



Board of County Commissioners of Washington County, Maryland

Open Session Minutes

November 29, 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 9:30 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.

COMMISSIONER COMMENTS

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

Commissioner Baker congratulated Sheriff Mullendore on his upcoming retirement. He thanked the voters, public, and staff who supported him throughout his terms as County Commissioner over the past sixteen (1) years. He also thanked the local businesses and thanked all for their support. Commissioner Baker presented Paulie Ward with his personal County lapel pin.

Commissioner Keefer thanked Commissioner Baker for the wisdom shared over the years. Additionally, he shared accomplishments from the past year to include the Dads Connection, provided secured funding for the Commission on Aging; supported SAFER Grant for Emergency Services; increased funding for Volunteer Fire and Rescue; completed Public Safety Training Center; increased health care coverage for retirees; addressed COVID-19 Pandemic (small business support, marriage license ban); decrease in taxes for tax payers; he also discussed turnover of positions and the recent cyberattack.

Commissioner Burkett thanked Vice President Baker for his support, kind words, and advice. Additionally, he thanked all for support during his eighteen (18) months as County Commissioner; he also thanked his family for their support throughout his tenure.

Commissioner Wagner also thanked all for the support over his former term; he also thanked Vice President Baker for his commitment. He thanked all those involved in the Turkey Trot event.

President Cline thanked all staff involved in the cybersecurity event over the Thanksgiving holiday. He thanked the Town of Hancock for its part in the Christmas Tree Lighting event. He shared his congratulations with Commissioner Burkett and Vice President Baker for their recent terms. He touched on events in which Washington County was a part of to include flooding, earthquakes, cyberbreach, and a pandemic.

STAFF COMMENTS

Business Development

Jonathan Horowitz, Director, presented the Board with information surrounding recent awards presented to the department staff members.

Solid Waste

Dave Mason, Deputy Director, shared that the Washington County landfills will be offering free recycling of Christmas Trees from December 27, 2022 through January 31, 2023.

County Attorney

Kirk Downey thanked the Commissioners for their support and commitment throughout their term.

County Administrator

John Martirano thanked the Commissioners for their support over the last four (4) years. Additionally, he thanked all staff involved in the cybersecurity breach.

Additionally, he shared that the Swearing In event will be next week, December 6th. He presented a request for a Letter of Support from Brooke Grossman, Horizon Goodwill.

The Commissioners reached a consensus to provide a letter of support as requested.

CITIZEN PARTICIPATION

Stephanie Phillips, Hagerstown, thanked the Commissioners for their service.

Mark Widmyer, Governor Hogan's representative, shared his appreciation for all services in Washington County, to include the Board, County Administrator, and staff.

PROCLAMATION FOR SHERIFF DOUGLAS W. MULLENDORE

The Commissioners issued a proclamation to Sheriff Mullendore and thanked him for his many years of service in Washington County.

AGRICULTURE – FACES OF FARMING

Leslie Hart, Business Development Specialist, Business Development, presented videos showcasing two (2) local Washington County Farms, Holsinger's Meats and Hoffmans Meats of Hagerstown.

Commissioner Wagner left the meeting at 10:25 a.m.; he returned to the meeting at 10:26 a.m.

MARYLAND AGRICULTURAL LAND PRESERVATION PROGRAM 60/40 MATCH FOR FISCAL YEAR 2023

Chris Boggs, Rural Preservation Administrator, Planning and Zoning, recommended approval of a \$1,333,333 commitment from the Agricultural Transfer Tax, State Agricultural Transfer Tax, and Real Estate Transfer Tax to the 60/40 match component of the Maryland Agricultural Land Preservation Program (MALPP).

Commissioner Wagner, seconded by Commissioner Baker, move to approve the 40% MALPP funding in the amount of \$1,333,333, as presented. The motion passed unanimously.

COMMUNITY RESCUE SERVICE SUB-STATION DISCUSSION

Dave Hays, Director, Emergency Services; and Robert Buck, Deputy Chief, Community Rescue Service; presented a recommendation to formally recognize the Community Rescue Service EMS station located at 113 Summit Avenue (Station 754) as a duly recognized sub-station.

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

PUBLIC HEARING: MARYLAND CLEAN ENERGY LOAN PROGRAM ORDINANCE AND AGREEMENT

President Cline convened a public hearing at 10:33 a.m. to obtain public comment regarding the Maryland (MD) Clean Energy Loan Program. Commissioner Cline reviewed the procedures for the Public Hearing.

Linda Spence, Business Specialist, Business Development, shared that upon approval, this Ordinance would replace ORD-2022-03, adopted and effective March 1, 2022. Ms. Spence added that since it's adoption, the MD-PACE program has updated language to authorize enhanced eligibility requirements, as well as a requirement for local government adoption.

The Public Hearing was opened for citizen comment, to which no citizens responded.

The Public Hearing was opened for Commissioner comments. Commissioner Wagner asked if the matter has been approved by the County Attorney's office, of which the response was yes.

The Public Hearing was closed at 10:37 a.m.

Commissioner Wagner, seconded by Commissioner Keefer, moved to approve the Ordinance adopting the Clean Energy Loan Program Ordinance, thus repealing, and replacing ORD-2022-03; and to approve the agreement between the Maryland Clean Energy Center and Washington County Board of County Commissioners. The motion passed unanimously.

(Ordinance No. ORD-2022-25 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is located in the County Commissioner's Office.)

The Commissioners recessed at 10:38 a.m. and returned to the meeting at 10:43 a.m.

PUBLIC HEARING: NOT TO EXCEED \$5,600,000 OF CONDUIT REVENUE BONDS TO BE ISSUED BY THE TOWN OF SMITHSBURG AND LOANED TO BROOK LANE HEALTH SERVICES, INC. AND PROPOSED RESOLUTION

President Cline opened the Public Hearing at 10:43 a.m. Lindsay Rader, Bond Counsel for Washington County, and Kirk Downey, County Attorney, requested approval of a resolution approving the issuance from time to time by the Town of Smithsburg of one or more series of revenue bonds in an original aggregate principal amount not to exceed \$5,600,000, and the lending of the proceeds thereof to Brook Lane, pursuant to the authority of the Maryland Economic Development Revenue Bond Act for the purpose of financing and refinancing costs of the project identified below.

The Public Hearing was opened for public comments, to which no citizen responded.

The Public Hearing was opened for Commissioner comment.

The Public Hearing was closed at 10:48 a.m.

Commissioner Baker, seconded by Commissioner Keefer, moved to approve the Resolution expressing the issuance from time to time by Smithsburg, as presented. The motion passed unanimously.

(Resolution No. RS-2022-36 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is located in the County Commissioner's Office.)

The Commissioners recessed at 10:48 a.m. and returned to the meeting at 10:51 a.m.

PUBLIC HEARING: APPLICATION FOR ZONING TEXT AMENDMENT RZ-22-004

President Cline convened a public hearing at 10:51 a.m. to obtain public comment regarding the rezoning application to amend text in several sections of the Zoning Ordinance as it pertains to truck stops as a special exception use in the Highway Interchange district and to require warehouses with gross building areas greater than or equal to 1,000,000 square feet to be special exception uses in all districts where warehouses are currently permitted. Commissioner Cline reviewed the procedures for the Public Hearing.

Kirk Downey, County Attorney, presented a request from William Erskine to speak prior to commencement of the Public Hearing. The Commissioners reached a consensus to deny the request as it is not listed as an agenda item (3-2, Commissioners Baker, Keefer, and Burkett voted "NAY").

Jill Baker, Director, Planning and Zoning, explained staff has recommended denial of these amendments in order to provide consistent implementation of the land use policies and regulations; this subject has not yet been reviewed by the Planning Commission. Ms. Baker confirmed that this amendment is not with regard to the Bowman Truck Stop, as noted in correspondence received.

The Public Hearing was opened for citizen comment; the following citizens responded in support of the proposed amendment:

Ralph Young, 15737 Jones Chapel Lane, Hagerstown (on behalf of Washington County Historical Advisory Committee)

Laura Kelly, 15322 Falling Waters Road, Williamsport

Ron Brady, 15740 Falling Waters Road, Williamsport

Alan Swope, 14606 Falling Waters Road, Williamsport

Michelle Rosenfeld, 1 Research Court, Rockville

Robert Harsh, 15843 Falling Waters Road, Williamsport

Paul Miner, 114938 Falling Waters Road, Williamsport

Brenda Shane, 16168 Spielman Road, Williamsport

David Shane, 16168 Spielman Road, Williamsport

Mike Tedrick, 11423 Ernstville Road, Big Pool

(inaudible) Donaldson, 15535 Natural Well Road

Toni Shrader, 15529 Natural Well Road, thanked Commissioners Baker, Keefer, and Burkett for bringing the matter forth.

Stephanie Phillips, Hagerstown

Jonathan Hays, 17002 (inaudible) Fairplay

Stu Torres, 16068 Spielman Road, Williamsport

LuAnn Rice, 16380 Spielman Road, Williamsport

Barbara Hovermale, 16286 Spielman Road, Williamsport

Steve Tucker 11025 National Pike, Clear Spring

Commissioner Wagner left the meeting at 11:53 a.m. and returned to the meeting at 11:56 a.m.

The following citizens responded against the proposed amendment:

Travis Edwards, 375 (inaudible), Martinsburg

Nicholas (inaudible), 13411 Cearfoss Pike, Hagerstown

LeRoy Myers, 11748 Ashton Road, Clear Spring, recommended the Commissioners reconsider the request or allow the incoming Board to hear the matter.

Jason Divelbiss 11125 (inaudible) Greencastle PA (on behalf of business-related entities)

Hank Slicker, 5700 6th Avenue, Altoona, PA (on behalf of Sheetz, Inc.)

Christopher Mudd, Esquire, 210 W Pennsylvania Avenue, Towson (on behalf of landowners)

Robin Feree, 16335 Shafer Road, Sharpsburg, (Bowman Development) recommended the Commissioners reconsider the request.

Bill Urskine, 8850 Stanford Boulevard, Columbia MD recommended that the Commissioners follow the procedures as required by State Law.

The hearing was opened for questions from the Commissioners at 12:33 p.m.

The Public Hearing was closed at 12:33 p.m.

Commissioner Burkett commented on the proposed amendments and shared his support. Commissioner Wagner shared his concern over the matter without following the review process. Commissioner Keefer shared his support for the proposed text amendment. Commissioner Wagner

asked if the process was legal, of which Kirk Downey shared that he offered his opinion, which directed staff to follow the process.

Commissioner Keefer, seconded by Commissioner Burkett, moved to approve RZ-22-004, as presented, with the description of the definition of Truck Stop remain in the ordinance. Kirk Downey shared that staff has not informed the Commissioners that this would withstand judicial scrutiny. The motion passed 3-2 (Commissioner Cline and Commissioner Wagner voted "NAY")

(Ordinance No. ORD-2022-24 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is located in the County Commissioner's Office.)

PROCLAMATION FOR VICE PRESIDENT TERRY BAKER AND COMMISSIONER CHARLES BURKETT

The Commissioners presented Proclamations of Appreciation to Vice President Terry Baker and Commissioner Charlie Burkett, thanking each for their service to Washington County.

Commissioner Wagner left the meeting at 12:59 p.m. and returned to the meeting at 1:03 p.m.

Vice President Baker left for the duration of the meeting at 1:01 p.m.

TEXT TO 911 – REQUEST FOR APPROVAL TO ACCEPT AWARDED FUNDING

Nicole Phillips, Grant Manager, Office of Grant Management, presented the recommendation to approve the acceptance of grant funding in the amount of \$59,944 from the Maryland 911 Board for software and the maintenance contract for Text 911 services.

Commissioner Keefer, seconded by Commissioner Wagner, moved to approve the acceptance of grant funds in the amount of \$59,944, as presented. The motion passed unanimously.

INTERGOVERNMENTAL COOPERATIVE PURCHASE (INTG-22-0101) 911 ESINET NEXT GENERATION SOFTWARE UPGRADE IMPLEMENTATION

Rick Curry, Director, Purchasing, presented the recommendation to authorize by Resolution, for the Division of Emergency Services to enter into a service contract for the project management of the 911 (NG911) ESInet Next Generation software upgrade implementation at a cost of \$205,874.64 from Mission Critical Partners, LLC, Chicago, Illinois, and to utilize another jurisdiction's contract (HP08-32) that was awarded by Houston Galveston Area Council; funds are budgeted in the Division Capital Improvement Project GRT150.

Commissioner Burkett, seconded by Commissioner Wagner, moved to authorize by Resolution for INTG-22-0101 in the amount of \$205,874.64 to Mission Critical Partners, LLC, as presented. The motion passed unanimously.

(Resolution No. RS-2022-37 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is located in the County Commissioner's Office.)

QUOTATION AWARD (Q-22-737) FORT RITCHIE MANHOLE MONITORING

Mr. Curry and Joe Moss, Deputy Director, Highway Department, recommended approval to award contract Q-22-737 for the Fort Ritchie Manhole Monitoring project to the responsible, responsive bidder, Huntzberry Brothers, Inc., Smithsburg, for the total lump sum of \$93,450; funds are budgeted in the department's budget account LIN046.

Commissioner Burkett, seconded by Commissioner Wagner, moved to approve the award of contract Q-22-737 to Huntzberry Brothers, Inc. in the amount of \$93,450, as presented. The motion passed unanimously.

INTERGOVERNMENTAL COOPERATIVE PURCHASE (INTG-22-0091) – LEASE ONE (1) NEW TUB GRINDER

Mr. Curry and Mr. Mason presented the recommendation to authorize by Resolution, for the Solid Waste Department to lease/purchase one (1) new Vermeer TG5000100 Tub Grinder from Vermeer

All Roads, Annapolis, MD for a total lease/purchase cost of \$625,282 and to utilize another jurisdiction's contract (#050119-VRM) that was awarded by Sourcewell to Vermeer Corporation, Pella, IA; funds are budgeted in the departments operating budget 535055.21.21020.

Commissioner Keefer, seconded by Commissioner Burkett, moved to authorize by resolution, the lease of one (1) new tub grinder, as presented. The motion passed unanimously.

(Resolution No. RS-2022-38 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is located in the County Commissioner's Office.)

RESCIND BID AWARD, INTERGOVERNMENTAL COOPERATIVE PURCHASE (INTG-22-0080) ONE (1) NEW 2023 FORD F650

Mr. Curry presented the recommendation to relieve 72 Hour LLC dba/National Auto Fleet Group, Watsonville, CA from the contract without prejudice for the purchase of one (1) new/unused 2023 Ford F-650, (F6D) Regular Cab Base, CA84" WB with Rugby 11' Eliminator Dump Body that was approved by the Board on January 25, 2022 for the total sum amount of \$89,755 and to readvertise for a 2024 model year.

Commissioner Wagner, seconded by Commissioner Burkett, moved to rescind the bid award INTG-22-0080, and to readvertise for a 2024 model, as presented. The motion passed unanimously.

CONSTRUCTION BID AWARD – STOTLER ROAD AT HALFWAY BOULEVARD INTERSECTION IMPROVEMENTS

Scott Hobbs, Director, Engineering, presented the recommendation to award the bid for the Stotler Road at Halfway Boulevard Signal Intersection Improvements contract to the lowest responsive, responsive, responsible bidder, C. William Hetzer, Inc., Hagerstown in the amount of \$1,777,279.75.

The project is a 275 consecutive calendar day contract with an anticipated notice to proceed in January 2023 and completion date of October 2023.

Commissioner Wagner, seconded by Commissioner Burkett, moved to award the bid to C. William Hetzer, Inc. in the amount of \$1,777,279.75, as presented. The motion passed unanimously.

ADJOURNMENT

Commissioner Wagner, seconded by Commissioner Burkett, moved to adjourn the meeting 1:10 p.m. The motion passed unanimously.

The Commissioners joined together in celebration of Vice President and Delegate Elect Terry Baker and Commissioner Charlie Burkett, as they approach end of term.



Krista L. Hart, County Clerk