



## Board of County Commissioners of Washington County, Maryland

### *Open Session Minutes*

September 24, 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 8:04 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 Baker, moved to approve the minutes of September 17, 2019. The motion passed 4-0 (Commissioner Cline abstained).

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

Commissioner Meinelschmidt, seconded by Commissioner Baker, moved to convene in closed session at 8:04 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 consult with staff, consultants, or other individuals about pending or potential litigation, in accordance with Section 3-305(b)(1), (4), (7), and (8) 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 the filling of certain personnel vacancies with specific individuals. Also, the Commissioners considered several economic development initiatives including the potential for a business entity or entities to locate, expand, or remain in the County and State. Additionally, the Commissioners discussed a contractual matter regarding legal rights and obligations and consulted with staff regarding ongoing litigation; the Commissioners received legal advice regarding said litigation and gave staff direction regarding conduct of the same.

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; and at various times Andrew Bright, Assistant County Attorney; Deborah Condo, Director, Human Resources; Dan DiVito, Director, Environmental Management; Susan Small, Director, Business Development; Garrison Plessinger, Director, Hagerstown Regional Airport; Danielle Weaver, Director, Public Relations; David Mason, Deputy Director, Solid Waste; Terry Feiser, Chief of Inspections, Division of Construction; Andrew Eshleman, Director of Public Works; John Pennesi, Deputy Director, Parks and Recreation; Chris Boggs, Land Preservation Planner, Planning and Zoning; and Steve Goodrich, Director, Planning and Zoning.

### **RECONVENE IN OPEN SESSION**

Commissioner Wagner, seconded by Commissioner Meinelschmidt, moved to reconvene in open session at 9:25 a.m. The motion passed unanimously.

*Commissioners recessed at 9:25 a.m. and returned to the meeting at 10:00 a.m.*

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

Commissioner Keefer thanked Rob Slocum, Krista Hart, and various staff from the Washington County Health Department for their assistance in working through an on-going citizen matter.

President Cline made note of several events he attended in support of Washington County. Additionally, he thanked Vice-President Baker for leading the previous Board of County Commissioners meeting during his absence. He thanked all staff for participating in United Way Day of Caring.

### **REPORTS FROM COUNTY STAFF**

#### **Human Resource Personnel Requests; Deborah Condo, Deputy Director:**

##### *Director, Human Resources*

Commissioner Baker, seconded by Commissioner Wagner, moved to approve the hiring of Rachel Brown for this position (Grade 19). The position is vacant due to the resignation of Deb Peyton. The motion passed unanimously (4-0, Commissioner Cline abstained).

##### *Maintenance Superintendent, Department of Water Quality*

Commissioner Baker, seconded by Commissioner Meinelschmidt, moved to approve the advertisement of this position (Grade 15, Step 1 \$59,634). This position will be vacant upon the retirement of Rocky Bishop. The motion passed unanimously.

##### *Operations Superintendent, Department of Water Quality*

Commissioner Meinelschmidt, seconded by Commissioner Wagner, moved to approve the advertisement of this position (Grade 15, Step 1 \$59,634). This position will be vacant upon the retirement of Kim Bowers. The motion passed unanimously.

##### *Director, Division of Environmental Management*

Commissioner Meinelschmidt, seconded by Commissioner Baker, moved to approve the advertisement of this position (Grade 19, Step 1 \$81,120). This position will be vacant upon the retirement of Dan DiVito. The motion passed unanimously.

Ms. Condo welcomed Tyler Price as the Building Inspector, Division of Construction, and Marion Beard, as Equipment Operator, Solid Waste Department.

#### **County Administrator**

Rob Slocum shared that the Maugansville evening meeting will need to be rescheduled due to an event conflict. He also acknowledged staff for their collaborative efforts for Fire and Emergency, to include Dave Hays, Sara Greaves, Deborah Condo, and Danielle Weaver.

Mr. Slocum also requested advance approval to fill upcoming vacancies within the 911 Communications Center.

Commissioner Wagner, seconded by Commissioner Meinelschmidt, moved to fill the upcoming vacancies as needed. The motion passed unanimously.

#### **County Clerk – Appointment / Reappointment to Boards and Commissions:**

##### *Washington County Recreation and Parks Advisory Board*

Commissioner Keefer, seconded by Commissioner Meinelschmidt, moved to reappoint Bradley Tritsch to serve a second, three-year term from September 1, 2019 through August 31, 2022; to appoint

Chris Malott to serve an unfulfilled term through November 30, 2020; and to appoint Sue Lowery to serve an unfulfilled term as the Board of Education ex-officio through November 30, 2020; and Robin Papa to serve a first, three-year term from October 1, 2019 through September 30, 2022; this is NOT a paid board. The motion passed unanimously.

Washington County Agricultural Land Preservation Advisory Board

Commissioner Meinelschmidt, seconded by Commissioner Wagner, moved to appoint Jason Hose to serve an unfulfilled term through April 31, 2021; to grant a waiver of the two (2) consecutive term requirement; to reappoint Jeremiah Weddle to serve a third, five-year term from November 1, 2019 through October 31, 2024; and to reappoint Dean Boggs to serve a second, five-year term from October 1, 2019 through September 30, 2024; this is NOT a paid board. The motion passed unanimously.

Washington County Environmental Management Advisory Committee

Commissioner Meinelschmidt, seconded by Commissioner Baker, moved to appoint Randall Morin to serve an unfulfilled term through August 31, 2020; this is NOT a paid board. The motion passed unanimously.

**CITIZENS' PARTICIPATION**

Steve McDonough, 16906 Pickwick Lane, Hagerstown, discussed unsafe road conditions on Stotemyer Road. Additionally, he and Roger Vincent, 16845 Longfellow Court, Hagerstown, discussed mobile home tax and shared their dissatisfaction.

Buck Browning, 17824 Greentree Lane, Hagerstown, thanked the Commissioners for their assistance with funding at the Community Center, Fort Ritchie.

*Commissioner Meinelschmidt left the meeting at 10:38 a.m. and returned 10:39 a.m.*

**PROCLAMATION PRESENTATION – CAREERS IN CONSTRUCTION MONTH  
(OCTOBER 2019)**

The Commissioners presented a certificate of proclamation to Amos McCoy, CEO, ABC Cumberland Valley Chapter, to recognize October as Careers in Construction Month.

**CONVENE AS THE BOARD OF HEALTH**

Commissioner Wagner, seconded by Commissioner Baker, moved to convene as the Board of Health at 10:41 a.m.

**AWARD OF THE SNOW REMOVAL SERVICES**

Earl Stoner, Deputy Health Officer, Washington County Health Department, and Daniel Triplett, Administrator, Washington County Health Department, requested award of the Snow Removal Services (RFP-2020-04) to J&R Services, Smithsburg, Maryland, for the low bid of \$1,555 with an undetermined number of times the contractor will be called to plow. The contract is for one (1) year with four (4) renewal options.

Commissioner Baker, seconded by Commissioner Keefer, moved to award the contract to J&R Services in the amount of \$1,555, as presented. The motion passed unanimously.

**RECONVENE IN REGULAR SESSION AS THE BOARD OF COUNTY COMMISSIONERS  
OF WASHINGTON COUNTY**

Commissioner Wagner, seconded by Commissioner Keefer, moved to reconvene in regular session as the Board of County Commissioners of Washington County at 10:43 a.m. The motion passed unanimously.

**WASHINGTON COUNTY AGRICULTURAL LAND PRESERVATION ADVISORY BOARD BY-LAW REVISION**

Chris Boggs, Land Preservation Planner, Planning and Zoning, recommended approval of the revisions to the Washington County Agricultural Land Preservation Advisory Board as presented. Commissioner Wagner, seconded by Commissioner Baker, moved to approve the revisions to the by-laws as presented. The motion passed unanimously.

**CONSTRUCTION BID AWARD – PARKING FACILITY AT 49 JONATHAN STREET**

Scott Hobbs, Director, Engineering, presented the recommendation to award the 49 Jonathan Street parking facility contract to the lowest responsive, responsible bidder, Advantage Landscape and Construction, Inc., Hagerstown, Maryland in the amount of \$168,510.92. Funds are budgeted in the Capital Improvement Plan, BLD091.

Commissioner Baker, seconded by Meinelschmidt, moved to award the contract to Advantage Landscape and Construction, Inc. in the amount of \$168,510.92, as presented. The motion passed unanimously.

**CONSTRUCTION BID AWARD – PUBLIC SAFETY TRAINING CENTER SITE WORK (PHASE 1)**

Mr. Hobbs presented the recommendation to award the Public Safety Training Center site work (Phase 1) contract to the lowest responsive, responsible bidder, C. William Hetzer, Inc., Hagerstown, Maryland in the amount of \$3,048,453.50. Funds are budgeted in the Capital Improvement Plan, BLD093.

Commissioner Baker, seconded by Commissioner Keefer, moved to award the contract to C. William Hetzer, Inc. in the amount of \$3,048,453.50, as presented. The motion passed unanimously.

**CONVEYANCE OF PROPERTY AT THE GREENS AT HAMILTON RUN**

Mr. Hobbs and Todd Moser, Real Property Administrator, Engineering, requested acceptance of 11.6 +/- acres of Board of Education property at The Greens at Hamilton Run, and to convey this acreage to the City of Hagerstown for the continued use of the golf course, for zero consideration. Mr. Moser explained that three holes on the golf course are currently located on the Board of Education property.

Commissioner Meinelschmidt, seconded by Commissioner Wagner, moved to approve the acceptance of the 11.6 +/- acres and to convey to the City of Hagerstown as requested. The motion passed unanimously.

**PUBLIC HEARING: PROPERTY ACQUISITION FOR BOARD OF ELECTIONS FACILITY**

President Cline convened a public hearing at 10:55 a.m. to obtain public comment regarding the property acquisition for the Board of Elections as recommended by staff. Commissioner Cline reviewed the procedures for the public hearing.

Mr. Moser and Mr. Hobbs presented information as it pertains the purchase of 17718 Virginia Avenue for the future Board of Elections location and to approve an ordinance approving said purchase and to authorize the execution of the necessary documentation to finalize the acquisition. Mr. Moser further requested the approval of a budget adjustment of \$1,400,000 which includes \$1,250,000 for the purchase of the facility and \$150,000 for limited renovations for functionality.

The hearing was opened for public comment and two (2) individuals offered their support for the purchase: Marty Lumm, Election Board President, and Kay Robucci, Director, Board of Elections.

The public hearing was closed at 11:04 a.m.

Commissioner Keefer, seconded by Commissioner Wagner, moved to approve the acquisition of 17718 Virginia Avenue for the Board of Elections, to approve an ordinance approving said purchase, and to authorize the execution of the necessary documentation to finalize the acquisition. The motion passed unanimously.

(Ordinance No. ORD-2019-21 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is located in the County Commissioners' Office.)

*The Commissioners recessed at 11:05 a.m. and returned to the meeting at 11:20 a.m.*

**SOLAR ENERGY GENERATING SYSTEMS INFORMATION**

Steve Goodrich, Director, Planning and Zoning; Jill Baker, Deputy Director, Planning and Zoning; and Les Knapp, Legal and Policy Counsel, Maryland Association of Counties, presented the Board with information regarding a desire to participate in Public Service Commission evaluation of Certificates of Public Convenience and Necessity for Solar Energy Generating Systems.

Commissioners advised staff to compose a comparison of the practices of other Counties and return to a future meeting.

**ADEQUATE PUBLIC FACILITIES ORDINANCE FEES**

Mr. Goodrich, Ms. Baker, and Ashley Holloway, Director of Plan Review and Permitting, presented information regarding the Adequate Public Facilities Ordinance fees and processes. Mr. Goodrich and Mr. Holloway briefed the Commissioners on guidelines surrounding the requirements for the fees.

Commissioners discussed possible amendments and asked staff to gather additional information for future discussion.

*Commissioner Baker left the meeting at 12:16 p.m.*

**INTERGOVERNMENTAL COOPERATIVE PURCHASE (INTG-19-0020) PERSONAL PROTECTIVE EQUIPMENT FOR DIVISION OF EMERGENCY SERVICES**

Rick Curry, Director of Purchasing, Dave Hays, Director of Emergency Services, and Sam Anderson, Operations Supervisor, Division of Emergency Services, recommended to approve by resolution, the purchase of fifty (50) sets of Personal Protective equipment for the Division of Emergency Services from Witmer Public Safety Group, Inc., Williamsport, Maryland at contracted unit prices totaling \$107,085 based on the contract awarded by the State of New Jersey contract (solicitation #17 fleet 00837). Funds are budgeted in the departments operating account 599999-10-11525.

Commissioner Meinelschmidt, seconded by Commissioner Keefer, moved to approve by resolution, the purchase of fifty sets of Personal Protective equipment from Witmer Public Safety Group through an Intergovernmental Cooperative Purchase Agreement as presented. The motion passed unanimously (4-0, Commissioner Baker was absent).

(Resolution No. RS-2019-19 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is located in the County Commissioners' Office.)

*Commissioner Baker returned to the meeting at 12:18 p.m.*

*Commissioner Wagner left the meeting at 12:19 p.m.*

**APPROVAL OF THE AGREEMENT BETWEEN WASHINGTON COUNTY AND KUUSAKOSKI GLASS, LLC**

Dave Mason, Deputy Director, Department of Solid Waste, recommended approval of an agreement with Kuusakoski Glass, LLC for the Electronics Recycling Program at a cost of \$0.17 per pound and all non-CRT at no charge.

Commissioner Baker, seconded by Commissioner Keefer, moved to approve an agreement with Kuusakoski Glass, LLC for the Electronics Recycling Program as presented. The motion passed unanimously (4-0, Commissioner Wagner was absent).

**BID AWARD (PUR1440) RECYCLING DROP-OFF SERVICES**

Brandi Naugle, Buyer, Purchasing Department, and Mr. Mason, recommended award of the contract (PUR1440) for Recycling Drop-Off Services under Option No. 1 for the hauling of single stream recyclables to the responsive, responsible bidder BFI dba Republic Services, Hagerstown, Maryland for the total sum annual bid amount of \$99,374.25 and to award under Option No. 2 for the processing of single stream recyclables to Apple Valley Waste of Kearneysville, West Virginia for the bid amount for one year (\$26,000 year one, \$26,650 year two, \$27,315.60 year three) for the total sum bid of \$79,965.60 for the three-year contract period and to award under Alternate No. 1, to Waste Management of Pennsylvania, Inc., Greencastle, Pennsylvania for the bid amount for year one (\$13,773.76 year one, \$14,464.32 year two, \$15,184 year three) for the total sum bid of \$43,422.08 for the three-year contract period.

*Commissioner Wagner returned to the meeting at 12:22 p.m.*

Commissioner Meinelschmidt, seconded by Commissioner Keefer, moved to award contract PUR1440 as presented. The motion passed unanimously.

**BID AWARD (PUR1441) CONTRACT SERVICES AT TRANSFER STATIONS AND ON-SITE AT FORTY WEST LANDFILL**

Ms. Naugle and Mr. Mason recommended award of Contract Services at Transfer Stations and On-Site at the Forty West Landfill to responsive, responsible, bidder Apple Valley Waste of Maryland, Kearneysville, West Virginia based on the Total Sum Bid (Transfer Station Location Nos. 1 through 5) \$478,327.50, plus Alternate No.1 (cardboard transports at Forty West) \$6,000 for a total amount of \$484,327.50 and to approve a budget transfer request of \$166,000 from account 490090.21.00000 to account 515190.21.21100.

Commissioner Meinelschmidt, seconded by Commissioner Keefer, moved to award contract PUR1441, and to approve the budget transfer as presented. The motion passed unanimously.

**EMERGENCY NUMBERS SYSTEM BOARD – APPROVAL TO SUBMIT APPLICATION AND ACCEPT AWARDED FUNDING**

Brian Albert, Emergency Communications; Josh O’Neal, Deputy Director, Information Technology; and Allison Hartshorn, Grant Manager, Office of Grant Management, requested approval to submit a grant application for the Emergency Numbers Systems Board in the amount of \$150,500 and to accept funding as awarded. There is no matching funds requirement associated with this funding request. The cost for annual maintenance expenses will be \$1,900.

Commissioner Meinelschmidt, seconded by Commissioner Wagner, moved to approve the submission of a grant application for the Emergency Numbers System Board in the amount of \$150,500, and to accept funding as awarded. The motion passed unanimously.

**UTILITY VEHICLE PURCHASE / REPLACEMENT**

Mr. Hays requested approval of a budget transfer in the amount of \$38,060 for the replacement of a 2003 GMC 4-wheel drive utility vehicle utilized by the Division of Emergency Services; the full cost of replacement vehicle would be \$45,556.

Commissioner Keefer, seconded by Commissioner Wagner, moved to approve the budget transfer in the amount of \$38,060 as presented. The motion passed unanimously.

**CONVENE IN CLOSED SESSION**

Commissioner Meinelschmidt, seconded by Commissioner Keefer, moved to convene in closed session at 12:33 p.m. to consult with counsel to obtain legal advice on a legal matter; and to consult with staff, consultants, or other individuals about pending or potential litigation, in accordance with Section 3-305(b) (7) and (8) of the General Provisions Article of the Annotated Code of Maryland. The motion passed unanimously.

In closed session, the Commissioners discussed and received legal advice/information on a certain matter, including potential litigation.

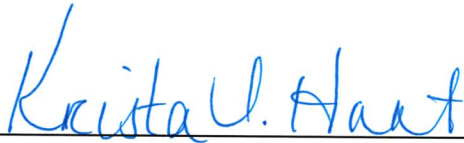
Present during closed session were Commissioners Jeffrey A. Cline, Terry L. Baker, Wayne K. Keefer, Cort F. Meinelschmidt, and Randall E. Wagner. Also present were Robert J. Slocum, County Administrator; Krista L. Hart, County Clerk; Kirk C. Downey, County Attorney, and at various times Garrison Plessinger, Director, Hagerstown Regional Airport; Danielle Weaver, Director, Public Relations; and Sara Greaves, CFO.

**RECONVENE IN OPEN SESSION**

Commissioner Meinelschmidt, seconded by Commissioner Keefer, moved to reconvene in open session at 12:55 p.m.

**ADJOURNMENT**

Commissioner Meinelschmidt, seconded by Commissioner Keefer, moved to adjourn at 12:56 p.m. The motion passed unanimously.



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Krista L. Hart, *County Clerk*