

**BOARD OF COUNTY COMMISSIONERS OF
WASHINGTON COUNTY, MARYLAND
Open Session Minutes**

July 24, 2018

INVOCATION AND PLEDGE OF ALLEGIANCE

Commissioner John F. Barr offered the Invocation followed by the Pledge of Allegiance to the Flag by the full assemblage.

CALL TO ORDER

President Terry L. Baker called the regular meeting of the Board of County Commissioners of Washington County, Maryland, to order at 10:09 a.m. at 100 West Washington Street, Room 1113, with the following members present: Vice President Jeffrey A. Cline, and Commissioners John F. Barr, Wayne K. Keefer, and LeRoy E. Myers, Jr.

APPROVAL OF MINUTES – July 10, 2018

Commissioner Barr, seconded by Commissioner Keefer, moved to approve the minutes of July 10, 2018. The motion passed unanimously

COMMISSIONERS' REPORTS AND COMMENTS

Commissioner Keefer thanked all those involved with the Washington County Ag Expo and Fair, noting that he felt it was a huge success.

Commissioner Myers received an inquiry from Craig Paving regarding paving in Hancock, Maryland under the County's Pavement Maintenance contract. He asked if Craig Paving had been given approval from the County for paving on Pennsylvania Avenue for the portion located within the town limits. County Administrator Rob Slocum stated that a request was made from the town for the road to be paved. The County agreed to pave the road under the condition that the road then be conveyed to the Town of Hancock, to which the town declined. If the County were to pave the road at the County's expense, a change order of \$161,000 would be required.

President Baker thanked staff for the tour of South County and for the progress made with the repairs to infrastructure damaged in the recent flood event.

REPORTS FROM COUNTY STAFF

Office of Grant Management

Susan Buchanan, Director, informed the Commissioners that there was an award made from the Hotel Rental Tax Fund in the amount of \$1,000 to Potomac Playmakers, Hagerstown, Maryland.

CITIZENS' PARTICIPATION

Dan Spedden, Convention and Visitors Bureau, provided a brief update regarding the upcoming USA Cycling event and citizens comments regarding the closure of roads. He assured staff that there is a traffic control plan in place for the event and that residents and emergency responders would be able to reach the homes and places of business.

Debra Smith, Town Manager, Town of Smithsburg, discussed concerns regarding the Smithsburg Wastewater Treatment Plant upgrade.

Delegate Michael McKay, District 1C presented the Commissioners with The 90 Day Report, a review of the 2018 Legislation Session.

CONOCOCHEAQUE TREATMENT PLANT ENR UPGRADE

Mark Bradshaw, Deputy Director, Engineering Services, Environmental Management, requested approval of Change Order #5 for HRI Bridge Company, Inc. in the corrected amount of \$108,543.00, including eleven (11) different items and the addition of six (6) calendar days to the Conococheague Treatment Plant ENR Upgrade project. Mr. Bradshaw described the reasons for the request that involved cost increases and decreases for necessary or required modifications to the project due to actual construction conditions and design issues, as suggested by HRI Bridge Company. He stated that failure to proceed with the proposed changes would result in non-payment to the Contractor. Mr. Bradshaw stated that the previously-submitted amount for Change Order #5 of \$110,469.00 has been adjusted due to an error; the new amount is \$108,543.00.

Mr. Bradshaw assured the Commissioners that he has contacted the engineering firm, Buchart Horn, instructing them that Items #2 and #9 should be covered under the Omissions and Errors clause in the contract.

Commissioner Myers, seconded by Commissioner Cline, moved to approve Change Order #5 in the amount of \$108,543.00 to HRI Bridge Company, Inc. for the Conococheague Treatment Plant ENR Upgrade as presented, with the understanding that the items noted will be pursued from Buchart Horn as discussed. The motion passed unanimously.

NORTH END CAPACITY ISSUES AND SMITHSBURG WASTEWATER TREATMENT PLANT (WwTP) UPGRADE

Mark Bradshaw, Deputy Director, Engineering Services, and Dan DiVito, Deputy Director, Water Quality, Environmental Management, provided information to the Commissioners regarding a County and City General Service Agreement, terms of the agreement and responsibilities; more specifically, areas served by the City which are outside the corporate limits. Mr. Bradshaw stated that in those areas, the County owns the collection system and the City provides the treatment; the North end and the Maugansville area are included in the Joint Service Agreement. He stated that connection permits have been issued by the County to residential and commercial customer in those areas and it has been determined that the County has issued more allocations than the pump stations are designed to handle.

Mr. Bradshaw discussed the construction of a new regional pump station under the County Capacity Management project. Mr. Bradshaw stated that construction of a new pump station will redirect the flow from the Maugansville area and from the Farm Lane pump station to the Conococheague WwTP. Also, once constructed, this new station would resolve the capacity issues at Maugansville Pump Station, Route #11 Pump Station and Farm Lane Pump Station, with a pipe that would run to the Conococheague Treatment Plant.

With regards to the Smithsburg WwTP, Mr. DiVito discussed the proposed upgrades, stating that the upgrade will take place and is still part of the overall project scope. The option of adding BioMag and additional aeration has been discussed with the engineers and it has been determined that it would add additional EDU capacity to the Smithsburg WwTP.

(Commissioner Myers left the meeting at 11:22 a.m.)

PAVEMENT MAINTENANCE PROGRAM – BUDGET TRANSFER AND CHANGE ORDER

Scott Hobbs, Director, Division of Engineering, and Mark Bradshaw requested approval of a budget transfer from Conococheague Complex Storage Building (BLD066) to General Building Improvements Project (BLD073) in the amount of \$50,000 and approval of a change order in the amount of \$200,000 (BLD073) to the Pavement Maintenance Program Hot Mix Asphalt contract with Craig Paving for additional paving at the Division of Environmental Management facilities located at 16232 Elliott Parkway. Funds are available from the Conococheague Complex, Storage Building Capital Improvement Plan project (BLD066), and from the General Building Improvements project (BLD073).

Commissioner Barr, seconded by Commissioner Cline, moved to approve the budget transfer in the amount of \$50,000 from the Conococheague Complex Storage Building (BLD066) to General Building Improvements Project (BLD073) in the amount of \$50,000 and to approve the change order in the amount of \$200,000 for the Pavement Maintenance Program Hot Mix Asphalt Contract with Craig Paving as presented. The motion passed unanimously. (4-0, Commissioner Myers was absent.)

CRAYTON BOULEVARD EXTENDED

Scott Hobbs brought forth a request to contribute funding from the Crayton Boulevard Extended Capital Improvement Plan project to private partners who are constructing the extension in accordance with the development plan, a Memorandum of Agreement dated May 10, 2016, and the public-private partnership as it relates to the Appalachian Regional Commission project. Mr. Hobbs explained that the cost to construct the remainder of the Crayton Boulevard connection to Showalter Road is estimated at \$1,500,000 and that the anticipated surplus funds available for contribution are approximately \$900,000. The surplus became available since the Crayton Boulevard Extended project was under budget.

(Commissioner Myers returned to meeting at 11:25 a.m.)

The Commissioners agreed to return to this matter at the conclusion of the scheduled Public Hearing.

Public Hearing: REPEAL AND REENACTMENT OF THE AGRICULTURAL LAND PRESERVATION DISTRICT ORDINANCE, WITH ACCOMPANYING REGULATIONS; AND REPEAL AND REENACTMENT OF THE WASHINGTON COUNTY AGRICULTURAL REAL PROPERTY TAX CREDIT ORDINANCE

President Baker convened a public hearing at 11:30 a.m. to obtain public comment regarding the request to repeal and reenact the Agricultural Land Preservation District Ordinance as presented with accompanying Regulations; and to repeal and reenact the Agricultural Real Property Tax Credit Ordinance, with amendments.

Mr. Seifarth stated that the two (2) Ordinances are proposed for amendment so that they may reflect intended practice and to clarify certain procedures. Substantive changes included: Ag District Ordinance and Regulations—clarify that both the Planning Commission and Agricultural Advisory Board must review applications before referring them to the County Commissioners for approval; clarify that only the original owners of District Agreements are entitled to lot rights; and clarify the 5-year District renewal clause. Mr. Seifarth stated that there is no fiscal impact.

The hearing was opened for public comment.

Jerry Ditto, 14736 Ditto Road, Clear Spring, Maryland, 21740, opposed the 5-year District renewal clause.

Beverly Shriver, 6834 Dam No. 4 Road, Williamsport, Maryland, 21795, asked a question regarding land trust.

The matter was opened for questions from the Commissioners. Commissioner Keefer questioned legitimate reasons for exiting the 10-year agreement. Mr. Seifarth stated that extreme financial hardship or bankruptcy would be the only reason to allow for early termination of the District.

The public hearing was closed at 11:47 a.m. The Commissioners decided to take the matter under advisement and discuss the issue at a future meeting.

CRAYTON BOULEVARD EXTENDED, continued

The Commissioners resumed their discussion of the Crayton Boulevard Extended project. Commissioner Cline, seconded by Commissioner Keefer, moved to approve the contribution of funds in the amount of \$900,000 from Crayton Boulevard Extended Capital Improvement Plan to the extension of the road as presented. The motion passed unanimously.

INTERGOVERNMENTAL COOPERATIVE PURCHASE (PUR-1396) PERSONAL PROTECTIVE EQUIPMENT FOR DIVISION OF EMERGENCY SERVICES

Rick Curry, Director of Purchasing, and Jonathan Hart, Assistant Director of Fire Operations, requested approval of the purchase of twenty-five (25) sets of Personal Protective Equipment (PPE) (coats and pants) for the Division of Emergency Services from Witmer Public Safety Group, Inc. of Williamsport, MD at contracted unit prices totaling \$49,582.50 based on the contract awarded by the State of New Jersey (Solicitation #12-X-22281; New Jersey Contract A80947).

Mr. Curry explained that in effort to offset the costs associated with providing personal protective gear to volunteer firefighters, the county began providing additional assistance to volunteer fire companies by providing PPE for distribution to active firefighting members of fire companies throughout Washington County. The intent is to replace PPE that is damaged or past its serviceable life of ten (10) years. Since the beginning of this program, the county has purchased one hundred twenty (120) sets of turnout gear. The additional twenty-five (25) sets of turnout gear procured this fiscal year will be distributed to active volunteer firefighters throughout the county in an ongoing effort to replace aging gear that can no longer be certified. Funding is available in the department's FY2019 Operating Budget, account number 599999-10-11525.

Commissioner Keefer, seconded by Commissioner Barr, moved to approve the purchase of twenty-five (25) sets of Personal Protective Equipment for the Division of Emergency Services from Witmer Public Safety Group, Inc. of Williamsport, MD at contracted unit prices totaling \$49,582.50 based on the contract awarded by the State of New Jersey (Solicitation #12-X-22281; New Jersey Contract A80947). The motion passed unanimously. (Resolution No. RS-2018-19 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is in the County Commissioners' Office.)

CONTRACT AWARD (PUR-1389) GEOGRAPHIC INFORMATION SYSTEM PLANIMETRIC DATA UPDATE

Rick Curry, Director of Purchasing, and Bud Gudmundson, Manager, GIS Office, presented a proposal to award a contract for Planimetric Data Update to the responsive, responsible proposer,

IIC Technologies, Inc. of Columbia, Maryland, for the total proposal value of \$120,000.00 based on updating existing countywide geographic planimetric data. Funding is available in the Capital Improvement Plan account number 30-11000-COM028, including an Appalachian Regional Commission grant in the amount of \$72,000.00.

Commissioner Barr, seconded by Commissioner Keefer, moved to award the contract for Planimetric Data Update to the responsive, responsible proposer, IIC Technologies, Inc. of Columbia, Maryland, for the total proposal value of \$120,000.00 based on updating existing countywide geographic planimetric data as presented. The motion passed unanimously.

SCOPE OF WORK AND PRICE PROPOSAL APPROVAL FOR HAGERSTOWN REGIONAL AIRPORT, RUNWAY 9/27 REHABILITATION AND PAVEMENT MANAGEMENT PLAN AND TERMINAL EXPANSION DESIGN AND BID PHASE SERVICES

Phil Ridenour, Director, Hagerstown Regional Airport, submitted a request to approve the Scope of Work and Price Proposal for design and bid phase services from Airport Design Consultants, Inc. (ADCI) for the Runway 9/27 Rehabilitation and Pavement Management Plan in the amount of \$568,100.00 and the Terminal Expansion in the amount of \$429,551.00. This terminal design project will incorporate an expansion of the passenger holding room from its existing occupancy of one hundred fifty (150) passengers to a total capacity of approximately two hundred eighty (280) passengers and updates to the inside of terminal, including new and more efficient heating, ventilation and cooling equipment and state-of-the-art lighting technology. Plans will also include a jet bridge, which will lead passengers from the rear of the terminal to aircraft on the ramp.

Mr. Ridenour stated that ADCI is the on-call engineer and under contract with the airport. This project was approved by the Federal Aviation Administration at 90% funding of \$897,886.00 along with 5% (\$49,882.00) from the Maryland Aviation and 5% (\$49,883.00) from the County, and is budgeted in the Airport CIP (RUN018). The Terminal Renovation is in the Airport CIP (BLD082).

Commissioner Barr, seconded by Commissioner Myers, moved to approve the Scope of Work and Price Proposal for design and bid phase services from Airport Design Consultants, Inc. (ADCI) for the Runway 9/27 Rehabilitation and Pavement Management Plan in the amount of \$568,100 and the Terminal Expansion in the amount of \$429,551. The motion passed unanimously.

CONVENE IN CLOSED SESSION

Commissioner Myers, seconded by Commissioner Keefer, moved to convene in closed session at 12:09 p.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; and to consult with counsel to obtain legal advice on a legal matter, in accordance with Section 3-305(b) (1), (4), and (7) of the General Provisions Article of the Annotated Code of Maryland. The motion passed unanimously.

In closed session, the Commissioners provided staff with direction concerning the filling of certain employment vacancies. The Commissioners discussed several economic development initiatives, including the proposal for certain business entities to locate in the State, and received legal advice

concerning a contractual matter. The Commissioners provided staff with instructions regarding these matters.

Present during closed session were Commissioners Terry L. Baker, Jeffrey A. Cline, John F. Barr, Wayne K. Keefer, and LeRoy E. Myers, Jr. Also present were Robert J. Slocum, County Administrator; Krista L. Hart, County Clerk; Kirk C. Downey, Deputy County Attorney, and at various times Jim Hovis, Chief Operations Officer; Deb Peyton, Deputy Director, Division of Health and Human Services; John Pennesi, Deputy Director of Parks and Facilities; Todd Moser, Real Property Administrator, Engineering; Jim Sterling, Director of Public Works; Scott Hobbs, Director of Engineering, Jodi Bell Re/Max Realtor, and Darryl Brown.

RECONVENE IN OPEN SESSION

Commissioner Barr, seconded by Commissioner Myers, moved to reconvene in open session at 1:37 p.m. The motion passed unanimously.

REPORTS FROM COUNTY STAFF

County Administrator

Rob Slocum reminded the Commissioners that there will be no Board meeting next week.

Mr. Slocum also stated that three positions have been approved. Matthew McCauley will be hired as the MEO III position with the Solid Waste Department; Donald Morgan will be hired as the MEO III position with the Solid Waste Department, and Sue Briggs will be hired as the Accounts Payable Technician with Budget and Finance.

Mr. Slocum requested approval to forward fund JGBLI in the amount of \$19,300 for travel to Korea to secure a contract on the sale of five hundred and twenty-eight (528) acres at Fort Ritchie, excluding the Fort Ritchie Community Center which will remain held by the County or the appropriate organization.

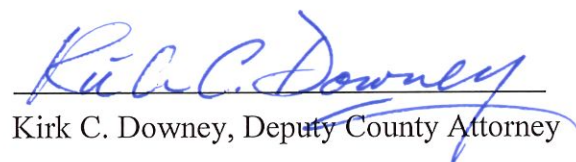
Commissioner Barr, seconded by Commissioner Cline, moved to approve the forward funding of \$19,300 to JGBLI as presented. The motion passed unanimously.

ADJOURNMENT

Commissioner Myers, seconded by Commissioner Keefer, moved to adjourn at 1:42 p.m. The motion passed unanimously.



Robert J. Slocum, County Administrator



Kirk C. Downey, Deputy County Attorney



Krista L. Hart, County Clerk