

REGULAR SESSION (75TH VOTING SESSION) – August 22, 2023

Mayor T. Martinez called this Regular Session (75th voting session) of the Mayor and City Council to order at 7:03 p.m., Tuesday, August 22, 2023, in the Council Chamber at City Hall. Participating with the Mayor were Councilmembers K. B. Aleshire, R. E. Bruchey, II, and M. J. Schindler, City Administrator Scott A. Nicewarner, City Attorney Ann Rotz, and City Clerk D. K. Spickler. Councilmember T. Burnett and Councilmember S. McIntire were not present.

The invocation was offered by Councilmember Matthew J. Schindler. The Pledge of Allegiance was recited and led by Mayor Tekesha Martinez.

Mayor Martinez announced the Rules of Procedure for this meeting will be followed as adopted December 15, 2020. It was announced that the use of cell phones during meetings is restricted and that all correspondence for distribution to elected officials should be provided to the City Clerk and should include a copy for the City Clerk for inclusion in the official record.

The next scheduled meetings are: Work Sessions beginning at 4:00 p.m. on Tuesday, September 12, 2023, Tuesday, September 19, 2023, and the Regular Session on Tuesday, September 26, 2023. No meeting is scheduled for Tuesday, September 5, 2023.

APPOINTMENTS

On a motion duly made by Councilmember R. E. Bruchey, II and seconded by Councilmember K. B. Aleshire, the Mayor and City Council unanimously agreed by voice vote of all members present to make the following appointments:

Hagerstown Youth Council Partner Group Members (Terms to Expire July 31, 2024)

Fred Chavis
Annaston Cree
Sara Hartfiel-Carr
Tressa Nicewarner
Stephen Schutte

On a motion duly made by Councilmember R. E. Bruchey, II and seconded by Councilmember M. J. Schindler, the Mayor and City Council unanimously agreed by voice vote of all members present to make the following appointments:

Hagerstown Housing Authority

Terry Wishard, Term to Expire August 30, 2028
Monique Broadus, Term to Expire August 30, 2026

On a motion duly made by Councilmember R. E. Bruchey, II and seconded by Councilmember K. B. Aleshire, the Mayor and City Council unanimously agreed by voice vote of all members present to make the following appointment:

Historic District Commission
Leslie Allen, Term to Expire August 27, 2026

Mayor Martinez provided the Oath of Office to Fred Chavis, Annaston Cree, Sara Hartfiel-Carr, and Monique Broadus. The Oath will be provided to the other appointees at a later time.

PROCLAMATION

Mayor Martinez read a proclamation naming September, 2023 as Forget-Me-Not month in Hagerstown, Maryland. The Forget-Me-Not drive supports local disabled veterans and their families. Past Commander Doug Flanigan accepted the proclamation.

CITIZEN COMMENTS

Citizen Comments were accepted by email at councilcomments@hagerstownmd.org prior to 5:00 p.m. on Tuesday, August 22, 2023. Citizen Comments were also accepted during the meeting.

Brother Andy Smith, 131 W. North Avenue, Hagerstown, Maryland, was present to provide an update of the Hagerstown Youth Corp. In January, 2023, he requested funding for this new program. He understood the Mayor and City Council would support the program in the amount of \$ 50,000. He stated this funding would be used for personnel and other costs for the youth activities. He had requested American Rescue Plan Act (ARPA) funding for this. He stated he has also received support of \$ 1 million from Congressman Trone's office to help purchase property for youth activities. He has been informed ARPA funds cannot be used for personnel, which he doesn't understand. Help is needed to hire someone to move forward. He is concerned the City will not be providing the funding.

Mayor Martinez noted the Citizen Comments time is for citizens to voice their concerns. Typically, the elected officials do not engage in the comments. They address the comments later in the meeting.

Erica Bell, 214 Pope Avenue, Hagerstown, Maryland, attended the meeting to express her concerns about the after-school program at Bethel Gardens. Other concerned citizens attended with her. This important program needs the community's support.

No Citizen Comments were submitted by email.

MINUTES

On a motion duly made by Councilmember R. E. Bruchey, II and seconded by Councilmember K. B. Aleshire, the Mayor and City Council unanimously agreed by voice vote of all members present to approve the minutes as presented for July 11, 2023, July 18, 2023, and July 25, 2023.

CONSENT AGENDA

On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember R. E. Bruchey, II, the Mayor and City Council unanimously agreed by voice vote of all members present to approve the Consent Agenda as follows:

- A. Engineering:
 - 1. 2023 Ford Escape – Keystone Ford (Chambersburg, PA) \$ 33,750.00
 - 2. Hagerstown Hub City Garage Construction Inspection and Testing – Triad Engineering, Inc. (Hagerstown, MD) \$ 36,571.32
 - 3. Potomac at Baltimore Intersection Design – KCI Technologies, Inc. (Sparks, MD) \$ 55,012.00

- B. Information Technology:
 - 1. ESRI GIS Software Renewal – ESRI (Redlands, CA) \$ 39,700.00

- C. Police Department:
 - 1. Annual Software Maintenance Agreement for Police Mobile – Keystone Public Safety, Inc. (Maple Shade, NJ) \$ 114,998.00
 - 2. Body Armor – Atlantic Tactical (New Cumberland, PA) \$ 16,746.66
 - 3. Ammunition – The Gun Shop (Vincentown, NJ) \$ 33,256.71
 - 4. Open Container Exemption – Porch Fest – September 23, 2023

- D. Public Works:
 - 1. Emergency Repairs to Boiler – Beaver Mechanical Contractors, Inc. (Hagerstown, MD) \$ 13,200.00
 - 2. 2024 Ford Bronco Sport – Keystone Ford (Chambersburg, PA) \$ 31,200.00

- E. Utilities:
 - 1. Light – Flame Resistant Clothing Blanket Contract – Hudson Workwear (Brecksville, OH) \$ 23,000.00
 - 2. Water and Wastewater – Aggregates (Stone) – Martin Marietta (Williamsport, MD) \$ 85,690.00
 - 3. Wastewater – Aggregates (Asphalt) – C. William Hetzer (Hagerstown, MD) \$ 24,925.00
 - 4. Water - Pump Station 3 Peerless Pumps – Shafer, Troxell & Howe, Inc. (Frederick, MD) \$ 38,100.00
 - 5. Wastewater – WWTP Dumpster Service – Republic Services (Hagerstown, MD) \$ 13,141.80
 - 6. Wastewater – Pelletizer Facility Operations Contact – New England Fertilizer Company (NEFCO) (North Quincey, MA) \$ 1,169,110.00
 - 7. Wastewater – Pelletizer Facility Asset Management and Upfront Capital – New England Fertilizer Company (North Quincey, MA) \$ 1,200,000.00

UNFINISHED BUSINESS

There was no Unfinished Business.

NEW BUSINESS

A. Approval of a Resolution: Approval to Reallocate Funding Previously Authorized for the Summer Camp Program

Action: On a motion duly made by Councilmember M. J. Schindler and seconded by Councilmember R. E. Bruchey, II, the Mayor and City Council unanimously agreed by voice vote of all members present to approve a resolution to reallocate funds previously authorized for the provision of summer camp programming by the Robert W. Johnson Community Center, Inc. in the amount of \$ 15,000.00. Five Thousand Dollars will be reallocated to fund the 2023 Harvest Hoedown Festival at Fairgrounds Park. Ten Thousand Dollars will be reallocated to the Beyond the Arc Foundation to be used exclusively to support the 2023 Ruthann V. Monroe Summer Basketball League.

B. Approval of a Resolution: Contract with PayByPhone Technologies, Inc,

Action: On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember R. E. Bruchey, II, the Mayor and City Council unanimously agreed by voice vote of all members present to approve a resolution to enter a new contract with PayByPhone Technologies, Inc. to provide wireless parking services. The contract is for three years beginning on or about August 22, 2023. The City of Hagerstown will now become the Merchant of Record. Convenience fees to the parking customer will increase from \$0.33 to \$0.40 per transaction.

C. Approval of a Resolution: Addendum to Two Loan Agreements with the Washington County Historical Society, Inc.

Action: On a motion duly made by Councilmember R. E. Bruchey, II and seconded by Councilmember M. J. Schindler, the Mayor and City Council unanimously agreed by voice vote of all members present to approve a resolution to approve an addendum to two (2) loan agreements between the City of Hagerstown and the Washington County Historical Society, Inc. The expiration date is hereby extended by mutual consent of both parties to October 15, 2023. The loan agreements shall remain in full force and effect.

D. Approval of a Resolution: Agreement between the Hagerstown/Eastern Panhandle Metropolitan Planning Organization (HEPMPO) and the City of Hagerstown to Fund the Hagerstown SS4A Action Plan

Action: On a motion duly made by Councilmember M. J. Schindler and seconded by Councilmember R. E. Bruchey, II, the Mayor and City Council unanimously agreed by voice vote of all members present to approve a

resolution authorizing the City to enter into an agreement with the Hagerstown/Eastern Panhandle Metropolitan Planning Organization to prepare a Safety Action Plan for the Safe Streets for All program.

E. Approval of Funding for Advanced Metering Infrastructure

Action: On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember R. E. Bruchey, II, the Mayor and City Council unanimously agreed by voice vote to approve of all members present to approve funding in an amount not to exceed \$ 4.75 million for an Advanced Metering Infrastructure total electric meter replacement project with Eaton and Wesco selected as the approved providers. Funding for this project may be allocated through fiscal year 2029. The average annual expense of \$ 950 k may fluctuate based on the volume of meters replaced, but will not exceed \$ 1.5 million.

F. Approval of a Grant – Chesapeake Bay Trust

Action: On a motion duly made by Councilmember R. E. Bruchey, II and seconded by Councilmember M. J. Schindler, the Mayor and City Council unanimously agreed by voice vote of all members present to authorize the City to accept an Urban Tree Grant from the Chesapeake Bay Trust in the amount of \$ 60,000. This grant will be used to plant street trees and trees in other open space areas.

G. Approval of the Contract for Trash and Recycling Collection Services

Action: On a motion duly made by Councilmember M. J. Schindler and seconded by Councilmember K. B. Aleshire, the Mayor and City Council unanimously agreed by voice vote of all members present to approve Contract 23-TR-09 with Waste Management of Pennsylvania for curbside collection of residential trash, recyclables, and yard waste. This three-year contract will commence July 1, 2024 and includes an option for further Mayor and Council consideration of a three-year extension. Based on the chart included with the motion, the annual fee is \$ 3,752,100 for residential collection, \$ 522,000 for trash disposal, and \$ 69,300 for yard waste processing. This contract continues the City’s recycling program by providing:

1. Once a week single stream recycling collection
2. Once a week trash collection (twice per week in the City Center, Zone “F”)
3. Once a week yard waste collection (seasonal)

In addition to the above residential service, the Mayor and City Council further moved to approve, as part of Contract 23-TR-09, the collection of

commercial single-stream recycling and trash from small solid waste generators, primarily in the City Center. The annual fee is \$ 21,326.

The Mayor and City Council further moved to approve “ADD Alternative #1” Annual Electronics Recycling event, in the amount of \$ 20,000; the next event will be held Saturday, November 4, 2023 at Fairgrounds Park.

H. Approval of an Agreement: Operations Professional Service Agreement (Contract) for the Pelletizer Facility with New England Fertilizer Company

Action: On a motion duly made by Councilmember K. B. Aleshire and seconded by Councilmember R. E. Bruchey, II, the Mayor and City Council unanimously agreed by voice vote of all members present to approve the Operations Professional Service Agreement (contract) for operations and maintenance services of the Pelletizer Facility with New England Fertilizer Company (NEFCO). The ten-year contract with two five-year renewal options (under mutually agreeable terms) will commence on September 24, 2023. The twelve-month base fee is \$ 1,529,481.00 (FY24 prorated base fee is \$ 1,169,110.00 for services through June 30, 2024), and the Annual Asset Management Fee is \$ 100,000.00. Approval includes the Upfront Capital Fee not to exceed \$ 1,200,000.00.

CITY ADMINISTRATOR COMMENTS

Scott Nicewarner, City Administrator, announce the City is selling 261/263 S. Prospect Street. This house has been rehabilitated under the homeownership program. An open house will be held Friday, August 25, 2023. The last MDWK Market and Music will be held on August 23, 2023. An End of Summer Wind Down will be held on S. Potomac Street on Friday, August 25, 2023.

MAYOR AND CITY COUNCIL COMMENTS

Councilmember K. B. Aleshire had no additional comments.

Councilmember R. E. Bruchey, II had no additional comments.

Councilmember M. J. Schindler reminded citizens that glass can be put into recycling bins. Information stating that it cannot is incorrect.

Mayor T. Martinez assured Brother Andy she heard him. The support of the program was approved while she was a Councilmember, and she wants to find a way to work it out so funding is provided. She thanked Ms. Bell for sharing her concerns. The Center is a concern of the community. As Mayor, she supports the community and wants to determine how to work together to get the Center open for the kids. The youth need to see the adults work things out. She wants to make sure this community receives the same resources as other areas in the City.

She recently visited Hagerstown, Indiana to celebrate the 10th anniversary of the Sister City partnership. The residents there have a lot of love for residents here. They even have a wall of Hagerstown, Maryland information. She received two proclamations and will have them displayed at City Hall. She had the honor of being Grand Marshall for their homecoming parade.

There being no further business to come before the Mayor and City Council, on a motion duly made, seconded, and passed, the meeting was adjourned at 7:32 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler
City Clerk

Approved: September 26, 2023