

Terry L. Baker, *President*
Jeffrey A. Cline, *Vice
President*



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BOARD OF COUNTY COMMISSIONERS

August 8, 2017

Agenda

- 10:00 A.M. INVOCATION AND PLEDGE OF ALLEGIANCE
CALL TO ORDER, *President Terry L. Baker*
APPROVAL OF MINUTES – AUGUST 1, 2017
- 10:05 A.M. COMMISSIONERS' REPORTS AND COMMENTS
- 10:10 A.M. REPORTS FROM COUNTY STAFF
- 10:15 A.M. CITIZENS PARTICIPATION
- 10:20 A.M. FORMAL ADOPTION OF REZONING DECISIONS – *Kirk Downey, Deputy County Attorney*
- 10:30 A.M. CONTRACT RENEWAL (PUR-1229) LANDFILL INSPECTION SERVICES, REQUIREMENTS CONTRACT – *Rick Curry, Director, Purchasing Department And Dave Mason, Deputy Director, Department Of Solid Waste*
- 10:35 A.M. NATIONAL HEALTH CENTER WEEK (PROCLAMATION AWARD), AUGUST 13-19, 2017 - *Kim Murdaugh, Family Healthcare of Hagerstown*
- 10:45 A.M. COMMUNITY DEPUTY PROGRAM – *Sheriff Doug Mullendore*
- 10:50 A.M. PROPOSED RATE REDUCTION FOR RESIDENTIAL TARSH FOR LARGE HAULERS - *Julie Pippel, Director, Environmental Management and David Mason, Deputy Director, Department of Solid Waste and Watershed Programs*
- 10:55 A.M. 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.)
- 11:15 A.M. *Depart for 14421 Lake Royer Drive, Cascade MD*
- 12:00 P.M. LUNCHEON AND CHECK PRESENTATION TO FORT RITCHIE COMMUNITY CENTER – *Board Of County Commissioners*



Open Session Item

SUBJECT: Formal Adoption of Rezoning Decisions

PRESENTATION DATE: August 8, 2017

PRESENTATION BY: Kirk C. Downey, Deputy County Attorney

RECOMMENDED MOTION: (1) Move to adopt the ordinance to approve the requested reclassification of the property that is the subject of RZ-16-003 and to adopt the Decision and Findings of Fact as prepared in support of the approval.

(2) Move to adopt the ordinance to approve the requested reclassification of the property that is the subject of RZ-16-004 and to adopt the Decision and Findings of Fact as prepared in support of the approval.

(3) Move to deny the requested reclassification of the property that is the subject of RZ-16-007 and to adopt the Decision and Findings of Fact as prepared in support of the denial.

REPORT-IN-BRIEF: The Commissioners reached consensus on requests for zoning reclassifications. The appropriate formal documentation has been prepared and is ready for adoption.

DISCUSSION: Pursuant to the Commissioners' direction, proposed Ordinances (where applicable), and Decisions and Findings of Fact have been prepared to finalize the requested reclassifications.

FISCAL IMPACT: N/A

CONCURRENCES: N/A

ALTERNATIVES: N/A

ATTACHMENTS: Proposed Ordinances

AUDIO/VISUAL NEEDS: N/A

ORDINANCE NO. ORD-2017-____

**AN ORDINANCE TO AMEND THE ZONING MAP
FOR WASHINGTON COUNTY, MARYLAND
(RZ-16-003)**

Pursuant to the provisions of Section 27.1 of the Zoning Ordinance for Washington County, Maryland (*Zoning Ordinance*), VA AVE, LLC, the Applicant, has petitioned the Board of County Commissioners for Washington County, Maryland (*Board*), for a zoning reclassification and a zoning map amendment of property owned by the Applicant and consisting of 32.78 acres of land, more or less, situated on the south side of Virginia Avenue adjacent to Interstate 70, Hagerstown, Maryland, and more particularly identified in the Ordinance Amendment Application found in the record herein.

The matter has been designated as Case No. RZ-16-003.

A public hearing was held on the application pursuant to Section 27.2 of the Ordinance, where the Applicant and others presented evidence, testimony, and information relating to the zoning reclassification.

The Board has considered all information presented at the public hearing, the recommendation of the Planning Commission, and each of those factors set forth in Md. Code Ann., Land Use § 4-204 and Section 27.3 of the Zoning Ordinance.

The Board has made factual findings and conclusions of law that are set forth in the attached Decision. The findings of fact and conclusions of law are incorporated herein.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the Board of County Commissioners of Washington County, Maryland, that the property which is the subject of Case No. RZ-16-003 be, and hereby is, granted an Industrial Restricted (IR) zone classification.

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.

Adopted and effective this ____ day of August, 2017.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY, MARYLAND

Vicki C. Lumm, Clerk

BY: _____
Terry L. Baker, President

Approved as to form and
legal sufficiency:

Kirk C. Downey
Deputy County Attorney

Mail to:
Office of the County Attorney
100 W. Washington Street, Room 202
Hagerstown, MD 21740

ORDINANCE NO. ORD-2017-____

**AN ORDINANCE TO AMEND THE ZONING MAP
FOR WASHINGTON COUNTY, MARYLAND
(RZ-16-004)**

Pursuant to the provisions of Section 27.1 of the Zoning Ordinance for Washington County, Maryland (*Zoning Ordinance*), ACH, LLC, the Applicant, has petitioned the Board of County Commissioners for Washington County, Maryland (*Board*), for a zoning reclassification and a zoning map amendment of property owned by the Applicant and consisting of 21.436 acres of land, more or less, situated on the south side of Western Maryland Parkway adjacent to Md. Route 144, Hagerstown, Maryland, and more particularly identified in the Ordinance Amendment Application found in the record herein.

The matter has been designated as Case No. RZ-16-004.

A public hearing was held on the application pursuant to Section 27.2 of the Ordinance, where the Applicant and others presented evidence, testimony, and information relating to the zoning reclassification.

The Board has considered all information presented at the public hearing, the recommendation of the Planning Commission, and each of those factors set forth in Md. Code Ann., Land Use § 4-204 and Section 27.3 of the Zoning Ordinance.

The Board has made factual findings and conclusions of law that are set forth in the attached Decision. The findings of fact and conclusions of law are incorporated herein.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the Board of County Commissioners of Washington County, Maryland, that the property which is the subject of Case No. RZ-16-004 be, and hereby is, granted a Highway Interchange (HI) zone classification.

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.

Adopted and effective this ____ day of August, 2017.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY, MARYLAND

Vicki C. Lumm, Clerk

BY: _____
Terry L. Baker, President

Approved as to form and
legal sufficiency:

Kirk C. Downey
Deputy County Attorney

Mail to:
Office of the County Attorney
100 W. Washington Street, Room 202
Hagerstown, MD 21740



Open Session Item

SUBJECT: Contract Renewal (PUR-1229) Landfill Inspection Services – Requirements Contract

PRESENTATION DATE: August 8, 2017

PRESENTATION BY: Rick Curry, CPPO, Director – Purchasing Department and Dave Mason, P. E., Deputy Director – Department of Solid Waste

RECOMMENDED MOTION: Motion to renew the contract with *Duffield Associates, Inc., (DAI) of Carlisle, PA* for a one (1) period commencing October 17, 2017 at the same terms and conditions with the exception of a rate increase of 3% for construction inspection and engineering services based on its letter of request dated July 26, 2017 as follows:

	<u>Contract Rates</u> <u>Years 1, 2 & 3</u>	<u>Contract Rate</u> <u>Year 4</u>	<i>Proposed</i> <u>Contract Rate</u> <u>Year 5</u>
Construction Inspector			
Hourly Rate for Straight Time:	\$60.75	\$62.57	\$64.45
Hourly Rate for Overtime:	\$84.35	\$86.35	\$88.94
Senior Construction Inspector			
Hourly Rate for Straight Time:	\$69.15	\$71.22	\$73.36
Hourly Rate for Overtime:	\$96.15	\$98.28	*\$101.23
Project Manager			
Hourly Rate for Straight Time:	\$96.00	\$99.03	\$102.00
Hourly Rate for Overtime:	\$96.00	\$99.03	\$102.00
Certification Engineer			
Hourly Rate for Straight Time:	\$129.00	\$132.87	\$136.86
Hourly Rate for Overtime:	\$129.00	\$132.87	\$136.86

*Corrected calculation of 3% request

REPORT-IN-BRIEF: The services under this contract consist of providing inspection services for landfill related construction projects located throughout the County. The projects involve the construction of sanitary landfill floor construction, landfill capping, leachate collection systems, leachate storage tanks, sediment basins, leachate collection pump station construction, earthwork, landscaping, building construction inspection, mechanical and electrical systems, monitoring wells and other related tasks. This is a requirements contract; inspectors are utilized on an as-needed basis with no guarantee of minimum or maximum number of hours. The duration of the contract is for a period of one (1) year that began October 17, 2013 with an option by the County to renew for up to four (4) additional consecutive one (1) year periods.

DISCUSSION: N/A

FISCAL IMPACT: Funds are budgeted in individual project accounts for these services.

CONCURRENCES: Division Director of Environmental Management

ALTERNATIVES: N/A

ATTACHMENTS: N/A

AUDIO/VISUAL NEEDS: N/A



Open Session Item

SUBJECT: Proclamation of National Health Center Week, August 13-19, 2017

PRESENTATION DATE: Tuesday, August 8, 2017

PRESENTATION BY: Kim Murdaugh, Executive Director of Family Healthcare of Hagerstown

RECOMMENDED MOTION: Move to proclaim August 13-19, 2017 as National Health Center Week and to recognize Family Healthcare of Hagerstown and Tri-State Community Health Center (Hancock) as locally owned and operated community health centers serving Washington County residents.

REPORT-IN-BRIEF: Washington County health centers are located in medically underserved areas and serve as local engines for healthier communities. National Health Center Week offers the opportunity to recognize the dedicated staff and board members of Family Healthcare of Hagerstown and Tri-State Community Health Center.

DISCUSSION: N/A

FISCAL IMPACT: None

CONCURRENCES: N/A

ALTERNATIVES: N/A

ATTACHMENTS: Proclamation

AUDIO/VISUAL NEEDS: None



Agenda Report Form

Open Session Item

SUBJECT: Community Deputy Program

PRESENTATION DATE: August 8, 2017

PRESENTATION BY: Sheriff Doug Mullendore

RECOMMENDED MOTION: Approve the addition of a full-time Community Deputy to work 10 hours in Sharpsburg, 10 hours in Keedysville, and 20 hours in Williamsport through a cost sharing Agreement between those municipalities and the County

REPORT-IN-BRIEF: The Towns of Keedysville, Sharpsburg and Williamsport have expressed interest in having additional law enforcement services through a Community Deputy. The cost of the Community Deputy Program will be paid for through a cost sharing Agreement between the municipalities and the County.

DISCUSSION: The Sheriff's Office will be implementing a School Zone Speed Camera Program in the fall. The County will use some of the proceeds from this Program as a cost sharing with the municipalities to provide the requested law enforcement services. The Deputy will work the designated hours requested by the municipalities with the understanding that this Community Deputy will also respond on emergency calls outside of the municipality where they may be the closest unit to the call.

FISCAL IMPACT: Salary and Benefits	-	\$65,922.00
Uniforms and Equipment	-	\$14,663.00
Vehicle and Equipment	-	\$44,856.00
Total Cost	-	\$125,441.00

CONCURRENCES: Mayor & Councils of the three municipalities.

ALTERNATIVES: Take no action.

ATTACHMENTS:

AUDIO/VISUAL NEEDS:



Open Session Item

SUBJECT: Proposed Rate Reduction for Residential Trash for Large Haulers

PRESENTATION DATE: August 8, 2017

PRESENTATION BY: Julie Pippel, Director – Division of Environmental Management, David A. Mason, P. E., Deputy Director – Department of Solid Waste and Watershed Programs

RECOMMENDED MOTION: Move to approve a new rate classification for large residential trash haulers. The rate would be applied to haulers bringing in more than 10,000 ton per year. The proposed rate is \$40/ton.

REPORT-IN-BRIEF: Currently the County offers haulers that bring more than 1,000 tons per year a rate of \$45/ton. The proposed rate of \$40/ton would only be applied to haulers that bring more than 10,000 tons and only to residential trash. The regular rate for trash is \$52/ton.

DISCUSSION: The County has been asked if they would consider a bulk user rate for residential trash if a hauler were to bring in greater than 10,000 tons per year. In reviewing this request, the Department has considered the following. Currently the landfill receives approximately 200 tons of material each day; the additional trash from a residential bulk hauler would increase this amount to 233 tons/day (or approximately 73 CY). This equates to 4-5 additional trucks per day at the landfill. The yearly totals would increase from approximately 60,000 tons to 70,000 tons.

Currently trash is placed in Cell 6/7 and there is 9-10 years remaining life in the cell at current disposal volumes. With the potential of additional residential trash, the life would be reduced by approximately 1 year. When looking at the overall landfill life, it would be reduced by approximately 10 years. These calculations are based on current tonnage and a compaction rate of 900 lbs. per cubic yard. Industry standards for compaction rates are 800-1000 lbs. per cubic yard are good and 1,000-1,200 are considered excellent. Our compaction rate has improved over the last three years. Staff anticipates no reduction in the compaction rate from this material.

Residential Trash brought to the site by commercial haulers equates to about 60% of the residential trash brought to 40 West. Permit customers bring about 16% of the residential trash.

The cost to process residential trash from commercial haulers is less overall than the cost to process trash from individual residential customers. Because of this factor, it allows the County to review the costs separately in the rate model. Budget and Finance has run the rate model including this new classification and determined that we can offer a new bulk rate for trash haulers bringing in over 10,000 tons per year. Please note that this trash would be restricted to

County residential properties. Additionally, it would result in bringing back tonnage which is currently going out of State to private landfills.

FISCAL IMPACT: Potentially could increase Solid Waste Enterprise Fund Revenues by \$400,000

CONCURRENCES: N/A

ALTERNATIVES: N/A

ATTACHMENTS: N/A

AUDIO/VISUAL NEEDS: N/A



Open Session Item

SUBJECT: Check Presentation to Fort Ritchie Community Center (FRCC)

PRESENTATION DATE: August 8, 2017

PRESENTATION BY: Board of County Commissioners of Washington County, MD

RECOMMENDED MOTION: To approve awarding \$24,386.43 to FRCC

REPORT-IN-BRIEF: As part of its dissolution process, PenMar had funds in its bank account after all obligations were met. Ms. Nipps requests a portion of the remaining funds be utilized by FRCC for facility upgrades.

DISCUSSION: After the PenMar Development Corporation's bank account was closed; an insurance policy cancellation yielded an additional amount of \$24,386.43 Ms. Nipps requests the funds be presented to the FRCC for use on its capital needs.

FISCAL IMPACT: None. Funding from PenMar Development.

CONCURRENCES: Washington County Administrator.

ALTERNATIVES: Utilize funding for other projects on Fort Ritchie.

ATTACHMENTS: July 20, 2017 letter from Dori Nipps to Commissioner Baker.

AUDIO/VISUAL NEEDS: None.



July 20, 2017

The Honorable Terry Baker

Washington County Board of County Commissioners

100 W. Washington St.

Hagerstown, MD 21740

Dear Terry,

This morning I met with Rob Slocum, John Martirano, Jim Sterling and Deb Murray to present a copy of the PenMar Activities Report and Audited Annual Financials and a check in the amount of \$291,351.35. The PenMar bank account was closed on May 12, 2017 and the check amount reflects the money which remained in the account before its closure. All bills have been paid and there are no pending financial obligations.

The Activities Report and Audited Annual Financials will be filed with all required state agencies, the Western Maryland Delegation and The Governor. The remaining corporate documents will be shipped to the Maryland State Archives within the next 30 days.

Additionally, PenMar purchased extended liability coverage for its Board of Directors and cancelled insurance policies at the time of dissolution of the corporation by the State in April. Refunds on those policies were received by PenMar after the bank account was closed. I am requesting that the refunds be given to the Fort Ritchie Community Center for capital expenditures. The Center needs to: (1) resurface the large gym floor at a cost of approximately \$4,500, (2) replace some of the aging exercise equipment, specifically treadmills, at a cost of \$10,000, (3) remove and redo landscaping around the Center at \$5,500, (4) evaluate the HVAC with possible repairs, costs not yet known, and (5) evaluate a leaking roof, costs not yet known. Most of the exercise equipment is the original equipment installed 9 years ago in September of 2008.

We appreciate your consideration of our request. If you would like additional information, please contact me.

Respectfully,

A handwritten signature in blue ink that reads "Dori Nipps".

Dori Nipps

301-988-0061

dorisnipps@gmail.com

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