



Board of County Commissioners of Washington County, Maryland

Open Session Minutes

August 16, 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; President Cline requested for the family of Dave Hays, Director, Emergency Services, be kept in prayers.

CALL TO ORDER

President Jeffrey A. Cline called the regular meeting of the Board of County Commissioners of Washington County, Maryland, to order at 10:02 a.m. at 100 West Washington Street, Hagerstown, Maryland, with the following members present: Commissioner Terry L. Baker; Commissioner Wayne K. Keefer; Commissioner Charles A. Burkett, and Commissioner Randall E. Wagner.

APPROVAL OF MINUTES

Commissioner Wagner, seconded by Commissioner Baker, moved to approve the minutes of August 9, 2022. The motion passed unanimously (4-0-1, Commissioner Burkett abstained due to an absence).

COMMISSIONER COMMENTS

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

Vice President Baker thanked all those in attendance.

Commissioner Keefer requested patience as the 2022-2023 school year begins and buses begin routes.

Commissioner Burkett shared that he will be attending the Summer Conference of the Maryland Association of Counties (MACo).

Commissioner Wagner shared his condolences to Director Hays.

President Cline recognized the Pittsburgh Institute of Aeronautics and congratulated Hagerstown Community College for receiving the Workforce Grant, which was supported by the Board of County Commissioners.

STAFF COMMENTS

County Clerk – Boards and Commissions

Police Accountability Board

Commissioner Wagner, seconded by Commissioner Keefer, moved to approve the appointment of Ronald Humbel (Town of Boonsboro), and Amber Smart (Town of Smithsburg) to the Police Accountability Board, each to serve a one-year term through August 31, 2022. The motion passed unanimously.

Adult Public Guardianship Review Board

Commissioner Baker, seconded by Commissioner Wagner, moved to approve the reappointment of Diane Lewis to serve as the Local Non-Profit Representative from August 1, 2022 through July 31, 2025 and to approve an exception to the two-term limit as outlined in Washington County Policy PR22. The motion passed unanimously.

County Administrator

John Martirano shared his condolences to Mr. Hays. Additionally, he will also be attending the MACo Conference. He reminded all that there will be no Board of County Commissioners meeting next week, the next meeting will be August 30th.

CITIZEN PARTICIPATION

No citizens participated.

TOWN OF FUNKSTOWN – REQUEST FOR \$200,000 ARTZ FARM LOAN FORGIVENESS

Mayor Paul Crampton, Jr, Town of Funkstown, requested loan forgiveness in the amount of \$XX for the Town of Funkstown to purchase the Artz Farm Property and the 65 Old National Pike Property. Mayor Crampton shared that the amount of up to \$1 million was previously approved in 2016 by the Board of County Commissioners.

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

NATIONAL AVIATION DAY

The Board of County Commissioners presented Mr. Eshleman, John Seburn, Executive Director, Hagerstown Aviation Museum, and Karen Hemenway, Donor Engagement and Event Coordinator, with a proclamation recognizing August 19th as National Aviation Day.

PUBLIC HEARING: PUBLIC OPEN SPACE PROPERTY ACQUISITION

President Cline convened a public hearing at 10:29 a.m. to obtain public comment regarding the approval of an Ordinance for Public Open Space property acquisition, and to increase the Program Open Space grant reimbursement eligible amount up to \$435,000, and to authorize the execution of necessary documentation to finalize the acquisition. President Cline reviewed the procedures for the Public Hearing.

Todd Moser, Real Property Administrator, and Andrew Eshleman, Director, Public Works, presented information pertaining to the option agreement for full take, fee simple property acquisition for the purchase of vacant land for parkland, in the amount of \$425,000. Mr. Moser added that the parcel consists of 2.81 acres and is described as Tax ID 03-027120, Map 314, Parcel 895; adjacent to Doub's Woods located off of Downsville Pike, Hagerstown.

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 Baker, seconded by Commissioner Wagner, moved to approve the option agreement for the purchase of property described as Map 314, Parcel 895, consisting of 2.81 acres, increase the Program Open Space grant reimbursement eligible amount, and to authorize the execution of the necessary documentation to finalize the purchase, as presented. The motion passed unanimously.

The Commissioners instructed staff to bring the Ordinance approving said acquisition for formal approval.

APPLICATION FOR ZONING MAP AMENDMENT RZ-22-003

Travis Allen, Comprehensive Planner, Planning and Zoning, presented an application for the partial termination of an existing Rural Business (RB) floating zone through a rezoning map amendment. Mr. Allen shared that applicant, Dan and Sharon Blickenstaff has requested a map amendment for a property located at 16333 Mount Tabor Road where an existing RB floating zone has been

established; the current proposal seeks to remove 2.64 acres of the RB floating zone to allow for the applicant to pursue single family residential uses.

Mr. Allen shared that the matter was presented to the Washington County Planning Commission at its regular meeting on August 1, 2022 and received unanimous approval from the members.

Commissioner Wagner, seconded by Commissioner Keefer, moved to authorize by Ordinance the application for the partial termination of an existing Rural Business floating zone. The motion passed unanimously (3-0, Commissioner Baker and Commissioner Keefer was absent).

(Ordinance No. ORD-2022-16 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is in the County Commissioners' Office.)

TWENTY-FOUR HOUR SHIFTS FOR THE EMERGENCY COMMUNICATIONS CENTER

Brian Albert, Assistant Director, Emergency Communications, and Kelly Fisher, Operations Manager, Emergency Communications, presented the request for approval of twenty-four (24) hour work shifts for the Emergency Communications, maintain the ability for twelve (12) hour work shifts for employees who cannot, or do not want to work (24) hour shifts.

Commissioner Wagner, seconded by Commissioner Baker, moved to approve the implementation of twenty-four (24) hour shifts for the Emergency Communications. The motion passed unanimously.

BID AWARD (PUR1559) – CONTRACT SERVICES AT TRANSFER STATIONS AND ON-SITE AT FORTY WEST LANDFILL

Rick Curry, Director, Purchasing, and Dave Mason, Deputy Director, Solid Waste, presented the recommendation to award the Contract Services at Transfer Stations and On-Site at the Forty West Landfill to the responsive, responsible bidder Panhandle Dumpsters LLC, Martinsburg, West Virginia (WV) based on the Total Sum Bid (Transfer Stations Nos. 1 through 5) \$586,150, plus Alternate No 1 (cardboard transports at Forty West) \$8,800 for a Total Lump Sum of \$594,950; the procurement is contingent upon the company being registered and providing proof of being in "Good Standing" with the Department of Assessment and Taxation.

The contract is for a two (2) year period, commencing October 1, 2022, with an option by the County to renew for up to one (1) additional one (1) year period. Subject to written notice given by the County at least sixty (60) calendar days in advance of its expiration. The County reserves the right to accept or reject any request for renewal. The County guarantees neither a maximum/minimum of transports from each location under this contract; funds are budgeted in the departments operating expense account (515190 21 21100).

Commissioner Burkett, seconded by Commissioner Wagner, moved to approve the bid award PUR1559 to Panhandle Dumpsters LLC, Martinsburg, WV, for a total sum of \$594,950, as presented. The motion passed unanimously.

BID AWARD (PUR1560) – RECYCLING DROP OFF SERVICES

Mr. Curry and Mr. Mason presented the recommendation to award the contract for Recycling Drop-Off Services under Option No. 1 for the hauling of single stream recyclables to the responsive, responsible bidder BFI /dba Republic Services, Hagerstown, Maryland (MD) for the total sum bid amount of \$116, 133.30 and to award under Option No. 2 for the processing of single stream recyclables to Apple Valley Waste of Kearneysville, WV., year one \$44,200, year two \$50,830 and year three \$55,910.40 for the total sum bid amount of \$150,940.40 and to award under Alternate No. 1, to BFI/dba Republic Services of Hagerstown, MD., year one \$41,600, year two \$43,680 and year three \$45,864, for the total sum bid amount of \$131,144.

The contract is for a one (1) year period, commencing November 1, 2022, with an option by the County to renew for up to two (2) additional one (1) year period. The County shall only pay for trips as required; there is no annual guaranteed minimum or maximum number of trips. The services consist of the vendor supplying recycling and cardboard containers and the removal, processing, and marketing of recyclables for the manned (Transfer Stations) recycling drop-off sites. If the Bidder wishes to renew the Contract, he/she shall submit a letter of intent to the Director of Purchasing at least ninety (90) calendar days prior to the expiration of each contract year. The County reserves the right to accept or reject any request for renewal.

Commissioner Burkett, seconded by Commissioner Wagner, moved to approve the bid award PUR1560 to BFI / dba Republic Services, Hagerstown, MD, for a total sum of \$594,950, as presented. The motion passed unanimously.

BID AWARD (PUR1557) – ROOF MEMBRANE REPLACEMENT AT IKO WAY

Rick Curry, Director, Purchasing, and Mr. Eshleman recommended approval to award the bid for the Roof Membrane Replacement at 145 IKO Way to the responsive, responsible, bidder Bonded Applicators, Inc., Waynesboro, Pennsylvania (PA) who submitted the lowest total lump sum amount of \$1,094,544 and the procurement is contingent of final approval of the Agreement by the County Attorney's Office.

The Bidder shall complete the project within one hundred fifty (150) calendar days. There are liquidated damages that will apply at the rate of two hundred-fifty (\$250) dollars per consecutive calendar day each day the Contractor fails to complete the work as specified. Funds in the amount of \$1,500,000 are budgeted in the Capital Improvement Project 30.11910.BLD100.

Commissioner Baker, seconded by Commissioner Wagner, moved to approve the bid award PUR1557 to Bonded Applicators, Inc., Waynesboro, PA in the amount of \$1,094,544, as presented. The motion passed unanimously.

CONSTRUCTION BID AWARD - PROFESSIONAL BOULEVARD PHASE II

Scott Hobbs, Director, Division of Engineering, presented the recommendation to conditionally award the Professional Boulevard Phase II contract to the lowest responsive, responsible bidder, Concrete General, Inc., Gaithersburg, Maryland (MD) in the amount of \$6,617,402.10 for the base bid plus add alternate, which includes a contribution from the City of Hagerstown for the widening of Professional Court from the Professional Boulevard bridge to Eastern Boulevard; conditional award is based upon receipt of concurrence in award from the Maryland State Highway Administration.

The project is a 350 consecutive calendar day contract with an anticipated notice to proceed in October 2022 and completion date in Fall 2023; liquidated damages in the amount of \$500 per calendar day will be accrued for work beyond completion date.

Commissioner Wagner, seconded by Commissioner Baker, moved to award the Professional Boulevard, Phase II project to Concrete General, Inc., Gaithersburg, MD in the amount of \$6,617,402.10, as presented. The motion passed unanimously.

POSITION GRADE CHANGE REQUEST

Mr. Eshleman, and Mark Bradshaw, Director, Environmental Management, presented the recommendation to change the grade of the Transit Maintenance Worker and the Utility Worker II positions from grade 6 (\$30,722) to a grade 7 (\$33,197).

The Commissioners discussed the need for workforce training benefits.

Commissioner Wagner, seconded by Commissioner Keefer, moved to approve the request to change from a Grade 6 to a Grade 7, for the positions of Transit Maintenance Worker, and the Utility Worker II, as presented. The motion passed unanimously.

TRANSIT DEPARTMENT REORGANIZATION

Mr. Eshleman and Kevin Cerrone, Director, Transit Department, presented the recommendation to reorganize the Transit Department to address future needs in a more cost-effective way. The proposed changes are as follows:

- Elimination of “Deputy Director of Transit” Grade 14 Position.
-\$66,000 salary - payroll taxes/benefits
- New “Communications and Outreach Manager”, Grade 11
+~\$45,136, (grade 1) + payroll taxes/benefits
- Upgrade “Driver’s Supervisor” Grade 11 to “Transit Operations Supervisor” Grade 13
+ ~\$8,000 + payroll taxes/benefits
- Upgrade two “Office Associates” Grade 6 to “Communication Specialists” Grade 8
+ ~\$4,500 each (\$9,000 total) + payroll taxes/benefits

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

DISCUSSION OF FISCAL YEAR 2022 SURPLUS – INCOME TAX AND RECORDATION TAX

Kelcee Mace, Interim Chief Financial Officer, presented information pertaining to the potential budget adjustments to utilize additional funding for one-time County needs and capital projects.

Commissioner Burkett stressed on the fact that Meals on Wheels project should be strongly considered with funds from the surplus.

CLOSED SESSION

Commissioner Wagner, seconded by Commissioner Keefer, moved to convene in closed session at 11:29 a.m. to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals; to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State; and to consult with counsel to obtain legal advice on a legal matter; and in accordance with Sections 3-305(b) (1), (4), (7) of the General Provisions Article of the Annotated Code of Maryland. The motion passed unanimously.

In closed session, the Commissioners discussed board and commission appointments. The Commissioners discussed business proposals with staff to include a contractual matter.

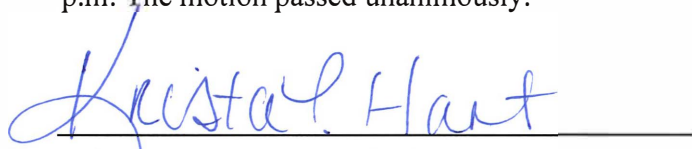
Present during closed session were Commissioners Jeffrey A. Cline; Terry L. Baker; Wayne K. Keefer; Randall E. Wagner; and Charles A. Burkett; also, present were John M. Martirano, County Administrator; Kirk C. Downey, County Attorney, and Krista L. Hart, County Clerk; and at various times, Jill Baker, Director, Planning and Zoning; Mark Bradshaw, Director, Environmental Management; Susan Grimes; and Jonathan Horowitz, Business Development.

RECONVENE IN OPEN SESSION

Commissioner Burkett, seconded by Commissioner Wagner, moved to reconvene in open session at 12:23 p.m. The motion passed unanimously.

ADJOURNMENT

Commissioner Wagner, seconded by Commissioner Burkett, moved to adjourn the meeting 12:23 p.m. The motion passed unanimously.



Krista L. Hart, *County Clerk*