



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**

**November 15, 2022**

### **OPEN SESSION AGENDA**

- 10:00 AM      MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE  
CALL TO ORDER, *President Jeffrey A. Cline*  
APPROVAL OF MINUTES: *November 1, 2022*
- 10:05 AM      COMMISSIONERS' REPORTS AND COMMENTS
- 10:15 AM      STAFF COMMENTS
- 10:20 AM      CITIZEN PARTICIPATION
- 10:25 AM      FORT RITCHIE COMMUNITY CENTER  
*Buck Browning, Fort Ritchie Community Center*
- 10:30 AM      REAL ESTATE TAXES DUE ON PROPERTY TO BE PURCHASED BY THE  
BOYS AND GIRLS CLUB OF WASHINGTON COUNTY  
*John M. Martirano, County Administrator; Kirk C. Downey, County Attorney; Addie Nardi, CEO, Boys and Girls Club of Washington County*
- 10:40 AM      PRESENTATION OF THE JUNE 30, 2022 AUDITED FINANCIAL STATEMENTS  
*Chris Lehman, Partner, SB & Company; Michelle Gordon, Chief Financial Officer, Budget and Finance*
- 10:55 AM      INTERGOVERNMENTAL COOPERATIVE PURCHASE (INTG-22-0090) –  
PURCHASE ONE (1) NEW COMPACTOR FOR SOLID WASTE DEPARTMENT  
AND INTERFUND LOAN FROM GENERAL FUND TO SOLID WASTE FUND  
*Michelle Gordon, Chief Financial Officer, Budget and Finance; David Mason, Deputy Director*
- 11:00 AM      PROPOSED SHARPSBURG WELL  
*Mark Bradshaw, Director, Environmental Management*
- 11:05 AM      OAK RIDGE PUMP STATION UPGRADES  
*Mark Bradshaw, Director, Environmental Management*
- 11:10 AM      CONTRACT AWARD (PUR-1578) FOR GASOLINE AND DIESEL FUEL  
DELIVERIES  
*Brandi Naugle, Buyer, Purchasing; Zane Rowe, Deputy Director, Highway Department*

**BID AWARD (PUR-1579) SWIMMING POOL AND WATER/WASTEWATER TREATMENT CHEMICALS**

*Brandi Naugle, Buyer, Purchasing; Davina Yutzy, Deputy Director, Water Quality; Mark Bradshaw, Director, Environmental Management*

**SOLE SOURCE PROCUREMENT (PUR-1590) – APEX OFFICER TRAINING SIMULATOR FOR THE WASHINGTON COUNTY SHERIFF’S OFFICE**

*Brandi Naugle, Buyer, Purchasing; Major Pete Lazich, Washington County Sheriff’s Office; Cody Miller, Grant Manager/Quartermaster, Washington County Sheriff’s Office*

**11:15 AM SHANKTOWN ROAD RAILROAD CROSSING CLOSURE AND QUITCLAIM RIGHT-OF-WAY**

*Todd Moser, Real Property Administrator, Engineering; Scott Hobbs, Director, Engineering*

**11:20 AM FORMALIZATION OF PLANNING AND ZONING MATTERS**

*Kirk C. Downey, County Attorney*

**11:25 AM POTENTIAL LEGISLATIVE ITEMS**

*Kirk C. Downey, County Attorney*

**11:40 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 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 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)*

**1:10 PM RECONVENE IN OPEN SESSION**

**ADJOURNMENT**



## Agenda Report Form

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### Open Session Item

**SUBJECT:** Fort Ritchie Community Center

**PRESENTATION DATE:** November 15, 2022

**PRESENTATION BY:** Buck Browning, Fort Ritchie Community Center

**RECOMMENDED MOTION:** N/A

**REPORT-IN-BRIEF:** We would like to share the good news with the commissioners that the Community Center is undertaking a Rural Health Initiative. We have received a \$40,000 grant for the program and the resources provided to the community by the Commissioners helped secure the funding.

**DISCUSSION:** Reports show rural residents suffer from greater health risks such as cancer, heart disease, diabetes, than other residents, nationally and statewide.

**FISCAL IMPACT:** This initiative will improve access for residents to health screenings, vaccinations, exercise opportunities, nutrition education, and improve opportunities for residents to interact socially with their neighbors.

**CONCURRENCES:** N/A

**ATTACHMENTS:** N/A



## Agenda Report Form

### Open Session Item

**SUBJECT:** Real Estate Taxes Due on Property to be Purchased by the Boys & Girls Club of Washington County

**PRESENTATION DATE:** November 15, 2022

**PRESENTATION BY:** John M. Martirano, County Administrator; Kirk C. Downey, County Attorney; Addie Nardi, CEO, Boys and Girls Club of Washington County

**RECOMMENDED MOTION:** Move to make a contribution to the building project of the Boys and Girls Club of Washington County in the amount of \$31,132.01, to satisfy the outstanding State and County Real Estate taxes currently due on Parcel # 21-005258, Parcel # 21-005266, Parcel # 21-015709, and Parcel # 21-007110.

### **REPORT-IN-BRIEF:**

**DISCUSSION:** To discuss the request by the Boys and Girls Club of Washington County to the Board of County Commissioners to waive and/or pay the outstanding County real estate taxes and/or interest due and owing on Parcel # 21-005258, Parcel # 21-005266, Parcel # 21-015709, and Parcel # 21-007110.

**FISCAL IMPACT:** Total Amount of County/State tax is \$31,132.01 (approximately 10% of this amount is State of Maryland Real Estate Property Tax) and Total Interest due is \$23,513.41. The Treasurer has the authority to waive the interest due on these accounts; therefore, the impact would be \$31,132.01.

**CONCURRENCES:** Todd L. Hershey, Treasurer

**ATTACHMENTS:** N/A





## Agenda Report Form

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### Open Session Item

**SUBJECT:** Presentation of the June 30, 2022 audited financial statements

**PRESENTATION DATE:** November 15, 2022

**PRESENTATION BY:** Chris Lehman, Partner in SB & Company, and Michelle Gordon, Chief Financial Officer, Budget and Finance

**RECOMMENDED MOTION:** The presentation is for informational purposes only.

**REPORT-IN-BRIEF:** The external independent auditors will review the scope of services, the audit process, and required communications. They will also report the results of the audit.

**DISCUSSION:** General discussion by external auditor and Chief Financial Officer on various funds of Washington County.

**FISCAL IMPACT:** The audit report updates the fiscal condition of the County as of the fiscal year ending June 30, 2022.

**CONCURRENCES:** Not applicable

**ALTERNATIVES:** Not applicable

**ATTACHMENTS:** Financial statements were distributed as a separate bound document prior to the presentation.

**AUDIO/VISUAL NEEDS:** The auditors have a slide presentation.

The seal of Washington County, Maryland, is a circular emblem. It features a central shield with a landscape scene, including a river and a building. The shield is surrounded by a wreath. Above the shield is a banner with the text "WASH CO MARYLAND". The entire seal is encircled by a ring of stars.

# Budget & Finance

## FY2022 General Fund Review



Washington County

M A R Y L A N D



# General Fund Budget

## Original Budget

\$254,273,600

## \*Adjustments

\$29,066,754

## Final Budget

\$283,340,354

\*\$10.2M related to income (\$5.2M) & recordation tax (\$5.0M); and, \$18.9M related to grants & other revenues (\$10.8M for ARPA).

# General Fund Adjustments


## Major Budget Adjustments in FY22

**September  
\$10.2M**

**July  
\$1.8M**

# Adjustments to the Budget

## Budget Adjustment 1 - \$10.2M

- 
- Pension Funding \$5.0M
  - Communications System Upgrade \$2.0M
  - Law Enforcement Vehicles \$1.0M
  - Central Highway Facility Bridge \$150K
  - Debt Service –State (Loan Wesel Blvd) \$2.0M

# Adjustments to the Budget

## Adjustment 2 - \$1.8M

- Transfers to CIP from Gain on Sale of Building \$1.8M

# Income Tax Adjustments



*What contributed to the Income Tax adjustments?*

- Tax Rate projections compared to approved budget
- Unemployment rate -8.4% 6/20 to 4.8% 6/22
- Surge in entity level tax for PTE's
- Additional disparity grant
- Interest & penalty for late filers



# FY2022 General Fund

## Revenues

\$301,010,358

## Expenditures

\$289,641,740

## Net (Reserves)

\$11,368,618





# General Fund Cash Reserve

**FY21**

**\$57.7M or  
21.11%**

**FY22**

**\$68.2M or  
24.73%**



# FY2022 Revenue Highlights

Significant Revenues over/(under) <u>final</u> budget	
Real Property Tax	(1.6)M
Personal Property Tax	2.8M
Income Tax	18.5M
Recordation Tax	5.6M
Other	(7.6)M
Total	17.7M

# FY2022 Expenditure Highlights

Significant Expenditures (over)/under <u>final</u> budget	
Transfer to Capital	(21.0)M
Wage savings	1.4M
Benefit savings	3.6M
Highway & departmental savings	1.4M
Program grants	8.3M
Total	(6.3)M

# Upcoming Expenditures

## Upcoming Expenditures

- ✓ FF Wages as SAFER grant winds down in FY24- \$3M
- ✓ Inflation at 8.2%, continued increase in costs, both operating and capital
- ✓ Minimum wage increases to \$15 an hour by 2025
- ✓ Infrastructure maintenance
- ✓ Public Safety organizational changes



## *What can we do with the \$21 million transferred to CIP in FY22?*

- Pension
- Reduce debt for FY23 or FY24
- Capital Projects
- Deferred maintenance
- Public Safety organizational structure and capital

# Requests/Feedback



- **Commissioner Requests**
- **Feedback**



Washington County  
M A R Y L A N D

# Thank you

Michelle Gordon, MBA  
Chief Financial Officer  
Washington County, MD  
(240) 313-2303

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## Agenda Report Form

### Open Session Item

**SUBJECT:** Intergovernmental Cooperative Purchase (INTG-22-0090) – Purchase One (1) New Compactor for Solid Waste Department and Interfund Loan from General Fund to Solid Waste Fund

**PRESENTATION DATE:** November 15, 2022

**PRESENTATION BY:** Michelle Gordon, CFO; and, Dave Mason, P.E., Deputy Director, Solid Waste Department

**RECOMMENDED MOTION:** Move to authorize by Resolution, for the Solid Waste Department to purchase one (1) New E380 Tana Compactor from Groff Mid-Atlantic of Frederick, MD for a total cost of \$952,230 and to utilize another jurisdiction's contract that was awarded by the Florida Sheriff Association, of Tallahassee, FL (Contract FSA20-EQU18.0) to Humdinger Equipment, LTD of Lubbock, TX; and to authorize the interfund loan from the General Fund to the Solid Waste Fund at an interest rate of 2.0% with 60 monthly payments of \$16,690.46 beginning on December 1, 2022.

**REPORT-IN-BRIEF:** The Code of Public Laws of Washington County, Maryland (the Public Local Laws) 1-106.3 provides that the Board of County Commissioners may procure goods and services through a contract entered into by another governmental entity, in accordance with the terms of the contract, regardless of whether the County was a part to the original contract. If the Board of County Commissioners determines that participation by Washington County would result in cost benefits or administrative efficiencies, it could approve the procurement of the equipment in accordance with the Public Local Laws referenced above that participation would result in cost benefits or in administrative efficiencies.

The County will benefit with the direct cost savings in the purchase of this equipment because of economies of scale this contract has leveraged. Additionally, the County will realize savings through administrative efficiencies as a result of not preparing, soliciting and evaluating a bid. Acquisition of the equipment by utilizing the Florida Sheriff Association contract and eliminating our county's bid process would result in an administrative and cost savings for the Solid Waste Department and Purchasing Department in preparing specifications.

**DISCUSSION:** Lease terms offered by the selected vendor's financial institution included an interest rate of 4.8% with 60 monthly payments of \$17,537.94. The presented lease also included terms that required the General Fund to obligate general and tax revenues to repay the leased equipment. Those terms do not comply with County policy requiring that proprietary funds be self-supported by user fees and would have negatively impacted the County's bond rating and debt service ratios for future general obligation bonds.



The County ended FY22 with a surplus of \$41.4M. Because time is of the essence for this purchase, a one-time use of General Fund, fund balance for this interfund loan will ensure that this equipment purchase is made. Debt payments for this equipment loan were included in the Solid Waste Fund current year budget; and, the interfund loan will have similar payment terms that include an interest rate of 2.0% with 60 monthly payments of \$16,690.46.

The County's financial advisor was also consulted. The approval of an interfund loan will have no impact on the County's bond rating. The County is in good fiscal health and a plan is in place for the Solid Waste Fund to repay this interfund loan to the General Fund. The County will explore alternative financing options for less time sensitive, future purchases of this nature, such as a master operating lease.

**FISCAL IMPACT:** One-time use of General Fund, fund balance \$952,230

**CONCURRENCES:** N/A

**ALTERNATIVES:** N/A

**ATTACHMENTS:** Groff Tractor Mid-Atlantic, Quote dated October 28, 2022; General Fund Interfund Loan to Solid Waste Fund Amortization Schedule dated November 2, 2022.



**1561 Tilco Drive  
Frederick, MD 21704**

**www.gtmidatlantic.com**

□ □ □

# SALES ORDER

[illegible]

## RESOLUTION NO. RS-2022-

### *(Intergovernmental Cooperative Purchase [INTG-22-0090] Purchase One [1] New Compactor for Solid Waste Department and Interfund Loan from General Fund to Solid Waste Fund)*

#### RECITALS

The Code of Public Local Laws of Washington County, Maryland (the "Public Local Laws"), §1-106.3, provides that the Board of County Commissioners of Washington County, Maryland (the "Board"), "may procure goods and services through a contract entered into by another governmental entity in accordance with the terms of the contract, regardless of whether the county was a party to the original contract."

Subsection (c) of §1-106.3 provides that "A determination to allow or participate in an intergovernmental cooperative purchasing arrangement under subsection (b) of this section shall be by resolution and shall either indicate that the participation will provide cost benefits to the county or result in administrative efficiencies and savings or provide other justifications for the arrangement."

The Solid Waste Department seeks to purchase one (1) New E380 Tana Compactor from Groff Mid-Atlantic of Frederick, Maryland, for a total cost of \$952,230, to utilize another jurisdiction's contract awarded by the Florida Sheriff Association, of Tallahassee, Florida (Contract FSA20-EQU18.0) to Humdinger Equipment, LTD, of Lubbock, Texas; and to authorize the interfund loan in the same amount from the General Fund to the Solid Waste Fund at an interest rate of 2.0%, repayable in sixty (60) monthly payments of \$16,690.46, beginning on December 1, 2022.

Utilizing the Florida Sheriff Association contract and eliminating the County's bid process result in administrative and cost savings for the Solid Waste Department. The County will benefit with direct cost savings because of the economy of scale the aforementioned contract has leveraged. Additionally, the County will realize administrative efficiencies and savings as a result of not preparing, soliciting, and evaluating bids.

NOW, THEREFORE, BE IT RESOLVED by the Board, pursuant to §1-106.3 of the Public Local Laws, that the Solid Waste Department is authorized to purchase one (1) New E380 Tana Compactor from Groff Mid-Atlantic of Frederick, Maryland, for a total cost of \$952,230, to utilize another jurisdiction's contract awarded by the Florida Sheriff Association, of Tallahassee, Florida (Contract FSA20-EQU18.0) to Humdinger Equipment, LTD, of Lubbock, Texas; and to authorize

the interfund loan from the General Fund to the Solid Waste Fund in the same amount at an interest rate of 2.0%, repayable in sixty (60) monthly payments of \$16,690.46, beginning on December 1, 2022.

Adopted and effective this \_\_\_\_ day of November, 2022.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
OF WASHINGTON COUNTY, MARYLAND

\_\_\_\_\_  
Krista L. Hart, County 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



Board of County Commissioners of Washington County, Maryland  
Agenda Report Form

Open Session Item

**SUBJECT:** Proposed Sharpsburg Well

**PRESENTATION DATE:** November 15, 2022

**PRESENTATION BY:** Mark D. Bradshaw, PE, Director of DEM

**RECOMMENDED MOTION:** None – Consensus to accept the Town’s proposal to move forward with project or to drill the new well on the County’s Sharpsburg Water Treatment Plant property.

**REPORT-IN-BRIEF:** The Environmental Management Advisory Committee recommended that the County explore the possibility of drilling a well as a supplemental water source for Sharpsburg.

**DISCUSSION:** At the October 11, 2022 meeting, I presented to the Board that the Town was offering their existing well to the County as an alternative water source. After the meeting, the Town contacted me and stated that they weren’t offering their well to the County as the primary water source. The Town wants the County to proceed with drilling a new well to become the primary alternative water source. If our new well doesn’t produce enough water, then the Town would offer their well to the County as a supplemental source to the County’s new well.

An alternative to drilling the well on the Town’s property would be to drill the well on Sharpsburg Water Treatment Plant’s property that the County owns. By drilling the well on County property, we wouldn’t have to purchase the water from the Town, thus increasing our potential saving. The table below shows the potential saving for the two options:

Well Production Rates	Town’s Property	County Property
25,000 GPD	(\$22,664)	\$6,271
50,000 GDP	(\$16,063)	\$41,806
75,000 GPD	\$30,744	\$117,580
90,000 GPD	\$25,955	\$130,123

**FISCAL IMPACT:** If viable, total project cost should be less than \$300K.

**CONCURRENCES:**

**ALTERNATIVES:** Continue to use the Potomac River as the only source of water

**ATTACHMENTS:** Town of Sharpsburg Letter & Sharpsburg Well cost saving sheets

**AUDIO/VISUAL NEEDS:** None

Sharpsburg Well located on Town's Property  
Revised 8/25/22

Description	Quantity	Unit	Cost	Total
			Cost	Cost
Drill / Develop Well	1	\$	55,000	\$ 55,000
Well Pump / Controls	1	\$	5,775	\$ 5,775
Green Sand Filter	1	\$	82,600	\$ 82,600
Building	1	\$	33,000	\$ 33,000
Building Foundation	1	\$	11,000	\$ 11,000
Chemical Pump / Tank	2	\$	2,750	\$ 5,500
Power	1	\$	11,000	\$ 11,000
Waterline Connection	1	\$	11,000	\$ 11,000
Backwash Pond	1	\$	3,850	\$ 3,850
Vault	1	\$	5,500	\$ 5,500
				\$ 224,225
Contingency	1		25%	\$ 56,056
				\$ 280,281

Plant makes approximately 100,000 gallons per day.

Town will charge the County \$0.003171 per gallon.

Existing well produces 70 gpm. Assume same production rate for analysis.

Analysis will be for 25%, 50%, 75%, & 90% supplemental production.

25% = 25,000 gpd @ 70 gpm pump run time would be 357 min or 5.95 hours.

50% = 50,000 gpd @ 70 gpm pump run time would be 714 min or 11.9 hours.

75% = 75,000 gpd @ 70 gpm pump run time would be 1,071 min or 17.9 hours

90% = 90,000 gpd @ 70 gpm pump run time would be 1286 min or 21.5 hours

Sharpsburg WTP FY 22 Operating Budget

Wages / Benefit	\$ 261,290
Expenses	\$ 62,710
Total	\$ 324,000

**25% Supplemental Cost Saving**

Wages / Benefits	No Saving
Expenses Estimate 10% Savings	\$ 6,271.00
Cost of water	\$ (28,935.00)
	\$ (22,664.00)

**50% Supplemental Cost Saving**

Wages / Benefits 10%	\$ 26,129.00
Expenses Estimate 25% Savings	\$ 15,677.50
Cost of water	\$ (57,870.00)
	\$ (16,063.50)

**75% Supplemental Cost Saving**

Wages / Benefits 33%	\$ 86,225.70
Expenses Estimate 50% Savings	\$ 31,355.00
Cost of water	\$ (86,806.00)
	\$ 30,774.70

**90% Supplemental Cost Saving**

Wages / Benefits 33%	\$ 86,225.70
Expenses Estimate 70% Savings	\$ 43,897.00
Cost of water	\$ (104,167.00)
	\$ 25,955.70

Sharpsburg Well Located on County Property  
Revised 10/21/22

Description	Quantity	Unit Cost	Total Cost
Drill / Develop Well	1	\$ 55,000	\$ 55,000
Well Pump / Controls	1	\$ 5,775	\$ 5,775
Green Sand Filter	1	\$ 82,600	\$ 82,600
Building	1	\$ 33,000	\$ 33,000
Building Foundation	1	\$ 11,000	\$ 11,000
Chemical Pump / Tank	2	\$ 2,750	\$ 5,500
Power	1	\$ 11,000	\$ 11,000
Waterline Connection	1	\$ 11,000	\$ 11,000
Backwash Pond	1	\$ 3,850	\$ 3,850
Vault	1	\$ 5,500	\$ 5,500
			\$ 224,225
Contingency	1	25%	\$ 56,056
			\$ 280,281

Plant makes approximately 100,000 gallons per day.

Existing well produces 70 gpm. Assume same production rate for analysis.  
Analysis will be for 25%, 50%, 75%, & 90% supplemental production.  
25% = 25,000 gpd @ 70 gpm pump run time would be 357 min or 5.95 hours.  
50% = 50,000 gpd @ 70 gpm pump run time would be 714 min or 11.9 hours.  
75% = 75,000 gpd @ 70 gpm pump run time would be 1,071 min or 17.9 hours  
90% = 90,000 gpd @ 70 gpm pump run time would be 1286 min or 21.5 hours

Sharpsburg WTP FY 22 Operating Budget

Wages / Benefit	\$ 261,290
Expenses	\$ 62,710
Total	\$ 324,000

**25% Supplemental Cost Saving**

Wages / Benefits	No Saving
Expenses Estimate 10% Savings	\$ 6,271.00
	\$ 6,271.00

**50% Supplemental Cost Saving**

Wages / Benefits 10%	\$ 26,129.00
Expenses Estimate 25% Savings	\$ 15,677.50
	\$ 41,806.50

**75% Supplemental Cost Saving**

Wages / Benefits 33%	\$ 86,225.70
Expenses Estimate 50% Savings	\$ 31,355.00
	\$ 117,580.70

**90% Supplemental Cost Saving**

Wages / Benefits 33%	\$ 86,225.70
Expenses Estimate 70% Savings	\$ 43,897.00
	\$ 130,122.70



## **Town of Sharpsburg**

106 East Main Street  
Sharpsburg, MD 21782  
Phone: 301-432-4428  
<http://sharpsburgmd.com/>

The Town of Sharpsburg seeks to reduce the cost of water to town residents by supplying water to the Washington County Water Quality Department on a per gallon basis. The County system has the highest rates for any resident residing in Washington County. According to the Washington County Environmental Management Advisory Committee: Water/Wastewater Budgets and Rate Investigation (the Committee) the county systems \$181 a quarter for 12,000 gallons is the highest in the county by a lot. County municipal rates range from Clearspring's \$65 per 12,000 gallons to Funkstown's \$119. Users of the county water system are paying more than double the county average. For several years the Town of Sharpsburg has been rebating users from our tax revenue to try to offset some of this expense. As reported by the committee a major driver of the cost of the county system is that the Sharpsburg component uses Potomac River water, that is surface water. Surface water is extremely expensive to treat and it is the objective of the Town and Washington County Commissioners to reduce that cost by providing well water. The Town proposes to supply the Water Quality department with well water based on the following assumptions:

- The Town Sharpsburg seeks to recover the current rebate of 280 per household per year both now and in the future. For planning purposes, we will assume 310 (currently about 300) accounts. This targets town revenue at \$86,800.
- The following calculations are based on well(s) supplying at least 75,000 gallons per day. Anything less is not financially worth the investment. The Town currently has a well that delivers 70 gallons per minute or over 100,000 gallons per day and is being used by the local Little League to irrigate the infield and outfield grass. It is rarely used and we have an agreement with the Little League to use it for the new water supply. This will require commercializing the well which would be at town expense. What is important here is that our objective is be able to deliver more than the 100,000 gallons being supplied today via wells.

- We used data supplied to us by the water and quality department as follows:

○ Sharpsburg WTP FY 2022 Operating Budget	
Wages and benefits	\$ 245,890 (3FTE or \$81,963 per FTE)
Expenses	\$ 55,920
<hr/>	
Total	\$ 301,810
○ 75% (75,000 gpd) Supplemental Costs Savings	
Wages and benefits	\$ 81,143
Expenses	\$ 27,960
<hr/>	
Total Savings	\$ 109,103



- We estimated the savings at 90,000 gpd by adding in 75% of an FTE but not reducing expenses:
  - Wages and benefits \$ 142,000
  - Expenses \$ 27,960

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Total \$ 169,960
- Based on these calculations, we are proposing a per gallon rate of \$0.003171 per gallon. This rate will be indexed to the fy 2022 rates and increased as the county increases their rates.

## **Two Savings Scenarios**

	<i>Savings at 75K gallons</i>	<i>Savings at 90K gallons</i>
Current total costs	\$301,810.00	\$301,810.00
Savings with well supply	\$109,103.00	\$169,960.25
New total cost	\$192,707.00	\$131,849.75
Percent recovered by town	79.56%	61.28%
Dollars to town	\$86,800.00	\$104,160.00
Annual budgeted rebate	\$86,800.00	\$86,800.00
Per gallon rebate	\$0.003171	\$0.003171



Board of County Commissioners of Washington County, Maryland  
Agenda Report Form

Open Session Item

**SUBJECT:** Oak Ridge Pump Station Upgrades

**PRESENTATION DATE:** November 15, 2022

**PRESENTATION BY:** Mark D. Bradshaw, PE, Director of DEM

**RECOMMENDED MOTION:** Purchase of three (3) rental pumps and associated equipment from Xylem for \$216,227.00 and approve the attached budget transfer.

**REPORT-IN-BRIEF:** The Oak Ridge Pump Station Upgrade were scheduled to be completed by August 2, 2022 but due to equipment delay issues, it will not be completed until March 2023.

**DISCUSSION:** The County awarded a contract to PSI to upgrade the Oak Ridge Pump Station. The upgrade included installing new pumps, upgrading the existing power, and modification to the existing structure.

Before the new pumps and modifications could be made to the station, by-pass pumping had to be setup. The Contractor rented the by-pass pumps from Xylem and have been by-passing the station since March 2022.

Per a letter, dated February 14, 2022, from the vendor supplying the motor control center (MCC) the equipment was tentatively scheduled to be delivered within 14-16 weeks. In July 2022, the MCC vendor sent an email to PSI explaining that the MCC wasn't scheduled to ship from Mexico until January 2023 and once received, they would need an additional 4-6 weeks to complete the wiring and programming. The new MCC installation is March 2023.

The contractor has a requested compensation in the amount \$7,207.38 per week to maintain the by-pass pumping operation until the new MCC can be installed. If the new MCC is delivered and installed in March 2023, the change order would be for seventeen weeks (17) totaling \$122,474.46. If the delivery is delayed, this amount will increase.

As we move into the colder months, the pumps will need to be winterized. The contractor will take care of this but will pass the additional cost onto the County. This will increase the above change order amount substantially. I estimate the cost to be an additional \$60,000.

The County can purchase the pumps from Xylem and take over the operation thus eliminating the change order the contractor is requesting and at the end of the project, the County will own three (3) by-pass pumps that can be utilized by Water Quality.

**FISCAL IMPACT:** To purchase the pumps, maintenance contract for pumps, fuel, and winterization will cost approximately \$332,000.

**CONCURRENCES:** Purchasing Department concurs with purchasing the pump instead of continuing the rent them.

**ALTERNATIVES:** Issue change order to the Contractor to continue to rent the pumps.

**ATTACHMENTS:** Xylem's quote dated September 19, 2022. Budget transfer.

**AUDIO/VISUAL NEEDS:** None

September 19, 2022

Mr. Joseph Moss  
Washington County Water & Sewer  
16232 ELLIOTT PKWY  
Williamsport, MD 21795-4083

Phone: 240-313-2618  
Email: [jmoss@washco-md.net](mailto:jmoss@washco-md.net)

**RE: Rental Buyout 202022846-Oak Ridge PS  
Sale Quotation 102032669**

Dear Mr. Moss:

Per your request and our discussion, we are pleased to provide you the following buyout sale quotation for our Godwin Model NC150M Critical Silenced Dri-Prime Diesel Pump sets and Accessories Package currently on rental contract 202022846 on jobsite at Oak Ridge Pump Station, Brentwood Terrace, Hagerstown, MD under PSI Pumping Solutions.

**BUYOUT EQUIPMENT**

Godwin Model NC150 Critical Silenced, Dri-Prime, Diesel Pumpsets (3)  
528 Gallon Fuel Cube  
Accessories Package  
USED BUYOUT SALE PRICE: \$216,227.00

**FIELD SMART TECHNOLOGY (FST) MONTHLY RATES:**

FST Base Plan \$18.00 Monthly (Per Unit)  
FST Telephone Alarm Service Plan \$216.00 Monthly (Per Unit)

New flexible subscription plans allow the user to select only the monitoring and control features and services they need. With a modern look and feel to the website, the system is easy to use on all common web enabled devices. Realtime pump and engine performance data can alert users with interactive phone calls in addition to text and email messaging. Remote access to the devices is achieved through cellular and satellite connections and allows the user to save time in diagnosing problems, minimizing the amount of personnel exposure on job sites. And with a new 24/7 support center your pumps are "Always On and Close By", providing peace of mind at anytime and anywhere in the world.

FST system website can be found at [Cloud.Xylem.com](http://Cloud.Xylem.com).

**PREVENTATIVE MAINTENANCE**

Frequency of Servicing: Every 250 Hours of Run Time  
250 Hour PM Service @ \$915.00 Each Pump/Service

All outstanding rental invoices must be paid in full for the above buyout pricing to apply. Xylem Dewatering Solutions, Inc. will retain ownership until all payments are made in full.

September 19, 2022  
Washington County Water & Sewer  
Attention: Mr. Joseph Moss  
Sale Quotation # 102032669  
Page 2 of 5

Thanks again for this opportunity to provide you with our proposal for the buyout of our rental pump(s) package. Please do not hesitate to contact me after your review at 301 332-6457 or e-mail [tom.vance@xylem.com](mailto:tom.vance@xylem.com) to discuss further.

Sincerely,

A handwritten signature in black ink that reads "Tom Vance". The signature is stylized with a large, sweeping "V" and a long horizontal stroke at the end.

Thomas A. Vance  
Outside Sales Representative

TAV / lm

**SALE QUOTATION**

*Buyout 202022846 Rental Contract  
Oak Ridge Pump Station  
Currently onsite at Brentwood Terrace, Hagerstown, MD under PSI Pumping Solutions*

ITEM	QTY	DESCRIPTION
A	3	6" Check Valve with 150# Flange
B	3	1 x 25ft. leak off hose
C	3	8" 45 Degree Godwin QD Bend
D	3	8" Female Godwin QD x 6" Male Godwin QD Adapter
E	3	6" X 20' Composite Hose with 150# Flange Fittings
F	3	6" 90 Degree Bend with 150# Flange
G	3	8" 90 Degree Bend with 150# Flange
H	15	6 Flange gasket
I	3	8" 150# Flange x 6" 150# Flange Concentric Adapter
J	5	2" Combination Air Valve ARI D-025-2
K	3	8" X 20' Composite Hose with 150# Flange Fittings
L	2	8" X 10' Composite Hose with 150# Flange Fittings
M	240	Godwin Miscellaneous Accessory
N	15	8 flange gasket
O	3	10 SDR17 x 18ft. Dip Tube with 8" QD

**Please note all sale pricing is in U.S. Dollars. The price does not include freight, export boxing, duties, taxes, or any other items not specifically mentioned.**

This pricing information is for internal use only. We ask that these items and terms be kept confidential. All applicable tax and freight charges will be added to invoices. All quotations are subject to credit approval. All quotations are valid for 30 days. All prices quoted in US dollars.

This order is subject to the Standard Terms and Conditions of Sale - Xylem Americas effective on the date the order is accepted which terms are available at <https://www.xylem.com/en-US/support/xylem-americas-standard-terms-and-conditions/> and incorporated herein by reference and made a part of the agreement between the parties.

**SALE QUOTATION**

*Buyout 202022846 Rental Contract  
 Oak Ridge Pump Station  
 Currently onsite at Brentwood Terrace, Hagerstown, MD under PSI Pumping Solutions*

ITEM	QTY	DESCRIPTION
P	3	8" x 10' Black Water Suction Hose with Godwin QD Fittings
Q	1	528 Gallon UL Fuel Cube <ul style="list-style-type: none"> <li>• with Double Wall Containment</li> <li>• with Dual 1/2" fuel hose connections</li> <li>• with push connect hydraulic fittings</li> <li>• UL 142 and US DOT Rated</li> </ul>
R	1	Dri-Prime NC150 Critically Silenced <ul style="list-style-type: none"> <li>• Sound Attenuated Enclosure</li> <li>• 6" 150# Flange Suction &amp; Discharge</li> <li>• John Deere 4045T290-SP2 IT4 Diesel Eng</li> <li>• Skid-mounted, 90 gal fuel tank</li> <li>• **USED** E-Code: D-63574 with Field Smart Technology (FST)</li> </ul>
S	1	PrimeGuard Level Transducer <ul style="list-style-type: none"> <li>• 0-15 psi</li> <li>• PLT-634</li> </ul>
T	1	PrimeGuard Level Transducer <ul style="list-style-type: none"> <li>• 0-15 psi</li> <li>• PLT-724</li> </ul>
U	1	PrimeGuard Level Transducer <ul style="list-style-type: none"> <li>• 0-15 psi</li> <li>• PLT-743</li> </ul>

**Please note all sale pricing is in U.S. Dollars. The price does not include freight, export boxing, duties, taxes, or any other items not specifically mentioned.**

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This order is subject to the Standard Terms and Conditions of Sale - Xylem Americas effective on the date the order is accepted which terms are available at <https://www.xylem.com/en-US/support/xylem-americas-standard-terms-and-conditions/> and incorporated herein by reference and made a part of the agreement between the parties.

**SALE QUOTATION**

*Buyout 202022846 Rental Contract  
 Oak Ridge Pump Station  
 Currently onsite at Brentwood Terrace, Hagerstown, MD under PSI Pumping Solutions*

ITEM	QTY	DESCRIPTION
V	1	Dri-Prime NC150 Critically Silence <ul style="list-style-type: none"> <li>• Sound Attenuated Enclosure</li> <li>• 6" 150# Flange Suction and Discharge</li> <li>• Isuzu 4LE2X T4 Diesel Engine</li> <li>• Series 6 Skid-mounted, Spill Containment</li> <li>• 80 Gallon Capacity, 110% Fuel Containment</li> <li>• <b>**USED**</b> E-Code: D-63574 with Field Smart Technology (FST)</li> </ul>
W	1	Dri-Prime NC150 Critically Silence <ul style="list-style-type: none"> <li>• Sound Attenuated Enclosure</li> <li>• 6" 150# Flange Suction and Discharge</li> <li>• Isuzu 4LE2X T4 Diesel Engine</li> <li>• Series 6 Skid-mounted, Spill Containment</li> <li>• 80 Gallon Capacity, 110% Fuel Containment</li> <li>• <b>**USED**</b> E-Code: D-63575 with Field Smart Technology (FST)</li> </ul>
X	2	8" 150# FL Spool Pieces w/2" Ball Valve & 2" FCG
Y	3	6" 150# FL Spool Pieces w/ 2" Ball Valve & 2" FCG.
Z	2	8" 150# Flanged Tee
AA	2	Battery Charger - Solar

**Our current delivery lead-times associated with this Quotation are best estimates at this time. Due to the outbreak of the COVID-19 virus pandemic and its global effects on commerce, supply chain, and logistics, these lead-times are an estimate only and not a commitment. Xylem is and will continue to use all commercially reasonable efforts to minimize any delivery delay impacts.**

**NET LUMP SUM SALE TOTAL**

**\$ 216,227.00**

**Please note all sale pricing is in U.S. Dollars. The price does not include freight, export boxing, duties, taxes, or any other items not specifically mentioned.**

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# NC150 Dri-Prime® Pump

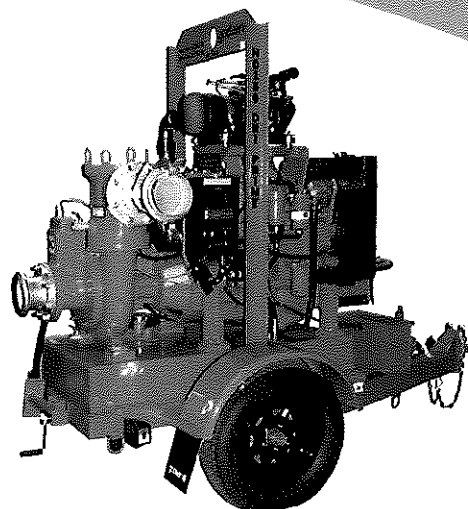
WITH FINAL TIER 4 DIESEL ENGINE

The Godwin Dri-Prime NC150 pump is an extremely powerful yet compact pump with flow capabilities to 1770 USGPM.

The NC150 features the unique patented Flygt N-technology with its innovative self-cleaning impeller and is able to automatically prime to 28' of suction lift from dry.

NC Series pumps are engineered to deliver sustained high efficiency resulting in lower energy and fuel costs while reducing unplanned downtime.

This makes the NC150 a best-in-class portable pump suitable for both sewage and clean water applications.



## Features and Benefits

- Dri-Prime (continuously operated Venturi air ejector priming device) requiring no periodic adjustment. Optional compressor clutch available.
- Incorporates N-technology for non-clog performance, sustained high efficiency and long-term energy/fuel savings.
- Hard-Iron™ (EN12513:2000) impeller and insert ring.
- Dry-running, high-pressure oil bath mechanical seal with highly abrasion resistant silicon carbide faces.
- Close-coupled centrifugal pump mounted to a diesel engine or electric motor for easy pump/engine or engine/motor changeover in the field.
- Also available in a critically silenced unit that reduces noise levels to less than 70 dBA at 30'.
- Standard engine JCB TCAE-55 (FT4) EPA emissions compliant diesel engine. Also available with John Deere 4045TFC03 (FT4).

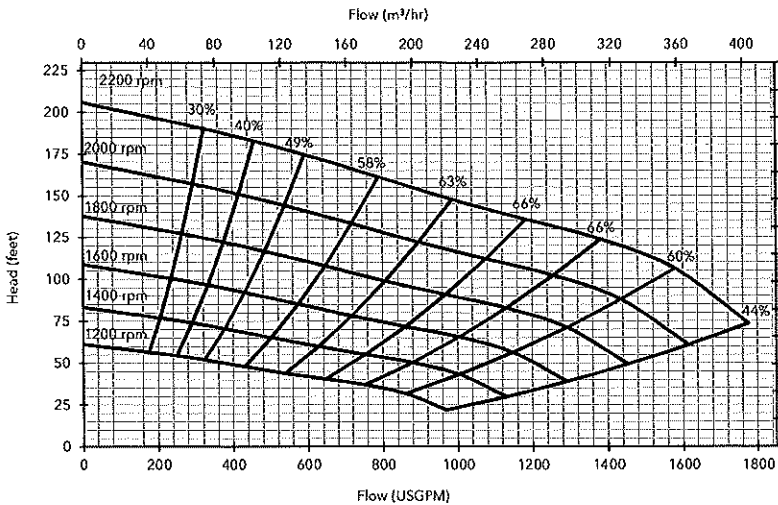
## Specifications

Suction connection	6" 150# ANSI B16.5
Delivery connection	6" 150# ANSI B16.5
Max capacity	1770 USGPM †
Max Impeller diameter	11.3"
Max operating temp	176°F*
Max working pressure	87 psi
Max suction pressure	58 psi
Max casing pressure	131 psi
Max operating speed	2200 rpm

\* Please contact our office for applications in excess of 176°F.

† Larger diameter pipes may be required for maximum flows.

## Performance Curve



### Engine option 1

JCB, TCAE-55 (FT4), 74 HP @ 2200 rpm

Impeller diameter 11.3"

Pump speed 2200 rpm

#### Suction Lift Table

Total Suction Head (feet)	Total Delivery Head (feet)				
	66	117	153	169	189
Output (USGPM)					
10	1173	902	433	271	36
15	974	830	397	180	-
20	812	722	253	-	-
25	632	505	180	-	-

Fuel capacity: 60 US Gal

Max Fuel consumption @ 2200 rpm: 4.2 US Gal/hr

Max Fuel consumption @ 1800 rpm: 2.2 US Gal/hr

Weight (Dry): 3,270 lbs

Weight (Wet): 3,700 lbs

Dimensions: (L) 119" x (W) 66" x (H) 77"

Performance data provided in tables is based on water tests at sea level and 20°C ambient. All information is approximate and for general guidance only. Please contact the factory or office for further details.

## Materials

Pump casing & suction cover	Cast iron BS1561:1997
Wearplates	Front - Hard Iron EN12513:2000 Rear - Cast Iron BS1561:1997 0
Pump Shaft	Carbon steel BS970:1991 817M40T
Impeller	Hard Iron EN12513:2000
Non-return Valve body	Cast iron BS1561:1997
Mechanical Seal	Silicon carbide face; Viton elastomers; Stainless steel body

### Engine option 2

John Deere, 4045TFC03 (FT4), 74 HP @ 2200 rpm

Impeller diameter 11.3"

Pump speed 2200 rpm

#### Suction Lift Table

Total Suction Head (feet)	Total Delivery Head (feet)				
	66	117	153	169	189
Output (USGPM)					
10	1173	902	433	271	36
15	974	830	397	180	-
20	812	722	253	-	-
25	632	505	180	-	-

Fuel capacity: 60 US Gal

Max Fuel consumption @ 2200 rpm: 4.7 US Gal/hr

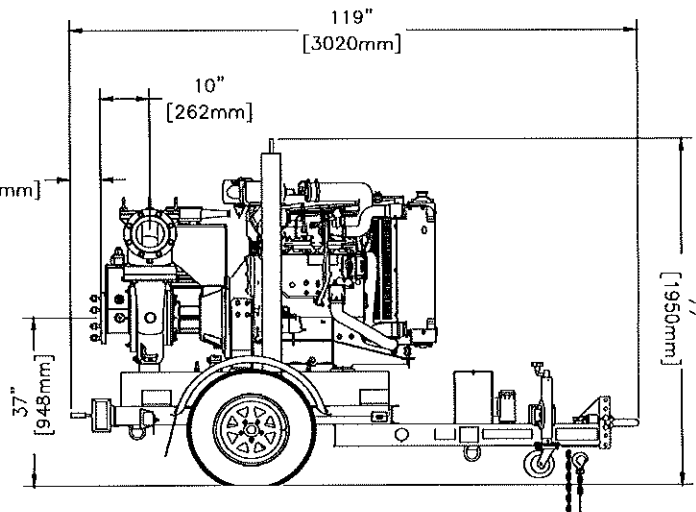
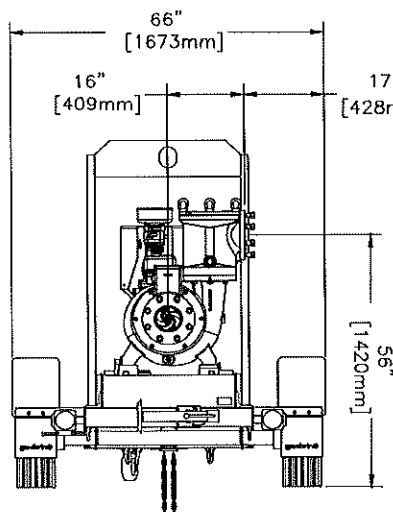
Max Fuel consumption @ 1800 rpm: 2.4 US Gal/hr

Weight (Dry): 3,250 lbs

Weight (Wet): 3,680 lbs

Dimensions: (L) 119" x (W) 66" x (H) 91"

Performance data provided in tables is based on water tests at sea level and 20°C ambient. All information is approximate and for general guidance only. Please contact the factory or office for further details.



**xylem**

Let's Solve Water

84 Floodgate Road  
Bridgeport, NJ 08014 USA  
(856) 467-3636 • Fax (856) 467-4841

Reference number: 200GPA0000159  
Date of issue: November 3, 2015  
Issue: -

[www.godwinpumps.com](http://www.godwinpumps.com)

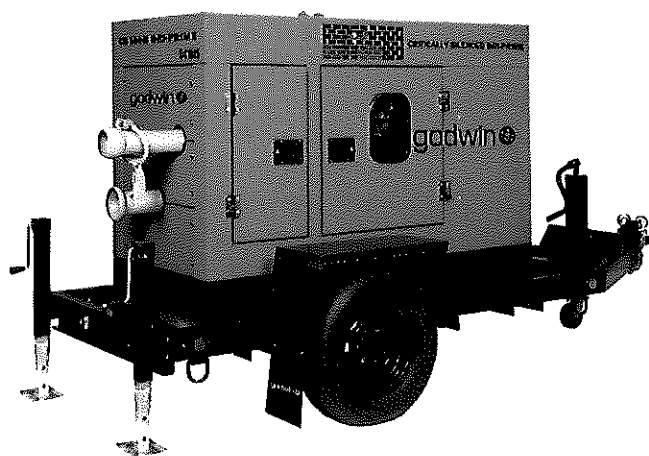
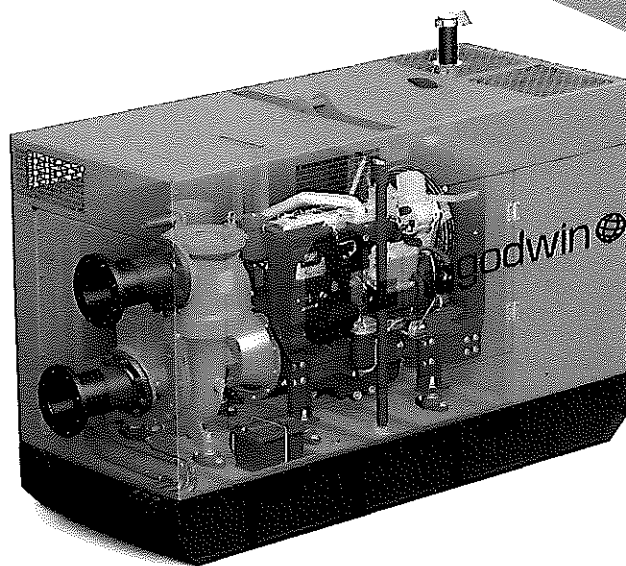
© 2015 Xylem, Inc. All rights reserved. Godwin is a trademark of Xylem Dewatering Solutions, Inc., a wholly-owned subsidiary of Xylem Inc. Specifications and illustrations are subject to revision without notice. Xylem makes no representation regarding the completeness or accuracy of this information and is not liable for any direct or indirect damages arising from or relating to this information or its use.

# Critically Silenced Dri-Prime® Pumps

The Godwin Critically Silenced enclosure houses the versatile Dri-Prime CD, HL, NC and Wellpoint range pumps in a specially designed, acoustically-silenced enclosure. The Critically Silenced unit is intended for use in any pumping application where engine and other noise must be kept to a minimum. Sound levels are approximately 69 dBA at 30 feet (9 meters).

## Features and Benefits

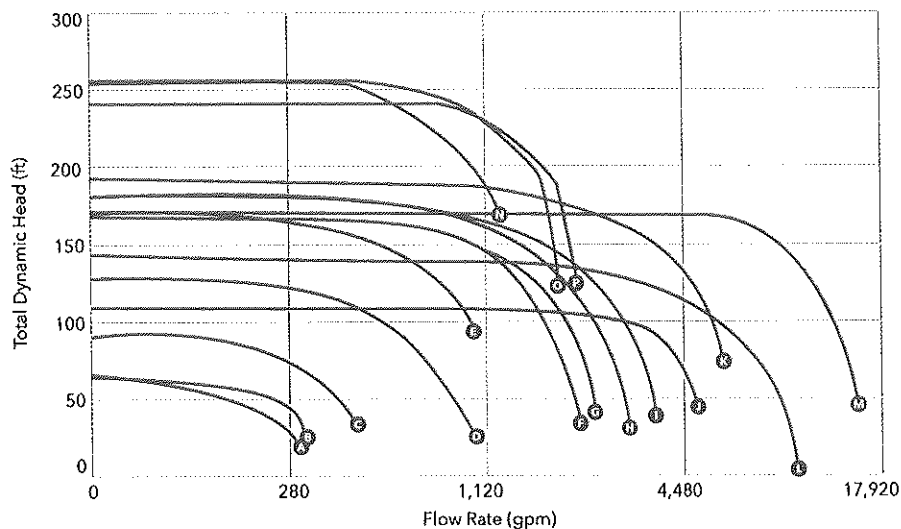
- 14-gauge sheet metal (12-gauge on larger units) enclosure lined with 1" and 2" (25mm and 50mm) layers of polydamp acoustical sound-deadening material
- Engine designed with critical grade muffler, silenced priming exhaust, and isolated engine vibration to further reduce operating noise
- Hinged, lockable doors for controlled access to operating controls and service locations
- Entire unit can be unbolted and removed from the optional DOT highway trailer for added versatility
- UL142 rated and double wall fuel tanks are available



godwin   
a xylem brand

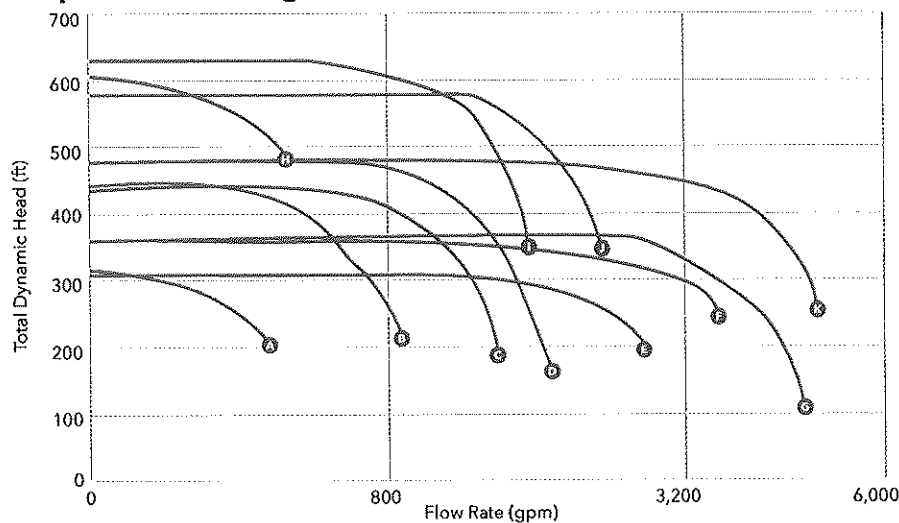
Please contact the factory or office for further details. A typical picture of the pump is shown.  
All information is approximate and for general guidance only.

## Pump Curve - CD Range



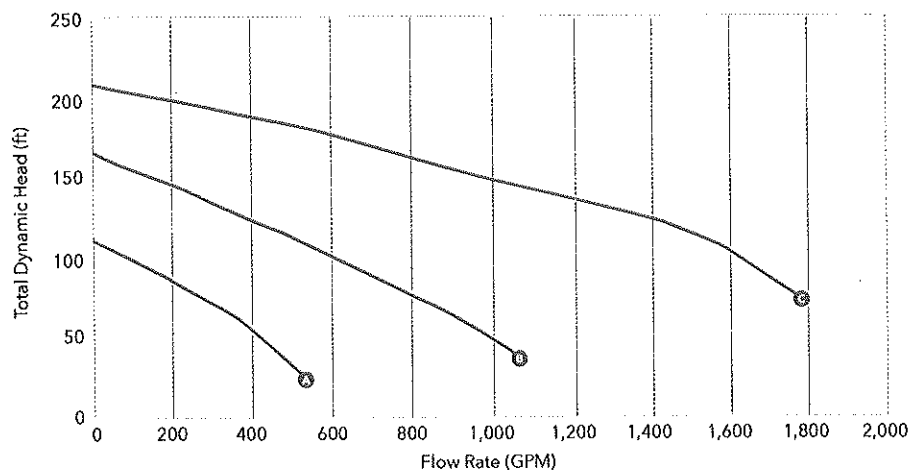
- A CD75MA5
- B CD80D
- C CD80M
- D CD100M/CD100MV
- E CD103M
- F CD150M/CD150MV
- G CD200M
- H CD225M/CD225MV
- I CD250M
- J DPC300
- K CD300M
- L CD400M
- M CD500M
- N CD140M
- O CD160M
- P CD180M

## Pump Curve - HL Range



- A HL80M
- B HL100M
- C HL125M
- D HL150M
- E HL200M
- F HL225M
- G HL250M
- H HL110M
- I HL130M
- J HL160M
- K HL260M

## Pump Curve - NC Range



- A NC80
- B NC100
- C NC150

Composite curves for comparison purposes only. Consult engineering data for exact flow and head capabilities.

**xylem**  
Let's Solve Water

84 Floodgate Road  
Bridgeport, NJ 08014  
(856) 467-3636 . Fax (856) 467-4841  
sales@godwinpumps.com

Reference number: Critically Silenced  
Date of issue: June 05, 2014  
Issue: 1  
[www.godwinpumps.com](http://www.godwinpumps.com)



# Washington County, Maryland Budget Adjustment Form

Print Form

- ☐ Budget Amendment - Increases or decrease the total spending authority of an accounting fund or department
- ☒ Budget Transfer - Moves revenues or expenditures from one account to another or between budgets or funds.

Transaction/Post -Finance

Deputy/ Director - Finance

Preparer, if applicable

Department Head Authorization

Required approval with date

Division Director / Elected Official Authorization

If applicable with date

Budget & Finance Director Approval

Required approval with date

County Administrator Approval

Required approval with date

County Commissioners Approval

Required > \$ 25,000 with date

Expenditure / Account Number	Fund Number	Department Number	Project Number	Grant Number	Activity Code	Department and Account Description	Increase (Decrease) + / -
498742	32	42010	TRP026		0000	Capital Transfer - Sewer Fund	-227,500
599999	32	42010	TRP026		CNST	Water Quality - General WwTP Improvements	-227,500
498742	32	42010	LIN034		0000	Capital Transfer - Sewer Fund	227,500
599999	32	42010	LIN034		CNST	WQ - Pump Station Upgrades - Various Locations	227,500

Explain  
Budget Adjustment

This money is required to cover additional construction cost.

Required Action by  
County Commissioners



No Approval Required



Approval Required

Approval Date if  
Known

Nov 15, 2022



## Agenda Report Form

### Open Session Item

**SUBJECT:** Contract Award (PUR-1578) for Gasoline and Diesel Fuel Deliveries

**PRESENTATION DATE:** November 15, 2022

**PRESENTATION BY:** Brandi Naugle, CPPB, Buyer, Purchasing Department; Zane Rowe, Deputy Director, Washington County Highway Department.

**RECOMMENDED MOTION:** Move to award the bids for gasoline and diesel fuel transport deliveries under Option No. 1, four (4) separate contracts to the responsive, responsible bidders who submitted the lowest bids.

1. Contract for **gasoline tank-wagon deliveries** to **A. C. & T. Company, Inc of Hagerstown, MD** at the unit bidder factor prices as stated in its bid dated October 25, 2022.
2. Contract for **gasoline transport deliveries** to **Petroleum Traders Corporation of Fort Wayne, IN.** at the unit bidder factor prices as stated in its bid dated October 24, 2022.
3. Contract for **diesel tank-wagon deliveries** to **A. C. & T. Company, Inc of Hagerstown, MD** at the unit bidder factor prices stated in its bid dated October 25, 2022.
4. Contract for **diesel transport deliveries** to **A. C. & T. Company, Inc of Hagerstown, MD** at the unit bidder factor prices stated in its bid dated October 25, 2022.

**REPORT-IN-BRIEF:** The following tabulations listed below were made from the bids received on October 26, 2022 based on estimated quantities for the contract period that is tentatively to begin on December 1, 2022 and end November 30, 2023. The contracts are for a one (1) year term with no option to renew. These are requirements contracts and the County guarantees neither a maximum nor a minimum quantity.

The Invitation to Bid was advertised on the State of Maryland's eMMA "*eMaryland Marketplace Advantage*" web site, on the County's web site, and in the local newspaper. Twenty (20) persons/companies registered/downloaded the bid document on-line and five (5) bids were received, one (1) bid was deemed nonresponsive due to not meeting the requirements of the specifications. The bids were evaluated based on the Oil Price Information Service (OPIS) pricing index publication and the bidder's bid factor; bids were submitted as follows:

**GASOLINE: OPTION NO. 1** *(multiple contract award)*

<b><u>Vendor</u></b>	<b><u>Transport Loads Total Bid</u></b>	<b><u>Tank-wagon Loads Total Bid</u></b>
<b>A, C &amp; T Co., Inc. Hagerstown, MD</b>	\$973,679.80	<b>\$ 229,106.92</b>
Mansfield Oil Company Gainesville, GA	\$967,727.10	NO BID
<b>Petroleum Traders Corporation Fort Wayne, IN</b>	<b>\$959,432.30</b>	NO BID
Pinnacle Petroleum, Inc. Huntington Beach, CA	NO BID	NO BID
Saratoga Rack Marketing, LLC Knoxville, TN	\$960,369.20	NO BID

**DIESEL: OPTION 1** *(multiple contract award)*

<b><u>Vendor</u></b>	<b><u>Transport Loads Total Bid</u></b>	<b><u>Tank-wagon Loads Total Bid</u></b>
<b>A, C &amp; T Co., Inc. Hagerstown, MD</b>	<b>\$2,566,758.10</b>	<b>\$242,063.11</b>
Mansfield Oil Company Gainesville, GA	\$2,604,218.00	NO BID
Petroleum Traders Corporation Fort Wayne, IN	\$ 2,583,295.10	NO BID
Pinnacle Petroleum, Inc. Huntington Beach, CA	\$2,569,777.90	NO BID
Saratoga Rack Marketing, LLC Knoxville, TN	\$2,552,665.70	NO BID

**GASOLINE & DIESEL: OPTION II** *(single contract award)*

<b><u>Vendor</u></b>	<b><u>Transport/Tankwagon LoadsTotal Bid</u></b>
A, C & T Co., Inc. Hagerstown, MD	\$4,007,917.17
East River Energy, Inc. Guilford, CT	NO BID
Mansfield Oil Company Gainesville, GA	NO BID
Petroleum Traders Corporation Fort Wayne, IN	NO BID
SteedPetro Ft. Washington, MD	NO BID

**DISCUSSION:** The contract requirements for the City of Hagerstown, Washington County Public Schools and Hagerstown Community College are also included in the above recommendations. Those entities will also make their own formal contract awards.

**FISCAL IMPACT:** Funds are available in various departmental operating budgets for fuels.

**CONCURRENCES:** N/A

**ALTERNATIVES:** N/A

**ATTACHMENTS:** The complete Bid Tabulation may be viewed on-line at:  
<https://www.washco-md.net/wp-content/uploads/purch-pur-1578-bidtab.pdf>

**AUDIO/VISUAL NEEDS:** N/A





## Agenda Report Form

## Open Session Item

**SUBJECT:** Bid Award (PUR-1579) Swimming Pool and Water/Wastewater Treatment Chemicals

**PRESENTATION DATE:** November 15, 2022

**PRESENTATION BY:** Brandi Naugle, CPPB, Buyer – Purchasing Department; Davina Yutzy, Deputy Director of Water Quality Operations Division of Environmental Management; Mark Bradshaw, Division Director of Environmental Management.

**RECOMMENDED MOTION:** Move to award the bids for Swimming Pool and Water/Wastewater Treatment Chemicals to the responsive, responsible bidders with the lowest bids for each item.

<b><u>Product/ (Estimated Annual Usage)</u></b>	<b><u>Vendor</u></b>	<b><u>Unit Price</u></b>	<b><u>Unit of Measure</u></b>
<b>Item #9B</b> – Sulfuric Acid (330 Gallons )	Univar Solutions USA, Inc. Morrisville, PA	\$6.86/gal.	55-Gallon Drum
<b>Item #9C</b> – Sulfuric Acid (Gallon Bulk)	NO BID	\$/gal.	Gallon Bulk
<b>Item #10</b> - Sodium Hypochlorite (5,500 Gallons)	Univar Solutions USA, Inc. Morrisville, PA	\$4.16/gal.	55-Gallon Drum
<b>Item #11</b> – Potassium Permanganate (52,000 Pounds)	Chemrite, Inc. Buford, GA	\$2.72/lb.	55-Pound Pail
<b>Item #12</b> – Caustic Soda (Sodium Hydroxide) (6,050 Gallons)	Univar Solutions USA, Inc. Morrisville, PA	\$4.08/gal.	55-Gallon Drum
<b>Item #13A</b> – Hydrofluosilic Acid (H <sub>2</sub> SiF <sub>6</sub> ) (75 Gallons)	Univar Solutions USA, Inc. Morrisville, PA	\$11.45/gal.	15-Gallon Pail
<b>Item #13B</b> – Hydrofluosilic Acid (H <sub>2</sub> SiF <sub>6</sub> ) (165 Gallons)	Univar Solutions USA, Inc. Morrisville, PA	\$5.10/gal.	55-Gallon Drum

<b><u>Product/ (Estimated Annual Usage)</u></b>	<b><u>Vendor</u></b>	<b><u>Unit Price</u></b>	<b><u>Unit of Measure</u></b>
<b>Item #14</b> – DelPac 2000 (Polyaluminum Chloride Hydroxide Sulfate Solution) (144,000 Pounds)	USALCO Baltimore Plant, LLC Baltimore, MD	\$0.257/lb.	Bulk Pounds
<b>Item #16</b> – Sodium Hypochlorite (2,585 gallons)	Univar Solutions USA, Inc. Morrisville, PA	\$4.16/gal.	55-Gallon Drum
<b>Item #17</b> – Cyanuric Acid (100-200 pounds)	NO BID	\$/lb.	Pound
<b>Item #18</b> – Calcium Chloride (500 – 600 pounds)	NO BID	\$/lb.	50-Pound Container
<b>Item #19</b> – Muriatic Acid (20-40 Pounds)	NO BID	\$/lb.	Pound
<b>Item #21</b> – DelPAC 2020 (Polyaluminum Hydroxychlorosulfate Solution) (3,080 Gallons)	Univar Solutions USA, Inc. Morrisville, PA	\$4.885/gal	55-Gallon Drums
<b>Item #26</b> – Bacterial Enzymatic Powder (1,500 pounds)	Maryland Chemical Company, Inc. Baltimore, MD	\$9.09/lb.	50-Pound Containers
<b>Item #29</b> – DelPAC 2000 (Aluminum Chloride Hydroxide Sulfate) (220 gallons)	Univar Solutions USA, Inc. Morrisville, PA	\$5.37/gal.	55-Gallon Drum
<b>Item #30</b> – Liquid Aluminum Sulfate (10,000 gallons)	Univar Solutions USA, Inc. Morrisville, PA	\$1.84/gal.	Gallon Bulk
<b>Item #31</b> - MicroC 2000 (11,520 gallons)	Univar Solutions USA, Inc. Morrisville, PA	\$6.16/gal.	240-Gallon Totes

<b>Product/ (Estimated Annual Usage)</b>	<b><u>Vendor</u></b>	<b><u>Unit Price</u></b>	<b><u>Unit of Measure</u></b>
<b>Item #34 – Magnetite</b> (210,000 pounds)	Chemrite, Inc. Buford, GA	\$.785/lb.	Pound Bulk

**REPORT-IN-BRIEF:** The County accepted bids on October 26, 2022 for the swimming pool and water/wastewater treatment chemical requirements for County departments as well as for the City of Hagerstown and the Town of Boonsboro. The Invitation to Bid was advertised on the State of Maryland’s eMMA “*eMaryland Marketplace Advantage*” website, on the County’s website and in the local newspaper. Thirty-eight (38) persons/companies registered/downloaded the bid, and sixteen (16) bids were received. The term of this contract is for a one (1) year period tentatively beginning December 1, 2022 and ending November 30, 2023 with no options for renewal. The above recommendations are for the County’s requirements only; the City of Hagerstown and the Town of Boonsboro shall make their awards independently from the County. The County guarantees neither a minimum/maximum quantity of chemicals to be purchased under this contract.

**DISCUSSION:** N/A

**FISCAL IMPACT:** Funds are available in various accounts for chemicals for the Department of Water Quality facilities and the Parks and Recreation Department.

**CONCURRENCES:** County using departments.

**ALTERNATIVES:** N/A

**ATTACHMENTS:** The complete Bid Tabulation may be viewed on-line at: <https://www.washco-md.net/wp-content/uploads/purch-pur-1579-bidtab.pdf>

**AUDIO/VISUAL NEEDS:** N/A



## Agenda Report Form

### Open Session Item

**SUBJECT:** Sole Source Procurement (PUR-1590) – Apex Officer Training Simulator for the Washington County Sheriff's Office

**PRESENTATION DATE:** November 15, 2022

**PRESENTATION BY:** Brandi Naugle, CPPB, Buyer, Purchasing Department; Major Pete Lazich, Washington County Sheriff's Office; Cody Miller, Grants Manager/Quartermaster, Washington County Sheriff's Office.

**RECOMMENDED MOTION:** Move to authorize a Sole Source procurement of a Apex Officer Training Simulator equipment/software for use by the Sheriff's Office in the amount of \$67,500 from Govred Technology, Inc. of Las Vegas, NV based on its quote dated November 2, 2022.

**REPORT-IN-BRIEF:** On September 13, 2022, the Purchasing Department received a request from the Sheriff's Office regarding the procurement for the Apex Officer Training Simulator . The Sheriff's Office wishes to apply Sections 1-106.2(a)(1) & (2) of the Code of Local Public Laws of Washington County, Maryland, to the procurement requested. These sections state that a sole source procurement is authorized and permissible when: (1) Only one source exists that meets the County's requirements.

The Apex Officer training system is a comprehensive solution that is designed to allow trainers the ability to give presentations and classes, conduct interactive testing and assessment, and provide immersive hands-on scenario-based exercises with detailed debriefing and after-action reviews. Each Apex Officer system is designed to increase trainee knowledge, skills, and confidence in a safe, challenging environment that is highly interactive and engaging.

This request requires the approval of four of the five Commissioners in order to proceed with a sole source procurement. If approved, the following remaining steps of the process will occur as outlined by the law: 1) Not more than ten (10) days after the execution and approval of a contract under this section, the procurement agency shall publish notice of the award in a newspaper of general circulation in the County and 2) An appropriate record of the sole source procurement shall be maintained as required.

**DISCUSSION:** N/A

**FISCAL IMPACT:** Funds is available in account 600600-10-12800-GRT744 for the purchase of the equipment.

**CONCURRENCES:** N/A

**ALTERNATIVES:** N/A

**ATTACHMENTS:** Govred Technologies, Inc. proposal dated November 2, 2022

**AUDIO/VISUAL NEEDS:** N/A



# Apex Officer Training Simulator

Interactive Crisis Intervention, De-Escalation, and Use of Force Training Simulator

**Proposal Prepared For:**

Cody Miller

Washington County Sheriff's Office

500 Western Maryland Pkwy, Hagerstown, MD 21740

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November 2, 2022

Dear Cody Miller,

Thank you for your interest in the interactive Apex Officer virtual reality training simulator from Govred Technology, Inc. This proposal and attached sole source letter will provide you with the requested system information, specifications, pricing, and details for the system and equipment you've inquired about.

The Apex Officer training system is a comprehensive solution that is designed to allow trainers the ability to give presentations and classes, conduct interactive testing and assessment, and provide immersive hands-on scenario-based exercises with detailed debriefing and after-action reviews. Each Apex Officer system is designed to increase trainee knowledge, skills, and confidence in a safe, challenging environment that is highly interactive and engaging.

Through our history of providing innovative interactive simulation training solutions, Apex Officer has become widely regarded as a low-risk, highly reliable contracting, and business partner. We have the industry's most dedicated and customer-committed sales and support team on staff and all Apex Officer customers receive the best technical service in the business, including free software updates, newly developed and released training content with new exercises and environments to keep trainee interest high and skills sharp.

On behalf of the entire Apex Officer team, I sincerely appreciate the consideration of our proposal for this requirement and also to have the opportunity to be of service to the men and women of Washington County Sheriff's Office.

Respectfully sent on November 2, 2022.

**Chase Dittmer**  
**Founder and CEO**

Govred Technology, Inc.  
Direct: 702-901-5344  
[chase@apexofficer.com](mailto:chase@apexofficer.com)  
[www.apexofficer.com](http://www.apexofficer.com)

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## APEX OFFICER – PRO TRAINING SIMULATOR SUITE

Description	Qty	Price
<b>Apex Officer® – Pro Training Simulator</b> System Includes: <ul style="list-style-type: none"> <li>• Apex Officer Content Library</li> <li>• High-Performance VR-Ready Workstation</li> <li>• Virtual Reality Head Mounted Display</li> <li>• Virtual Training Accessories</li> <li>• Apex Wireless</li> <li>• Dynamic Scenario Generator</li> <li>• After Action Debriefing</li> <li>• Advanced Officer Analytics</li> <li>• Apex Reporting and Monitoring</li> <li>• Apex Officer Training with Setup</li> </ul>	1	\$98,368.00
<b>Apex Officer Content Library</b> Every Apex Officer training system includes 24/7 access to Apex Officer's proprietary content library. Apex Officer's content library of virtual reality police and law enforcement training scenarios is the most extensive in the industry. With our unique blend of randomization, artificial intelligence, and voice recognition Apex Officer provides police departments and law enforcement agencies an infinite number of training opportunities and scenarios.	Inc.	
<b>High-Performance VR-Ready Workstation</b> Every Apex Officer simulator comes equipped with the world's most powerful wearable workstation – optimized for free-roam experiences. Each workstation computer is capable of delivering a truly immersive virtual reality experience at a smooth 90 frames per second to the headset. <ul style="list-style-type: none"> <li>• Intel Core i7 Processor</li> <li>• Nvidia GeForce GTX Graphics Card</li> <li>• 16GB DDR4 RAM</li> <li>• NVMe Solid State Storage</li> <li>• Windows 10 Pro 64-Bit Operating System</li> <li>• Hot-Swappable Batteries</li> </ul>	Inc.	

<p><b>Virtual Reality Head Mounted Display (HMD)</b> Apex Officer utilizes a state-of-the-art virtual reality head-mounted display to create the world's most realistic and immersive judgmental training simulator. With our HMD, we're capable of producing active engagements from a 360-degree environment surrounding the trainees. Our systems utilize Dolby Atmos multi-directional audio technology and seamless software simulations that simulate different environments and situations that will challenge trainees.</p>	Inc.	
<p><b>Virtual Training Accessories</b> Apex Officer proprietary Virtual Training Weapons and accessories are designed to look, weigh, and feel just like their real-life counterpart. We worked hand and hand with multiple engineers in designing the firearms and training equipment used in our simulations.</p> <p><b>VR-Training Accessories Included:</b></p> <ul style="list-style-type: none"> <li>• Apex-VTW-U1 (Universal Device)</li> <li>• Apex-VTW-G1 (Pistol)</li> <li>• Apex-VTW-T26 (Taser)</li> <li>• Apex-VTW-R1 (Rifle)</li> </ul> <p>Every Apex Officer Virtual Training Weapon is equipped with:</p> <ul style="list-style-type: none"> <li>• Up to 32 low power, ASIC sensors, for 360-degree coverage</li> <li>• Built-in 1000Hz IMU for low latency, high-resolution tracking</li> <li>• Bluetooth and wireless connectivity</li> <li>• Rechargeable battery</li> </ul>	Inc.	
<p><b>Apex Wireless (AW)</b> The Apex Wireless system is a proprietary combination of wireless networking systems working in harmony to deliver a fully immersive wireless virtual reality experience.</p> <ul style="list-style-type: none"> <li>• 4x Wireless Base Stations</li> <li>• Bluetooth Transmitters and Receivers</li> </ul>	Inc.	
<p><b>After Action Debriefing (AAD)</b> Our After-Action Debriefing system provides real-time monitoring, recording, and playback during debriefing sessions of trainees. Includes software and hardware that integrates into the Apex Officer line of simulators.</p>	Inc.	



<b>Advanced Officer Analytics (AOA)</b> Our Advanced Officer Analytics system provides law enforcement agencies with the opportunity to optimize their recent training activities and provides unprecedented learning opportunities for every officer using the simulator. With the AOA, police departments can track training results and behaviors for each individual officer that runs through the simulator. With this data, the departments have an unprecedented insight into the strengths and weaknesses of each individual officer; thus, allowing for follow-up training exercises.	Inc.	
<b>Apex Reporting and Monitoring</b> Audio and picture in picture color video capture of trainee's actions in a scenario that can be used for immediate or later debriefing and review. All footage can be scheduled for permanent deletion at a specified time interval (i.e. 24 hours, 72 hours, etc.).	Inc.	
<b>Apex Officer Training with Setup</b> Instructor/Operator Master course covering the Apex Officer system, hardware setup, software updates, troubleshooting, and more for up to 6 students.	Inc.	
<b>Apex Officer – Pro Training Simulator:</b>		<b>\$98,368.00</b>
<b>First In Maryland Discount:</b>		<b>-\$50,868.00</b>
<b>Total:</b>		<b>\$47,500.00</b>
<b>OPTIONAL UPGRADES</b>		
<b>Apex Officer X2 – Hardware Upgrade:</b>		<b>\$35,000.00</b>
<b>First In Maryland Discount:</b>		<b>-\$15,000.00</b>
<b>Total:</b>		<b>\$20,000.00</b>
<b>Total With Optional Upgrades:</b>		<b>\$67,500.00</b>

**Additional Notes:**

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## **-See Important Terms and Conditions Below-**

### **Standard Terms and Conditions**

1. Please make the purchase order (PO) out to GOVRED Technology, Inc.
2. Payment Terms: Net 30 from date of invoice.
3. Budgetary Pricing: This document is intended for budgeting purposes only and does not constitute a firm-fixed-price offer nor binding agreement.
4. U.S. Delivery Lead Time:
  - a. Standard Production System: 35-60 Days ARO
  - b. Custom System Production: 120-180 ARO dependent on the level of customization and component requirements.
5. Warranty: 12 Months from date of shipment.
6. If this sale is subject to Use Tax, then you are liable for the tax and should make payment direct to your taxing authority. However, we may collect Sales Tax for the following states: CA, FL, HI, IA, KY, MA, MI, NV, NY, UT, WA, WV.
7. Quote Valid: 30 days.
8. All prices are quoted in US Dollars (\$USD).
9. Late Payment Penalties: Invoices not paid within 30 days of the invoice date will accrue interest at 2% per week.

### **Purchasing/Contracting Information**

1. Company Name: Govred Technology, Inc.
2. Company Address: 5006 Bond St, Las Vegas, NV 89118
3. Order POC: Chase Dittmer
4. Order Email: [orders@apexofficer.com](mailto:orders@apexofficer.com)
5. Phone: 702-901-5344
6. Cage Code: 7Z1H2
7. Tax ID: 82-1742313
8. DUNS: 080742556

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## Sole Source Letter

Govred Technology, Inc.  
5006 Bond St, Las Vegas, NV 89118  
Phone: 702-901-5344  
<https://www.apexofficer.com>

RE: Sole Source Letter  
November 2, 2022  
To Whom It May Concern:

This letter is to confirm that the Apex Officer® Pro Training Simulator and Apex Officer X1, X2, X3, X4, X6, and X9 – Pro Training Simulator are all sole-source products, manufactured, sold, and distributed exclusively by Govred Technology, Inc. Currently, Govred Technology, Inc. is the sole manufacturer and provider of Apex Officer; nor any other company makes a similar or competing product. Additionally, no other vendors are legally permitted to provide the Apex Officer® product. This product must be purchased directly by institutions from Govred Technology, Inc. at the address provided below. There are no agents or dealers authorized to represent this product.

There are no other like item(s) or product(s) available for purchase that would serve the same purpose or function because of the proprietary and exclusive Apex Officer® content library, training modules, dynamic scenario generator, haptic feedback system, backpack-mounted modular workstations, virtual reality training technology accessories and more.

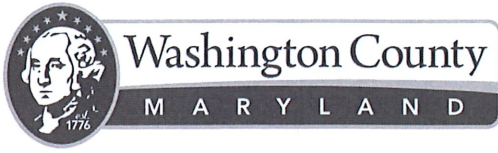
If you desire additional information, do not hesitate to contact me at 702-901-5344 at any time or visit our website at <https://www.apexofficer.com>. Thank you for your interest in our products.

Sincerely,  
Chase Dittmer  
Co-Founder

**Govred Technology, Inc.**  
5006 Bond St, Las Vegas, NV 89118  
Phone: 702-901-5344  
Email: [chase@apexofficer.com](mailto:chase@apexofficer.com)  
<https://www.apexofficer.com/>

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## Agenda Report Form

### Open Session Item

**SUBJECT:** Shanktown Road Railroad Crossing Closure and Quitclaim of Right-of-Way

**PRESENTATION DATE:** November 15, 2022

**PRESENTATION BY:** Todd Moser, Real Property Administrator; Scott Hobbs, Director of Engineering

**RECOMMENDED MOTION:** Arrive at a consensus regarding the closure of the railroad crossing on Shanktown Road and quitclaim of right-of-way beyond the crossing.

**REPORT-IN-BRIEF:** The railroad crossing on Shanktown Road was identified by prior staff as a potential closure location. This was discussed with the Board of County Commissioners in 2014 in connection with proposed economic development in a highway interchange area that would require railroad crossing credits. That development plan did not proceed, but recently staff was contacted by a developer for a new plan on the same property about utilizing this credit in its negotiations with CSX to open a private crossing at the east end of Colonel Henry K. Douglas Drive. The notice to quitclaim has been advertised (October 24, October 31, and November 7).

**DISCUSSION:** Closure of this railroad crossing is appropriate for the following reasons.

1. Safety concerns at the crossing.
2. No roadbed beyond the crossing. The land beyond the crossing has returned to its natural state.
3. Land beyond the crossing is owned by the State of Maryland and National Park Service. Both parcels have other access to the properties.

**FISCAL IMPACT:** N/A

**CONCURRENCES:** County Attorney (Ordinance)

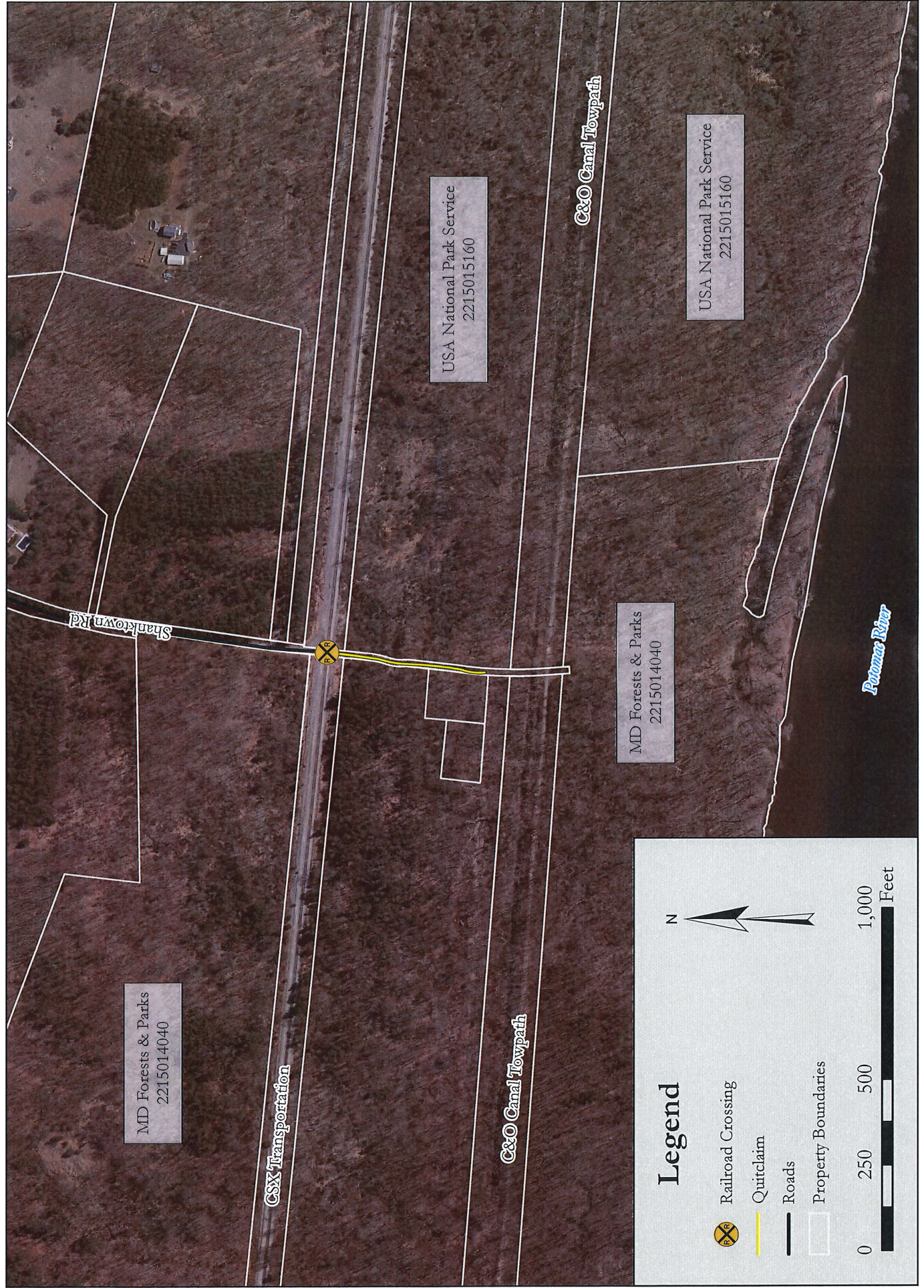
**ALTERNATIVES:** N/A

**ATTACHMENTS:** Aerial Map, Photos, Ordinance

**AUDIO/VISUAL NEEDS:** Aerial Map



# Shanktown Road Railroad Crossing











ORDINANCE NO. ORD-2022-

**AN ORDINANCE TO DECLARE CERTAIN REAL PROPERTY  
AS SURPLUS PROPERTY AND TO APPROVE THE CONVEYANCE OF SAID  
REAL PROPERTY**

BE IT ORDAINED by the Board of County Commissioners of Washington County, Maryland (the "County"), as follows:

1. It is hereby established and declared that the real property described on Exhibit A (the "Property") is no longer needed for a public purpose or a public use.

2. The County has determined that it is in the best interest of the citizens of Washington County to convey the Property and Notice of Intention of Washington County to Convey Real Property, referencing the Property, was duly advertised pursuant to Section 1-301, Code of the Public Local Laws of Washington County, Maryland, in *The Herald-Mail*, a daily newspaper of general circulation, on October 24, October 31, and November 7, 2022.

3. The County hereby authorizes and directs the President of the Board of County Commissioners of Washington County, Maryland, and the County Clerk to execute and attest, respectively, for and on behalf of the County, a deed conveying the Property to the State of Maryland and National Park Service, and the Real Property Administrator for Washington County is authorized to execute on behalf of the County any HUD-1 settlement statement and any other documents necessary to consummate the transaction.

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 form  
and legal sufficiency:

\_\_\_\_\_  
Kirk C. Downey  
County Attorney



## EXHIBIT A

All that portion of perpetual easement and road right-of-way for N/F Shanktown Road that crosses the lands of Grantee herein, situate between the Southernmost right-of-way line of the N/F CSX Transportation Corporation property and the terminus of said perpetual easement and road right-of-way for the said Shanktown Road at or near the Chesapeake and Ohio National Historical Park property, Election District No. 15 of Washington County, Maryland, more particularly described in Washington County Road Record Book Liber I.N.2 at folio 87-92 as a road to be opened 20 feet wide.

Together with any portion of the one hundred thirty-two (132) foot long by sixty-six (66) foot wide Canal Landing Area described in said Road Record Book Liber I.N.2 at folio 87-92 as aforementioned, which may fall within the confines of the lands of Grantee herein, together with any appurtenances thereto belonging, or in anywise appertaining.

BEING a portion of the said perpetual easement and road right-of-way for N/F Shanktown Road as described in a deed to Grantor herein and recorded among the Land Records of Washington County, Maryland, in Washington County Road Record Book Liber I.N.2 at folio 87-92 as aforementioned.



## Agenda Report Form

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### Open Session Item

**SUBJECT:** Formalization of Planning and Zoning Matters

**PRESENTATION DATE:** November 15, 2022

**PRESENTATION BY:** Kirk C. Downey, County Attorney

**RECOMMENDED MOTION:** I move to adopt the Decisions and Findings of Fact in RZ-21-005 and RZ-21-007, denying map amendments for requested rezoning classifications, and to adopt the proposed ordinances in RZ-22-001, approving a text amendment, and RZ-22-003, approving a map amendment partially terminating a Rural Business district.

**REPORT-IN-BRIEF:** The Board of County Commissioners reached consensus on the subject planning and zoning matters and the requisite documents to implement same are ready for formal adoption.

**DISCUSSION:** The formal documents implementing and effectuating the Board's decisions are proposed for approval and adoption in the following matters:

1. Decision and Findings of Fact, RZ-21-005, Sharpsburg Pike Holdings, LLC, denying a requested map amendment;
2. Decision and Findings of Fact, RZ-21-007, 19817 Beaver Creek, LLC, denying a requested map amendment;
3. Ordinance in RZ-22-001, approving a text amendment concerning educational facilities in the ERT, ORT, and ORI zones; and
4. Ordinance in RZ-22-003, Dan and Sharon Blickenstaff, approving a map amendment partially terminating an RB district on Mt. Tabor Road.

**FISCAL IMPACT:** N/A

**CONCURRENCES:** N/A

**ALTERNATIVES:** N/A

**ATTACHMENTS:** Documents identified in Discussion, above.

BEFORE THE  
BOARD OF COUNTY COMMISSIONERS  
OF WASHINGTON COUNTY, MARYLAND

**DECISION**  
Rezoning Case RZ-21-005

Property Owner:	Sharpsburg Pike Holdings, LLC
Applicant:	Sharpsburg Pike Holdings, LLC
Requested Zoning Change:	HI – Highway Interchange to MXC – Mixed Use Residential & Commercial
Property:	Sharpsburg Pike, 1/3 mile south I-70 interchange

Pursuant to Washington County Zoning Ordinance § 16A.5(a)3, the Board of County Commissioners of Washington County makes findings of fact with respect to the following matters: (1) The purpose of the PUD District; (2) The applicable policies of the adopted Comprehensive Plan; (3) The compatibility of the proposed changes of the PUD District with neighboring properties; (4) The effect of the proposed changes to the PUD District on community infrastructure; and (5) Consistency with the intent and purpose for the establishment of the PUD which is to permit flexibility and creativity in the design of residential areas, promote economical and efficient use of the land, provide for a harmonious variety of housing choices, a varied level of community amenities[,] and the promotion of adequate recreation, open space[,] and scenic attractiveness.

**Findings of Fact**

**The property.**

The subject property is located at 10319 Sharpsburg Pike, in between Col. Henry K. Douglas Drive and Poffenberger Road, approximately 1/3 mile south of the Interstate 70 interchange. The total acreage subject to this rezoning case is 9.92 acres.

The subject property is currently undeveloped. Significant development has occurred in the immediate vicinity of this property along Sharpsburg Pike in recent years. Primarily this development has been commercial in nature. The new Walmart is directly west of the subject property, on the other side of Sharpsburg Pike. The new Aldi, Dunkin Donuts, and other commercial land

uses making up The Shops at Sharpsburg Pike development sit at the corner of MD-65 and Col. Henry K. Douglas Drive immediately adjacent to this site.

In addition to the existing residual residential development that remains along this portion of MD-65, there has been some new residential development in the immediate vicinity as well. The Villas at Gateway is a semi-detached, 24-lot residential development immediately southwest of the subject property. Notable amounts of detached single-family housing exist currently or are in the process of being developed along Poffenberger Road less than 1 mile southeast of the site.

If this rezoning is granted, the applicant is proposing to construct 105 apartment units and six townhouses on the subject property.

**The report and recommendation of the Planning Commission.**

The Planning Commission held a public information meeting on the proposed change and received comments from staff, the applicant, and various members of the public. The Planning Commission also received written comments. Following deliberations at its regular meeting, the Planning Commission unanimously recommended denial of the requested major change to the approved PUD.

**The purpose of the PUD District.**

As noted in the Zoning Ordinance, Mixed Use Districts allow for greater flexibility in the design of residential, commercial, and employment-focused developments than is possible under conventional zoning standards. Their purpose is: "...to provide a compatible and complementary mixture of uses that will create a desirable living and working environment, promote an efficient use of the land, provide for a harmonious variety of housing choices, a more varied level of community services and amenities, and the promotion of adequate open space and attractiveness."<sup>1</sup>

In this case, the applicant is pursuing the establishment of a new MXC District. The Zoning Ordinance states that, "The MXC or Mixed Use Commercial District is designed to permit a mixture of residential users and limited commercial development to provide goods and services necessary to the neighborhood, all according to a preapproved master plan." The proposal is to construct two multi-family apartment buildings and six townhouses on property

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<sup>1</sup> Washington County Zoning Ordinance, Article 16 "Mixed Use District," § 16.0.

that is currently zoned Highway Interchange. There are commercial uses to the immediate west of the property and a residential development of single-family dwellings to the immediate east of the property. We find that the proposal has limited commercial development and does not provide for more varied levels of community services and amenities, nor the promotion of adequate open space and attractiveness.

**The applicable policies of the adopted Comprehensive Plan.**

The purpose of a Comprehensive Plan is to evaluate the needs of the community and balance the different types of growth to create harmony between different land uses. In general, this is accomplished through evaluation of existing conditions, projections of future conditions, and creation of a generalized land use plan that promotes compatibility while maintaining the health, safety, and welfare of the general public.

The 9.92 acres subject to this requested zoning map amendment were given the High Density Residential sub-policy area designation in the County's 2002 Comprehensive Plan. Therefore, the applicant's proposal for this parcel does not deviate significantly from what was anticipated in the 2002 Plan, as they are proposing roughly 11 dwelling units per acre.

The Comprehensive Plan offers the following definition for this policy area:

"The High Density Residential policy area is primarily associated multi-family type residential development. Principal zoning districts related to the policy area include the Residential - Multi-Family, Highway Interchange Two, and Residential Urban districts. The majority of the types of housing either existing or anticipated to be proposed for the policy areas are apartments, townhouses, and group homes, as well as duplexes and single-family homes on small lots. Typical housing developments would have densities in excess of 8 units per acre for multi-family developments and 6 units per acre for single-family developments.

Existing or proposed development associated with this classification is primarily located around the I-70 & MD 65

Interchange, Robinwood Drive area, Londontowne area, the I-81 & US 11 Interchange, Oak Ridge Drive, and the I-81 & Maugan's Avenue Interchange."<sup>2</sup>

**The compatibility of the proposed changes of the PUD with neighboring properties.**

The corridor from the I-70 interchange south to Poffenberger Road is zoned HI on both sides of MD-65. Farther away from this arterial roadway, the zoning transitions to residential classifications of various densities. Much of it is Residential Urban (RU), which allows single family, semi-detached, and two-family dwelling units on roughly ½ acre lots, along with limited community service type uses. There is also Residential Transition (RT), which is the least dense residential district in the Urban Growth Area, at 2-4 dwelling units per acre. Most of the RT land is presently in an agricultural land use.

There is also high-density residential zoning in the immediate vicinity. Two Residential Multi-family (RM) districts are found within 1/3 of a mile from the subject site.

In sum, while the commercially focused HI zoning dominates the Sharpsburg Pike corridor, there is a variety of residential zoning classes within a 1-mile radius of the site.

Commercial land uses predominate in the immediate area around the subject property. While many of the former land uses along this part of the Sharpsburg Pike corridor are transitioning to commercial, there are still a fair number of single-family homes along MD-65 and active farms within a one-mile radius of the rezoning site.

According to the Maryland Historic Trust Inventory, there are 2 existing historic sites located within an approximately half-mile radius of the subject property. Below is a listing of existing historic resources within a half-mile radius of the subject parcels:

- WA-I-448: "Brick Farmhouse," late-19<sup>th</sup> century, 2-story brick farmhouse. Altered early 20<sup>th</sup> century.
- WA-I-503: "Frame Bungalow," early-20<sup>th</sup> century, 1½ story bungalow style home.

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<sup>2</sup> 2002 Washington County, Maryland Comprehensive Plan, Page 245.

**The effect of the proposed changes to the PUD on community infrastructure.**

The area subject to this rezoning falls within the City of Hagerstown's Medium Range Growth Area (MRGA). The property has already signed a pre-annexation agreement with the City, according to the City of Hagerstown's Department of Utilities. The issue arises from the increased demand that would result from the rezoning of this property from the current commercial and light industrial HI zoning classification to a high-density residential and limited commercial MXC district. The ability of the City of Hagerstown to provide water service to this property (as well as all others in the MRGA) is based upon growth assumptions that utilize existing zoning classifications. The rezoning of this property to allow for a more intensive land use in terms of water usage is a variable that was not accounted for when the City developed the growth model that informed the creation of the Water Resources Element in its adopted Comprehensive plan. Thus, an increased demand for water at this location would likely necessitate responsive changes to the MRGA boundary elsewhere.

The proposed development falls within the following school districts: Rockland Woods (Elementary), E. Russell Hicks (Middle), and South Hagerstown (High). The proposed reclassification to the existing PUD would result in increased pupil population and projected school inadequacy, as defined by the Adequate Public Facilities Ordinance, at all three schools affected by the proposed development. The applicant has proposed to implement age restrictions on the proposed dwelling units which, the applicant urges, would eliminate pupil population increase. We are not persuaded that this would occur, as age restrictions do not insure that an increase in pupil population would not occur. We find this approach to be imprecise and unwieldy, especially when public school capacity is already at issue in this neighborhood. We are concerned with the difficulty of enforcing age restrictions. We find that school capacity concerns, even if the residential uses were lawfully age restricted, auger against the requested change.

Traffic impacts from the proposed development were analyzed by various entities, at multiple points in time. The Traffic Impact Studies (TIS) concluded that trip generation from the new mix of proposed land uses was less than that found in the previous TIS during each of the three time periods surveyed (Weekday AM Peak, Weekday PM Peak, Saturday Midday Peak). While the developer would still be required to comply with the conditions outlined in the previous TIS, no additional improvements would be required with the change in land use. There are no additional road improvements identified in the County's

current Capital Improvement Plan (2022-2031) in the immediate vicinity of the subject property.

Testimony was received at the public hearing on this requested reclassification, and its weight was overwhelming that the road infrastructure in the neighborhood was frequently at capacity and, at times, clearly overburdened when there was any disruption to the standard traffic flow in the area. This condition exists presently. We find that granting the proposed reclassification would strain current roadway capacity and would materially exacerbate inadequacy issues when there was any disruption to standard traffic flow patterns.

**Consistency with the intent and purpose for the establishment of the PUD[,] which is to permit flexibility and creativity in the design of residential areas, promote economical and efficient use of the land, provide for a harmonious variety of housing choices, a varied level of community amenities[,] and the promotion of adequate recreation, open space[,] and scenic attractiveness.**

No evidence has been offered that shows the current design of this proposed MXC District fits the purpose of this zoning classification, as it is defined in the Zoning Ordinance. At present, it focuses heavily on the provision of apartment units. We do not believe that the presence of six proposed townhouses “provide for a harmonious variety of housing choices.” We find that there has been no showing that the proposed change would provide a harmonious variety of housing choices, community amenities, or adequate recreation, open space, and scenic areas.

### **Conclusion**

The requested reclassification, if granted, would result in increased density in a neighborhood whose water, traffic, and school infrastructure is already experiencing significant and material adequacy issues. That infrastructure is struggling—at best—to meet current capacity demands. Granting the requested rezoning, and its concomitant residential density increase, would overwhelm that infrastructure to the detriment of the public’s health, safety, and welfare. We cannot conclude that the grant of the requested reclassification would, in any way, benefit public safety, the purpose of the PUD district, or the general welfare. We cannot conclude that a grant of the requested rezoning would be compatible with the surrounding neighborhood, which is largely commercial in nature.



Therefore, having considered all of the testimony, evidence, and arguments presented, and applying the Commissioners' "extensive local knowledge in determining zoning issues[,]" *Burgess v. 103-29 Ltd. Partnership*, 123 Md. App. 293, 301 (1998), this application for a rezoning is hereby denied.

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

BEFORE THE  
BOARD OF COUNTY COMMISSIONERS  
OF WASHINGTON COUNTY, MARYLAND

**DECISION**  
Rezoning Case RZ-21-007

Property Owner:	Agrimar Company Establishment
Applicant:	19817 Beaver Creek, LLC
Requested Zoning Change:	Residential, Multi-Family (RM) to Highway Interchange (HI)
Property:	19817 Beaver Creek Road—two (2) parcels (totaling 131.28 acres) immediately adjacent to Interstate 70/U.S. 40 interchange (Exit 32), situated on west sides of Dual Highway and Crossfield Road, south side of U.S. Route (40), along south side of Beaver Creek Road

Pursuant to Md. Code Ann., *Land Use* § 4-204, and Washington County Zoning Ordinance § 27.3, the Board of County Commissioners of Washington County (*Board*), acting upon the Applicant's Request, makes findings of fact with respect to the following: (1) population change; (2) availability of public utilities and services; (3) present and future transportation patterns; and (4) compatibility with existing and proposed development for the area. The Board also considers the Planning Commission's recommendations made in this case, as well as the relationship of the proposed reclassification to the Comprehensive Plan and whether there was a mistake in the existing zoning classification. After considering the Planning Commission's recommendations, evidence presented by the Applicant, and testimony of public opposition to the proposed reclassification, the Board denies the requested zoning map amendment.

## **Findings of Fact**

### **The property.**

The subject property, located at 19817 Beaver Creek Road in Funkstown, consists of two (2) parcels totaling 131.28± acres situated immediately adjacent to the Interstate 70/U.S. 40 interchange (Exit 32) on the west sides of Dual Highway and Crossfield Road, the south side of U.S. Route 40, and the south side of Beaver Creek Road. The parcels are shown on Tax Map 58, Grid 15, as Parcel 52 (130.14 acres) and Parcel 351 (1.86 acres). The Property is located entirely within the Urban Growth Area (UGA) that surrounds the City of Hagerstown and the towns of Funkstown and Williamsport.

The smaller Parcel 351 is improved with a single-story brick house. The larger Parcel 52 is undeveloped land currently used for farming. The center of Parcel 52 contains floodplain areas stemming from a section of Landis Spring Branch that intermittently flows across the property before draining southwest into Antietam Creek. No permanent land preservation easement encumbers the property.

### **The report and recommendation of the Planning Commission.**

The Planning Commission held a public information meeting on the proposed change and received comments from staff, the Applicant, and various members of the public. After deliberating on the requested reclassification, the Planning Commission unanimously recommended denial of the requested zoning map amendment.

### **Population trends in the neighborhood.**

The subject property is in the Funkstown Election District No. 10. From 1990 to 2020, the population in this district increased by 60.3% (2% per year) while the County's population grew less rapidly by 27.4% (.91% per year). This district experienced its greatest population increase of 22.9% during the most recent decade spanning 2010 to 2020. *See Table 1.*

**Table 1: Funkstown Election District No. 10 Population Trends**

Population Trends 1990 - 2020			
Year	Area	Population	% change from previous decade
1990	District	9,330	
	County	121,393	
2000	District	11,390	22.1%
	County	131,932	8.7%
2010	District	12,175	6.9%
	County	147,430	11.7%
2020	District	14,960	22.9%
	County	154,705	4.9%

Source: U.S. Census Bureau

#### **Availability of public utilities and services.**

*Public Water and Sewer Service* – Public utilities are not currently available at the subject property. Any improvements on the subject property would have to be served by a well or wells and would have to utilize an on-site septic system(s) for waste disposal. Other parcels in the property’s general vicinity access water by wells and utilize on-site septic systems for waste disposal.

The property’s W-5 designation for water service and S-5 designation for sewer service in the County’s Water and Sewerage Plan indicate long-term planned public facility services and have been consistently applied to the property in the most recent County Water and Sewer Plan (2009) and its prior versions. These designations reflect future plans to eventually extend public utilities and services to the property’s vicinity; if and when such an extension might occur, the County would provide sewer service only. The City of Hagerstown would provide water sewer service.

Public water and sewer service has not been extended south of Interstate 70 (I-70) in the property’s vicinity. The Claggetts Mill residential subdivision, located approximately 1.5 miles west of the property, is the closest area south of I-70 that has an existing water and sewer service designation (W/S-1).

The property is located outside the City’s MRGA. The City prioritizes properties located within its MRGA for public water or sewer service as connectivity to such services becomes available. Properties located outside the MRGA, such as the subject property, are not eligible for connection except by a special exception obtained pursuant to the City’s water and wastewater connection policies. Even though the property falls within the County’s UGA, the

property has never been inside the City's comprehensive plan which underwent major updates in 2008 and 2018. It appears that the City has no plans to extend public water service to the subject property

*Fire and Emergency Services* – The property is in the service area of Funkstown Volunteer Fire Company would provide fire suppression and emergency rescue services to the property.

### **Present and future transportation patterns.**

*Access* – The Property is accessible from Beaver Creek Road, classified as a Local Road in the County's 2002 Comprehensive Plan and designed to carry less than 1,000 Average Daily Traffic in rural areas and greater than 2,000 vehicles daily in urban areas. The Property also fronts on a stretch of Dual Highway (U.S. Route 40/National Pike), a Major Collector road designed to carry between 1,000 to 3,000 Average Daily Traffic in rural areas and 2,000 to 10,000 vehicles daily in urban areas.

*Traffic Volume* – In 2016 the County's Division of Engineering and Construction collected data from first-time, one-day traffic counts on Beaver Creek Road in the property's vicinity at two (2) locations surrounding the intersection of Beaver Creek Road and Auto Place. This data cannot yet be used to discern trends but is informative as to traffic volume in the property's vicinity.

The highest traffic volume of 2,231 vehicles was recorded at Auto Place, just north of its intersection with Beaver Creek Road. At Beaver Creek Road just east of the Auto Place intersection, 1,200 vehicles were counted during the one-day traffic survey. *See Table 2.*

**Table 2: 2016 County Traffic Volumes**

Auto Place North of Beaver Creek Road	2,231
Beaver Creek Road East of Auto Place	1,200

**Source: Washington County Division of Engineering and Construction Management Traffic Count Inventory Map**

Traffic counts conducted at select points along the major federal and state transportation routes in the property's immediate vicinity show consistently increasing traffic volume between 1990 and 2020. Traffic counts were conducted at five-year intervals in this location on National Pike (U.S. Route 40) north and south of the I-70 interchange, as well as on I-70 eastbound at Exit 32 (U.S. Route 40). During the 25 years between 1990 and 2015, traffic volume increased 67% at I-70 eastbound and 56% at U.S. Route 40 north of I-70. During the decade

between 2005 and 2015, traffic increased 4% at U.S. Route 40 south of I-70 (no counts are available for this data collection point before 2005). The marked decreases in traffic counts at these locations in 2020 are likely attributable to drastically reduced vehicular trips during the COVID-19 pandemic. Although traffic volume dipped in 1995, it rebounded steadily in future years. *See* Table 3.

**Table 3: Traffic Volumes 1990-2020**

Year	I-70 East of Exit 32	U.S. 40 North of I-70 Exit 32	U.S. 40 South of I-70 Exit 32
2020	62,512	30,541	9,204
2015	69,320	35,492	11,415
2010	61,391	36,010	11,170
2005	60,025	34,150	10,950
2000	56,975	25,150	NA
1995	39,750	14,475	NA
1990	41,500	22,800	NA

Source: Maryland State Highway Administration

### **Public transportation.**

The property's vicinity is not directly served by public transportation. However, Route 331 of the County Commuter makes stops in Funkstown and at Hagerstown Commons (anchored by Martin's grocery store), approximately 1.5 miles northeast of the property.

### **Compatibility with existing and proposed development in the area.**

*Zoning* – The property is currently zoned Residential, Multi-family (RM). The Applicant requests that the Property be rezoned Highway Interchange (HI). The purpose of the HI zoning district is as follows:

*...to provide suitable locations for commercial activities or light industrial land uses that serve highway travelers, provide goods and services to a regional population, or uses that have a need to be located near the interstate highway system to facilitate access by a large number of employees, or the receipt or shipment of goods by highway vehicles. In addition to providing accessible locations, the Highway Interchange District is intended to protect the safe and efficient operation of the interchange and to promote its visual attractiveness.<sup>1</sup>*

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<sup>1</sup> Washington County Zoning Ordinance, Article 19.

The HI Zoning District does not define its own standalone permitted uses. Rather, it subsumes all Principal Permitted Uses allowed in the following districts: Business, Local (BL); Business, General (BG); Planned Business (PB); Office, Research and Technology (ORT); and Industrial, Restricted (IR) (except heliports and Commercial Communications Towers). Truck stops are among other land uses allowed by special exception in the HI District.

I-70 forms an illustrative dividing line for the zoning classifications in the property's vicinity. The area north of I-70 is largely a mix of varied-density residential zoning, together with a few areas of HI zoning in the vicinity of the I-70 interchange at Dual Highway. In the area south of I-70, parcel size increases, directly correlating with an increase in HI zoning and a decrease in residential density further away from the UGA. Parcels immediately south of the referenced I-70 interchange are solidly HI-zoned. The property (currently zoned RM) is contiguous to this block of HI-zoned parcels. Residential Urban zoning is applied to many parcels west of the property, generally northwest and southeast of Poffenberger Road.

*Land Use* – Commercial businesses, particularly automobile dealerships, surround the I-70 interchange on all sides. The stretch of Beaver Creek Road from which the property is accessed has historically been used for farming, woodlands, and single-family residences. More recently, a few commercial businesses (e.g., Vinny's Truck Repair & Towing and U.S. Lawns) have opened along this part of Beaver Creek Road. Housing south of I-70 is typically low-density; significant agricultural activity is evident, as are areas in their natural state.

Various low-intensity commercial businesses (i.e., storage facilities, truck repair shops, construction contractors, a shooting range) line both sides of National Pike east toward Frederick. Apartment complexes (Londontowne and Robinwood) provide higher-density housing options north of and adjacent to Dual Highway. Active residential subdivisions in this area include Claggetts Mill and Gaver Meadows.

### **Historic sites.**

According to the Washington County Historic Sites Survey, six (6) historic sites are located within an approximate one-half mile radius of the property which also contains the standing ruins of a limestone farm complex that was destroyed by fire in the late twentieth century. The historic sites are listed below.

- WA-II-142: “Adams-Paulsgrove Farm,” mid-19<sup>th</sup> century farm complex consisting of a two-story limestone house, a frame bank barn, a log kitchen, and other outbuildings
- WA-II-143: “Grossnickle Farm,” late 19<sup>th</sup> century farm complex consisting of a two-story brick house, a stone bank barn, and an outdoor root cellar
- WA-II-229: “Blarneystone Farm (Kelly’s Delight),” early 19<sup>th</sup> century two-story stone home built in two parts, a stone out-kitchen, and a stone bank barn
- WA-I-421: “Welty Farm,” late 19<sup>th</sup> century farm complex including a two-story log home encased in brick, a barn, and outbuildings
- WA-I-432: “Deep Meadow Farm,” early 19<sup>th</sup> century farm complex including a two-part, two-story log and stone home and a stone bank barn
- WA-II-1113: “Bridge,” 1936 stone and concrete bridge over Landis Run on National Pike

The presence of these sites in the neighborhood of the subject property neither compel nor prohibit reclassification of the property.

### **The property’s recent zoning history.**

The County’s most recent Comprehensive Plan was completed in 2012 (*2012 Comprehensive Rezoning*). Pursuant to the 2012 Comprehensive Rezoning, the property was reclassified to its present RM designation as recommended by the UGA Advisory Committee.

Prior to 2012, the property was zoned Highway Interchange District (HI-2). The HI-2 Zoning District was intended to serve as a transitional zone between HI-1 zones and nearby residential areas. Typically, HI-1 areas were designated on lands close to interstate highway interchanges with HI-2 zones then buffering adjacent lands in the vicinity of the interchanges. HI-2 zones allowed low-intensity business and industrial uses as well as residential development at varying densities but did not require connection to public water and sewer. However, the HI-2 Zoning District allowed higher-density development if connection to public water and sewer was possible. The HI-2 Zoning District was eliminated during the 2012 Comprehensive Rezoning.

The 2012 Comprehensive Rezoning affected approximately 17,000 parcels constituting 38,000 acres in the UGA surrounding the City of Hagerstown and the towns of Funkstown and Williamsport.<sup>2</sup> Information including population projections, growth trends, transportation, and infrastructure data, together with the Comprehensive Plan’s recommendations, were considered during the

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<sup>2</sup> Washington County Ordinance No. ORD-2012-08.



process. The Board solicited, received, and considered input of property owners, local officials, County staff, and the general public on the proposed reclassification of affected parcels.

**Relationship of the proposed change to the adopted plan for the County.**

The property is located in the Low Density Residential sub-policy area of the County's Comprehensive Plan and is defined as follows:

This policy area designation would be primarily associated with single-family and to a lesser degree two-family or duplex development. It is the largest policy area proposed for the Urban Growth Area and becomes the main transitional classification from the urban to rural areas.<sup>3</sup>

**"Change or Mistake" Rule.**

A rezoning that is not part of a comprehensive rezoning is known as an individual map amendment or a piecemeal rezoning subject to analysis under the "Change or Mistake" Rule. The Applicant's rezoning request proposes such an individual map amendment on the ground that an alleged mistake in designation of the property's current zoning classification occurred in 2012. Under the "Change or Mistake" Rule, the Applicant bears the burden to prove the alleged mistake. Pursuant to Md. Code Ann., *Land Use* § 4-204, and Washington County Zoning Ordinance § 27.3, the Board must make findings of fact that address the following to determine whether the Applicant has met its burden of proof: (1) population change; (2) the availability of public facilities; (3) present and future transportation patterns; (4) compatibility with existing and proposed development for the area; (5) the recommendation of the Planning Commission; and (6) the relationship of the proposed amendment to the County's Comprehensive Plan.

To overcome the strong legal presumption that the property's current zoning is correct, the Applicant must prove that the Board erred in the 2012 Comprehensive Rezoning as a result of factors including the following:

1. Failure to consider projects or trends probable of fruition;
2. Decisions based on erroneous information;
3. Facts that later prove to be incorrect;
4. Events that have occurred since the current zoning; and
5. Ignoring facts in evidence at the time of the zoning application.

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<sup>3</sup> 2002 Washington County, Maryland, Comprehensive Plan, page 243.

Even though the Applicant demonstrates the occurrence of a mistake in the property's current zoning classification, the Board may grant the Applicant's rezoning request but is not required to do so. The Applicant must also convincingly demonstrate that the requested rezoning is appropriate and logical for the property.

**Applicant's claim of mistake in the current zoning.**

The Applicant asserts that the property was mistakenly rezoned from Highway Interchange (HI-2) to Residential, Multi-family (RM) in the 2012 Comprehensive Plan. In support of its assertion, the Applicant claims that the Board erred by failing to fully consider two (2) factors in the zoning reclassification of the property during the 2012 Comprehensive Rezoning. First, the Applicant asserts that the Board failed to fully consider that the property cannot meet the requirement of the RM Zoning District to be served by public water and sewer facilities. Second, the Applicant points out that other similarly situated parcels within the County's UGA, but outside the City's Medium Range Growth Area (MRGA), were zoned HI in 2012. We analyze each of these assertions in turn.

**Public water and sewer requirements in HI and RM Zoning Districts.**

The Board's decision to rezone the property from HI to RM was correct in the 2012 Comprehensive Rezoning. Therefore, the property's current zoning designation of RM is also correct.

The Applicant's primary argument is that the property is not served by public water and sewer facilities; therefore, the property's reclassification to the RM Zoning District was a mistake because the property cannot meet the RM zoning requirement of access to public water and sewer service. However, the Applicant fails to acknowledge that this is a distinction without a difference. Whether the property had been designated HI or RM in the 2012 Comprehensive Rezoning would have been of no moment from a water and sewer perspective because both designations have identical public water and sewer requirements. Rezoning the property from RM to HI, as the Applicant requests, will produce the same issue about which the Applicant now complains.

The Washington County Zoning Ordinance's consistent and long-standing policy requiring connection to public water and sewer service within the HI and RM Zoning Districts is worth noting.<sup>4</sup> The language relating to this requirement

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<sup>4</sup> Washington County Zoning Ordinance, Article 10 (RM) and Article 19 (HI).

is identical for both districts and was applicable to each at the time of the 2012 Comprehensive Rezoning. However, this requirement is not absolute. The Planning Commission, in consultation with the Washington County Health Department, may waive the public water and sewer service as to a particular parcel within either district upon consideration of specified criteria.<sup>5</sup>

Given its present capacity, Beaver Creek Road is ill-suited to serve high-intensity development. Potential development can occur in the RM Zoning District on well and septic instead of public water and sewer service; therefore, it stands to reason that the property, with its current RM zoning classification, possesses development potential as it is also permitted to access water by well and to utilize an on-site septic system for waste disposal, subject to the above-described waiver process. The property would be subject to the same waiver process under the HI zoning classification. The property's current zoning designation of RM is correct and is not a mistake.

#### **Consistency with the Comprehensive Plan.**

The Board's decision to rezone the property from HI to RM was—and remains—consistent with the 2012 Comprehensive Rezoning. Therefore, the property's current zoning designation of RM is correct.

The Applicant's secondary argument is that other parcels in the property's vicinity, within the UGA but not within the City's MRGA, are zoned HI; therefore, the property's reclassification to the RM Zoning District in the 2012 Comprehensive Rezoning was a mistake because the property should have been reclassified to the HI Zoning District also. We disagree.

Other parcels in the property's vicinity were rezoned to HI in 2012. However, that rezoning did not result in disparate treatment of the property vis-à-vis the same or similar parcels situated in the property's proximity as the Applicant alleges. Rather, as a result, the same or similar development constraints applicable to the property also apply now to those HI-zoned parcels. One example of such a development constraint, as previously stated, is that the HI and RM Zoning Districts have identical public water and sewer requirements. By way of a speculative example and not as a factual finding, another potential development constraint applicable to both zoning designations is the likely need for road improvements to accommodate more intensive land uses. However, less intensive uses, permitted in the HI Zoning District and able to be developed on

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<sup>5</sup> Washington County Zoning Ordinance, Article 10.6 (RM) and Article 19.9 (HI).

well and septic systems, are potentially feasible from an economic and land use intensity standpoint.

The UGA Advisory Committee recommended that the property be reclassified as RM to create additional opportunities for multi-family housing development in the County. In the context of analyzing population change, availability of public utilities and services, present and future transportation patterns, and compatibility with existing and proposed development in the property's vicinity, the Board followed the Committee's recommendation and correctly applied the RM designation to the property to advance land use goals in furtherance of the County's Comprehensive Plan.

### **Conclusion**

Based on the information provided by the Applicant in the initial application, further analysis by County staff, and evidence presented at the public hearing, the Board finds that the proposed reclassification is incompatible with the surrounding neighborhood and inappropriate for the subject property. The Board further finds that no mistake occurred in 2012 when the property was rezoned to its current Residential, Multi-Family (RM) designation and that said RM designation is consistent with the County's Comprehensive Plan. Therefore, having considered all of the testimony, evidence, and arguments presented, and applying the Commissioners' "extensive local knowledge in determining zoning issues[.]" *Burgess v. 103-29 Ltd. Partnership*, 123 Md. App. 293, 301 (1998), this application for a rezoning of the property from Residential, Multi-Family (RM) to Highway Interchange (HI) is denied.

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:

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Kirk C. Downey  
County Attorney

ORDINANCE NO. ORD-2022-\_\_

**AN ORDINANCE TO AMEND CERTAIN PROVISIONS OF THE  
ZONING ORDINANCE FOR WASHINGTON COUNTY, MARYLAND  
(RZ-22-001)**

**RECITALS**

The Board of County Commissioners of Washington County, Maryland (the "Board") adopted the Zoning Ordinance for Washington County, Maryland (the "Ordinance") on January 23, 1973, and it became effective on April 2, 1973.

Planning and Zoning Staff filed an application requesting that amendments be made to the text of the Ordinance. The amendments proposed would amend certain Articles of the Ordinance to more fully define and allow for uses associated with educational facility campuses.

The Washington County Planning Commission (the "Planning Commission") held a public meeting for the purpose of taking comments on the proposed amendments, pursuant to public notice duly given.

The Board held a public hearing for the purpose of taking testimony on the proposed amendments on July 12, 2022, pursuant to notice duly given.

The Board has considered the recommendations of the Planning Commission and the Planning Department staff, and testimony and materials received at the public hearing. The Board conducted this review in a public session.

The Board believes it to be in the best interests of the citizens of Washington County for the amendments to be enacted.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, that certain provisions of the Zoning Ordinance, as amended, be further amended and restated as follows:

**ARTICLE 21A - "ORT" OFFICE, RESEARCH AND  
TECHNOLOGY DISTRICT**

**Section 21A.1 Principal Permitted Uses**

- (a) Educational institutions including, but not limited to, business and trade schools and colleges.

Educational facilities, accredited by the State of Maryland, that provide or award credit-bearing degrees, certificates, diplomas, and letters of recognition programs, as well as adult basic education and non-credit job training programs and lifelong learning courses. This use includes the following as examples of traditional higher education uses and related activities as part of the educational institution's campus. It is not intended or permitted for the following uses to be established separately from a parent educational institution on separate non-contiguous parcels.

1. Classrooms, laboratories, indoor or outdoor theaters and other performance venues, auditoriums and lecture halls, libraries, and offices for administrators, faculty, and college related organizations.
2. Parking structures and lots.
3. Child care facilities for services to faculty, administrators, students, and other patrons, and as training facilities.
4. Cultural, recreational, health, and fitness facilities.
5. Government offices and related facilities including buildings of a cultural, civic, educational, social or community service-type, and including libraries, playgrounds, and community centers.
6. Communications facilities, equipment, and structures including satellite dishes, telecommunication towers and antenna subject to setback requirements, and as needed in the routine performance of the institution's educational function. Commercial communication towers that are not for the exclusive use of the institution in the routine performance of its educational function shall be governed by Section 4.22 of this Ordinance.
7. Radio and television broadcasting facilities.
8. Athletic fields and sports stadiums, gymnasiums, and other sports related facilities for teaching or competition purposes (subject to specific parking and lighting standards contained in Article 22, Divisions I and X).
9. Student dormitories.
10. Museum and collection display facilities and functions.
11. Conference facilities.
12. Food service facilities for students, faculty, and other college personnel and visitors, and college-related functions and culinary arts training.
13. Bookstore facilities.
14. Medical facilities that provide medical services to students, faculty, and other college employees or facilities used for training in the medical and health professions (such as medical or dental clinics and laboratory and

- diagnostic equipment).
15. Computer and data processing services, laboratories, and equipment.
16. Reprographic, banking, and security services.
17. Other training or educational activities and services and specialized training venues or facilities that may be necessary for same, such as truck driving courses, law enforcement or fire training facilities, and forensic laboratories, so long as there is a demonstrated and active link to the educational function of the college.

## **ARTICLE 21B "ORI" OFFICE, RESEARCH, AND INDUSTRY DISTRICT**

### **Section 21B.1 Principal Permitted Uses**

(a) The following uses permitted in the "ORT" District are permitted in the "ORI" District as modified herein:

1. Educational institutions including, but not limited to, business and trade schools and colleges.

Educational facilities, accredited by the State of Maryland, that provide or award credit-bearing degrees, certificates, diplomas, and letters of recognition programs, as well as adult basic education and non-credit job training programs and lifelong learning courses. This use includes the following as examples of traditional higher education uses and related activities as part of the educational institution's campus. It is not intended or permitted for the following uses to be established separately from a parent educational institution on separate non-contiguous parcels.

- i. Classrooms, laboratories, indoor or outdoor theaters and other performance venues, auditoriums and lecture halls, libraries, and offices for administrators, faculty, and college related organizations.
- ii. Parking structures and lots.
- iii. Child care facilities for services to faculty, administrators, students, and other patrons, and as training facilities.
- iv. Cultural, recreational, health, and fitness facilities.
- v. Government offices and related facilities including buildings of a cultural, civic, educational, social or community service-type, and including



- libraries, playgrounds, and community centers.
- vi. Communications facilities, equipment, and structures including satellite dishes, telecommunication towers and antenna subject to setback requirements, and as needed in the routine performance of the institution's educational function. Commercial communication towers that are not for the exclusive use of the institution in the routine performance of its educational function shall be governed by Section 4.22 of this Ordinance.
  - vii. Radio and television broadcasting facilities.
  - viii. Athletic fields and sports stadiums, gymnasiums, and other sports related facilities for teaching or competition purposes (subject to specific parking and lighting standards contained in Article 22, Divisions I and X).
  - ix. Student dormitories.
  - x. Museum and collection display facilities and functions.
  - xi. Conference facilities.
  - xii. Food service facilities for students, faculty, and other college personnel and visitors, and college-related functions and culinary arts training.
  - xiii. Bookstore facilities.
  - xiv. Medical facilities that provide medical services to students, faculty, and other college employees or facilities used for training in the medical and health professions (such as medical or dental clinics and laboratory and diagnostic equipment).
  - xv. Computer and data processing services, laboratories, and equipment.
  - xvi. Reprographic, banking, and security services.
  - xvii. Other training or educational activities and services and specialized training venues or facilities that may be necessary for same, such as truck driving courses, law enforcement or fire training facilities, and forensic laboratories, so long as there is a demonstrated and active link to the educational function of the college.

## **ARTICLE 21C - "ERT" EDUCATION, RESEARCH, AND TECHNOLOGY DISTRICT**

### **Section 21C.1 Principal Permitted Uses**

(a) ~~Colleges and universities,~~Educational Facilities accredited by the State of Maryland, that provide or award credit-bearing degrees, certificates, diplomas, and letters of recognition programs, as well as adult basic education and non-credit job training

programs and lifelong learning courses. This use includes the following as examples of traditional higher education uses and related activities as part of the educational institution's campus. It is not intended or permitted for the following uses to be established separately from a parent educational institution on separate non-contiguous parcels.

1. Classrooms, laboratories, indoor or outdoor theaters and other performance venues, auditoriums and lecture halls, libraries, and offices for administrators, faculty, and college related organizations.

2. Parking structures and lots.

3. Child care facilities for services to faculty, administrators, students, and other patrons, and as training facilities.

4. Cultural, recreational, health, and fitness facilities.

5. Government offices and related facilities including buildings of a cultural, civic, educational, social or community service-type, and including libraries, playgrounds, and community centers.

6. Communications facilities, equipment, and structures including satellite dishes, telecommunication towers and antenna subject to setback requirements, and as needed in the routine performance of the institution's educational function. Commercial communication towers that are not for the exclusive use of the institution in the routine performance of its educational function shall be governed by Section 4.22 of this Ordinance.

7. Radio and television broadcasting facilities.

8. Athletic fields and sports stadiums, gymnasiums, and other sports related facilities for teaching or competition purposes (subject to specific parking and lighting standards contained in Article 22, Divisions I and X).

9. Student dormitories.

10. Museum and collection display facilities and functions.

11. Conference facilities.

12. Food service facilities for students, faculty, and other college personnel and visitors, and college-related functions and culinary arts training.

13. Bookstore facilities.

14. Medical facilities that provide medical services to students, faculty, and other college employees or facilities used for training in the medical and health professions (such as medical or dental clinics and laboratory and diagnostic equipment).

15. Computer and data processing services, laboratories, and equipment.

16. Reprographic, banking, and security services.

17. Other training or educational activities and services and specialized training venues or facilities that may be necessary for same, such as truck driving courses, law enforcement or fire training facilities, and forensic laboratories, so long as there is a demonstrated and active link to the educational function of the college.

Adopted and effective this \_\_\_\_ day of \_\_\_\_\_, 2022.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
OF WASHINGTON COUNTY, MARYLAND

\_\_\_\_\_  
Krista L. Hart, Clerk

\_\_\_\_\_  
Jeffrey A. Cline, President

Approved as to legal  
sufficiency:

\_\_\_\_\_  
Kirk C. Downey  
County Attorney

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

**ORDINANCE NO. ORD-2022-**

**AN ORDINANCE TO AMEND THE ZONING MAP  
FOR WASHINGTON COUNTY, MARYLAND  
(RZ-22-003)**

Pursuant to the provisions of Section 5E.8 of the Zoning Ordinance for Washington County, Maryland (*Zoning Ordinance*), Dan and Sharon Blickenstaff, the Applicants, petitioned the Board of County Commissioners for Washington County, Maryland (*Board*), for a zoning reclassification and a zoning map amendment for property owned by them, consisting of 47.15 acres (Lots 1, 2 & 6 – 2.64 total acres subject to rezoning) of land, more or less, located at 16333 Mount Tabor Road, Hagerstown, Maryland, and more particularly identified in the Amendment Application found in the record herein.

The matter has been designated as Case No. RZ-22-003.

The Applicants have requested a partial termination of the Rural Business (RB) floating zone previously applied to the property in 2015. The partial removal of the floating zone would allow for the fulfillment of the Applicant's previous and current intentions for the property.

This application was reviewed by the Planning Commission, and the Planning Commission unanimously recommended that the application be approved.

The Board has considered all information presented by the Applicant and the recommendation of the Planning Commission. The Board finds that granting the partial termination of the Rural Business Floating Zone, as requested, protects and promotes the health, safety, and general welfare of the residents of the County.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the Board of County Commissioners of Washington County, Maryland, that the Rural Business Floating Zone covering that portion of the property that is the

subject of Case No. RZ-22-003 be, and hereby is, terminated. The property shall be classified by its underlying classification of EC – Environmental Conservation.

IT IS FURTHER ENACTED AND ORDAINED that the official Zoning Map be, and hereby is, amended accordingly. The Director of Planning and Zoning shall cause the Zoning Map to be amended pursuant to this Ordinance.

Effective as of August 16, 2022.

Adopted this \_\_\_\_ day of November, 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

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### Open Session Item

**SUBJECT:** Potential Legislative Items

**PRESENTATION DATE:** November 15, 2022

**PRESENTATION BY:** Kirk C. Downey, County Attorney

**RECOMMENDED MOTION:** N/A. Discussion only.

**REPORT-IN-BRIEF:** This is a discussion about issues the County may like to see addressed during the next session of the General Assembly.

**DISCUSSION:** The following have been identified as being items of interest:

1. Sheriff – Collective Bargaining Authority
2. Sheriff – Salary
3. Revision to Title 8 of the Code of Public Local Laws – Electrical Board
4. Public Safety Training Center – Capital Support – Apparatus operator/defensive driving training range
5. Pittsburgh Institute of Aviation – Capital Support; Grant Funding
6. Town of Hancock Wastewater Upgrades – Capital Support
7. Support for Rural Schools

**FISCAL IMPACT:** N/A

**CONCURRENCES:** N/A

**ALTERNATIVES:** N/A

**ATTACHMENTS:** N/A

**AUDIO/VISUAL NEEDS:** N/A