



Board of County Commissioners of Washington County, Maryland

Open Session Minutes

October 11, 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 Wayne K. Keefer; Commissioner Charles A. Burkett; and Commissioner Randall E. Wagner; Vice President Terry L. Baker was absent.

CLOSED SESSION

Commissioner Wagner, seconded by Commissioner Burkett, moved to convene in closed session at 10:00 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; to consult with counsel to obtain legal advice on a legal matter; to conduct collective bargaining negotiations or consider matters that relate to the negotiations; and to comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding matter; in accordance with Sections 3-305(b) (1), (4), (7), (9), and (13) of the General Provisions Article of the Annotated Code of Maryland. The motion passed unanimously; Commissioner Baker was absent.

In closed session, the Commissioners discussed personnel assignments and compensation; Board and Commission appointments; business development updates and a business establishment matter. The Commissioners further discussed collective bargaining negotiation and contractual matters and consulted with counsel.

Present during closed session were Commissioners Jeffrey A. Cline; Wayne K. Keefer; Charles A. Burkett; 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, Deb Condo, Interim Director, Human Resources; Dave Hays, Director, Emergency Services; Eric Paltell, Counsel; Jill Baker, Director, Planning and Zoning; Scott Hobbs, Director, Engineering; and Susan Grimes, Director, Business Development; Vice President Terry L. Baker was absent.

RECONVENE IN OPEN SESSION

Commissioner Wagner, seconded by Commissioner Burkett, moved to reconvene in open session at 11:08 a.m. The motion passed unanimously.

APPROVAL OF MINUTES

Commissioner Keefer, seconded by Commissioner Burkett, moved to approve the minutes of September 20, 2022.

Commissioner Keefer, seconded by Commissioner Wagner, moved to approve the minutes of September 27, 2022; Commissioner Burkett abstained due to an absence.

COMMISSIONER COMMENTS

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

Commissioner Burkett discussed the FY22 Surplus Funding and his dissatisfaction for the placement of the responsibilities onto County staff. Additionally, he feels the response to requests needs to be acted upon promptly.

Commissioner Keefer thanked the Habitat for Community for all they do throughout the Community. Additionally, he recommended support for the Go for the Bold program in Washington County. He further discussed the potential for tax refunds to citizens due to the FY22 Surplus amount and again requested that the matter be placed on the agenda for further discussion. He shared information on complaints regarding Oak Ridge Drive and dirt on the road from development projects, to include National Pike (State Road) and asked staff to ensure that this matter is resolved. Also, Commissioner Keefer asked that zoning processes and procedures be placed on the agenda for community knowledge.

Commissioner Wagner discussed the FY22 Surplus and asked that a plan be presented for the Volunteer Fire Companies. He echoed Commissioner Keefer's comments regarding Go for the Bold.

President Cline shared that tomorrow will be the anniversary of the attack on the SS Cole and two Washington County men who tragically lost their lives in that event.

STAFF COMMENTS

Human Resources

Brian Overcash, Safety Compliance and Training Coordinator, and Tracy McCammon, Risk Management Coordinator, presented the Board with an update regarding the number of workers compensation claims and other safety matters.

Boards and Commissions – Krista Hart, County Clerk

Community Organization Funding Committee

Commissioner Burkett, seconded by Commissioner Wagner, moved to approve the appointment of Dawn Wintermoyer to serve a partial term through March 31, 2023 as Commissioner Burkett's representative; this is not a paid board. The motion passed unanimously.

Disabilities Advisory Committee

Commissioner Wagner, seconded by Commissioner Keefer, moved to approve the appointment of Lauren Feingold to serve a first three-year term from November 1, 2022 through October 31, 2025; and April Crohare to serve a first three-year term from November 1, 2022 through October 31, 2025; this is not a paid board. The motion passed unanimously.

Gaming Commission

Commissioner Wagner, seconded by Commissioner Burkett, moved to approve the appointment of Lieba Cohen to serve a two-year term from October 1, 2022 through September 30, 2024; this is not a paid board. The motion passed unanimously.

Gaming Commission

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County Administrator

John Martirano recommended cancelling the meeting for October 18th due to lack of agenda matters. Commissioner Wagner, seconded by Commissioner Keefer, moved to approve cancelling said meeting. The motion passed unanimously.

Additionally, he shared a request from the Board of Elections requesting placement on the agenda to discuss an increase in the Election Judges pay by \$50.00 to aide in recruitment and retention.

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

CITIZEN PARTICIPATION

Chip Wood, Hagerstown, discussed the Civil War Rail Trail and Healthy Washington County reports.

Michael Staup, 18 S Mulberry Street, Hagerstown, MD, thanked the Commissioners for the upgrade to the Election Workers. Additionally, he discussed the drug use in Washington County.

Stephanie Phillips, PO Box 1264, Falling Waters, WV, shared opinions on events in Washington County.

COLLECTIVE BARGAINING AGREEMENT WITH LOCAL 1605, IAFF

Eric Paltell, Labor Counsel; Kirk Downey, County Attorney; and Dave Hays, Director, Emergency Services, recommended approval of a Collective Bargaining Agreement with the Local 1605, International Association of Fire Fighters.

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

BLACK EMPOWERMENT SUMMIT 2023

Kalim Johnson, Executive Director, African American Aggregate Association, presented a funding request in the amount of \$5,000 to assist with marketing needs and scholarships for the upcoming Summit at the Kepler Theater, March 12, 2023.

Commissioner Wagner, seconded by Commissioner Burkett, moved to approve the funding request as presented, with a funding source from Commissioner Contingency. The motion passed unanimously.

MANAGEMENT BOOTCAMP CERTIFICATE PRESENTATION

Mr. Overcash presented various county employees with a Certificate of Award for completion of the Management Bootcamp training, held at Hagerstown Community College; each employee completed a total of 49 hours of leadership and management class work.

DEVELOPMENT MITIGATION IN WASHINGTON COUNTY

Jill Baker, Director, Planning and Zoning; Travis Allen, Comprehensive Planner; Planning and Zoning; and Chris Boggs, Rural Preservation Administrator, Planning and Zoning, presented the Board with a comprehensive view of historic trends of non-residential development in the County; as well as the accompanying mitigation provided by such projects.

Commissioner Keefer requested additional discussion regarding the MRGA Boundaries and Zoning.

WOLFINGER RURAL LEGACY PROGRAM EASEMENT

Mr. Boggs recommended approval of the Russell L. Wolfinger Rural Legacy Program (RLP) project, paid for 100% by the Maryland Department of Natural Resources, for \$296,059.50 for 90.715 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 18465 Manor Church Road, Boonsboro, Maryland, and composed of primarily open agriculture ground. Mr. Boggs shared that seven (7) development rights will be extinguished with the easement.

Commissioner Wagner, seconded by Commissioner Keefer, moved to approve the Wolfinger 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-2022-18 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the originals are in the County Commissioners' Office.)

PROPOSED SHARPSBURG WELL

Mark Bradshaw, Director, Environmental Management, presented a recommendation from the Environmental Management Advisory Committee, that the County explore the possibility of drilling a well as supplemental water source for the Town of Sharpsburg on property currently owned by the Town, adjacent to the existing elevated water storage tank. Mr. Bradshaw shared that the cost of the well would be less than \$300,000 and would eliminate the per gallon fee.

The Commissioners reached a consensus to proceed as presented.

BID AWARD (PUR1571) BULK DELIVERY OF ROAD SALT

Brandi. Naugle, Buyer, Purchasing, and Zane Rowe, Deputy Director, Highway Department, recommended award of the contract for the purchase/delivery of Bulk Road Salt to the responsible, responsive bidder, Cargill, Incorporated, North Olmsted, Ohio who submitted the price of \$85.61 per ton. The contract period is tentatively October 1, 2022, through April 30, 2023.

Commissioner Wagner, seconded by Commissioner Keefer, moved to approve the award of PUR1571 to Cargill, Inc., in the amount of \$85.61 per ton, as presented. The motion passed unanimously.

BID REJECTION AND BID AWARD (PUR1561) – PERFORMANCE TESTING, HOSE, PUMPS, AND LADDERS

Ms. Naugle, and Eric Jacobs, Operations Manager, Division of Emergency Services, recommended approval to reject the bid without prejudice for Group C from Diversified Inspections/Independent Testing Labs, Inc., Manalapan, New Jersey for its bid submitted on August 25, 2022; The bidder did not submit their bid based on the quantities requested in the Form of Proposal and as indicated in the bid document. Additionally, recommendation is made to award the bid for Group B to the responsive, responsible bidder Diversified Inspections/Independent Testing Labs, Inc., Manalapan, New Jersey for the total sum of \$62,210.

Commissioner Burkett, seconded by Commissioner Wagner, moved authorize the rejection of the bid without prejudice for Group C from Diversified Inspections/Independent Testing Labs, Inc., Manalapan, NJ, as presented. The motion passed unanimously.

Commissioner Keefer, seconded by Commissioner Burkett moved to award the bid (PUR1561) for Group B to Diversified Inspections/Independent Testing Labs, Inc., Manalapan, NJ, in the amount of \$62,210, as presented. The motion passed unanimously.

CONTRACT AWARD (PUR1570) BOND COUNSEL SERVICES

Ms. Naugle and Kelcee Mace, Interim CFO, recommended award of the contract for Bond Counsel Services to the responsive, responsible firm of Funk & Bolton, P.A., Attorneys at Law, of Baltimore, Maryland, for the total proposal value of \$107,100 plus out-of-pocket expenses related to bond issues and for all other work. the responsive, responsible firm of Funk & Bolton, P.A., Attorneys at Law, of Baltimore, Maryland, for the total proposal value of \$107,100 plus out-of-pocket expenses related to bond issues and for all other work.

Commissioner Wagner, seconded by Commissioner Keefer, moved to approve award contract PUR1570 to Funk & Bolton, P.A., Attorneys at Law, Baltimore, MD in the amount of \$107,100 plus out of pocket expenses related to bond issues and for all other work, as presented. The motion passed unanimously.

CONTRACT RENEWAL (PUR1569) UNIFORMS FOR THE WASHINGTON COUNTY SHERIFF'S OFFICE

Ms. Naugle and Sheriff Doug Mullendore recommended award of contract PUR1569 for uniforms for the Washington County Sheriff's Office to Galls, LLC, Lexington, Kentucky, for a total sum of \$117,485.25 based on estimated quantities (no guaranteed minimum/maximum) of each uniform piece at the per unit prices. Funds are budgeted in the various departmental budgets to include 11300, 11305, 11310, 11315, 11320, and 11321.

Commissioner Wagner, seconded by Commissioner Burkett, moved to renew contract PUR1569 with Galls, LLC, Lexington, KY for a total sum of \$117,485.25, as presented. The motion passed unanimously.

PURCHASE OF VEHICLES FOR VARIOUS COUNTY DEPARTMENTS

Rick Curry, Director, Purchasing, and Sergeant Alan Matheny, Washington County Sheriff's Office, recommended approval for the following departments to purchase vehicles via State of Maryland Contract:

- Sheriff's Office - one (1) pickup truck; not to exceed \$60,000
- Highway Department - two (2) One-ton crew cab trucks; not to exceed \$112,428; one (1) pickup truck; not to exceed \$29,400
- Wireless Communication Maintenance - one (1) pickup truck; not to exceed \$60,000
Division of Emergency Services - two (2) pickup truck; not to exceed \$130,000
- Hagerstown Regional Airport - two (2) pickups trucks; not to exceed \$140,000; the department is also requesting submission and acceptance in the amount of \$105,000 from the Maryland Aviation Administration.

Commissioner Burkett, seconded by Commissioner Wagner, moved to approve the purchase of vehicles for various county departments; and to authorize the submission and acceptance of award from the Maryland Aviation Administration in the amount of \$140,000, as presented. The motion passed unanimously.

LOBBYING COALITION

John Martirano, County Administrator, and Kirk Downey, County Attorney, initiated discussion surrounding the Lobbying Coalition and initiatives for the upcoming regular session of the General Assembly. Mr. Martirano reviewed several projects with the Commissioners.

DISCUSSION REGARDING POTENTIAL PROCESS FOR NON-PROFIT FUNDING

Susan Buchanan, Director, Office of Grant Management, presented the Commissioners with various options of management for the allocation of the FY22 Surplus funding for non-profits. Ms. Buchanan shared that she has contacted members of the Community Organization Funding Committee to review the applications for the FY22 Surplus and at this time, only one (1) member would not be available.

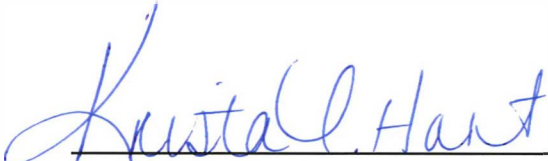
Commissioner Burkett shared his concern over instructing staff to handle the process. Commissioner Keefer share that he would like to ensure the requests are vetted. Staff was instructed to move forward with the process.

ICE CREAM TRAIL FAVORITE SPOT CERTIFICATE

Susan Grimes, Director, Business Development, presented the owners of Misty Meadow Creamery with the Ice Cream Trail Favorite Spot certificate; a result of the recent County initiative.

ADJOURNMENT

Commissioner Burkett, seconded by Commissioner Wagner, moved to adjourn the meeting 1:30 p.m. The motion passed unanimously.



Krista L. Hart, *County Clerk*