



100 West Washington Street, Suite 1101 | Hagerstown, MD 21740-4735 | P: 240.313.2200 | F: 240.313.2201
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BOARD OF COUNTY COMMISSIONERS

July 26, 2022

OPEN SESSION AGENDA

- 10:00 AM MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE
CALL TO ORDER, *President Jeffrey A. Cline*
APPROVAL OF MINUTES: *July 12, 2022*
- 10:05 AM COMMISSIONERS' REPORTS AND COMMENTS
- 10:15 AM STAFF COMMENTS
- 10:20 AM CITIZEN PARTICIPATION
- 10:25 AM WASHINGTON GOES PURPLE
Vicki Sterling and Emily Keller, Co-Chairs, Washington Goes Purple Committee
- 10:30 AM PUBLIC HEARING – RE-DESIGNATION AND EXPANSION OF THE
HAGERSTOWN/WASHINGTON COUNTY ENTERPRISE ZONE
Linda Spence, Business Specialist, Business Development
- 10:35 AM WASHINGTON COUNTY SOIL CONSERVATION DISTRICT - URBAN
PROGRAM (FEE INCREASE)
Denise Price, District Manager, Washington County Soil Conservation District
- 10:45 AM CONSTRUCTION BID REJECTION – STOREFRONT WINDOW
REPLACEMENT AT 747 NORTHERN AVENUE
Scott Hobbs, Director, Engineering
- 10:50 AM CONSTRUCTION AWARD – ADA SIDEWALK IMPROVEMENTS 2022
Scott Hobbs, Director, Engineering
- 10:55 AM PROPERTY ACQUISITION FOR THE DOGSTREET ROAD CULVERT PROJECT
Todd Moser, Real Property Administrator, Engineering
- 11:00 AM CHANGE ORDER REQUEST FOR BID AWARD (PUR-1545) – FOUR (4) NEW
EMERGENCY BOATS WITH CUSTOM TRAILERS
R. David Hays, Director, Emergency Services (in the absence of Brandi Naugle, Buyer, Purchasing)

11:05 AM CLOSED SESSION - *(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 consult with staff, consultants, or other individuals about pending or potential litigation; and To consult with counsel to obtain legal advice on a legal matter.)*

11:30 AM RECONVENE IN OPEN SESSION

11:30 AM INTERNATIONAL ASSOCIATION OF FIREFIGHTERS LOCAL 1605 (UNION)
OVERTIME CHANGE AGREEMENT
R. David Hays, Director, Emergency Services; Kirk C. Downey, County Attorney

ADJOURNMENT



Agenda Report Form

Open Session Item

SUBJECT: Washington Goes Purple

PRESENTATION DATE: July 26, 2022

PRESENTATION BY: Vicki Sterling and Emily Keller, Co-Chairs, Washington Goes Purple Committee

RECOMMENDED MOTION:

REPORT-IN-BRIEF: Update on Washington Goes Purple 2022 events

DISCUSSION: Washington Goes Purple is a community initiative with the goal of educating our youth and community about the dangers of prescription pill misuse, drugs and alcohol, while eliminating stigma and creating an environment that people feel comfortable seeking help and recovery. We are now going into our 5th year and have celebrated many accomplishments, including almost \$40,000 in scholarships to Washington County seniors.

This year, our kick-off event will be held on September 2nd at 6 pm in City Park. Along with this event, we will be having a Recovery Walk on Saturday, September 17th. Each event will feature speakers both national and local. In order to reach our business community and provide resources to them, we would like to hold a business lunch featuring a national speaker- Either Tony Hoffman or Chris Herren. After their presentation, providers such as the health department would be available to provide businesses resources, information, Narcan training and more. We plan to have this event at the MD Theater and have several dates in late September on hold.

The cost to hold this single event would be roughly \$7500. Would the Washington County Board of Commissioners be willing to cover the cost of this business event as the lead and only sponsor? This would be replacement for your normal general sponsorship of Washington Goes Purple which we did not ask for last year. We appreciate your continued support and partnership, as we know the opioid and mental health crisis has had a negative impact on our world. We will continue to fight for our community and hope that you will help us reach more of the business community as well.

FISCAL IMPACT: \$7500

CONCURRENCES: N/A

ATTACHMENTS: Letter



To The Honorable County Commissioners,

Washington Goes Purple is a community initiative with the goal of educating our youth and community about the dangers of prescription pill misuse, drugs and alcohol, while eliminating stigma and creating an environment that people feel comfortable seeking help and recovery. We are now going into our 5th year and have celebrated many accomplishments, including almost \$40,000 in scholarships to Washington County seniors.

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Thank you for your consideration,

Washington Goes Purple Committee

Vicki Sterling/ Emily Keller- Co-Chairs



Agenda Report Form

Open Session Item

SUBJECT: PUBLIC HEARING – Re-designation and expansion of the Hagerstown/Washington County Enterprise Zone.

PRESENTATION DATE: July 26, 2022

PRESENTATION BY: Linda Spence, Business Specialist, Department of Business Development.

RECOMMENDED MOTION: n/a

REPORT-IN-BRIEF: Public hearing for comment regarding the re-designation and proposed expansion of the Hagerstown/Washington County Enterprise Zone.

DISCUSSION: The request for re-designation and expansion of the Hagerstown/Washington County, MD Enterprise Zone located partially within Washington County and the corporate boundaries of the City of Hagerstown. The request for re-designation and expansion of the enterprise zone is being made by the County and the City, and is made pursuant to Md. Code, Economic Development Article, Title 5, Subtitle 7, Enterprise Zones; and COMAR 25.05.01.08 and 25.05.01.09. Originally designated in 1992, and recently expanded in 2021, the enterprise zone is set to expire year-end 2022. The Maryland Enterprise Zone Program continues to be the county's strongest tool to attract new jobs and increase tax base. The existing and the proposed expansion area is included on the attached maps.

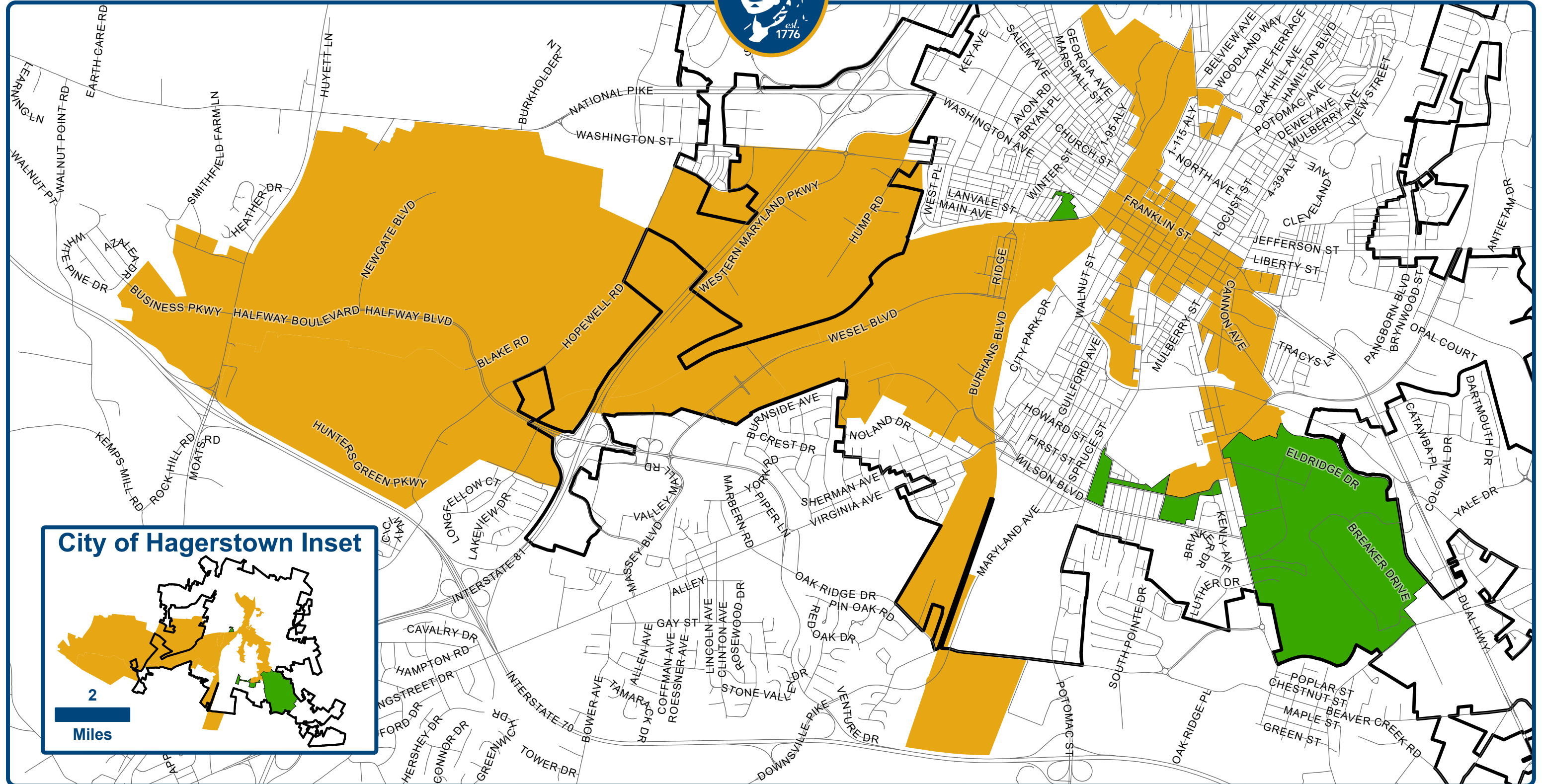
FISCAL IMPACT: n/a

CONCURRENCES: City of Hagerstown Department of Community & Economic Development; City of Hagerstown Department of Planning; and Washington County Planning & Zoning Department

ALTERNATIVES: n/a

ATTACHMENTS: Existing and Proposed Enterprise Zone Map(s)

AUDIO/VISUAL NEEDS: n/a



Prepared by: Washington County Department of Planning and Zoning GIS
Date: Wednesday, June 29, 2022

0.5
Miles



— Roads
City of Hagerstown Boundary

Existing Hagerstown Enterprise Zone
Areas to be Added



Hagerstown S Potomac/First St - Addition Area 1

Total Acreage: 17.28

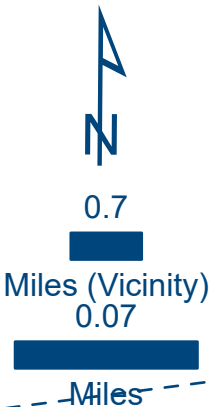
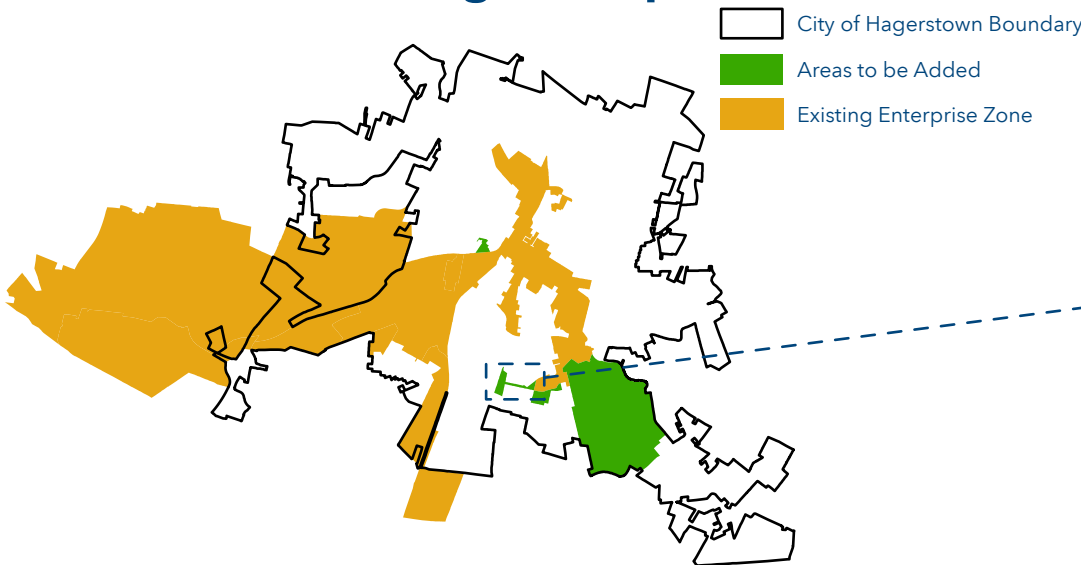
— Roads

City of Hagerstown Boundary

Areas to be Added

Existing Enterprise Zone

Location w/in Existing Enterprise Zone



Public/Private	Acreage*	Ownership	Account	Parcel	LU Code**	Location***
Private	0.83	ACCENT INVESTMENT GROUP LLC	17014757	1603	C	940 S POTOMAC ST
Private	0.47	BANK FULTON	17000616	1602	C	900 S POTOMAC ST
Private	0.09	BATHULA ALEXANDER	17004220	1588	R	800 S POTOMAC ST
Private	0.06	BJC LLC	17018507	1564	R	118 E FIRST ST
Private	0.07	CHAMBERS SCOTT D &	17014919	1592	M	818 S POTOMAC ST
Private	0.04	CHAMBERS SCOTT DOUGLAS	17013815	1593	R	820 S POTOMAC ST
Private	0.06	COEBURN JOSHUA LEE	17009796	1564	R	20.5X120
Private	3	CRAMPTON JEFFREY N	17002368	1548	I	901 POPE AVE
Private	1.45	CRAMPTON JEFFREY N	17010794	1549	C	50 E WILSON BLVD
Private	0.06	DARLING DOOR PROPERTIES LLC	17002279	1563	R	112 FIRST STREET
Private	1.26	EXCHANGERIGHT NET LEASED PORTFOLIO	17002104	1604	C	10 E WILSON BLVD
Private	0.02	FAMORIYO ABBY	17014420	1590	R	814 S POTOMAC ST
Private	0.11	FRANCIS RENARDO K	17011138	1601	R	S POTOMAC ST
Private	0.12	FRANCIS RENARDO K	17011154	1600	R	844 & 842 S POTOMAC ST
Private	0.09	GREEN JESYNAH R	17005014	1569	R	E FIRST ST
Private	0.09	GREEN JESYNAH R	17005006	1568	R	136 E FIRST ST
Private	0.14	GRENIER TRACY C	17005901	1571	R	832 CORBETT ST
Private	0.49	GWD LLC	17002414	1574	I	350 FIRST ST
Private	0.11	GWD LLC	17002406	1573	I	KUHN AVE & FIRST STREET
Private	0.11	LEXCA LLC	17000209	1598	R	838 S POTOMAC ST
Private	0.04	LITTLE BLUE DINER LLC THE	17009494	1591	C	816 S POTOMAC STREET
Private	0.06	MASON CHRISTINE M	17014900	1565	R	124 E FIRST ST
Private	0.11	MCNAMEE MICHAEL D	17009699	1426	R	841 ROSE HILL AVE

Public/Private	Acreage*	Ownership	Account	Parcel	LU Code**	Location***
Private	0.1	MILLS JAMES R	17010581	1597	R	836 S POTOMAC ST
Private	0.06	NEFF LINDA J	17008684	1567	R	130 E FIRST ST
Private	0.06	NEFF LINDA J	17008676	1566	R	A 128 E FIRST ST
Private	1.45	PAPAL ACQUISITIONS INC	17012819	1547	C	W/S POPE AVE
Private	0.06	PRIORITY 1 PROPERTIES LLC	17028340	1563	R	114 E FIRST STREET
Private	0.19	RAB RENTALS LLC	17009680	1425	R	ROSE HILL AVE
Private	0.15	RAMSINGH BISSOON	17005928	1570	R	204 E FIRST ST
Private	0.14	REEL FRANKLIN J & REBECCA L	17006282	1572	R	.14AC 208 E FIRST ST
Private	0.09	ROSE HILL CEMETERY	17002430	1402	R	ROSE HILL AVE
Private	0.17	ROSE HILL CEMETERY	17002449	1403	R	844 ROSE HILL AVE
Private	2.1	SNECKENBERGER DOY CLIFFORD &	17010689	1576	C	448 E FIRST ST
Private	0.1	SOUBBOTIN LEONID	17008331	1596	R	832 S POTOMAC ST
Private	0.1	STEEN MATTHEW A & DIANE MARIE	17008307	1424	R	835 ROSE HILL AVE
Private	0.1	SWEENEY BROS PROPERTIES LLC	17010557	1589	C	812 S POTOMAC ST
Private	0.08	VIDONI RICHARD G L/E	17005235	1561	R	
Private	0.14	WARREN FELTZ KINDRA K	17005324	1562	R	
Private	0.18	WINEBRENNER RICHARD E	17002392	1401	R	838 ROSE HILL AVE
Private	0.05	WRIGHT JULIA I	17006835	1595	R	828 S POTOMAC ST
Private	0.04	YOUNG EDWARD PAUL JR	17006169	1594	R	826 S POTOMAC ST
Private	0.06	ZAMARAY PROPERTIES LLC	17020633	1565	R	126 E FIRST ST
Private	0.08	ZAMARAY PROPERTIES LLC	17001493	1427	R	843 ROSE HILL AVE
Public	1.15	Public Infrastructure				

Prepared by: Washington County Department of Planning and Zoning GIS
Date: Wednesday, June 29, 2022

*Acreage is based on calculated acreage included in areas
**Land Use Code from Maryland Department of Assessments data
***Property location based on LegalDesc2 from Maryland Department of Assessments
Path: T:\Policy\EDC\Enterprise Zones\EnterpriseZones.aprx





Hagerstown Kuhn Ave - Addition Area 2

Total Acreage: 16.71

— Roads

City of Hagerstown Boundary

Areas to be Added

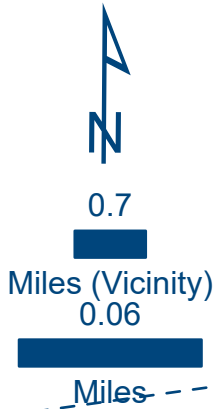
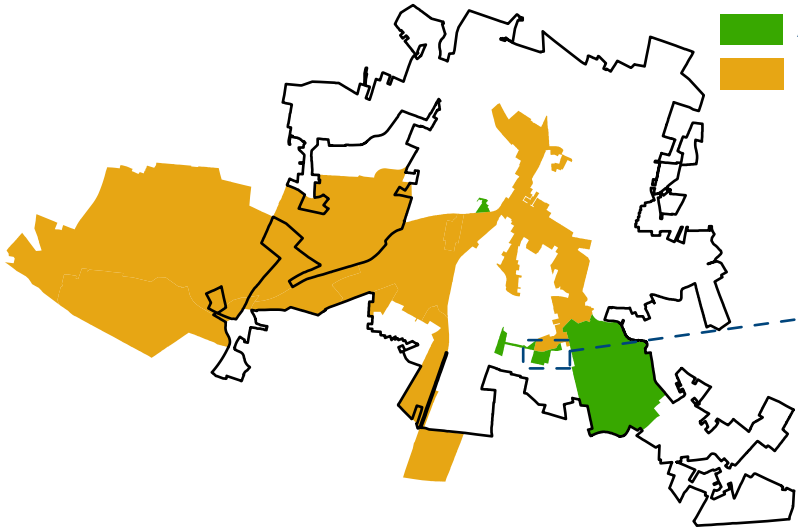
Existing Enterprise Zone

Location w/in Existing Enterprise Zone

City of Hagerstown Boundary

Areas to be Added

Existing Enterprise Zone



Public/Private	Acreage*	Ownership	Account	Parcel LU Code**	Location***
Private	1.1	701 FIRST LLC	17000624	1142 C	701 E FIRST ST
Private	9.14	AG CENTER PROPERTIES LLC	17011812	1349 C	510 EAST WILSON BLVD
Private	1.13	B & J AUCTIONS INC	17004433	1579 I	FIRST STREET AT OAK ST
Private	0.45	BEYOND HEALTHCARE SERVICES LLC	17007459	1151 C	W/S KENLEY AVENUE
Private	1.97	POTOMAC EDISON CO	17022628	1350 C	WILSON BLVD
Public	2.42	Public Infrastructure			

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Hagerstown Frederick St/Edgewood Dr - Addition Area 3

Total Acreage: 495.32

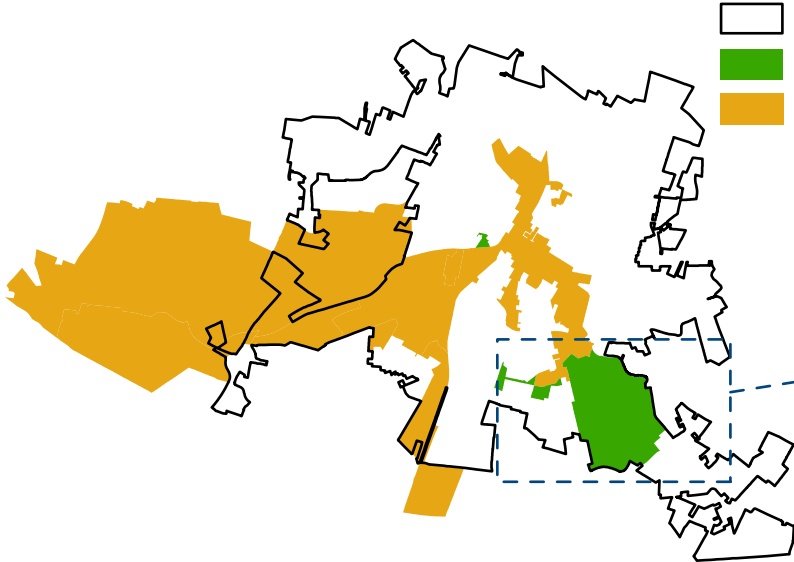
— Roads

City of Hagerstown Boundary

Areas to be Added

Existing Enterprise Zone

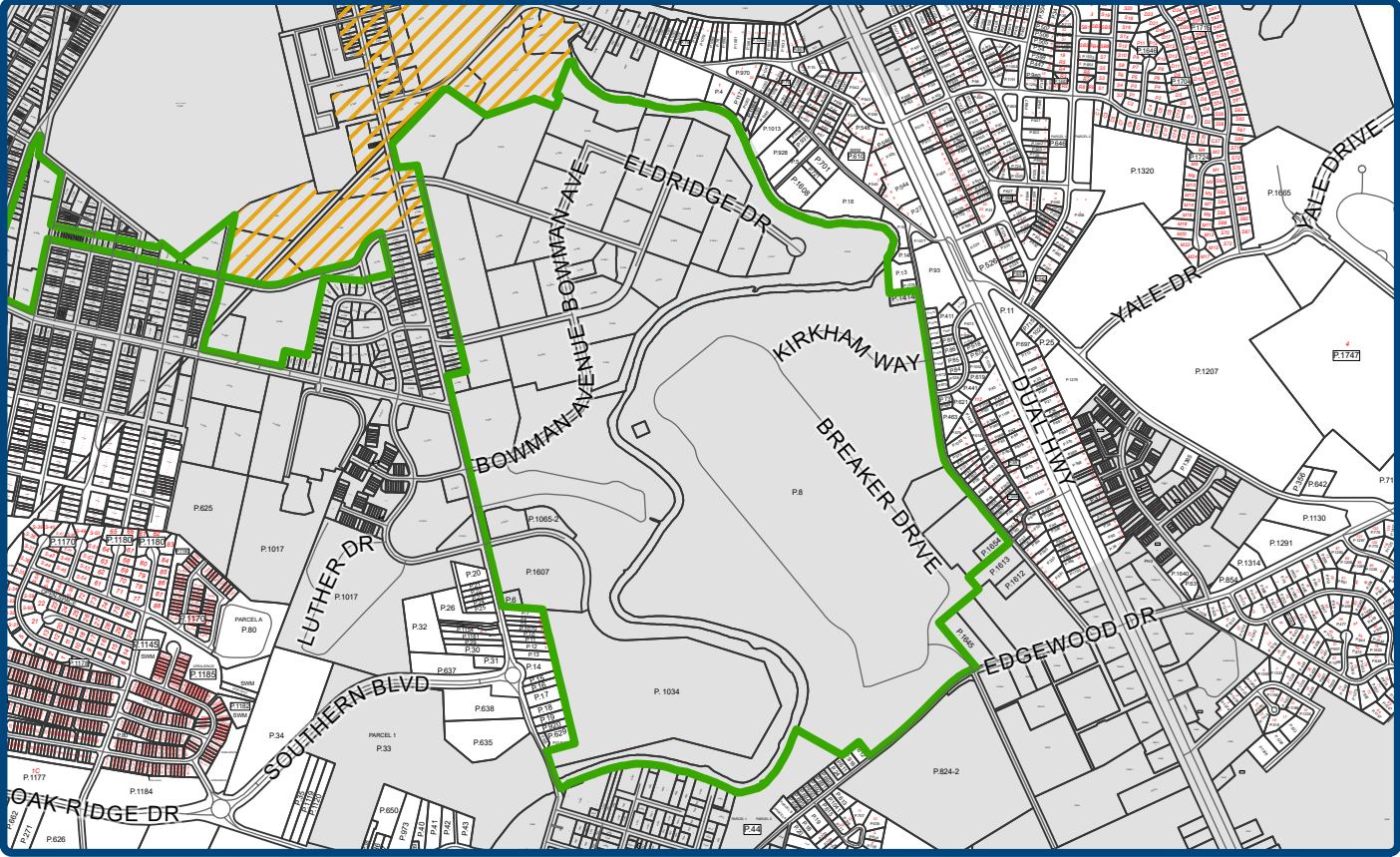
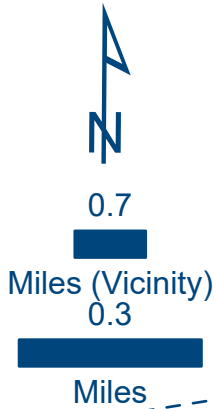
Location w/in Existing Enterprise Zone



City of Hagerstown Boundary

Areas to be Added

Existing Enterprise Zone



Public/Private	Acreage*	Ownership	Account	Parcel	LU Code**	Location***
Private	3.46	2003 WILLOW CIRCLE LLC	17016458	1024	I	950 WILLOW CIR
Private	4.59	249 PROSPECT LLC	17009818	1010	I	743 BOWMAN AVE
Private	2.12	910 WEST LLC	17015885	1012	I	910 ELDRIDGE DRIVE
Private	4.1	920 ELDRIDGE DRIVE LLC	17020501	1015	I	920 ELDRIDGE DR
Private	0.84	949 COMMONWEALTH LLC	17028847	1025	I	949 COMMONWEALTH AVE
Private	2.15	ADTECH LLC	17018337	1012	I	N/S ELDRIDGE DRIVE
Private	2.97	ANTIETAM CABLE TELEV INC	17000322	1023	I	990 & 1000 WILLOW CIRCLE
Private	0.64	B & B FREDERICK LLC	17000594	1063	C	940 FREDERICK ST
Private	2.23	B A F LLC	17021044	1015	I	930 ELDRIDGE DR
Private	2.41	BEAVER CREEK SELF STORAGE LLC	17016474	1019	I	915 ELDRIDGE DR
Private	2.04	BRADLEY PROPERTIES LLC	17009095	1009	I	747 BOWMAN AVE
Private	10.23	COMMONWEALTH AVE REAL ESTATE LLC	17000632	1029	I	825 COMMONWEALTH AVE
Private	13.06	CONAGRA FOODS PACKAGED	17017365	1067	I	1200 FREDERICK STREET
Private	4.13	D AND C INVESTMENTS LLC	17003534	1033	C	S/S WILLOW CIRCLE
Private	12.02	DAYLIGHT ACQUISITION CORP	17009346	1030	I	857 WILLOW CIR
Private	3.23	DAYLIGHT ACQUISITION CORP	17026003	1030	I	S/S WILLOW CIRCLE
Private	1.35	DIVELBLISS TODD RUSSELL	17010697	1025	I	947 COMMONWEALTH AVE
Private	2.34	ELDRIDGE DRIVE REAL ESTATE LLC	17009516	1017	I	929 ELDRIDGE DRIVE
Private	2.87	ELDRIDGE DRIVE REAL ESTATE LLC	17016520	1018	I	929 ELDRIDGE DR
Private	5.59	HAGERSTOWN HEART PROPERTIES LLC	17028871	1733	C	1733 HOWELL RD
Private	193.4	HAREM INVESTMENTS LLC ET AL	17006134	0008	A	1527 HOWELL ROAD
Private	2.5	HARRELL PROPERTIES LLC	17015370	1022	I	950 COMMONWEALTH AVE
Private	0.6	HARRISON RICHARD L	17006177	1414	C	HOWELL RD

Public/Private	Acreage*	Ownership	Account	Parcel	LU Code**	Location***
Private	3.24	HARSH JAMES	17018159	1018	C	S/S ELDRIDGE DRIVE
Private	7.16	HBP REALTY LLC	17014145	1065	I	952 FREDERICK ST
Private	2.77	KUDZU INTERNATIONAL INC	17018035	1018	C	919 ELDRIDGE DR
Private	5.07	KUDZU INTERNATIONAL INC	17008285	1028	I	COMMONWEALTH AVE
Private	1.98	KUDZU INTERNATIONAL INC	17008293	1027	I	879 COMMONWEALTH AVE
Private	4.29	MAKIA LLC	17031880	1740	C	1701 HOWELL ROAD
Private	3.24	MANNING BROADCASTING INC	17011847	1008	I	880 COMMONWEALTH AVE
Private	2	MASN REALTY LLC	17014390	1026	I	818 BOWMAN AVE
Private	0.69	MASN REALTY LLC	17005677	1031	I	830 BOWMAN AVE
Private	1	MERITUS MEDICAL CENTER INC	17025368	1654	EC	1799 HOWELL ROAD
Private	2.01	OB RENTALS LLC	17003836	1032	I	CIR & BOWMAN AVE
Private	0.57	SEBURN DONALD E & KATHY A	17017195	0006	R	E/S FREDERICK ST
Private	5.06	SPTWK LLC	17011936	1021	I	758 & 760 BOWMAN AVE
Private	4.94	WILLOW INVESTMENT HOLDINGS LLC	17015095	1030	I	858 WILLOW CIR
Private	2.15	WILLOW INVESTMENT HOLDINGS LLC	17019805	1030	I	WILLOW CIRCLE AT BOWMAN
Public	11.57	BOARD OF EDUCATION	17021966	1007	EC	823 COMMONWEALTH AVE
Public	90.12	HAGERSTOWN CITY OF	17022210	1034	EC	1 CLEAN WATER CIR
Public	4.21	HAGERSTOWN CITY OF	17025740	0973	EC	E/S EASTERN BLVD SOUTH
Public	0.15	HAGERSTOWN CITY OF	17027166	1034	EC	W/S FREDERICK ST
Public	7.81	HAGERSTOWN CITY OF	17022504	1005	EC	728 & 730 FREDERICK ST
Public	0.29	HAGERSTOWN CITY OF	17017020	0927	E	ANTIETAM CREEK
Public	20.77	HAGERSTOWN CITY OF	17022466	1016	EC	E/S STATE RD
Public	17.04	Public Infrastructure				

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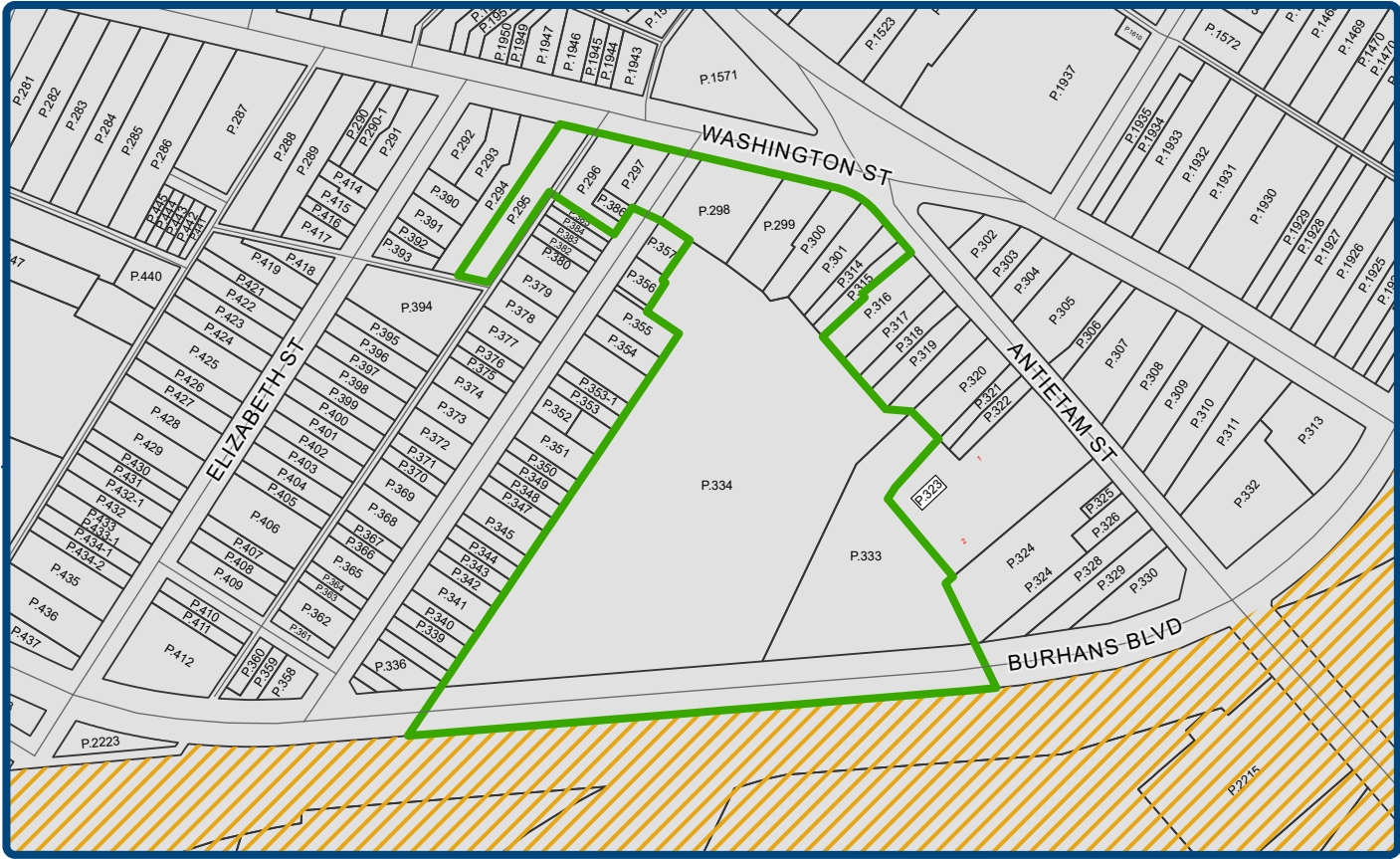
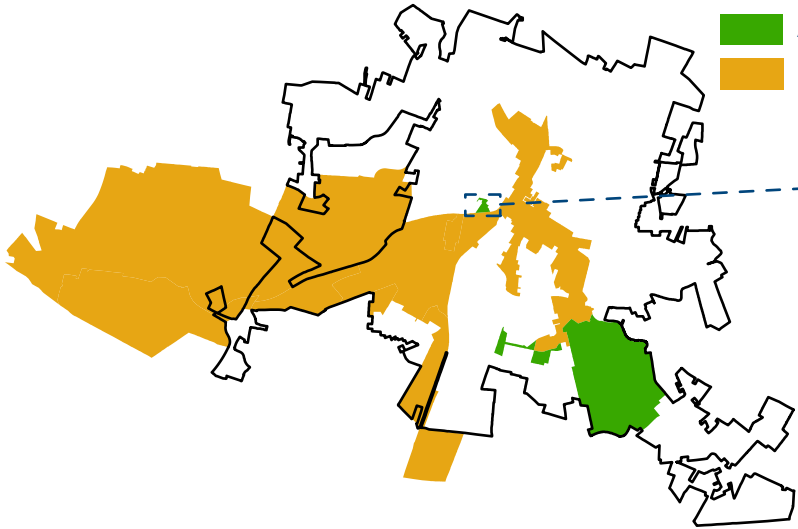


Hagerstown S Burhans/W Antietam - Addition Area 4

Total Acreage: 7.38 — Roads
Areas to be Added
City of Hagerstown Boundary Existing Enterprise Zone

Location w/in Existing Enterprise Zone

City of Hagerstown Boundary
Areas to be Added
Existing Enterprise Zone



Public/Private	Acreage*	Ownership	Account	Parcel LU Code**	Location***
Private	3.89	ADAM KENNETH L ET AL	03000060	0334 C	ST & BURHANS BLVD
Private	0.99	BLOCK ENTERPRISES LLC	03001962	0333 I	133 S BURHANS BLVD
Private	0.08	LUNNA PROPERTIES TWO LLC	03065112	0315 R	455 W ANTIETAM ST
Private	0.28	MEHTA MANISH &	03002357	0298 C	521 W WASHINGTON ST
Private	0.09	MERCERSBURG ONE LLC	03004279	0297 CR	601/605 W WASHINGTON ST
Private	0.13	OLDE TOWNE DEVELOPMENT LLC	03017346	0296 M	607-609 W WASH ST
Private	0.21	OLDE TOWNE DEVELOPMENT LLC	03017338	0295 C	613 W WASHINGTON ST
Private	0.03	PRINCE RAGGIE G	03008304	0386 R	9 MADISON AVE
Private	0.13	SAGI STEPHEN	03001199	0301 M	503 W WASHINGTON ST
Private	0.08	SAGI STEPHEN B	03010716	0314 R	457 W ANTIETAM ST
Private	0.21	TIA HOLDINGS LLC	03023796	0299 C	511 W WASHINGTON ST
Private	0.14	X & L FINANCIAL GROUP LLC	03018539	0300 M	505/507 W WASHINGTON ST
Public	1.13	Public Infrastructure			

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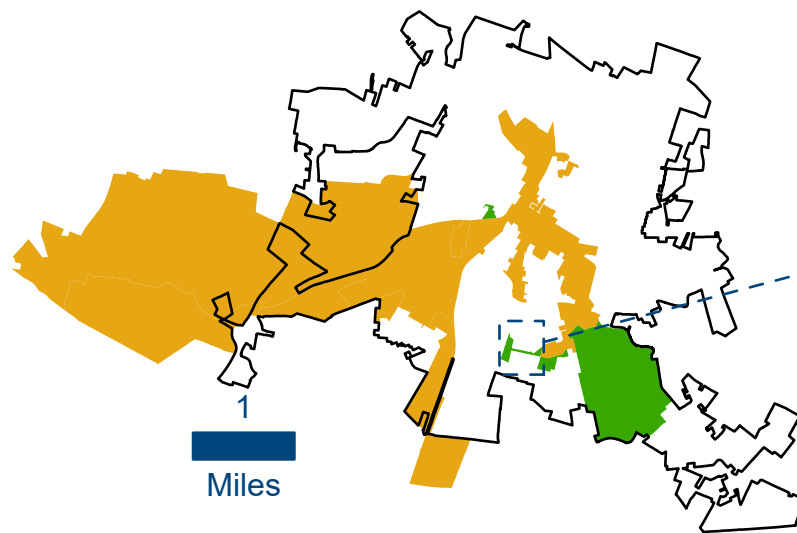
Hagerstown S Potomac/First St - Addition Area 1

Total Acreage: 17.28

- | | | |
|-------------------------------|-------------------------------------|-------------------------------|
| — Roads | City Zoning District | CG (Commercial General) |
| ▭ Areas to be added | AT (Agricultural Transitional) | CL (Commercial Local) |
| ▨ Existing Enterprise Zone | RMOD (Residential-Moderate Density) | CR (Commercial Regional) |
| ▨ Adjacent Addition Area | POM (Professional Office Mixed Use) | I-MU (Industrial-Mixed Use) |
| ▭ City of Hagerstown Boundary | RH (Residential-High Density) | IG (Industrial General) |
| ▭ RU | RMED (Residential-Medium Density) | IR (Industrial Restricted) |
| ▭ CITY or TOWN ZONING | RO (Residential-Office) | N-MU (Neighborhood-Mixed Use) |
| | CC-MU (City Center-Mixed Use) | INST (Institutional) |

Location w/in Existing Enterprise Zone

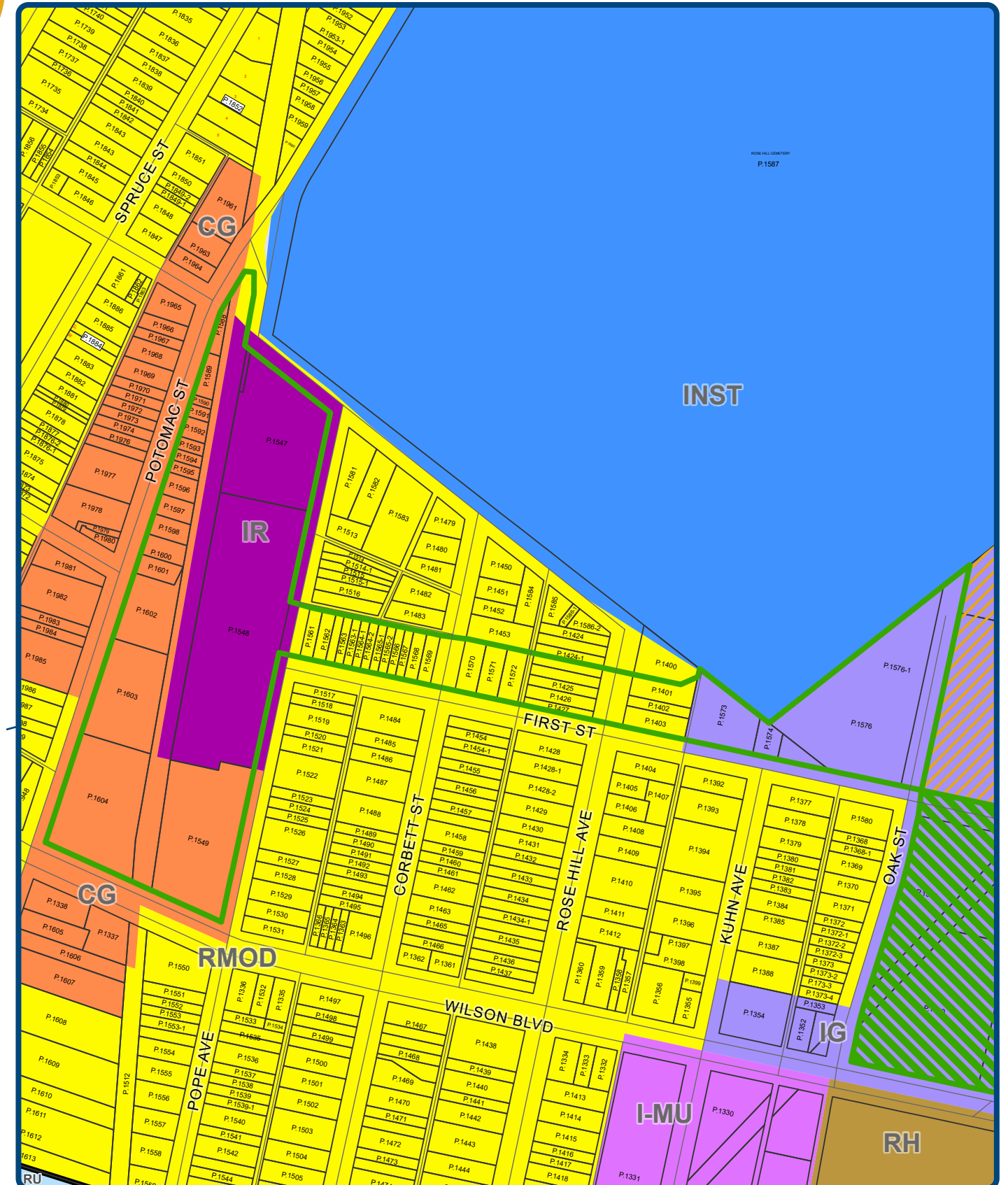
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| ▭ City of Hagerstown Boundary |
| ▭ Areas to be Added |
| ▭ Existing Enterprise Zone |



Prepared by: Washington County Department of Planning and Zoning GIS
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Enterprise Zone Renewal 2022 - Zoning Information





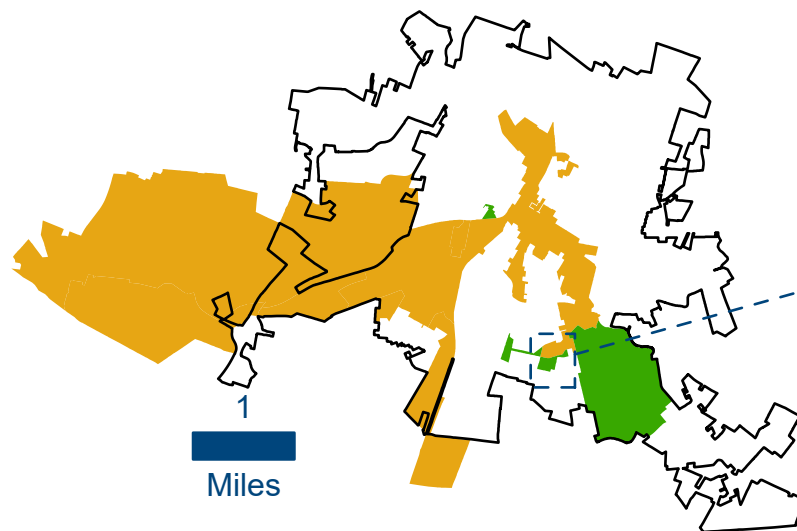
Hagerstown Kuhn Ave - Addition Area 2

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| ▭ City of Hagerstown Boundary | RH (Residential-High Density) | IG (Industrial General) |
| ▭ RU | RMED (Residential-Medium Density) | IR (Industrial Restricted) |
| ▭ CITY or TOWN ZONING | RO (Residential-Office) | N-MU (Neighborhood-Mixed Use) |
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Location w/in Existing Enterprise Zone

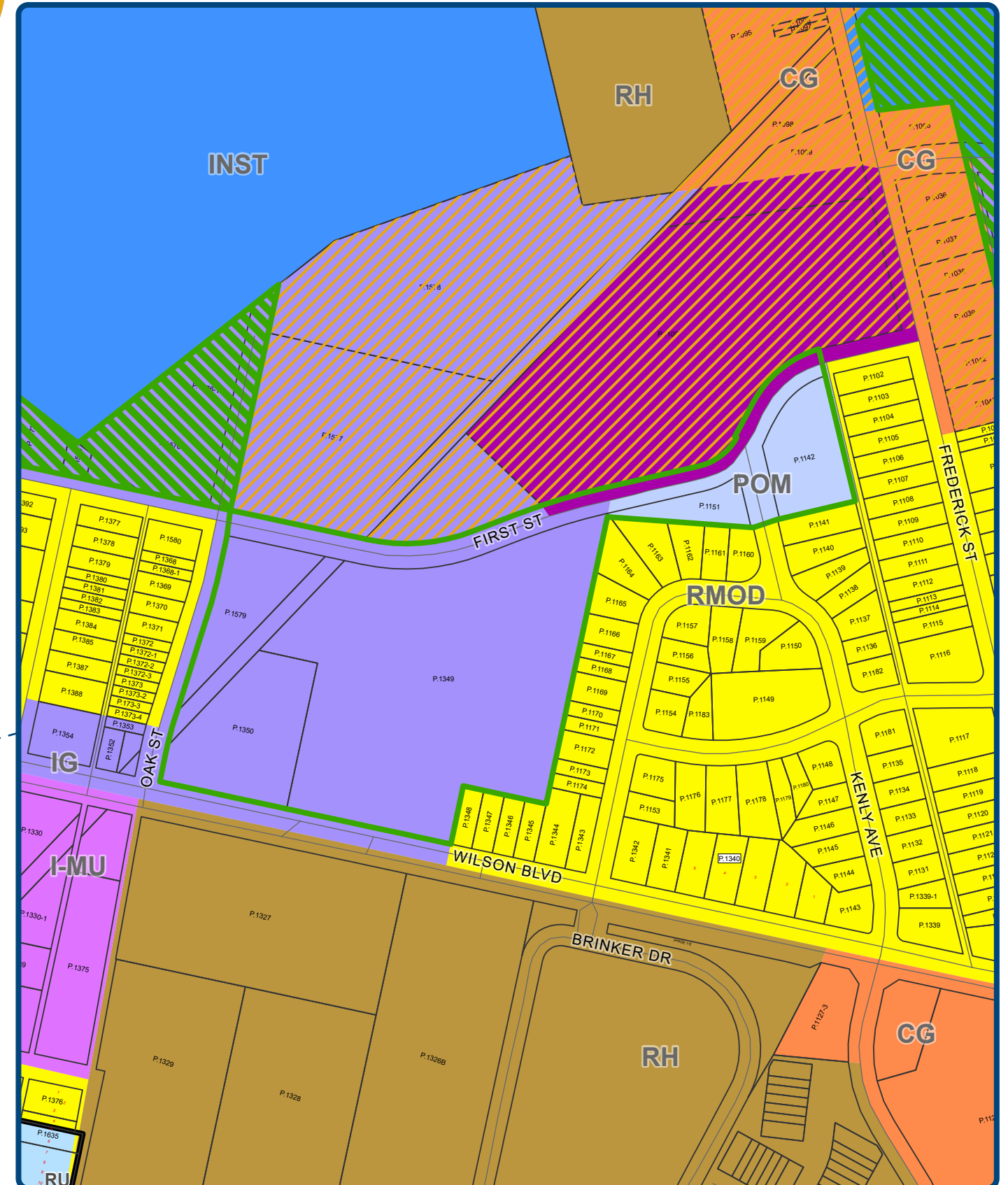
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Enterprise Zone Renewal 2022 - Zoning Information





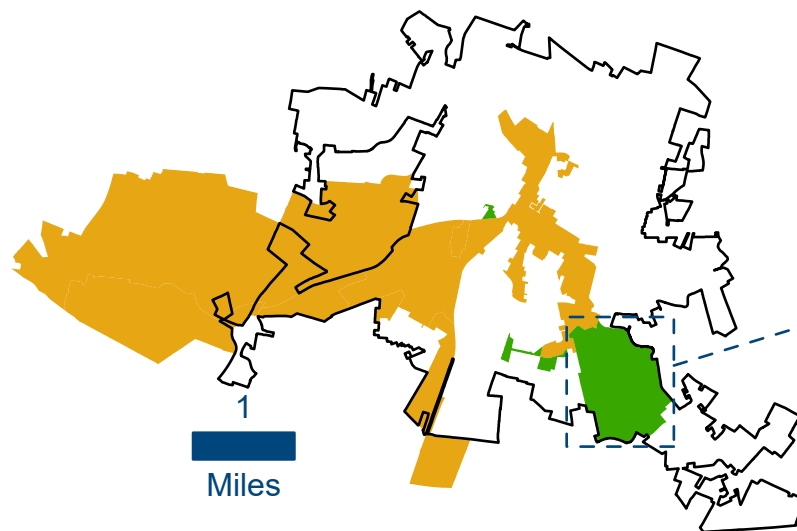
Hagerstown Frederick St/Edgewood Dr - Addition Area 3

Total Acreage: 495.32

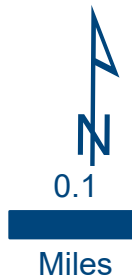
- | | | |
|-----------------------------|-------------------------------------|-------------------------------|
| — Roads | City or TOWN ZONING | CG (Commercial General) |
| Areas to be added | City Zoning District | CL (Commercial Local) |
| Existing Enterprise Zone | AT (Agricultural Transitional) | CR (Commercial Regional) |
| Adjacent Addition Area | RMOD (Residential-Moderate Density) | I-MU (Industrial-Mixed Use) |
| City of Hagerstown Boundary | POM (Professional Office Mixed Use) | IG (Industrial General) |
| BG | RH (Residential-High Density) | IR (Industrial Restricted) |
| BL | RMED (Residential-Medium Density) | N-MU (Neighborhood-Mixed Use) |
| RS | RO (Residential-Office) | INST (Institutional) |
| RU | CC-MU (City Center-Mixed Use) | |

Location w/in Existing Enterprise Zone

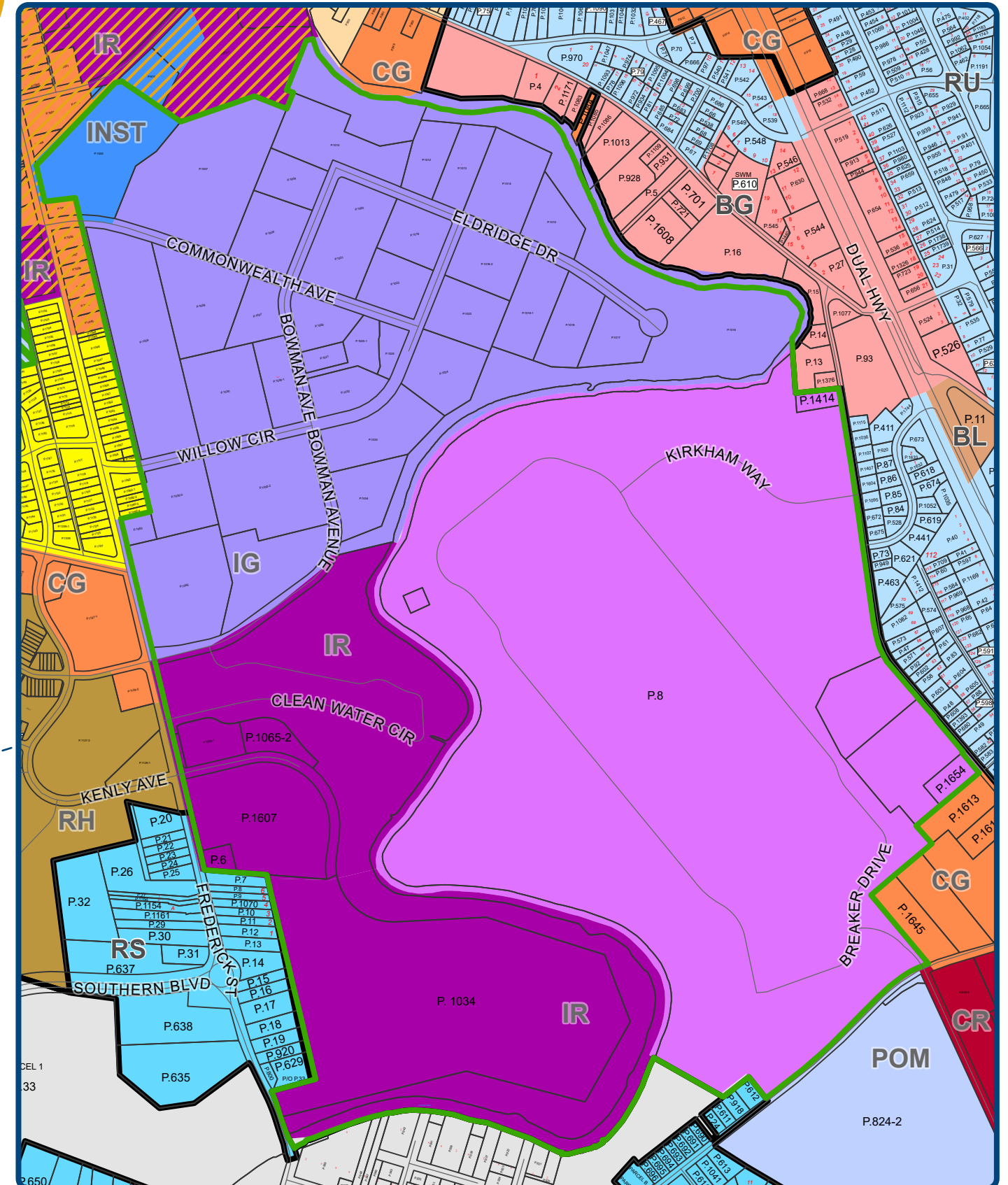
- City of Hagerstown Boundary
- Areas to be Added
- Existing Enterprise Zone



Prepared by: Washington County Department of Planning and Zoning GIS
Date: Wednesday, June 29, 2022



Enterprise Zone Renewal 2022 - Zoning Information





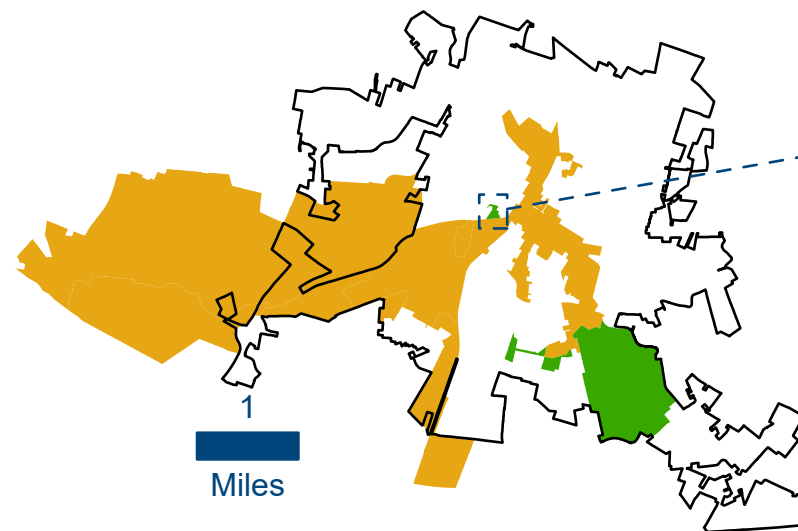
Hagerstown S Burhans/W Antietam - Addition Area 4

Total Acreage: 7.38

- | | | |
|----------------------------------|-------------------------------------|-------------------------------|
| — Roads | RMED (Residential-Medium Density) | CR (Commercial Regional) |
| ▭ Areas to be added | POM (Professional Office Mixed Use) | I-MU (Industrial-Mixed Use) |
| ▨ Existing Enterprise Zone | RH (Residential-High Density) | IG (Industrial General) |
| ▨ Adjacent Addition Area | RO (Residential-Office) | IR (Industrial Restricted) |
| ▭ City of Hagerstown Boundary | CC-MU (City Center-Mixed Use) | N-MU (Neighborhood-Mixed Use) |
| ▭ CITY or TOWN ZONING | CG (Commercial General) | INST (Institutional) |
| City Zoning District | CL (Commercial Local) | |
| ▭ AT (Agricultural Transitional) | | |

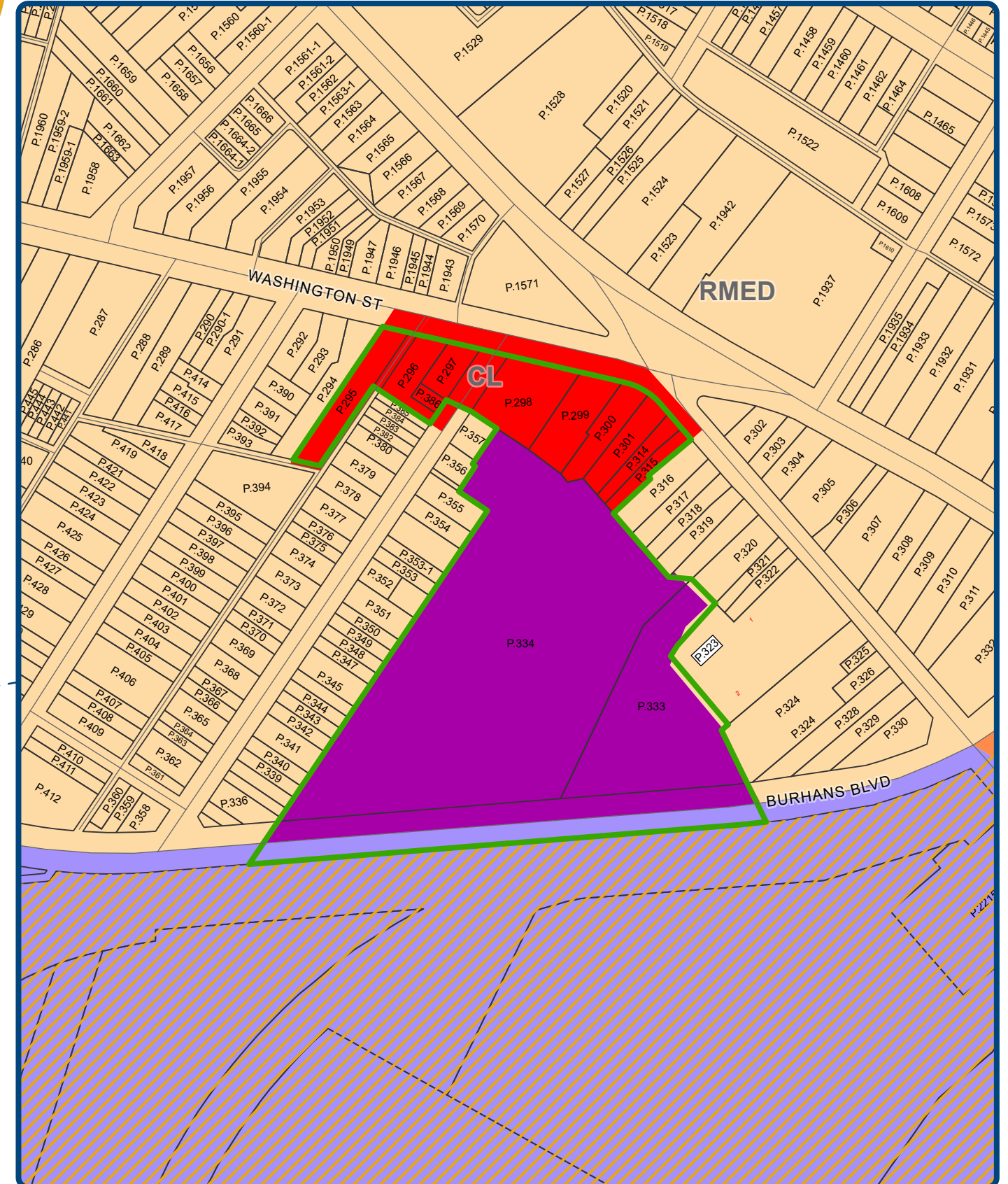
Location w/in Existing Enterprise Zone

- | |
|-------------------------------|
| ▭ City of Hagerstown Boundary |
| ▭ Areas to be Added |
| ▭ Existing Enterprise Zone |



0.04

Miles



Prepared by: Washington County Department of Planning and Zoning GIS
Date: Wednesday, June 29, 2022



Agenda Report Form

Open Session Item

SUBJECT: Washington County Soil Conservation District (WCSCD) – Urban Program (Fee Increase)

PRESENTATION DATE: July 26, 2022

PRESENTATION BY: Denise D Price, District Manager, WCSCD

RECOMMENDED MOTION: Approval

REPORT-IN-BRIEF: WCSCD is seeking approval for an average fee increase of 26% for our Urban Program, i.e. Plan Review Services and Field Services.

Fees were last increased, July 1, 2019. Since that time, our costs have increased by 27%.

DISCUSSION:

FISCAL IMPACT:

CONCURRENCES:

ALTERNATIVES:

ATTACHMENTS: Law references, Code of Maryland Regulations references, Support Letter (HBA), etc.

AUDIO/VISUAL NEEDS: None



 [Unannotated Code of Maryland \(Last Updated: May 16, 2014\)](#)

■ [ENVIRONMENT](#)

■ [TITLE 4. WATER MANAGEMENT](#)

■ [SUBTITLE 1. SEDIMENT CONTROL](#)

§ 4-103. Grading and building permits; adoption of grading and building ordinances; fees for reviewing grading and sediment control plans; copies of plan; compliance with subtitle enforced by Department; delegation of enforcement authority; inspection of sites

Latest version.

(a) Issuance of permits. --

(1) A county or municipality may issue grading and building permits as provided by law.

(2) A grading or building permit may not be issued until the developer:

(i) Submits a grading and sediment control plan approved by:

1. The appropriate soil conservation district; or

2. A municipal corporation in Montgomery County that is designated under paragraph (4) of this subsection; and

(ii) Certifies that all land clearing, construction, and development will be done under the plan.

(3) Criteria for sediment control and the procedure for referring an applicant to the appropriate soil conservation district shall be acceptable to the soil conservation district and the Department of the Environment.

(4) A soil conservation district may delegate approval authority of a grading and sediment control plan to a municipal corporation in Montgomery County that:

(i) Has its own sediment control review provisions that are at least as stringent as the provisions of the grading and sediment control plan of the soil conservation district;

(ii) Issues sediment control permits; and

(iii) Meets the necessary performance standards established by written agreement between the district and the municipal corporation.

(b) Adoption of ordinances. -- Each county or municipality shall adopt grading and building ordinances necessary to carry out the provisions of this subtitle, with the assistance of the Department of the Environment and the appropriate soil conservation district.

(c) Fees. -- Each soil conservation district may recommend a fee system to cover the cost of reviewing the grading and sediment control plans. Subject to § 8-311 of the Agriculture Article, any recommended fee shall take effect upon enactment by the local governing body. Any fees collected pursuant to this fee system shall be supplementary to county and State funds and may not (1) be used to reduce county or State funds, and (2) exceed the cost of reviewing the plans.

(d) Copies of plan. -- Each soil conservation district shall require an applicant for grading and sediment control plan approval to submit a sufficient number of copies of the plan to enable the district to forward copies of the plan to appropriate State and local agencies. Where enforcement authority has been retained by the Department of the Environment, each district shall forward 1 copy of each approved plan to the Department of the Environment immediately upon approval.

(e) Enforcement of subtitle. --

(1) Notwithstanding any other provision of State law or local ordinance, it shall be the sole responsibility of the

Department to enforce compliance with the provisions of this subtitle and of any approved plan, except in those counties and municipalities to which enforcement authority has been delegated in accordance with paragraph (2) of this subsection.

(2) (i) 1. The Secretary of the Environment shall delegate enforcement authority under this subtitle to any county or municipality which is found capable of enforcing compliance with the provisions of this subtitle, or is found to have enforcement capability within that jurisdiction which is comparable to that of the Department in terms of laws and procedures, manpower, equipment, and overall effectiveness.

2. The Secretary may delegate a specific portion of the enforcement authority under this subtitle to a county or municipality.

3. The Secretary may not deny a requested delegation unless opportunity has been afforded to the appropriate officials of the affected local jurisdiction to present arguments before the Secretary.

(ii) A delegation pursuant to this paragraph shall be effective for not more than 2 years, unless renewed by the Secretary.

(iii) Every such delegation shall be subject to suspension by the Secretary, after opportunity is afforded for a hearing, upon a finding that the county or municipal program has fallen below the standard of comparable effectiveness. During a period of suspension, the Department shall enforce compliance in the affected jurisdiction.

(iv) Any county or municipality requesting either delegation of enforcement authority or renewal of delegation under this subtitle shall submit the request to the Secretary on or before October 1 immediately preceding the fiscal year for which delegation or renewal of delegation is sought.

(v) On or before January 1 of the year during which delegation is sought by a county or municipality, the Secretary shall:

1. Grant the request;

2. Deny the request; or

3. Delegate a specific portion of the enforcement authority under this subtitle.

(f) Inspection of sites. --

(1) Subject to paragraph (2) of this subsection, the Secretary, by contractual agreement, may authorize a soil conservation district to inspect sites for compliance with approved sediment control plans.

(2) The Secretary may not authorize a soil conservation district to inspect sites over which a county or municipality has been delegated enforcement authority under subsection (e) of this section.

(3) (i) A district authorized to perform inspections under this subsection may establish a fee system providing for the assessment and collection of inspection fees on all sites in the district with approved plans.

(ii) The fees shall be based on the reasonably anticipated cost of inspections to be performed under the contractual agreement.

(iii) The district shall not assess and collect fees in a jurisdiction which has been delegated enforcement authority by the Secretary.

HISTORY: An. Code 1957, art. 96A, § 108; 1973, 1st Sp. Sess., ch. 4, § 1; 1980, ch. 27; ch. 676, § 2; ch. 815; 1984, ch. 790; 1987, ch. 306, § 3; 1989, chs. 103, 159; 1994, ch. 454; 1995, ch. 488, § 16; 1998, ch. 37; 1999, ch. 34, § 1; 2000, ch. 459; 2001, ch. 97; 2005, ch. 25, § 1.



 [Unannotated Code of Maryland \(Last Updated: May 16, 2014\)](#)

■ [AGRICULTURE](#)

■ [TITLE 8. SOIL CONSERVATION](#)

■ [SUBTITLE 3. STATE SOIL CONSERVATION DISTRICTS](#)

§ 8-306. Powers of supervisors

Latest version.

(a) Powers generally. -- A soil conservation district constitutes a political subdivision of the State, and a public body corporate and politic, exercising public powers. The supervisors may:

(1) Conduct surveys, investigations, and research relating to the character of soil erosion and the preventive and control measures needed and publish the results, if the research program is executed in cooperation with the State, the United States, or any of their agencies;

(2) Disseminate information concerning preventive and control measures;

(3) Conduct demonstration projects within the district on State owned or controlled land, with the cooperation of the agency administering and having jurisdiction of them, or on any land within the district upon obtaining the consent of the land occupier or the possessor of the necessary rights or interests in the land, in order to demonstrate by example the means, methods, and measures for conserving soil and soil resources, and preventing and controlling soil erosion in the form of soil blowing and washing;

(4) Carry out preventive and control measures within the district including engineering operations, cultivation methods, the growing of vegetation, changes in land use, and the measures listed in § 8-102(c) of this title, on State owned or



controlled land, with the cooperation of the agency administering and having jurisdiction of them, or on any other land within the district upon obtaining the consent of the land occupier or the possessor of the necessary rights or interests in the land;

(5) Cooperate or enter into agreements with any person to furnish financial or other aid to any government or private agency or any land occupier within the district, in carrying on erosion control and prevention operations within the district, subject to conditions the supervisors deem necessary to advance the purposes of this subtitle;

(6) Obtain options upon and to acquire, by purchase, exchange, lease, gift, grant, or otherwise, any real or personal property or rights or interests in it, which shall be exempt from State, county, or municipal taxation;

(7) Maintain, administer, and improve any acquired properties, receive income from the properties and expend the income to carry out the purposes and provisions of this subtitle;

(8) Sell, lease, or otherwise dispose of its property or interests in it to further the purposes and the provisions of this subtitle;

(9) Make available to land occupiers within the district, on terms the supervisors prescribe, agricultural and engineering machinery and equipment, fertilizer, seeds, seedlings, and other material or equipment, to assist land occupiers in conserving soil resources and preventing and controlling soil erosion;

(10) Construct, improve, and maintain structures necessary or convenient for the performance of any of the operations authorized in this title;

(11) Develop comprehensive plans for conserving soil resources and controlling and preventing soil erosion within the district, if the plans specify in reasonable detail, the acts, procedures, performances, and avoidances which are necessary or desirable for the effectuation of the plans, including the specification of engineering operations, cultivation methods, the growing of vegetation, cropping programs, tillage practices, and changes in land use;

(12) Publish the plans and information and bring them to the attention of land occupiers within the district;

(13) Take over, by purchase, lease, or otherwise, and administer any soil conservation, erosion control, or erosion prevention project located within the district undertaken by the United States, the State, or any of their agencies;



(14) Act as agent for the United States, the State, or any of their agencies, in connection with the acquisition, construction, operation, or administration of any soil conservation, erosion control, or erosion prevention project within its boundaries;

(15) Accept gifts in money, services, materials, or otherwise from the United States, the State, or any of their agencies and to use or expend them to carry out the operations of the districts;

(16) Borrow money on its negotiable paper to carry out its powers and duties;

(17) Approve or disapprove plans for clearing, grading, transporting, or otherwise distributing soil pursuant to § 4-105(a) of the Environment Article and to adopt general criteria and specific written recommendations concerning the control of erosion and siltation of pollution associated with these activities;

(18) Recommend a fee system to cover the cost of reviewing the grading and sediment control plans. Subject to § 8-311 of this subtitle, any recommended fee shall take effect upon enactment by the local governing body. Any fees collected pursuant to this fee system shall be supplementary to county and State funds and may not (i) be used to reduce county or State funds, and (ii) exceed the cost of reviewing the plans;

(19) Establish and implement a fee system to cover the cost of inspecting sites with approved sediment control plans pursuant to a contractual agreement with the Department of the Environment under § 4-103(f) of the Environment Article;

(20) Sue and be sued in the name of the district; have a seal which shall be judicially noticed; have perpetual succession unless terminated; make and execute contracts and other instruments necessary or convenient to the exercise of its powers; and adopt, amend, and repeal, rules and regulations not inconsistent with this title, to effectuate its purposes and powers;

(21) Provide contracting services, equipment, and supplies to landowners; establish prices for the sale of these items; and promulgate any rule or regulation necessary to implement these powers; and

(22) In addition to the powers enumerated in this title, displace or limit economic competition in the exercise of any power specified in this title; provided that the powers granted to a district pursuant to this paragraph shall not be construed:

(i) To grant to the district powers in any substantive area not otherwise granted to the district by other public general or public local law;



- (ii) To restrict the district from exercising any power granted to the district by other public general or public local law or otherwise;
 - (iii) To authorize the district or its officers to engage in any activity which is beyond their power under other public general law, public local law, or otherwise; or
 - (iv) To preempt or supersede the regulatory authority of any State department or agency under any public general law.
- (b) Maintenance of information from a soil conservation and water quality plan. --
- (1) The supervisor shall maintain information from a soil conservation and water quality plan in a manner that protects the identity of the person for whom the plan is prepared. However, the supervisors shall make a soil conservation and water quality plan available to the Department of the Environment for enforcement action under § 4-413 of the Environment Article and the Maryland Department of Agriculture which may use the information for statistical purposes.
 - (2) The Department shall:
 - (i) Maintain the information in the manner that protects the identity of the person for whom the plan is prepared; and
 - (ii) Make any information from a plan available to the Maryland Department of the Environment to support the development of a compliance or enforcement case for purposes of addressing an existing water quality problem in accordance with procedures established between the departments and the State Soil Conservation Committee.
- (c) May require contributions. -- As a condition to extending any benefit of this title to any land not owned or controlled by the State or any of its agencies, or to performing work on them, the supervisors may require contributions in money, services, materials, or otherwise to any operations conferring benefits, and may require the land occupier to enter into and perform agreements or covenants concerning the permanent use of the land as tends to prevent or control erosion.
- (d) Cooperation between districts. -- The supervisors of two or more districts may cooperate with one another in the exercise of any powers conferred by this title.
- (e) Applicability of other laws relating to acquisition or disposition of property. -- No provision relating to acquisition, operation, or disposition of property by other public bodies is applicable to a district, unless the provision specifically so states.



HISTORY: An. Code 1957, art. 66C, § 95, 95A, 99; 1973, 1st Sp. Sess., ch. 6, § 1; 1974, ch. 151; ch. 177, § 1; 1980, ch. 676, § 1, 2; 1983, ch. 510; 1985, ch. 43; 1986, ch. 5, § 1; 1987, ch. 306, § 15; 1988, ch. 6, § 11; 1998, ch. 37; 1999, ch. 447; 2001, ch. 97; 2007, ch. 5, § 7.

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26.17.01.07

.07 Application for Approval of Erosion and Sediment Control Plans.

A. When an approved erosion and sediment control plan is required, an applicant shall make a submittal to the approval authority in accordance with procedures established by the jurisdiction and this chapter, **and shall be subject to any fees established under Environment Article, §4-103(c), Annotated Code of Maryland.**

B. At a minimum, a submittal must include:

- (1) A letter of transmittal or application;
- (2) Name, address, and telephone number of:
 - (a) The owner of the property where the grading is proposed;
 - (b) The developer; and
 - (c) The applicant;
- (3) A vicinity map indicating north arrow, scale, and other information necessary to easily locate the property;
- (4) The location of natural resource areas and sensitive areas such as wetlands, floodplains, highly erodible soils, steep slopes, and any other areas required on a concept plan as described in COMAR 26.17.02;
- (5) A general description of the predominant soil types on the site, as described by the appropriate soil survey information available through the soil conservation district from the USDA Natural Resources Soil Conservation Service;
- (6) An erosion and sediment control plan including the following, unless otherwise noted in this chapter:
 - (a) Limits of disturbance, including proposed grading units;
 - (b) The existing and proposed topography;
 - (c) The proposed grading and earth disturbance including:
 - (i) Surface area involved;
 - (ii) Volume of spoil material; and
 - (iii) Volume of borrow material;
 - (d) Storm drainage provisions, including:
 - (i) Velocities and quantities of flow at outfalls; and
 - (ii) Site conditions around points of all surface water discharge from the site;
 - (e) Erosion and sediment control provisions to minimize on-site erosion and prevent off-site sedimentation including:
 - (i) Provisions to limit disturbance;
 - (ii) Details of grading practices including phasing of grading units;
 - (iii) Design details for non-structural and structural controls; and
 - (iv) Provisions to preserve top soil;
 - (f) Details of temporary and permanent stabilization measures including:
 - (i) The following statement on the plan: "Following initial soil disturbance or redistribution, permanent or temporary stabilization is required within three calendar days as to the surface of all perimeter controls, dikes, swales, ditches, perimeter slopes, and all slopes steeper than 3 horizontal to 1 vertical (3:1); and seven calendar days as to all other disturbed areas on the project site except for those areas under active grading.";

(ii) Identification of areas requiring accelerated stabilization;

(iii) Maintenance requirements to ensure that stabilized areas continuously meet the requirements of the “2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control”; and

(iv) Identification of interior areas of surface mines exempted from stabilization requirements to prevent contamination of the recoverable resource by the stabilization material;

(g) Sequence of construction describing the relationship between the implementation and maintenance of erosion and sediment control practices, including permanent and temporary stabilization, grading units, and the various stages or phases of earth disturbance and construction. At a minimum, a sequence of construction is to include a schedule and time frame for the following activities:

(i) Clearing and grubbing as necessary for the installation of perimeter controls;

(ii) Construction and stabilization of perimeter controls;

(iii) Remaining clearing and grubbing within installed perimeter controls;

(iv) Road grading;

(v) Grading for the remainder of the site;

(vi) Utility installation and connections to existing structures;

(vii) Final grading, landscaping, and stabilization; and

(viii) Removal of controls and stabilization of resulting disturbances;

(h) A statement placed on the plan indicating the owner/developer shall notify the appropriate enforcement authority at the following stages of construction:

(i) Prior to the start of earth disturbance;

(ii) Upon completion of the installation of perimeter erosion and sediment controls, but before proceeding with any other earth disturbance or grading; and

(iii) Prior to the start of another phase of construction or opening of another grading unit; and

(iv) Prior to the removal of sediment controls; and

(i) An Owner/Developer Certification stating:

(i) All clearing, grading, construction, and development will be done pursuant to this plan; and

(ii) Responsible personnel involved in the construction project will have a Certificate of Training before beginning the project. This Certificate of Training for responsible personnel requirement may be waived by the approval authority on any project involving four or fewer residential units; and

(7) Any additional information or data deemed appropriate by the approval authority.

C. The approval authority may require that erosion and sediment control plans receive certification by a professional engineer, land surveyor, landscape architect, architect, or forester (for a forest harvest operation only) registered in the State that they have been designed in accordance with the appropriate approved erosion and sediment control ordinance or regulation, standards, and criteria.

D. Standard Erosion and Sediment Control Plans.

(1) An approval authority may adopt a standard erosion and sediment control plan for minor grading, earth disturbance, and construction activities, such as a single-family residence, small commercial and other similar building sites, minor maintenance grading, and minor utility construction.

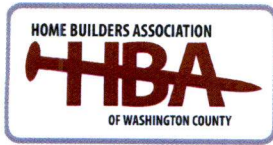
(2) A standard erosion and sediment control plan must be consistent with the appropriate county or municipal erosion and sediment control ordinance, the Commission’s erosion and sediment control regulations, and this chapter.

(3) The Administration shall review and approve a standard plan prior to adoption.

(4) The following is to be considered during the Administration's review and approval:

- (a) Volume of grading allowed;
- (b) Disturbed surface area allowed;
- (c) Staging of the clearing and grading operation;
- (d) Depth or height of cut and fill allowed;
- (e) Maximum degree of steepness of any existing slopes;
- (f) Maximum degree of steepness of final graded slopes;
- (g) Proposed manner of handling storm water runoff;
- (h) Proposed manner and timing of temporary and permanent stabilization;
- (i) Proposed erosion and sediment control principles, methods, and practices to be employed; and
- (j) Proposed applications and restricted use of the standard plan, including restrictions on its use in developing subdivisions or contiguous or adjacent areas.

(5) The Administration shall conduct the review of the standard plan in a timely manner and notify the approval authority in writing of the Administration's findings.



Home Builders Association of Washington County

19735 Leitersburg Pike, Ste. A

Hagerstown, Maryland 21742

Phone: (301) 582-8198

Email: Kris@hbawc.org

June 9, 2022

Dear Board of Washington County Commissioners,

The Home Builders Association of Washington County (HBAWC) is a non-profit that was founded over 50 years ago to support the building industry in Washington County. We are dedicated to keep our members abreast of state and local issues that affect our industry in order to present a unified front in dealing with these issues.

Elmer Weibley, District Manager of the Washington County Soil Conservation District, has spoken to our Land Use Council, a group that meets monthly to discuss all issues pertaining to land use and development in Washington County, about their need to increase their fees.

As you know, the last time the WCSCD raised their fees was in July of 2019. The district has experienced a 26-27% average cost increase in operating, etc. As a result, the HBAWC supports the 26% average fee increase that the WCSCD is requesting. The leadership of the WCSCD has provided the LUC detailed fee/project comparisons and fully answered any questions or concerns of the local building industry.

Thank you for considering allotting the necessary funds for the WCSCD to increase their fees. Please do not hesitate to contact me if you have questions or concerns.

Respectfully,

Kris Detrow
Executive Director
Home Builders Association of Washington County
(301) 582-8198
Kris@hbawc.org

FY2023 PROPOSED FEES
SOIL EROSION AND SEDIMENT CONTROL PLAN REVIEW AND FIELD SERVICES

Proposed increase 26% (Average)	Current Fee	Proposed Fee
Standard Plans for Forest Harvest Operations	\$150.00	\$190.00
Standard Grading, Soil Erosion & Sediment Control Plan for Single Lot Single Family Residential Construction and Minor Earth Disturbances (For earth disturbances ≥ 5,000 square feet of area and/or 100 cubic yards of cut/fill and ≤ 30,000 square feet of area and 1,000 cubic yards of cut/fill)	\$250.00	\$315.00
Site Plans, Engineered Soil Erosion and Sediment Control Plans (For earth disturbances > 30,000 square feet of area and/or 1,000 cubic yards of cut/fill)		
Application Fee	\$500.00	\$630.00
Per acre of soil disturbance (0.0 – 50.0 Acres)	\$200.00	\$250.00
	Minimum Fee - \$1,100.00	Minimum Fee - \$1,380.00
Per acre of soil disturbance (50.1 Acres & larger)	\$15.00	\$20.00
Site Plans, Engineered Soil Erosion and Sediment Control Plans (2-Year Updates)	\$450.00	\$565.00
Site Plans, Engineered Soil Erosion and Sediment Control Plans (5-Year Updates) (Mining-Quarry)	Fee based on existing/proposed disturbed acres	Fee based on adopted fee schedule and disturbed acres, not to exceed fee for 60 acres
Pond As-Built Plan Approval	\$500.00	\$630.00
Environmental Site Design Concept Plan	\$400.00	\$500.00
Field Services -Pre-Construction Meetings, Interim WQ Inspections, & Final Site Closeout Reviews (Final Inspections – 95% overall vegetation) (For earth disturbances > 15,000 square feet of area and/or 500 cubic yards of cut/fill)	\$625.00	\$785.00

Urban Program Fee Comparison (FY2023)

Commercial Projects

<u>Site Name</u>	<u>Disturbed Area Quantity (Acres)</u>	WCSCD <u>(Current Fee)</u>	WCSCD <u>(Proposed Fee)</u>	<u>Increase in Fee</u>
National Pike Logistics	102	\$11,280	\$14,170	\$2,890
Currwood	150	\$12,000	\$15,130	\$3,130
Shops at Sharpsburg Pike	12.3	\$2,960	\$3,705	\$745
Quikrete Warehouse	2.2	\$1,100	\$1,380	\$280

Residential Projects

<u>Site Name</u>	<u>Disturbed Area Quantity (Acres)</u>	WCSCD <u>(Current Fee)</u>	WCSCD <u>(Proposed Fee)</u>	<u>Increase in Fee</u>	<u># of Lots</u>	<u>Increase/Lot</u>
Gaver Meadows	46.5	\$9,800	\$12,255	\$2,455	150	\$16.37
Kilpatrick Woods	62	\$10,680	\$13,370	\$2,690	241	\$11.16
Brook Meadow Townhomes	11.3	\$2,760	\$3,455	\$695	118	\$5.89
Battlefield Estates	10.1	\$2,520	\$3,155	\$635	48	\$13.23

RESOLUTION NO. RS-2022-

***(Enacting Revised Fee System for Soil Erosion and Sediment
Control Plan Review and Field Services)***

RECITALS

Md. Code, Agriculture Article, §8-306(a)(18) provides that a soil conservation district may recommend a fee system to cover the cost of reviewing grading and sediment control plans. Subject to §8-311 of the aforesaid article, any recommended fee shall take effect upon enactment by the local governing body.

A fee system was enacted by the Board of County Commissioners of Washington County, Maryland (the "Board") on August 1, 1996, to cover the cost of plan review services provided to developers, engineers, homeowners, local government, municipalities, woodland owners, and the forest product industry.

The original fee system was revised by resolutions adopted by the Board on August 21, 2001, effective October 1, 2001; February 15, 2005, effective March 1, 2005; December 11, 2007, effective January 1, 2008; May 25, 2010, effective July 1, 2010; and September 12, 2017, effective October 1, 2017; and April 16, 2019, effective July 1, 2019.

The Washington County Soil Conservation District ("SCD") has indicated to the Board that it has now become necessary to increase the fees in order to meet obligations for staff salary and benefits, to improve customer service to the development community, and to provide additional services.

SCD presented a proposed revised fee system to the Board at its regularly scheduled meeting on July 26, 2022.

The Board has considered the revised fee system proposed and presented by SCD and any comments received.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY, MARYLAND, that:

1. All previous resolutions adopted by the Board, relating to the fee system for Soil Erosion and Sediment Control Plan Review and Field Services are hereby repealed.

2. The following fee system for Soil Erosion and Sediment Control Plan Review and Field Services is hereby adopted:

FEE SYSTEM FOR
SOIL EROSION AND SEDIMENT CONTROL PLAN REVIEW AND FIELD SERVICES

(Effective September 1, 2022)

Standard Plans for Forest Harvest Operations	\$ 190.00
Standard Grading, Soil Erosion & Sediment Control Plan for Single-Lot Single-Family Residential Construction and Minor Earth Disturbances (For earth disturbances \geq 5,000 square feet of area and/or 100 cubic yards of cut/fill and \leq 30,000 square feet of area and 1,000 cubic yards of cut/fill).	\$ 315.00
Site Plans, Engineered Soil Erosion and Sediment Control Plans (For earth disturbances $>$ 30,000 square feet of area and/or 1,000 cubic yards of cut/fill).	
Application Fee	\$ 630.00
Per acre of soil disturbance (0.0 acres – 50.0 acres)	\$ 250.00
	Minimum Fee – \$1,380.00
Per acre of soil disturbance (50.1 acres & larger)	\$ 20
Site Plans, Engineered Soil Erosion and Sediment Control Plans 2-Year Updates (Plan approvals are in effect for 24 months and must be reapproved after that time)	\$ 565.00

Site Plan 5-Year Updates (Mining-Quarry)	Fee based on adopted fee schedule and disturbed acres, not to exceed fee for 60 acres
Pond As-Built Plan Review and Approval	\$630.00
Environmental Site Design Concept Plan	\$ 500.00
Field Services-PreConstruction Meetings, Interim WQ Inspections, & Final Site Closeout Reviews (Final Inspections – 95% overall vegetation) (For earth disturbances > 15,000 square feet of area and/or 500 cubic yards of cut/fill).	\$785.00

Adopted this 26th day of July, 2022.

Effective the 1st day of September, 2022.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY, MARYLAND

Krista L. Hart, Clerk

BY: _____
Jeffrey A. Cline, President

Approved as to form and
legal sufficiency:

Kirk C. Downey
County Attorney

Mail to:
Office of the County Attorney
100 W. Washington Street, Suite 1101
Hagerstown, MD 21740



Agenda Report Form

Open Session Item

SUBJECT: Construction Bid Rejection – Storefront Window Replacement at 747 Northern Avenue

PRESENTATION DATE: July 26, 2022

PRESENTATION BY: Scott Hobbs, Director, Division of Engineering

RECOMMENDED MOTION: Move to reject the sole and low bid from Dynamic General Contracting, LLC. of Millersville, Maryland without prejudice for the Storefront Window Replacement project at the 747 Northern Avenue Administrative Annex and to readvertise the project.

REPORT-IN-BRIEF: The project was advertised in The Herald Mail, on the County's website, and on the State of Maryland's website, e-Maryland Marketplace Advantage. One (1) bid was received on Wednesday, June 15, 2022 from Dynamic General Contracting, LLC in the amount of \$457,000. The bid was evaluated and the bidder is considered to be responsive and responsible, however, the cost estimate for the work is significantly lower.

DISCUSSION: The project involves replacement of an aluminum storefront system (insulating glass units / windows, glazing panels, doors, frames) at the 747 Northern Avenue Administrative Annex.

FISCAL IMPACT: N/A

CONCURRENCES: N/A

ALTERNATIVES: N/A

ATTACHMENTS: N/A

AUDIO/VISUAL TO BE USED: N/A



Agenda Report Form

Open Session Item

SUBJECT: Construction Award – ADA Sidewalk Improvements 2022

PRESENTATION DATE: July 26, 2022

PRESENTATION BY: Scott Hobbs, Director, Division of Engineering

RECOMMENDED MOTION: Move to award the ADA Sidewalk Improvements 2022 project to the lowest responsive, responsible bidder, Dynamic General Contracting, LLC. of Millersville, Maryland in the amount of \$94,970.00.

REPORT-IN-BRIEF: The project was advertised on the County's website, and on State of Maryland's website, e-Maryland Marketplace Advantage. Three (3) quotes were received on Friday, July 8, 2022 as listed below and further detailed on the attached bid tabulation.

<u>Contractor:</u>	<u>Total:</u>
Dynamic General Contracting, LLC.	\$94,970.00
Colossal Contractors, Inc.	\$221,140.00
INL Construction, LLC.	\$2,451,670.03

DISCUSSION: The project involves installing concrete sidewalks and curb ramps to comply with the American with Disabilities Act (ADA) standards for accessible design. The work is located within the County right-of-way and includes excavation, concrete placement, detectable warning surfaces, backfill, pavement tie-ins, and turfgrass establishment.

The project is a 60 consecutive calendar day contract with an anticipated notice to proceed in August 2022 and a completion date in October 2022. The bid documents include liquidated damages in the amount of \$250.00 per calendar day for work beyond the completion date. Road work signs will be posted prior to the start of work.

FISCAL IMPACT: This is a budgeted Capital Improvement Plan (CIP) project (LDI037). Total expenses are estimated at \$104,970; including \$94,970 for the proposed award, \$5,000 for inspection/testing, and \$5,000 for construction contingency.

CONCURRENCES: N/A

ALTERNATIVES: N/A

ATTACHMENTS: Bid Tabulation, Aerial Map

AUDIO/VISUAL TO BE USED: Aerial Map



Washington County Division of Engineering
Bid Tabulation
ADA Sidewalk Improvements 2022
Friday, July 11, 2022

				Dynamic General Contracting, LLC. 731 Generals Hwy Millersville, MD 21108		Colossal Contractors, Inc. 4601 Sandy Spring Road Burtonsville, MD 20866		INL Construction, LLC. 7406 Garrison Road Manassas, Virginia	
Item	Description	Unit	Quantity	Unit Price	Item Total	Unit Price	Item Total	Unit Price	Item Total
101	Mobilization	LS	1	\$10,000.00	\$10,000.00	\$46,150.00	\$46,150.00	\$50,000.00	\$50,000.00
102	Maintenance of Traffic	LS	1	\$8,000.00	\$8,000.00	\$45,500.00	\$45,500.00	\$75,000.00	\$75,000.00
103	Construction Stakeout	LS	1	\$40,000.00	\$40,000.00	\$41,600.00	\$41,600.00	\$90,000.00	\$90,000.00
201	Unclassified Excavation	CY	5	\$200.00	\$1,000.00	\$1,300.00	\$6,500.00	\$4,180.00	\$20,900.00
202	Full Depth Saw Cuts	LF	50	\$60.00	\$3,000.00	\$65.00	\$3,250.00	\$1,580.00	\$79,000.00
203	Removal of Existing Pavement, Sidewalk, and Paved Ditches	CY	10	\$180.00	\$1,800.00	\$1,040.00	\$10,400.00	\$12,000.00	\$120,000.00
204	Removal of Existing Curb, or Combination Curb and Gutter	LF	12	\$100.00	\$1,200.00	\$1,105.00	\$13,260.00	\$9,833.33	\$117,999.96
301	Selected Backfill Using AASHTO No. 57 Aggregate	CY	11	\$120.00	\$1,320.00	\$250.00	\$2,750.00	\$4,727.27	\$51,999.97
501	Hot Mix Asphalt Patch (Base Mix)	TON	10	\$120.00	\$1,200.00	\$325.00	\$3,250.00	\$11,200.00	\$112,000.00
502	Hot Mix Asphalt Patch (Surface Mix)	TON	5	\$110.00	\$550.00	\$375.00	\$1,875.00	\$3,760.00	\$18,800.00
503	8 Inch Graded Aggregate Base Course	SY	70	\$70.00	\$4,900.00	\$39.00	\$2,730.00	\$3,071.43	\$215,000.10
601	5" Concrete Sidewalk and Sidewalk Ramps	SF	950	\$10.00	\$9,500.00	\$23.00	\$21,850.00	\$1,032.60	\$980,970.00
602	Standard Type D Curb 6 Inch x 14 Inch and Depressed Curb	LF	20	\$200.00	\$4,000.00	\$585.00	\$11,700.00	\$4,990.00	\$99,800.00
603	Detectable Warning Surfaces	SF	100	\$20.00	\$2,000.00	\$78.00	\$7,800.00	\$1,806.00	\$180,600.00
701	Placing Furnished Topsoil, 4" Depth	SY	50	\$50.00	\$2,500.00	\$30.00	\$1,500.00	\$2,496.00	\$124,800.00
702	Turfgrass Establishment	SY	50	\$80.00	\$4,000.00	\$20.50	\$1,025.00	\$2,296.00	\$114,800.00
				Total:	\$94,970.00	Total:	\$221,140.00	Total:	\$2,451,670.03

ADA Sidewalk Improvement 2022





Agenda Report Form

Open Session Item

SUBJECT: Property Acquisition for the Dogstreet Road Culvert Project

PRESENTATION DATE: July 26, 2022

PRESENTATION BY: Todd Moser, Real Property Administrator, Division of Engineering

RECOMMENDED MOTION: Move to approve the option agreements for partial property acquisition including easements for 19758 Dogstreet Road and 19823 Dogstreet Road, and approve an ordinance approving said purchase and to authorize the execution of the necessary documentation to finalize the acquisition for the project.

REPORT-IN-BRIEF: Option agreements have been executed for the two above-stated properties. Both easement acquisitions are shown in the table below. Properties were appraised in June 2022, and property owners were offered and accepted fair market value for the partial acquisitions.

Property	Fee Simple Acquisition	Easement Acquisition	Acquisition Cost
19758 Dogstreet Road, Keedysville	N/A	Perpetual Easement- 756 Square Feet Temporary Construction Easement- 8,763 Square Feet	\$3,600.00
19823 Dogstreet Road, Keedysville	N/A	Perpetual Easement- 1,843 Square Feet Temporary Construction Easement- 16,183 Square Feet	\$500.00

DISCUSSION: The project involves replacing the existing culvert on Dogstreet Road over Dog Creek.

FISCAL IMPACT: \$4,100; CIP Budgeted Project (BRG049)

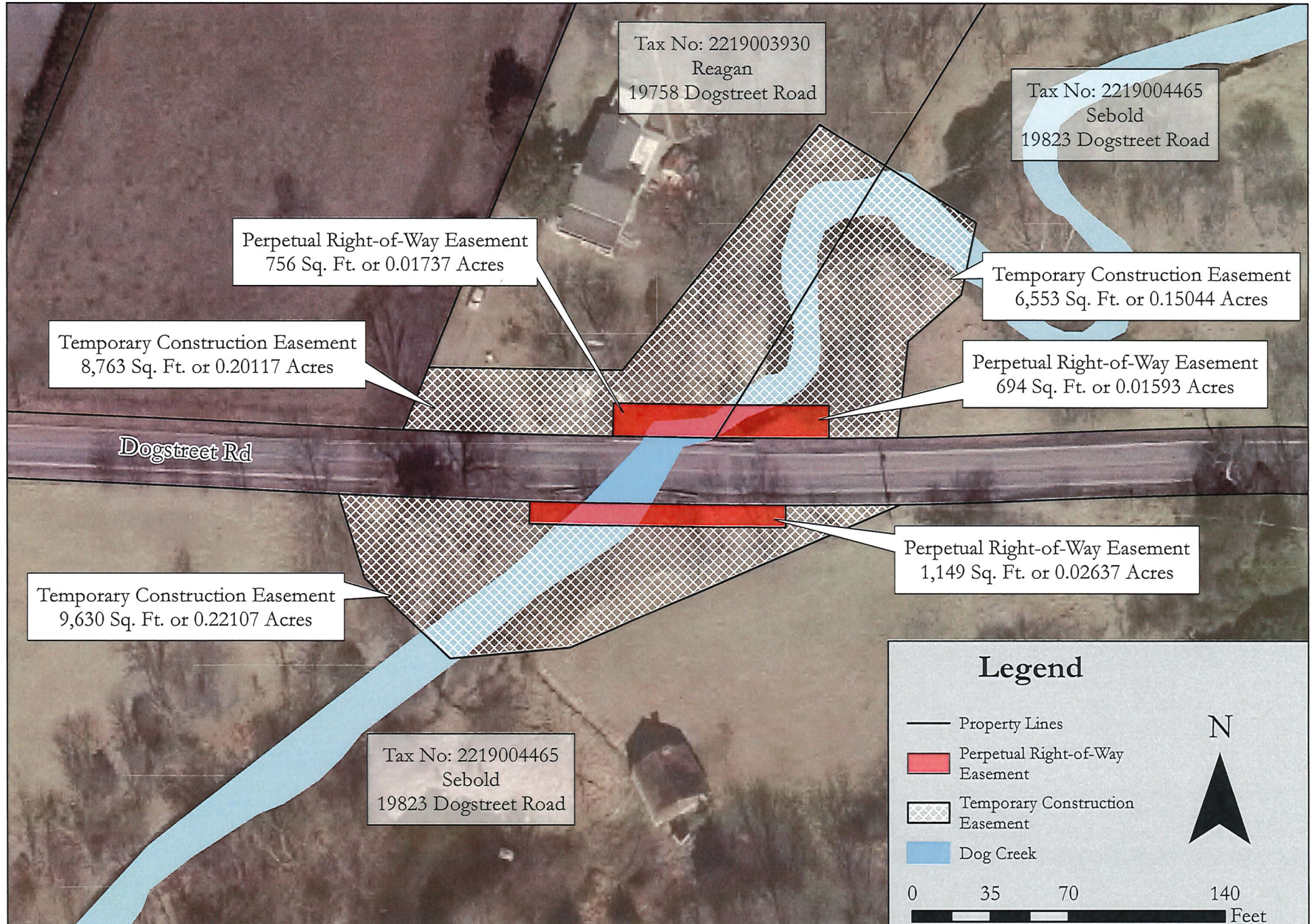
CONCURRENCES: N/A

ALTERNATIVES: N/A

ATTACHMENTS: Aerial Map, Ordinance

AUDIO/VISUAL NEEDS: N/A

Dogstreet Road Area Map



**AN ORDINANCE TO APPROVE THE PURCHASE OF AN EASEMENT INTEREST
IN REAL PROPERTY**

(Dogstreet Road Culvert Project-19758 Dogstreet Road)

RECITALS

1. The Board of County Commissioners of Washington County, Maryland (the "County"), believes that it is in the best interest of the citizens of Washington County to purchase an easement interest in real property identified on the attached Exhibit A (the "Easement") to be used for public purposes.
2. The County approved the purchase of the Easement on July 26, 2022.
3. A public hearing was not required by Section 1-301, Code of the Public Local Laws of Washington County, Maryland, as the funds utilized to purchase the Easement are not to be expended from the General Fund of the County.
4. The purchase of the Easement is necessary for the Dogstreet Road Culvert Project in Washington County, Maryland.

THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Washington County, Maryland, that the purchase of the Easement be approved and that the President of the Board and the County Clerk be and are hereby authorized and directed to execute and attest, respectively, all such documents for and on behalf of the County relating to the purchase of the Easement.

ADOPTED this ____ day of _____, 2022.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY, MARYLAND

Krista L. Hart, Clerk

BY: _____
Jeffrey A. Cline, President

Approved as to legal sufficiency:

Kirk C. Downey
County Attorney

Mail to:
Office of the County Attorney
100 W. Washington Street, Suite 1101
Hagerstown, MD 21740

EXHIBIT A--DESCRIPTION OF PROPERTY

All that tract of easement situate along the North side of N/F Dogstreet Road, approximately 1200' West of its intersection with N/F Nicodemus Mill Road, Election District No. 19 of Washington County, Maryland, and more particularly described as follows:

BEGINNING for the outline hereof at a point in the Northernmost Right-of-Way line for Dogstreet Road, said point being 15.00 feet left of and perpendicular to Baseline of Right-of-Way Station 14+40.79 for Dogstreet Road, as graphically depicted on a plat prepared by the Division of Engineering for Washington County, Maryland, titled "DOGSTREET ROAD RIGHT-OF-WAY PLAT – CULVERT REPLACEMENT (W5932)," and intending to be recorded among the Land Records of Washington County, Maryland, in the County Road Plat Book as Right-of-Way Plat No. 100-10-599; said point also being at or near the beginning of the second (2nd) or North 34 Degrees East 16.8 perch line as described in Grantors' deed, dated September 30, 2003, and recorded among said Land Records in Liber 2155, folio 580; thence leaving said line and going back therefrom and with said Right-of-Way line for a portion thereof, on a bearing to agree with a recent survey by the Division of Engineering for Washington County, Maryland, by a curve to the right having a radius of 4,240.13 feet, an arc length of 45.96 feet, and subtended by a chord with a bearing and distance of

1. North 89 Degrees 09 Minutes 42 Seconds West 45.96 feet to a 5/8" Rebar & Cap set; thence leaving said Right-of-Way line and going back therefrom and across Grantors' lands by two (2) new lines of Right-of-Way now established
2. North 01 Degree 08 Minutes 56 Seconds East 15.00 feet to a 5/8" Rebar & Cap set; by a curve to the left having a radius of 4,225.13 feet, an arc length of 54.90 feet, and subtended by a chord with a bearing and distance of
3. South 89 Degrees 13 Minutes 24 Seconds East 54.90 feet to a point on the seventeenth (17th) line of Grantors' deed as aforementioned; thence with said line, binding thereon for a portion thereof, reversed,
4. South 31 Degrees 45 Minutes 01 Second West 17.55 feet to the point of beginning, containing an area of 756 square feet or 0.0174 acre of land, more or less.

TOGETHER with the right to use the area designated as TEMPORARY EASEMENT NO. 3 TO BE USED ONLY DURING THE PERIOD OF CONSTRUCTION, encompassing 8,763 square feet or 0.20117 acre of land, more or less, the outline of which is graphically depicted on Right-of-Way Plat No. 100-10-599 as aforementioned. The purpose of the Temporary Easement shall be to provide working space for grading and access upon Grantors' property during the performance of the impending Washington County Division of Engineering Contract No. BR-DS-220-14. The Temporary Easement shall revert to Grantors by operation of law upon the completion and acceptance of the Project by the County.

BEING a portion of the lands as described in a deed dated September 30, 2003, and recorded among the Land Records of Washington County, Maryland, in Liber 2155, folio 580; further being shown on Right-of-Way Plat No. 100-10-599 as aforementioned.

SUBJECT to all easements, rights-of-way, covenants, conditions, and restrictions of record applicable thereto.

**AN ORDINANCE TO APPROVE THE PURCHASE OF AN EASEMENT INTEREST
IN REAL PROPERTY**

(Dogstreet Road Culvert Project-19823 Dogstreet Road)

RECITALS

1. The Board of County Commissioners of Washington County, Maryland (the "County"), believes that it is in the best interest of the citizens of Washington County to purchase an easement interest in real property identified on the attached Exhibit A (the "Easement") to be used for public purposes.

2. The County approved the purchase of the Easement on July 26, 2022.

3. A public hearing was not required by Section 1-301, Code of the Public Local Laws of Washington County, Maryland, as the funds utilized to purchase the Easement are not to be expended from the General Fund of the County.

4. The purchase of the Easement is necessary for the Dogstreet Road Culvert Project in Washington County, Maryland.

THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Washington County, Maryland, that the purchase of the Easement be approved and that the President of the Board and the County Clerk be and are hereby authorized and directed to execute and attest, respectively, all such documents for and on behalf of the County relating to the purchase of the Easement.

ADOPTED this ____ day of _____, 2022.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY, MARYLAND

Krista L. Hart, Clerk

BY: _____
Jeffrey A. Cline, President

Approved as to legal sufficiency:

Kirk C. Downey
County Attorney

Mail to:
Office of the County Attorney
100 W. Washington Street, Suite 1101
Hagerstown, MD 21740

EXHIBIT A--DESCRIPTION OF PROPERTY

All those two (2) tracts of easement situate along both sides of N/F Dogstreet Road, approximately 1200' West of its intersection with N/F Nicodemus Mill Road, Election District No. 19 of Washington County, Maryland, and more particularly described as follows:

TRACT NO. 1 (PERPETUAL RIGHT-OF-WAY EASEMENT)

Beginning for the outline hereof at a point in the existing Northernmost Right-of-Way line for N/F Dogstreet Road, said point being 15.00 feet left of and perpendicular to Baseline of Right-of-Way Station 14+40.79 for Dogstreet Road, as graphically depicted on a plat prepared by the Division of Engineering for Washington County, Maryland, titled "DOGSTREET ROAD RIGHT-OF-WAY PLAT – CULVERT REPLACEMENT (W5932)," and intending to be recorded among the Land Records of Washington County, Maryland, in the County Road Plat Book as Right-of-Way Plat No. 100-10-599; said point also being at or near the beginning of the seventeenth (17th) or North 32 Degrees 07 Minutes East 281.52 foot line as described for deed Parcel No. 2 of Grantors' deed dated March 19, 2018, and recorded among said Land Records in Liber 5712, folio 472; thence leaving said Right-of-Way line and going back therefrom and with said line, binding thereon for a portion thereof, on a bearing to agree with a recent survey by the Division of Engineering for Washington County, Maryland,

1. North 31 Degrees 45 Minutes 01 Seconds East 17.55 feet to a point; thence leaving said line and going back therefrom, and across lands of Grantors by two (2) new lines of Right-of-Way now established, by a curve to the left having a radius of 4,225.13 feet, an arc length of 41.62 feet, and subtended by a chord with a bearing and distance of
2. South 89 Degrees 52 Minutes 40 Seconds East 41.62 feet to a 5/8" Rebar & Cap set;
3. South 00 Degrees 09 Minutes 36 Seconds East 15.00 feet to a 5/8" Rebar & Cap set in the existing Northernmost Right-of-Way line for Dogstreet Road; thence along said Right-of-Way line and with a portion thereof, by a curve to the right having a radius of 4,240.13 feet, an arc length of 50.90 feet, and subtended by a chord with a bearing and distance of
4. North 89 Degrees 48 Minutes 58 Seconds West 50.89 feet to the point of beginning, containing an area of 694 square feet or 0.01593 acre of land, more or less.

TRACT NO. 2 (PERPETUAL RIGHT-OF-WAY EASEMENT)

BEGINNING for the outline hereof at a point in the existing Southernmost Right-of-Way line for N/F Dogstreet Road, said point being 15.00 feet right of and perpendicular to Baseline of Right-of-Way Station 14+72.38 for Dogstreet Road, as graphically depicted on said plat as aforementioned TRACT NO. 1; thence leaving said Right-of-Way line and going back therefrom and across lands of Grantors by three (3) new lines of Right-of-Way now established

5. South 00 Degrees 06 Minutes 08 Seconds West 10.00 feet to a 5/8" Rebar & Cap set; by a curve to the right having a radius of 4,280.13 feet, an arc length of 115.00 feet, and subtended by a chord with a bearing and distance of
6. North 89 Degrees 07 Minutes 41 Seconds West 114.99 feet to a 5/8" Rebar & Cap set;
7. North 01 Degree 38 Minutes 30 Seconds East 10.00 feet to a 5/8" Rebar & Cap set in the Southernmost Right-of-Way line for Dogstreet Road; thence with said Right-of-Way line for a portion thereof; thence by a curve to the left having a radius of 4,270.13 feet, an arc length of 114.73 feet, and subtended by a chord with a bearing and distance of
8. South 89 Degrees 07 Minutes 41 Seconds East 114.72 feet to the point of beginning, containing an area of 1,149 square feet or 0.2637 acre of land, more or less.

TOGETHER with the right to use the area designated as TEMPORARY EASEMENT NO. 1 TO BE USED ONLY DURING THE PERIOD OF CONSTRUCTION, encompassing 6,553 square feet of 0.15044 acre of land, more or less, as well as the area designated as TEMPORARY EASEMENT NO. 2 TO BE USED ONLY DURING THE PERIOD OF CONSTRUCTION, encompassing 9,630 square feet or 0.22107 acre of land, more or less, the outlines of which are graphically depicted on the aforementioned Right-of-Way Plat No. 100-10-599. The purpose of the Temporary Easements shall be to provide working space for grading and access upon Grantors' property during the performance of the impending Washington County Division of Engineering Contract No. BR-DS-220-14. The Temporary Easements shall revert to Grantors by operation of law upon the completion and acceptance of the Project by the County.

BEING a portion of the lands known as deed "Parcel No. 2" as described in a deed dated March 19, 2018, and recorded among the Land Records of Washington County, Maryland, in Liber 5712, folio 472; further shown on said Right-of-Way Plat No. 100-10-599 as aforementioned.

SUBJECT to all easements, rights-of-way, covenants, conditions, and restrictions of record applicable thereto.



Agenda Report Form

Open Session Item

SUBJECT: Change Order Request for Bid Award (PUR-1545) - Four (4) New Emergency Boats with Custom Trailers

PRESENTATION DATE: July 26, 2022

PRESENTATION BY: R. David Hays, Director, Division of Emergency Services (in the absence of Brandi Naugle, CPPB, Buyer - Purchasing)

RECOMMENDATION: Move to approve a Change Order Request in the amount of \$15,472, the following account 600300-30-11430 this will be utilized to cover the cost for additional equipment required to modify the current design of the newest rescue boats to allow for operation in larger rapids, which are present in the Southern Potomac area of Washington County.

On June 7, 2022 the Washington County Board of County Commissioners originally approved the award for the four (4) New Emergency Boats with Custom Trailers for the Division of Emergency Services to the responsible, responsive bidder Demaree Inflatable Boats, Inc. of Friendsville, Md. who submitted the total bid sum in the amount of \$158,476.

REPORT-IN-BRIEF: The purchase of the four (4) rescue boats and associated equipment provides a much-needed upgrade to the County's swift water rescue programs that are operated under the Division of Emergency Services.

The new rescue boats will replace three (3) current rescue boats, all of which exceed fifteen (15) years in service. The fourth (4) rescue boat will add swift water rescue capabilities to the Hancock area which is not adequately served by existing resources. The four (4) new rescue boats will standardize the units through the type of watercraft, motors and trailers, all of which will enhance responder safety and improve operator training.

DISCUSSION: NA

FISCAL IMPACT: Funds are budgeted in the Division of Emergency Services' Capital Improvement Plan (CIP), 600300-30-11430.

CONCURRENCES: NA

ALTERNATIVES: N/A

ATTACHMENTS: Demaree Inflatable Boats, Inc. Quote, dated June 29, 2022.

demaree inflatable boats, inc.

Inflatables for Industry

410 oak street • box 307, friendsville, maryland 21531

QUOTATION

TO:

POTOMAC VALLEY FIRE CO., INC
FOR WASHINGTON CO ORDERED
BILLING TO BE DETERMINED
(301)988-6321 Fax: (301)432-7792

SHIP TO:

POTOMAC VALLEY FIRE CO., INC.
FOR WASHINGTON CO ORDERED
SHIPPING TO BE DETERMINED
(301)988-6321 Fax: (301)432-7792

ATTN: ROGER OTZELBERGER JR.

ATTN: ROGER 301-988-6321

Quote No.	Date	Cust No	S/M	Your Referenced Inquiry	Delivery Promise	F.O.B.	Expiration
0002661	6/29/2022	PV-VFD	R	WASHCO PUR-1545	AS REQUIRED	ORIGIN	90 DAYS
Item	Quantity	UM	Part	Description	Price \$	Extension \$	
001	4.00	EA	ASLT14FLR2206-2901	HIGH BOW FLOOR	3,500.00	14,000.00	
002	16.00	EA	SDR1513C	SPARE 1.5" DRING PATCH, CURED 4 PER BOAT, 4 BOATS TOTAL	32.00	512.00	
003	8.00	EA	ASLTTOOLBAG	TOOL BAG FOR RESCUE SLED 2 PER BOAT, 4 BOATS TOTAL	120.00	960.00	
Total for Quote \$						15,472.00	
22 JUNE 2022 PER CHIEF OTZELBERGER & DAVE DEMAREE'S DISCUSSION THE ABOVE ARE ADDITIONAL ITEMS FOR WASHINGTON COUNTY'S ORDER PUR-1545. TERMS: NET 30 DAYS NOTE: IF PAYING BY VISA OR MASTERCARD PLEASE ADD AN ADDITIONAL 2% FEE TO THE TOTAL COST. THANK YOU !! DAVE DEMAREE / SHELLEY LLOYD							
PHONE: 301-746-5815 FAX: 301-746-5019 E-MAIL: info@dibboats.com WEB: www.dibboats.com THIS ORDER WOULD REQUIRE A 1/3 DEPOSIT WHICH ALLOWS US TO SECURE PRODUCTION TIME, UNLESS OTHERWISE STATED. SHIPPING DATE IS BASED ON RECEIPT DATE OF YOUR PURCHASE ORDER AND DEPOSIT.							

**WASHINGTON COUNTY PURCHASING DEPARTMENT**

Washington County Administration Complex

100 West Washington Street, Room 3200

Hagerstown, Maryland 21740-4748

240-313-2330

ORACLE FUSION CLOUD - CHANGE ORDER REQUEST**User Name / Department Requesting Change:** Bonnie Keltner **Date:** 07/01/22**Purchase Order Number:** _____**Category Code:** _____**Supplier Name / Number:** Demeree Inflatable Boats

Line No.	Schedule No.	Qty./ Amt.	UOM	Unit Price	Location	Account Number(s)	Project	Line Description
		4		3,500				High Bow Floor
		16		32				Spare 1.5" D-Ring Patch, cured per boat
		8		120				Tool Bag for Rescue Sled, 2 per boat

Total Cost of Change Order: 15,472**Change Order Description**

There exist a slight modification in the design of the bow portion of newer boats, which is slightly different that the current boats operated by DES in swift water. It has been determined that the newer design causes an overflow of water to the bow when operating in larger rapids which is indicative to the Southern Potomac areas of Washington County.

Directions: "Approver" shall send via email to "Purchasing Change Order" in the Microsoft Outlook Purchasing mailbox.**Sections Below for Purchasing Use Only:**

Oracle CO# _____

Purchasing Director / Buyer: _____ Buyer / Procurement Specialist: _____ Procurement Specialist/
Procurement Technician: _____



Agenda Report Form

Open Session Item

SUBJECT: International Association of Firefighters Local 1605 (*Union*) Overtime Change Agreement

PRESENTATION DATE: July 26, 2022

PRESENTATION BY: R. David Hays, Director of Emergency Services; Kirk C. Downey, County Attorney

RECOMMENDED MOTION: Motion to approve the recommended change for firefighter overtime calculation from the current 212 hrs. per 28 day FLSA cycle, to the new proposal of 106 hrs. per 14 day FLSA cycle.

REPORT-IN-BRIEF: The County and the Union are currently in collective bargaining negotiations. They wish to make a change to the work period used to determine overtime pay eligibility under the Fair Labor Standards Act (*FLSA*).

DISCUSSION: The County and the Union have reached a tentative agreement on a change in the work period used to determine overtime pay eligibility under Section 207(k) of the FLSA as set forth in the attached draft Agreement.

FISCAL IMPACT: Review of payroll indicated less than a \$10,000.00 increase.

CONCURRENCES: Director of Emergency Services, Chief Financial Officer, Director of Human Resources (interim), County Administrator

ALTERNATIVES: Deny consensus request

ATTACHMENTS: Draft Agreement

AUDIO/VISUAL NEEDS: N/A

AGREEMENT

THIS AGREEMENT is entered into as of this ____ day of July, 2022, by and between the **BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY, MARYLAND**, a body corporate and politic and a subdivision of the State of Maryland (the "County"), and the **INTERNATIONAL ASSOCIATION OF FIREFIGHTERS LOCAL 1605** ("Local 1605").

RECITALS

WHEREAS, Local 1605 represents a bargaining unit consisting of all full-time fire and emergency services employees at the rank of Fire Fighter I, Fire Fighter II, Lieutenant and Captain; and

WHEREAS, Local 1605 and the County are currently engaged in collective bargaining negotiations for an initial contract; and

WHEREAS, Local 1605 and the County have reached a tentative agreement on a change in the work period used to determine overtime pay eligibility under Section 207(k) of the Fair Labor Standards Act; and

WHEREAS, Local 1605 and the County wish to implement this change in the work period used to determine overtime pay eligibility prior to the completion of collective bargaining negotiations.

In consideration of the mutual promises, agreements and covenants contained herein, the parties hereby agree as follows:

1. At present, the County pays overtime to bargaining unit employees when they work in excess of 212 hours in a 28-day cycle.
2. As part of collective bargaining negotiations, Local 1605 and the County have agreed to change the designated work period used to determine overtime pay eligibility to 14 days, meaning that overtime will be paid to bargaining unit employees when they work in excess of 106 hours in a 14 day period.
3. The County and Local 1605 hereby agree that, effective upon the conclusion of the 28-day cycle in effect at the time this Agreement is approved by the Board of County Commissioners, the County shall change the work period used to determine overtime pay eligibility under Section 207(k) of the FLSA from 28 days to 14 days, and shall begin paying an overtime pay premium to bargaining unit employees when they work in excess of 106 hours in a 14-day cycle.

4. Miscellaneous provisions.

a. Waiver. Neither party's waiver of the other's breach of any term, covenant or condition contained in this Agreement shall be deemed to be a waiver of any subsequent breach of the same or any other term, covenant or condition in this Agreement.

b. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Maryland.

c. Entire Agreement; Modification. This Agreement constitutes the entire agreement between the parties. There are no promises or other agreements, oral or written, express or implied, between the parties other than as set forth in this Agreement. No change or modification of, or waiver under, this Agreement shall be valid unless it is in writing and signed by duly authorized representatives of the parties.

d. Effectiveness. This Agreement shall become effective upon and only upon its execution and delivery by each party hereto, and upon receipt of approval by the Board of County Commissioners, which is the duly constituted executive and legislative body of the County.

e. Notice. Notice under this Agreement shall be sufficient if sent to the following:

To the County: Board of County Commissioners
 ATTN: County Administrator
 100 West Washington Street
 Room 1101
 Hagerstown, MD 21740

With a copy to the Office of the County Attorney in Room 1101 at the above address.

To Local 1605: _____

With an email copy to _____.

IN WITNESS WHEREOF, the parties hereto have executed and delivered this Agreement under their respective seals under the day and year first written above.

ATTEST:

BOARD OF COUNTY COMMISSIONERS OF
WASHINGTON COUNTY, MARYLAND

Krista Hart, Clerk

By: _____(SEAL)
Jeffrey A. Cline, President

WITNESS:

IAFF, LOCAL 1605

By: _____(SEAL)
Keli Smith, President

Approved as to form and
legal sufficiency for execution by the County:

Kirk C. Downey
County Attorney