkett, seconded by Commissioner Wagner, moved to approve the budget adjustment in the amount of \$144,750, as presented. The motion passed unanimously.

AMERICAN RESCUE PLAN ACT OF 2021 OLDER AMERICAN ACT FUNDS – REVISED REQUEST

Amy Olack, CEO, and Bill Beard, Board of Directors, Commission on Aging, presented the recommendation to approve funding of \$110,826 for use as matching funds toward American Rescue Plan Act of 2021 designated funds to the Washington County Commission on Aging, Inc. (WCCOA), and to allocate \$11,201 for improvements, upgrades and furnishings at the County's Senior Center buildings; no additional funds are being requested beyond the December 7, 2021 approved amount of \$122,027. Local funds of \$110,826 are a required match for the Washington County Commission on Aging, Inc. to receive the proposed \$575,719 in ARP funds; \$11,201 is requested to be re-appropriated for the use of improvements, upgrades and furnishings to the County's Senior Center buildings located at 535 East Franklin Street.

Commissioner Wagner, seconded by Commissioner Baker, moved to approve the funding of \$110,826, as presented. The motion passed unanimously.

CLOSED SESSION

Commissioner Wagner, seconded by Commissioner Baker, moved to convene in closed session at 11:21 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; to consider the acquisition of real property for a public purpose and matters directly related thereto; to consult with counsel to obtain legal advice on a legal matter in accordance with Sections 3-305(b) (1), (3), (7), and (8) of the General Provisions Article of the Annotated Code of Maryland. The motion passed unanimously.

In closed session, the Commissioners discussed the compensation of specific County personnel and employment, recruitment, and assignment of County personnel and the potential filling of certain personnel vacancies. Additionally, the Commissioners discussed the potential real property acquisition.

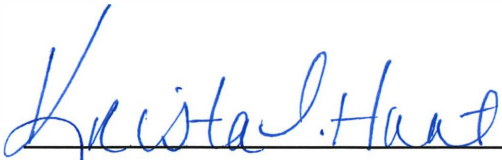
Present during closed session were Commissioners Jeffrey A. Cline; Terry L. Baker; Wayne K. Keefer; Randall E. Wagner; and Charles A. Burkett; also, present were John M. Martirano, County Administrator; Kirk C. Downey, County Attorney, and Krista L. Hart, County Clerk; and at various times, Andrew Eshleman, Director, Public Works, and Deb Condo, Interim Director, Human Resources.

RECONVENE IN OPEN SESSION

Commissioner Wagner, seconded by Commissioner Burkett, moved to reconvene in open session at 12:09 p.m. The motion passed unanimously.

ADJOURNMENT

Commissioner Baker, seconded by Commissioner Keefer, moved to adjourn the meeting 12:09 p.m.
The motion passed unanimously.



Krista L. Hart, *County Clerk*

