



## Board of County Commissioners of Washington County, Maryland

### *Open Session Minutes*

July 30, 2019

#### **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 8:02 a.m. at 100 West Washington Street, Room 1113, Hagerstown, Maryland, with the following members present: Vice President Terry L. Baker and Commissioners Wayne K. Keefer, Cort F. Meinelschmidt, and Randall E. Wagner.

#### **APPROVAL OF MINUTES**

Commissioner Wagner, seconded by Commissioner Keefer, moved to approve the minutes of July 16, 2019. The motion passed unanimously.

#### **CONVENE IN CLOSED SESSION**

Commissioner Meinelschmidt, seconded by Commissioner Wagner, moved to convene in closed session at 8:03 a.m. to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals; to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State; to consult with counsel to obtain legal advice on a legal matter, 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 the potential appointment of specific individuals to a local advisory committee over which the Commissioners have appointing authority and discussed a specific employment recommendation with staff. Also, the Commissioners received information regarding the proposals for business organizations to locate, expand, or remain in the State. Additionally, the Commissioners received legal advice concerning property rights and interests, were informed of contractual rights relating to real property, and gave staff direction regarding these matters. The Commissioners also discussed and received legal advice/information on the status of a pending legal matter.

Present during closed session were Commissioners Jeffrey A. Cline, Terry L. Baker, Wayne K. Keefer, Cort F. Meinelschmidt, and Randall E. Wagner. Also present were Robert J. Slocum, County Administrator; Krista L. Hart, County Clerk; Kirk C. Downey, County Attorney; Kendall McPeak, Deputy County Attorney; Andrew Bright, Assistant County Attorney; and at various times Deborah Condo, Deputy Director of Human Resources; Susan Small, Director of Business Development; Todd Moser, Real Property Administrator; Scott Hobbs, Director, Engineering; Andrew Eshleman, Director, Public Works; Dave Hays, Director, Emergency Services; Sara Greaves, CFO; Steve Barnhart, Chief of Hancock Rescue; and Todd Smith and Robert Moncrief, Washington County Volunteer Fire and Rescue Association.

### **RECONVENE IN OPEN SESSION**

Commissioner Wagner, seconded by Commissioner Meinelschmidt, moved to reconvene in open session at 9:57 a.m. The motion passed unanimously.

### **COMMISSIONERS' REPORTS AND COMMENTS**

Commissioners provided a brief insight into events attended and support provided throughout Washington County community.

Vice-President Baker discussed the Personal Caring Drive sponsored by the Community Action Council and asked that the County support this effort by allowing a "care box" be placed on County property for hygiene collection/donation.

Commissioner Keefer asked County Administrator Rob Slocum to seek information regarding a \$75 rebate to county citizens for septic tank pumping. Mr. Slocum shared that negotiations to incorporate that credit failed however, he will verify.

President Cline acknowledged staff members from the Highway Department and the Water and Sewer Department for going above and beyond service to the community during emergency events. He also discussed his desire to form a Veterans Advisory Commission, advising that additional discussion will be held.

### **REPORTS FROM COUNTY STAFF**

#### **County Administrator**

Rob Slocum discussed Interstate 81 widening and funding strategies.

#### **Health-and Human Services**

Deborah Condo, Deputy Director, recommended approval to upgrade the vacant position of Director of Human Resources to a Grade 19, Step 1, \$81,120 and to advertise as same.

Commissioner Keefer, seconded by Commissioner Meinelschmidt, moved to approve the pay grade increase and to advertise the position as presented. The motion passed unanimously.

#### **County Attorney**

Kirk Downey provided the Commissioners with an update on a decision made by the Court of Appeals regarding solar cases. He will update the Commissioners with the impact on the County as further discussions are held amongst staff.

Mr. Downey also brought forth an executed promissory note from Green Kinetics Gateway (GKG) in the amount of \$261,465.75, guaranteed by GKG's parent company along with a good-faith deposit of \$1,000. Additionally, he presented an agreement for contract substitution which replaces the former Gap Funding Agreement.

Commissioner Keefer, seconded by Commissioner Meinelschmidt, moved to approve a response to the bonding insurance agency letter. The motion passed unanimously.

Commissioner Wagner, seconded by Commissioner Meinelschmidt, moved to approve the substitution of contract as presented. The motion passed unanimously.

### **CITIZENS' PARTICIPATION**

None

### **HARBAUGH RURAL LEGACY PROGRAM EASEMENT**

Chris Boggs, Land Preservation Planner, Planning and Zoning, recommended approval of the Robert Harbaugh Jr. and Doris Harbaugh Rural Legacy Program (RLP) Easement project of \$143,595 for 47.865 easement acres located at 19917 Millbrook Road, Keedysville, and to adopt an ordinance approving the easement purchase and to authorize the execution of the necessary documentation to finalize the purchase.

Commissioner Meinelschmidt, seconded by Commissioner Keefer, moved to approve the Harbaugh RLP Easement project, to adopt an ordinance approving the purchase, and to authorize the execution of all necessary documents required to affect the easement purchase. The motion passed unanimously.

(Ordinance No. ORD-2019-16 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is in the County Commissioners' Office.)

*President Cline presented a Certificate of Appreciation to Vicki Grimm, retired Legal Assistant, for over 30 years of service to Washington County.*

**CONTRACT AWARD (PUR1424) ORACLE FUSION CONSULTANT SERVICES REQUIREMENTS CONTRACT INFORMATION SYSTEMS DEPARTMENT**

Rick Curry, Director of Purchasing; Sara Greaves, CFO; and Ron Whitt, Director of Information Systems, recommended award a "primary" requirement contract PUR1424 for Oracle Fusion Consultant Services to the responsive, responsible firm of Metaformers, Inc. of Reston, Virginia with the lowest amount of \$39,600 at the specified unit cost and estimated hours, no minimum or maximum guaranteed; and to award a "stand-by list" of consultants to Cherry Road Technologies, Inc. of Morris Plains, New Jersey at their specified unit costs and estimated hours.

Commissioner Keefer, seconded by Commissioner Meinelschmidt, moved to award contract PUR1424 to Metaformers, Inc., in the amount of \$39,600; and to award the stand-by list to Cherry Road Technologies, as presented. The motion passed unanimously.

**CONTRACT AWARD (PUR1430) SCHOOL BASED MENTAL HEALTH SERVICES**

Mr. Curry, and Allison Hartshorn, Grant Manager, Office of Grant Management, recommended award of contract PUR1430 for the provision of School Based Mental Health Services to the responsive, responsible firm of Brook Lane Health Services, Inc. of Hagerstown, Maryland in the amount of \$211,560 for Option A and \$120,000 for Option B, contingent upon funding from the Governor's Office for Children for Option A and approval of funding in the FY20 county budget for Option B, and upon approval of each option by the Local Management Board.

Commissioner Keefer, seconded by Commissioner Baker, moved to award contract PUR1430 to Brook Lane Health Services, Inc., in the amount of \$211,560 Option A, and \$120,000 Option B as presented. The motion passed unanimously.

**CONTRACT AWARD (PUR1431) FIRE SERVICE PERFORMANCE TESTING / INSPECTION OF FIRE HOSES, FIRE PUMPS, AND GROUND LADDERS**

Brandi Naugle, Buyer, Purchasing; and John Hart, Assistant Director, Division of Emergency Services, recommended award of contract PUR1431 for the Fire Service Performance Testing/Inspection of Fire Hoses, Fire Pumps, and Ground Ladders to the responsive, responsible bidders, FireOne, Inc. of Drexel Hill, Pennsylvania for Option No. 2, Group A, for the total sum price of \$15,125, and Group B for the total sum price of \$43,100; and to award Waterways of Southwest PA, LLC of Bethel Park, Pennsylvania for Option No. 2, Group C for a total sum price of \$5,724.

Commissioner Meinelschmidt, seconded by Commissioner Keefer, moved to award contract PUR1431, Option 2, Group A and Group B to FireOne, Inc.; and to award Option No. 2, Group C to Waterways of Southwest PA, LLC, as presented. The motion passed unanimously.

*The Commissioners recessed at 10:46 a.m. and returned to the meeting at 11:00 a.m.*

**PUBLIC HEARING: APPLICATION FOR ZONING TEXT AMENDMENT RZ-19-003, MINERAL EXTRACTION**

President Cline convened a public hearing at 11:00 a.m. to obtain public comment regarding the rezoning application to amend text in several sections of the Zoning Ordinance as it pertains to the regulation of mineral extraction activities throughout the County.



Travis Allen, Comprehensive Planner, Planning and Zoning, explained that the language exists in some sections of the Ordinance, but was unintentionally omitted from other corresponding Articles in prior text amendments. The Washington County Planning Commission considered the application during its meeting held May 6, 2019 and unanimously recommended approval of the proposed amendments.

The public hearing was opened for public comment and no one offered comments. The hearing was opened for questions from the Commissioners.

The public hearing was closed at 11:11 a.m.

Commissioner Meinelschmidt, seconded by Commissioner Keefer, moved to amend the zoning ordinance as presented, effective August 13, 2019.

(Ordinance No. ORD-2019-17 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is in the County Commissioners' Office.)

#### **COUNTY SOLAR FACILITIES ESTOPPEL CERTIFICATES AND LEASE AMENDMENTS**

Andrew Eshleman, Director of Public Works, recommended execution of Estoppel Certificates and Lease Amendments in connection with existing solar facility site leases and existing power purchase agreements for the facilities identified as Creek, Resh S1, Rubble 1, and Rubble 2.

Commissioner Wagner, seconded by Commissioner Keefer, moved to approve the execution of Estoppel Certificates and Lease Amendments as presented. The motion passed unanimously.

#### **BUDGET ADJUSTMENT**

Sara Greaves, CFO, recommended approval of a budget adjustment to use Other Post-Employment Benefits (OPEB) budgeted in FY20 as additional pension contribution, in a total amount of \$1,221,000.

Commissioner Meinelschmidt, seconded by Commissioner Keefer, moved to approve the budget adjustment as presented. The motion passed unanimously.


#### **ACCOUNTING AND AUDIT OF FUNDS TO INDEPENDENT COMPANIES**

Dave Hays, Director of Emergency Services, and Ms. Greaves provided the Commissioners with an update regarding the status of the accounting and audit of funds to independent Fire and EMS companies as contracted with Smith, Elliott and Kearns. Additionally, Ms. Greaves provided an update on the Smithsburg EMS scope of work request. She added that the initial scope did not return significant interest therefore, it will be rewritten and submitted for additional bids.

Commissioners discussed the accounting review services and the independent audit of funds for Smithsburg EMS and reached a consensus to move forward with the update to the scope of work request.

#### **ADJOURNMENT**

Commissioner Wagner, seconded by Commissioner Meinelschmidt, moved to adjourn at 11:45 a.m. The motion passed unanimously.

  
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Krista L. Hart, County Clerk