



Board of County Commissioners of Washington County, Maryland

Open Session Minutes

August 9, 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 10:08 a.m. at 100 West Washington Street, Hagerstown, Maryland, with the following members present: Commissioner Terry L. Baker; Commissioner Wayne K. Keefer; and Commissioner Randall E. Wagner. (Commissioner Charles A. Burkett was absent).

APPROVAL OF MINUTES

Commissioner Wagner, seconded by Commissioner Baker, moved to approve the minutes of July 26, 2022. The motion passed 3-0-1, Commissioner Keefer abstained due to an absence).

COMMISSIONER COMMENTS

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

Vice President Baker would like to know what constitutes a minor decision by the Board of Zoning Appeals. Additionally, how much land is left in Washington County for future warehouses.

Commissioner Keefer apologized for his recent absence on July 26th. Additionally, he thanked the election workers and poll workers; he also thanked the police officers in Washington County and local communities for National Night Out. He also asked the Board to consider allowing the Museum of Fine Arts to host a future meeting. He reminded all to be aware of the dangers surrounding the heavy heat and asked that we all check in on our senior neighbors.

Commissioner Wagner congratulated Recruit Class #3, Emergency Services; additionally, he congratulated Eagle Scouts of Troop 51. He thanked all involved in the 2nd Annual Disability Swim Clinic at Marty Snook.

President Cline reminded all to join the events at the Clear Spring Carnival, supporting the local volunteer fire company. Additionally, he echoed Commissioner Wagner's comments. He congratulated all recognized at the Cumberland Valley Firemen's Association conference.

STAFF COMMENTS

Purchasing and Sheriff's Office

Rick Curry, Director, Purchasing, Pete Lazich and Alan Matheny, Sheriff's Office, discussed the difficulties surrounding the current procedure on the purchase of Sheriff's vehicles. Mr. Matheny requested a not-to-exceed amount of \$700,000 be allocated to the purchase of vehicles to allow a proactive approach.

Commissioner Wagner, seconded by Commissioner Keefer, moved to approve an amount for fourteen (14) vehicles of \$700,000 as presented. The motion passed unanimously.

County Attorney

Kirk Downey, County Attorney, recommended approval to adopt an Ordinance approving an application for a zoning reclassification and zoning map amendment for RZ-22-002.

Commissioner Baker, seconded by Commissioner Wagner, moved to approve the adoption of an Ordinance, as presented.

County Administrator

John Martirano thanked those involved in National Night Out. Additionally, he mentioned that next week is the Maryland Association of Counties and September 13th is Remembrance in the Park and the Public Safety Training Center Open House is September 20th.

CITIZEN PARTICIPATION

Dave Williams, Smithsburg, Maryland, expressed concern over the vacancies on the Ethics Commission.

UPDATE ON THE ACTIONS COMPLETED BY THE VETERANS ADVISORY COMMITTEE

Matt Breeding, Chair, Veteran's Advisory Committee (committee), presented the Commissioners with an overview of the activities of the committee.

KELBAUGH RURAL LEGACY PROGRAM EASEMENT

Jill Baker, Director, Planning and Zoning, recommended approval of the Frank L. Kelbaugh Jr. Rural Legacy Program (RLP) project, paid for 100% by the Maryland Department of Natural Resources, for \$30,443.30 for 13.26 easement acres, to adopt an ordinance approving the purchase, and to authorize execution of the necessary documentation to finalize the easement purchase. Mr. Boggs shared that the property is located at 2224 Rohrsersville Road, Knoxville, Maryland, and is primarily wooded but does have significant agricultural land. Mr. Boggs shared that three (3) development rights will be extinguished with the easement.

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

(Ordinance No. ORD-2022-14 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the originals are in the County Commissioners' Office.)

RURAL MARYLAND ECONOMIC DEVELOPMENT FUND GRANT PROJECTS REVIEW AND RANKING

Susan Buchanan, Director, Office of Grant Management, recommended approval of the Rural Maryland Economic Development Fund project rankings as prioritized by the Board of County Commissioners and to forward the ranking to the Tri-County Council of Western Maryland for funding consideration. Further, Ms. Buchanan requested approval to allow applicants to proceed with application submission to the Maryland Department of Commerce for those projects that receive funding recommendation from Tri-County Council and accept grant funding for County projects approved and provided by the Department of Commerce. The Office of Grant Management has received a total of thirty-one (31) funding requests from eligible local organizations requesting \$19,641,083.

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

WASHINGTON COUNTY GAMING COMMISSION'S ANNUAL REPORT AND FISCAL YEAR 2022 GAMING FUND ALLOCATION AGREEMENT

Ms. Buchanan and Kay Hoffman, Chair, Washington County Gaming Commission, brought forth information pertaining to the Washington County Gaming Commissions Annual report and FY22 funding decisions. Ms. Buchanan shared the Gaming Commission Awards Over totaling \$2,062,148.54 for distribution to local charitable organizations and the Volunteer Fire and Rescue Associations.

President Jeff Cline left the meeting at 10:50 a.m. and returned at 10:51 a.m.

INTERGOVERNMENTAL PURCHASE (INGT-22-0093): (8) JOHN DEERE ZERO TURN MOWERS

Mr. Curry and Danny Hixon, Deputy Director, Building, Grounds and Parks, recommended authorizing by resolution, the Intergovernmental Cooperative Purchase (INGT-22-0093) with John Deere, Cary, North Carolina, awarded by Baltimore County Public Schools (Contract LKO-402-20-001) for the purchase of eight (8) John Deere Z950M ZTrak Mowers for a total of \$79,564.16. Mr. Curry shared that funds are budgeted in the departments account 600400.10.11910.

Commissioner Baker, seconded by Commissioner Wagner, moved to authorize by resolution the Intergovernmental Cooperative Purchase relating to the purchase of (8) John Deere Zero Turn Mowers in the total amount of \$79,564.16, as presented. The motion passed unanimously.

(Resolution No. RS-2022-27 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is located in the County Commissioners' Office.)

INTERGOVERNMENTAL PURCHASE (INGT-22-0096): VIRTUAL REALITY INTERACTIVE LEARNING SYSTEM

Mr. Curry and Kevin Lewis, Deputy Director, Emergency Services, recommended authorizing by resolution, the Intergovernmental Cooperative Purchase (INGT-22-0096) with Echo Healthcare, Inc. Sarasota, Florida, awarded by Calhoun Community College (Contract CCC-21-35) for the purchase of a Virtual Reality Interactive Learning System for a total of \$227,810. Mr. Curry shared that funds are budgeted in the departments account 600300.30.10500 (EQPT).

Commissioner Baker, seconded by Commissioner Wagner, moved to authorize by resolution the Intergovernmental Cooperative Purchase relating to the purchase of a Virtual Reality Interactive Learning System in the total amount of \$227,810, as presented. The motion passed unanimously.

(Resolution No. RS-2022-28 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is located in the County Commissioners' Office.)

John Martirano, County Administrator, and President Cline welcomed Dr. David Sovine, Superintendent of the Washington County Public Schools.

CLOSED SESSION

Commissioner Wagner, seconded by Commissioner Baker, moved to convene in closed session at 10:56 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 consult with counsel to obtain legal advice on a legal matter; and to discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including: (i) the development of fire and police services and staff; and (ii) the development and implementation of emergency plans; in accordance with Sections 3-305(b) (1) (7), and (10) of the General Provisions Article of the Annotated Code of Maryland. The motion passed unanimously (Commissioner Charles A. Burkett was absent).

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; and Board/Commission appointments. The Commissioners discussed a personnel matter concerning an individual employee, as well as employee assignments. Additionally, the Commissioners consulted with counsel to obtain legal advice regarding a proposed contractual agreement concerning the provision of fire and police services and a certain proposal regarding the development of fire services.

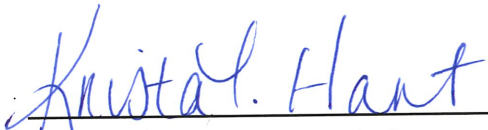
Present during closed session were Commissioners Jeffrey A. Cline; Terry L. Baker; Wayne K. Keefer; and Randall E. Wagner; also, present were John M. Martirano, County Administrator; Kirk C. Downey, County Attorney, and Krista L. Hart, County Clerk; and at various times, David Hays, Director, Emergency Services, Mark Bradshaw, Director, Environmental Management; Kevin Cerrone, Director, Transit; Davina Yutzy, Deputy Director, Environmental Management, Andrew Eshleman, Director, Public Works, and Deb Condo, Interim Director, Human Resources.

RECONVENE IN OPEN SESSION

Commissioner Baker, seconded by Commissioner Wagner, moved to reconvene in open session at 1:12 p.m. The motion passed unanimously.

ADJOURNMENT

Commissioner Wagner, seconded by Commissioner Baker, moved to adjourn the meeting 1:12 p.m. The motion passed unanimously.



Krista L. Hart, *County Clerk*



Board of County Commissioners of Washington County, Maryland

Open Session Minutes

July 26, 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 10:00 a.m. at 100 West Washington Street, Hagerstown, Maryland, with the following members present: Commissioner Terry L. Baker; Commissioner Charles A. Burkett; and Commissioner Randall E. Wagner. (Commissioner Wayne K. Keefer was absent).

APPROVAL OF MINUTES

Commissioner Burkett, seconded by Commissioner Wagner, moved to approve the minutes of July 12, 2022. The motion passed unanimously.

COMMISSIONER COMMENTS

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

Vice President Baker shared information on the Maryland Municipal League (MML) meeting where he met the new Superintendent of the Washington County Public Schools, Dr. David Sovine. Additionally, he thanked Mr. Hancock for his service in that committee.

Commissioner Burkett thanked all Washington County voters. Additionally, he discussed the County surplus and recommended the Board consider allocating \$10 million in reserves for the employment retirement program; he also recommended a one-time award to the Meals on Wheels at the Commissions on Aging. Additionally, he attended the Volunteer Firemen's Association meeting; he invited Chaplain Rich Bowers to attend a commissioner meeting to present on a proposed Fortitude Program. Additionally, he recommended the Commissioners consider allocating \$100,000 to that program once established.

Commissioner Wagner thanked the crews and staff members who responded during the recent storm.

President Cline thanked those involved in the Agriculture Expo tour and breakfast at the Agricultural Education Center. Also, he thanked the poll workers, election judges and all who assisted with the recent elections. He further thanked the 911 dispatchers, Electric Companies, and road crews who responded during the storm.

STAFF COMMENTS

County Clerk

Krista Hart shared that Commissioner Randall E. Wagner would be representing the Disabilities Advisory Committee.

County Administrator

John Martirano thanked all staff who responded to the severe weather damage Saturday through Sunday.

Mr. Martirano recommended an increase to the Director of Public Works position, due to the recent added department and staff of the Hagerstown Regional Airport.

Commissioner Wagner, seconded by Commissioner Baker, moved to approve an increase in salary for Andrew Eshleman, Director, Public Works from Grade 19/Step 10 to a Grade 19/Step 20 effective in the next pay period. The motion passed unanimously.

Department of Business Development

Jonathan Horowitz, Business Leader, recommended approval to submit a letter of support for a Wastewater Exception No. 6 for Economic Development Projects for the property along Rt 63, across from R&L Carriers.

The Commissioners reached a consensus to proceed as presented.

Division of Emergency Services

Dave Hays, Director, shared the number of increased calls received by the 911 Emergency Communications Center during the storm event over the weekend.

CITIZEN PARTICIPATION

No citizens appeared for participation.

WASHINGTON GOES PURPLE

Emily Keller and Vicki Sterling, Co-Chairs, Washington Goes Purple Committee, provided the Commissioners with an update on the success and actions of the Washington Goes Purple Campaign.

Ms. Keller shared information on upcoming events to include the kick-off of Washington Goes Purple month on September 2nd in the City Park, and September 17th will be the Recovery Walk.

Ms. Keller also shared that the Committee is proposing a business luncheon to be held at the Maryland Theater, providing an opportunity to share resources to the business community; she requested the amount of \$7,500 from the County to fund the single event.

Commissioner Baker, seconded by Commissioner Wagner, moved to approve the requested amount of \$7,500 allocated from the Commissioner Contingency Account, as presented. The motion passed unanimously.

WASHINGTON COUNTY SOIL CONSERVATION DISTRICT – URBAN PROGRAM FEE INCREASE

Denise Price, District Manager, Washington County Soil Conservation District, recommended approval for an average fee increase of 26% for the Urban Program, to include Plan Review Services and Field Services; last increase was effective July 1, 2019.

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

(Resolution No. RS-2022-26 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is in the County Commissioners' Office.)

CONSTRUCTION BID REJECTION – STOREFRONT WINDOW REPLACEMENT AT 747 NORTHERN AVENUE

Scott Hobbs, Director, Engineering, recommended the Board reject the sole and low bid from Dynamic General Contracting, LLC, Millersville, Maryland without prejudice for the Storefront Window Replacement project at the 747 Northern Avenue Administrative Annex and to readvertise the project.

Commissioner Burkett, seconded by Commissioner Wagner, moved to approve the rejection of the bid from Dynamic General Contracting without prejudice, and to readvertise as presented. The motion passed unanimously.

CONSTRUCTION BID AWARD – ADA SIDEWALK IMPROVEMENTS 2022

Mr. Hobbs presented the recommendation to award the ADA Sidewalk Improvements 2022 project to the lowest responsive, responsible bidder, Dynamic General Contracting, LLC, Millersville, Maryland in the amount of \$94,970.00; funds are budgeted in the Capital Improvement Plan (LDI037). This project is a sixty (60) day calendar day contract with an anticipated notice to proceed in August 2022 and completion date in October 2022; liquidated damages in the amount of \$250 per calendar day for work beyond the completion date.

Commissioner Wagner, seconded by Commissioner Baker, moved to approve the construction bid award to Dynamic General Contracting LLC, in the amount of \$94,970, as presented. The motion passed unanimously.

**PUBLIC HEARING: REDESIGNATION AND EXPANSION OF THE
HAGERSTOWN/WASHINGTON COUNTY ENTERPRISE ZONE**

President Cline convened a public hearing at 10:27 a.m. to obtain public comment regarding the re-designation and proposed expansion of the Hagerstown/Washington County Enterprise Zone. President Cline reviewed the procedures for the Public Hearing.

Linda Spence, Business Specialist, Department of Business Development, provided an overview of the proposed expansion areas and boundaries.

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

The Public Hearing was opened for Commissioner comment.

The Public Hearing was concluded at 10:32 a.m.

Commissioner Wagner, seconded by Commissioner Baker, moved to approve by Resolution, the expansion of the Hagerstown/Washington County Enterprise Zone, as presented. The motion passed unanimously.

(Resolution No. RS-2022-25 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is in the County Commissioners' Office.)

PROPERTY ACQUISITION FOR THE DOGSTREET ROAD CULVERT PROJECT

Todd Moser, Real Property Administrator, recommended approval of an Ordinance authorizing the option agreements for partial property acquisition including easements for 19758 Dogstreet Road in the amount of \$3,600 and 19823 Dogstreet Road in the amount of \$500; and to authorize the execution of the necessary documentation to finalize the acquisition for the project.

Commissioner Baker, seconded by Commissioner Burkett, moved to approve an Ordinance authorizing the option agreements for partial property acquisition, and to authorize the execution of the necessary documentation, as presented. The motion passed unanimously.

(Ordinance No.'s ORD-2022-12 and ORD-2022-13 are recorded among the Acts, Ordinances, and Resolutions of Washington County and the originals are in the County Commissioners' Office.)

**CHANGE ORDER REQUEST FOR BID AWARD (PUR1545) – FOUR (4) NEW
EMERGENCY BOATS WITH CUSTOM TRAILERS**

Dave Hays, Director, Emergency Services, presented the recommendation to approve a change order in the amount of \$15,472 to cover to cost for additional equipment required to modify the current design of the newest rescue boats to allow for operation in larger rapids.

Commissioner Wagner, seconded by Commissioner Burkett, moved to approve the change order in the amount of \$15,472, as presented. The motion passed unanimously.

CLOSED SESSION

Commissioner Wagner, seconded by Commissioner Baker, moved to convene in closed session at 10:38 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; and, to consult with counsel to obtain legal advice on a legal matter in accordance with Sections 3-305(b) (1) and (7) of the General Provisions Article of the Annotated Code of Maryland. The motion passed unanimously (Commissioner Wayne K. Keefer was absent).

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. The Commissioners discussed personnel matters concerning individual employees/request for appearance. Additionally, the Commissioners consulted with counsel to obtain legal advice regarding a proposed contractual agreement.

Present during closed session were Commissioners Jeffrey A. Cline; Terry L. Baker; 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, David Hays, Director, Emergency Services, Brian Albert, Emergency Services, and Deb Condo, Interim Director, Human Resources (Commissioner Wayne K. Keefer was absent).

RECONVENE IN OPEN SESSION

Commissioner Wagner, seconded by Commissioner Burkett, moved to reconvene in open session at 11:09 a.m. The motion passed unanimously.

INTERNATION ASSOCIATION OF FIREFIGHTERS LOCAL 1605 (UNION) OVERTIME CHANGE AGREEMENT

Mr. Hays, and Kirk Downey, County Attorney, presented the recommendation to change firefighter overtime calculation from the current 212 hours per twenty-eight (28) day FLSA cycle to the 106 hours per fourteen (14) day cycle, per a tentative agreement reached between the County and the Union.; fiscal impact is expected to be less than \$10,000.

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

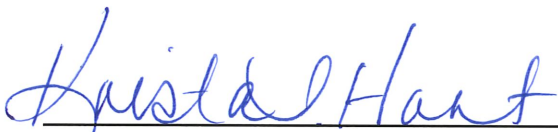
County Clerk

Police Accountability Board

Commissioner Baker, seconded by Commissioner Burkett, moved to approve the appointment of Danielle Weaver to the Police Accountability Board for a one-year term, effective August 1, 2022 through July 31, 2023. The motion passed unanimously.

ADJOURNMENT

Commissioner Burkett, seconded by Commissioner Baker, moved to adjourn the meeting 11:13 a.m. The motion passed unanimously.



Krista L. Hart, County Clerk