



Board of County Commissioners of Washington County, Maryland

Open Session Minutes

November 15, 2022

MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

A moment of silence was observed, followed by the Pledge of Allegiance to the Flag by the full assemblage.

CALL TO ORDER

President Jeffrey A. Cline called the regular meeting of the Board of County Commissioners of Washington County, Maryland, to order at 10:01 a.m. at 100 West Washington Street, Hagerstown, Maryland, with the following members present; Vice President Terry L. Baker; Commissioner Wayne K. Keefer; Commissioner Charles A. Burkett; and Commissioner Randall E. Wagner.

APPROVAL OF MINUTES

Commissioner Baker, seconded by Commissioner Keefer, moved to approve the minutes of November 1, 2022; The motion passed unanimously.

COMMISSIONER COMMENTS

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

Commissioner Baker welcomed all to the Board of County Commissioners meeting. He also thanked the Board of Elections staff and poll workers for the recent election event.

Commissioner Keefer echoed Commissioner Baker's comments regarding the recent elections; he also thanked his family and his wife for their patience and support given along the way. He thanked all staff who will be working during the upcoming holidays.

Commissioner Burkett wished all a Happy Thanksgiving.

Commissioner Wagner recognized the Veteran's and events held to honor same on Veterans Day. Additionally, he echoed the comments of Commissioners Baker and Keefer.

President Cline echoed the previous comments. He commented on the event for Clear Spring Veteran's Monument, sharing their appreciation for same, to include Susan Buchanan, Danny Hixon.

STAFF COMMENTS

Emergency Management

Tom Brown presented a certificate of recognition to John Reginaldi, Western Maryland Regional Liaison Officer, who is retiring on November 23; he thanked him for his service to Washington County.

Boards and Commissions – Krista Hart, County Clerk

Washington County Historical Advisory Committee

Commissioner Keefer, seconded by Commissioner Burkett, moved to approve the newly written by-laws for the Historical Advisory Committee as presented. The motion passed unanimously.

County Administrator

John Martirano presented a recommendation to hire Katrina Wyand-Yurish for the vacant position of Director, Human Resources (Grade 19, Step 15, \$118,082).

Commissioner Wagner, seconded by Commissioner Keefer, moved to approve to hire Ms. Yurish as presented. The motion passed unanimously.

Mr. Martirano presented the recommendation for the promotion of Charles "Tom" Brown to Director, Emergency Management (Grade 17), retroactive to October 1, 2022; with revised job description.

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

Mr. Martirano advised the Board that there will be no meeting next week due to the Thanksgiving holiday.

CITIZENS PARTICIPATION

None

FORT RITCHIE COMMUNITY CENTER

Buck Browning, Fort Ritchie Community Center, shared information regarding a recent grant award in the amount of \$40,000 for the Rural Health Initiative.

REAL ESTATE TAXES DUE ON PROPERTY TO BE PURCHASED BY BOYS AND GIRLS CLUB OF WASHINGTON COUNTY

John Martirano, County Administrator; Kirk Downey, County Attorney; and Addie Nardi, CEO, Boys & Girls Club, presented the request for a contribution to the building project of the Girls and Boys Club of Washington County in the amount of \$31,132.01 to satisfy the outstanding interest State and County Real Estate taxes currently due on Parcel #21-005258, Parcel #21-005266, Parcel #21-015709, and Parcel #21-007110.

Commissioner Wagner, seconded by Commissioner Keefer, moved to approve the contribution amount of \$31,132.01 to satisfy State and County real estate taxes on the parcels as presented. The motion passed unanimously.

PRESENTATION OF THE JUNE 30, 2022, AUDITED FINANCIAL STATEMENTS

Christopher Lehman, Partner, SB and Company, and Michelle Gordon, CEO, provided the Board with a report of the audit opinion for financial statements ending June 30, 2022.

INTERGOVERNMENTAL COOPERATIVE PURCHASE (INTG-22-0090) PURCHASE OF ONE (1) NEW COMPACTOR FOR SOLID WASTE DEPARTMENT AND INTERFUND LOAN FROM GENERAL FUND TO SOLID WASTE FUND

Dave Mason, Deputy Director, Solid Waste, and Ms. Gordon, presented the recommendation to authorize by resolution, the purchase of one (1) new E380 Tana Compactor from Groff Mid-Atlantic, Frederick, Maryland, for a total cost of \$952,230 and to utilize another jurisdictions contract that was awarded by the Florida Sheriff Association, Tallahassee, Florida (Contract FSA20-EQU18.0) to Humdinger Equipment, LTD, Lubbock, Texas; and to authorize the interfund loan from the General Fund to the Solid Waste Fund at an interest rate of 2.0% with sixty (60) monthly payments of \$16690.46 beginning December 1, 2022.

Commissioner Burkett, seconded by Commissioner Wagner, move to authorize by resolution, the purchase of one (1) new Compactor in the amount of \$952,230 and the interfund loan, as presented. The motion passed unanimously.

(Resolution No. RS-2022-35 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is located in the County Commissioners' Office.)

PROPOSED SHARPSBURG WELL

Mark Bradshaw, Director, Environmental Management, requested consensus to accept the Town of Sharpsburg proposal to proceed with the Sharpsburg Well project or to drill the new well on the County's Sharpsburg Water Treatment Plant property.

The Commissioners discussed the matter and reached a consensus to return at a later date with Mayor Weaver, Town of Sharpsburg for additional information.

OAK RIDGE PUMP STATION UPGRADES

Mr. Bradshaw presented the request to purchase three (3) rental pumps and associated equipment from Xylem in the amount of \$216,227 and to approve a budget transfer associated with the request.

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

CONTRACT AWARD (PUR1578) – GASOLINE AND DIESEL FUEL DELIVERIES

Brandi Naugle, Buyer, Purchasing, presented the recommendation to award the Gasoline and Diesel Fuel Deliveries contract (PUR1578) under Option No. 1, as 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, \$229,106.92,
2. Contract for gasoline transport deliveries to Petroleum Traders Corporation of Fort Wayne, IN, \$959,462.30,
3. Contract for diesel tank-wagon deliveries to A. C. & T. Company, Inc of Hagerstown, MD, \$242,063.11,
4. Contract for diesel transport deliveries to A. C. & T. Company, Inc of Hagerstown, MD, \$2,566,758.10.

The contracts will be for a one (1) year term with no option to renew; contract period to tentatively start on December 1, 2022, and end November 30, 2023. Ms. Naugle stated this will be a requirement contract and the County guarantees neither a maximum nor a minimum quantity. Funds are budgeted in various accounts for this purchase. 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.

Commissioner Wagner, seconded by Commissioner Keefer, moved to approve Option 1 for Contract PUR1578 to the responsive, responsible bidders as presented. The motion passed unanimously.

BID AWARD (PUR1579) SWIMMING POOL AND WATER/WASTEWATER TREATMENT CHEMICALS

Ms. Naugle, Mr. Bradshaw, and Davina Yutzy, recommended award of the bids for Swimming Pool and Water/Wastewater Treatment Chemicals (PUR1579) to the responsive, responsible bidders with the lowest bids. The following bid awards were recommended as specified:

Item #9B – Sulfuric Acid (330 gallons)	Univar Solutions, USA, Inc.	\$6.86/gal	55-gallon drum
Item #9C – Sulfuric Acid (gallon bulk)	NO BID	-	Gallon bulk
Item #10 – Sodium Hypochlorite (5,500	Univar Solutions USA, Inc.	\$4.16/gal	55-gallon drum

gallons)			
Item #11 – Potassium Permanganate (52,000 pounds)	Chemrite, Inc.	\$2.72/lb	55-pound pail
Item #12 – Caustic Soda (Sodium Hydroxide) (6,050 gallons)	Univar Solutions USA Morrisville, PA	\$3.10/gal	55-gallon drum
Item #13A – Hydrofluosilic Acid (H ₂ SiF ₆) (75 gallons)	Univar Solutions USA	\$11.45/gal	15-gallon pail
Item #13B – Hydrofluosilic Acid (H ₂ SiF ₆) (165 Gallons)	Univar Solutions USA	\$5.10/gal.	55-gallon drum
Item #14 – DelPac 2000 (Polyaluminum Chloride Hydroxide Sulfate Solution) (144,000 Pounds)	USALCO Baltimore Plant, LLC	\$0.257/lb	Bulk pounds
Item #16 – Sodium Hypochlorite (2,585 gallons)	Univar Solutions USA	\$4.16/gal	55-gallon drum
Item #17 – Cyanuric Acid (100-200 pounds)	NO BID	-	Pound
Item #18 – Calcium Chloride (500-600 pounds)	NO BID	-	50-pound container
Item #19 – Muriatic Acid (20-40 Pounds)	NO BID	-	Pound
Item #21 – DelPAC 2020 (Polyaluminum Hydroxychlorosulfate Solution) (3,080 gallons)	Univar Solutions USA	\$4.885/gal	55-gallon drums
Item #26 – Bacterial Enzymatic Powder (1,500 pounds)	Maryland Chemical Co., Inc.	\$9.09/lb	50-pound container
Item #29 – DelPAC 2000 (Aluminum Chloride Hydroxide Sulfate) (220 gallons)	Univar Solutions USA	\$5.37/gal	55-gallon drum
Item #30 – Liquid Aluminum Sulfate (10,000 gallons)	Univar Solutions USA	\$1.84/gal	Gallon bulk
Item #31 - MicroC 2000 (11,520 gallons)	Univar Solutions USA	\$6.16/gal	240-gallon totes
Item #34 – Magnetite (210,000 pounds)	Chemrite, Inc.	\$.785/lb	Pound bulk

The contract term is for one (1) year period with no option for renewals, tentatively beginning December 1, 2022, and ending November 30, 2023, with no option for renewal. The recommendations are for the County's requirements only; the City of Hagerstown shall make its awards independently from the County.

Commissioner Wagner, seconded by Commissioner Burkett, moved to award the bids for contract PUR1579 to the responsive, responsible bidders with the lowest bids specified above. The motion passed unanimously.

SOLE SOURCE PROCUREMENT (PUR1590) APEX OFFICER TRAINING SIMULATOR FOR THE WASHINGTON COUNTY SHERIFF'S OFFICE

Ms. Naugle, Major Pete Lazich, Washington County Sheriff's Office, and Cody Miller, Grants Manager, Washington County Sheriff's Office, recommended award of a sole source procurement to Govred Technology, Inc., Las Vegas, Nevada, for the purchase of Apex Officer Training Simulator equipment/software in the amount of \$67,500; funding is available in account 600600.10.12800.GRT744.

Commissioner Wagner, seconded by Commissioner Keefer, moved to approve the award of PUR1590 to Govred Technology, Inc., Las Vegas, Nevada in the total amount of \$67,500, as presented. The motion passed unanimously.

SHANKTOWN ROAD RAILROAD CROSSING CLOSURE AND QUITCLAIM OF RIGHT-OF-WAY

Todd Moser, Real Property Administrator, and Scott Hobbs, Director, Engineering, requested approval to close the railroad crossing on Shanktown Road and quitclaim of right-of-way beyond the crossing; and to authorize an Ordinance for same.

Commissioner Burkett, seconded by Commissioner Wagner, moved to approve an Ordinance authorizing the closure of the railroad crossing on Shanktown Road and the quitclaim of right-of-way, as presented. The motion passed 3-2 (Commissioner Baker and Commissioner Baker voted "NAY").

(Ordinance No. ORD2022-19 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is located in the County Commissioners' Office.)

FORMALIZATION OF PLANNING AND ZONING MATTERS

Mr. Downey presented for adoption, the Decisions and Findings of Fact in RZ-21-005 and RZ-21-007, of which an error was presented showing the Planning Commission denied request; however, the Planning Commission recommended approval, denying map amendments for requested rezoning classifications, as well as the request 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.

Commissioner Burkett, seconded by Commissioner Wagner, moved to adopt the Decisions and Findings of Facts as presented. The motion passed unanimously.

(Ordinance No's. ORD2022-20, ORD2022-21, ORD2022-22, and ORD2022-23 are recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is located in the County Commissioners' Office.)

POTENTIAL LEGISLATIVE ITEMS

Mr. Downey presented the Board with potential issues that the County may like to see addressed during the upcoming session of the General Assembly. The matters of interest presented include collective bargaining authority, Sheriff; salary, Sheriff; Revision to Title 8 of the Code of Public Local Laws, Electrical Board; Public Safety Training Center, Capital Support, Apparatus operator/defensive driving training range; Pittsburgh Institute of Aviation, Capital Support, Grant Funding; Marty Snook Park, Capital Improvements; Town of Hancock, Wastewater Upgrades, Capital Support; Support for Rural Schools.

Commissioner Burkett discussed the option to allow foster parents to be eligible for State Health Insurance as State employees. Commissioner Wagner discussed prisoner release to the jurisdiction from which originally incarcerated. Commissioner Keefer discussed the potential for exemption from the Washington County requirement for emissions testing. Additionally, the Commissioners discussed local preference involving procurement practices.

CLOSED SESSION

Commissioner Wagner, seconded by Commissioner Burkett, moved to convene in closed session at 12:01 p.m. to 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; and to discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including: (i) the development of fire and police services and staff; and (ii) the development and implementation of

emergency plans; in accordance with Sections 3-305(b) (1), (4), (7), and (10) of the General Provisions Article of the Annotated Code of Maryland. The motion passed unanimously.

In closed session, the Commissioners discussed personnel assignments and compensation, and Board and Commission appointments. Additionally, the Commissioners discussed the potential for a business or entities to locate in the State and County. The Commissioners further discussed a legal matter and obtained legal advice on same. The Commissioners also discussed deployment and staffing issues regarding public security.

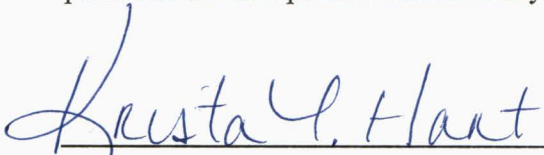
Present during closed session were Commissioners Jeffrey A. Cline; Terry L. Baker; Wayne K. Keefer; Charles A. Burkett; and Randall E. Wagner; also, present were John M. Martirano, County Administrator; Kirk C. Downey, County Attorney, and Krista L. Hart, County Clerk; and at various times, Dave Hays, Director, Emergency Services; Dave Chisholm, Emergency Services; Dale Fishack, Washington County Volunteer Fire and Rescue Association; Jay Morgan, Eric Jacobs; Roger Otzelberger, Oley Griffith; Kevin Lewis, Emergency Services; Jill Baker, Director, Planning and Zoning; Jonathan Horowitz, Director, Business Development; Machel Dwyer, Recruiter, Human Resources; and Emery McRill, McGuireWoods LLP.

RECONVENE IN OPEN SESSION

Commissioner Wagner, seconded by Commissioner Burkett, moved to reconvene in open session at 3:21 p.m. The motion passed unanimously.

ADJOURNMENT

Commissioner Wagner, seconded by Commissioner Burkett, moved to adjourn the meeting 3:22 p.m. The motion passed unanimously.



Krista L. Hart, County Clerk