

Mayor and Council Special Session (43rd voting session), Executive Session, and Work Session June 21, 2022 Agenda

"The City of Hagerstown will inspire an inclusive, business-friendly, and sustainable community with clean, safe, and vibrant neighborhoods."

"The City of Hagerstown shall be a community focused municipality"

The agenda and meeting packet is available at www.hagerstownmd.org/government/agenda

"The act of giving is the heart of happiness and community." -*Anonymous*

EXECUTIVE SESSION

2:30 PM 1. The Mayor and Council will meet in Open Session only for the purpose of voting to close its meeting to discuss matters that the Open Meetings Act permits it to discuss in Executive/Closed Session.

2:30 PM 2. Executive Session

4:00 PM SPECIAL SESSION

1. Approval of Purchase of Police Cameras
2. Approval of IAPro, BlueTeam, and Public Portal Applications for Police Department

4:00 PM WORK SESSION

4:05 PM 1. Preliminary Agenda Review

4:20 PM 2. Annual Police and Fire Pension Review with CBIZ - Don Francis, Director of Human Resources, and Amy Dreisbach, HR Administrator-Benefits and Wellness

4:40 PM 3. Lease Agreement with MarketPlace LLC - 25 W. Church Street - Chris Siemerling, Economic Development Specialist

4:50 PM 4. Engineering and Capital Projects Program: Bay Restoration Fund Grant Application - Nancy Hausrath, Director of Utilities

5:00 PM 5. Social Agency Efforts - Mayor Emily Keller

CITY ADMINISTRATOR'S COMMENTS

MAYOR AND COUNCIL COMMENTS

ADJOURN

**REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND**

Topic:

The Mayor and Council will meet in Open Session only for the purpose of voting to close its meeting to discuss matters that the Open Meetings Act permits it to discuss in Executive/Closed Session.

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

**REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND**

Topic:

Executive Session

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

June_21__2022_Executive_Session.pdf

Description

Executive Session Agenda



EXECUTIVE SESSION

MAYOR & CITY COUNCIL

JUNE 21, 2022

AGENDA

2:30 p.m. EXECUTIVE SESSION

1. To consider the acquisition of real property for a public purpose and matters directly related thereto; (#3)
**Acquisition of property for City operations*
2. To consult with staff, consultants, or other individuals about pending or potential litigation; (#8)
**Potential litigation*
3. To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State; (#4)
**Two business proposals*
4. To conduct collective bargaining negotiations or consider matters that relate to the negotiations; (#9)
**One union contract agreement*

***AUTHORITY: Annotated Code of Maryland, General Provisions Article: Section 3-305(b)**
(Subsection is noted in parentheses)

CITY OF HAGERSTOWN, MARYLAND

PUBLIC BODY: Mayor & City Council

DATE: June 21, 2022

PLACE: Council Chamber, 2nd floor, City Hall

TIME: 2:30 p.m.

AUTHORITY: **ANNOTATED CODE OF MARYLAND, GENERAL PROVISIONS ARTICLE:** **Section 3-305 (b) :**

1. To discuss:
 - ☐ (i) the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or
 - ☐ (ii) any other personnel matter that affects one or more specific individuals;
- ☐ 2. To protect the privacy or reputation of individuals with respect to a matter that is not related to public business;
- ☒ 3. To consider the acquisition of real property for a public purpose and matters directly related thereto;
- ☒ 4. To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State;
- ☐ 5. To consider the investment of public funds;
- ☐ 6. To consider the marketing of public securities;
- ☐ 7. To consult with counsel to obtain legal advice;
- ☒ 8. To consult with staff, consultants, or other individuals about pending or potential litigation;
- ☒ 9. To conduct collective bargaining negotiations or consider matters that relate to the negotiations;
- ☐ 10. To discuss public security, if the public body determines that public discussions would constitute a risk to the public or public security, including:
 - (i) the deployment of fire and police services and staff; and
 - (ii) the development and implementation of emergency plans;
- ☐ 11. To prepare, administer or grade a scholastic, licensing, or qualifying examination;
- ☐ 12. To conduct or discuss an investigative proceeding on actual or possible criminal conduct; or
- ☐ 13. To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter; or
- ☐ 14. Before a contract is awarded or bids are opened, discuss a matter directly related to a negotiation strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.
- ☐ 15. Administrative Function

EXECUTIVE SESSION AGENDA

City Hall • Council Chamber • 1 East Franklin Street • Hagerstown, MD 21740
301.739.8577, Ext. 113 • Telephone for the Hearing Impaired 301.797.6617

**REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND**

Topic:

Approval of Purchase of Police Cameras

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

Motion_-_Approval_of_Purchase_of_Police_Cameras.pdf
CONSENT_AGENDA.pdf
QUOTES.pdf

Description

Motion - Purchase of Police
Cameras
CONSENT AGENDA
QUOTES

REQUIRED MOTION

MAYOR AND CITY COUNCIL HAGERSTOWN, MARYLAND

Date: June 21, 2022

TOPIC: Approval of Purchase of Police Cameras

Charter Amendment	_____
Code Amendment	_____
Ordinance	_____
Resolution	_____
Other	<u> X </u>

MOTION: I hereby move for Mayor and Council approval of the purchase of Police cameras. These cameras will be purchased from Spichers Appliances & Security Technologies located in Hagerstown, MD. Spichers Appliances & Security won the competitively bid City of Hagerstown Bid Proposal #P1742-22. The total purchase price is \$27,826.80.

Funding will be from GOCCP Grant MCIN-2022-0015 previously awarded to the City of Hagerstown.

DATE OF PASSAGE: June 21, 2022



CITY OF HAGERSTOWN
MARYLAND
21740-4696

DEPARTMENT OF POLICE
50 N. Burhans Blvd.

Non-Emergency 301-790-3700
Emergency 301-739-6000
Fax 301-733-5513

June 6, 2022

To: Scott Nicewarner,
City Administrator

From: Paul J. Kifer, *PK*
Chief of Police

Re: FY 2022 Crime Camera Purchase

HPD is requesting M&C approval for the purchase of 4 fixed police cameras and 4 mobile police cameras for FY 2022. These cameras will be purchased from Spichers Appliances & Security located in Hagerstown, MD. Spichers Appliances & Security won the competitively bid City of Hagerstown City of Hagerstown Bid Proposal #P1742-22. The total purchase price is \$27,826.80. Funding will be from GOCCP Grant MCIN-2022-0015 previously awarded to the City of Hagerstown.



A Nationally Accredited Law Enforcement Agency

PURCHASE / CONTRACT / CONSENT FORM

City of Hagerstown Mayor and Council

Regular Session Date: _____ Special Session Date: June 21, 2022

Originating Department: Police Division (if applicable): _____

Department Director or Manager: Paul J. Kifer, Chief of Police

Account/Project Name: Crime Camera Expansion

Account/Project Name: Online Camera Expansion
Account No: 1610000 5839 G0401 and 1610000 5830 G0401 CIP Control No. _____

Budget Amount: \$ 27,826.80 Account Balance: \$ 27,826.80 Unbudgeted Amount: \$ —

Fiscal Year: 2022 Source of Funds: MCIN Grant : *Reallocated Grant from unspent*

Quantity	Description	Value
8	(4) fixed and (4) mobile cameras with pole mounts and all needed parts	\$ 27,826.80
	Og #5839 Og #5839	
TOTAL VALUE OF PROJECT		\$27,826.80

ABOVE TO BE USED FOR: Expansion of camera system. Per previous bid (#P1742.22).

RECOMMENDED VENDOR: Business Name: Spichers Security
Business Address: 13427 Pennsylvania Avenue
City/State/Zip: Hagerstown, Maryland 21742P1742.22

Bid/Proposal/Quote No.: P1742.22 Sole Source? ☐ Yes ☐ No

[illegible]

PLEASE INDICATE WHICH FOCUS AREA OF THE MAYOR & COUNCIL'S STRATEGIC PLAN THIS PURCHASE/CONTRACT APPLIES TO		
Indicate with an X	FOCUS AREA	GOAL STATEMENT
	NEIGHBORHOODS REVITALIZATION & SUSTAINABILITY	The citizens of Hagerstown will experience a high quality of life.
X	PUBLIC SAFETY	The City of Hagerstown ensures that all who live, work, and play in the City of Hagerstown will be healthy and safe.
	PUBLIC FACILITIES & INFRASTRUCTURE	The City of Hagerstown will maintain quality services and infrastructure that support residents and businesses in a cost-effective manner.
	ECONOMIC DEVELOPMENT	The City of Hagerstown will continue to grow a diverse, business-friendly economy that supports the community's needs.
	CITIZEN-BASED GOVERNMENT	The City of Hagerstown is an ethical and financial responsible government.
	FISCAL ACCOUNTABILITY	The City of Hagerstown will strive for continuous improvement of fiscal responsible decision making.
	PARKS & RECREATION FOR ACTIVE/HEALTHY LIVING	The City of Hagerstown supports a culturally vibrant community.
	INNOVATIVE/PROGRESSIVE GOVERNMENT	The City of Hagerstown is committed to employee development, excellence in services, and adapting to meet the needs of the community and organization.
	COMMUNITY PROMOTION/PRIDE	The City of Hagerstown will improve our community image.
	ECONOMIC DEVELOPMENT THROUGH SPORTS AND TOURISM	The City of Hagerstown will be creative and diversify opportunities for economic development through non-traditional means.
	MISC. PROJECTS, GOALS AND LEGISLATIVE PRIORITIES	The City of Hagerstown takes a creative approach at finding solutions.

REVIEWED AND APPROVED AS FOLLOWS:

(1) Department Director and Division Manager

COMMENTS

The funds for this comes from our MCHW grant.

Cheryl Paulk 1/6/13/22

Signature / Date

Signature / Date

(2) Purchasing Agent

COMMENTS

Approve

Michelle Hager 6/14/22

Signature / Date

(3) Chief Financial Officer

COMMENTS

Approve

Michelle Hager 6/14/22

Signature / Date

(4) City Administrator

COMMENTS

Signature / Date



13427 PENNSYLVANIA AVE
HAGERSTOWN, MD 21742
(301) 739-2794

SERVICE INVOICE

Q00026395

Invoice Date
5/13/2022



Billing Address: 3017903200
CITY OF HAGERSTOWN
51 W MEMORIAL BLVD
HAGERSTOWN, MD 21740
(301) 790-3200

Service Address: 3017903200
CITY OF HAGERSTOWN
51 W MEMORIAL BLVD
HAGERSTOWN, MD 21740
(301) 790-3200

Direction :

Item Description		CSR	Tech	Rem	Sch Date
		DBUT	SECURI	QUOTE	
Model	Serial	Units	Priority		Sch Time
Warranty	PO Number	Call Type	Purchase Date		Payment Type
No		QTSE			AR
Problem Description :		Special Instructions :			
Qty	Part Number	Description		Price	Ext Price
4		20mp multi sensor 360 2.8-4mm		2,119.50	8,478.00
4		sup device lic		162.40	649.60
4		single device lic		267.96	1,071.84
4		corner mount		83.69	334.76
4		outdoor pendant mount		168.00	672.00
4		dome bubble and cover		168.00	672.00
4		IR ring Illuminator		350.40	1,401.60
4		single port POE injector		158.40	633.60
		This quote is for 4 movable 20mp 360 cameras with pole mounts with all parts needed.			
Service Performed:			Sub Total		13,913.40
			Tax		0.00
			Total		13,913.40
			Payment		
			Balance Due		13,913.40

Customer Signature _____

Total due 30 days upon receipt

Thank You

DCJS ID#: 11-7960

WC#: LV099046032412

LVSS#: WV048959

MD #: 107-2192



13427 PENNSYLVANIA AVE
HAGERSTOWN, MD 21742
(301) 739-2794

QUOTE

Q00026378

Quote Date

05/11/22

Bill To: 3017903200 CITY OF HAGERSTOWN 51 W MEMORIAL BLVD HAGERSTOWN, MD 21740 (301) 790-3200	Ship To 3017903200 CITY OF HAGERSTOWN 51 W MEMORIAL BLVD HAGERSTOWN, MD 21740 (301) 790-3200
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Directions:

Special Request:

Customer #	Salesperson	PO#	Payment Type	Salesperson 2	Schedule Date
3017903200	MIKE BOWERS		ACCOUNTS RECEIVABL		

Qty	Model	Description	Price	Ext Price
4		20mp multi sensor 360 2.8-4mm	2,119.50	8,478.00
4		sup device lic	162.40	649.60
4		single device lic	267.96	1,071.84
4		corner mount	83.69	334.76
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4		single port POE injector	158.40	633.60
This quote is for 4 20mp 360 cameras with pole mounts with all parts needed.				

- * All products remain the property of Spicher's Security until paid in full.
- * Price quotes for installation are estimates only. If the job takes longer than quoted time, extra fees may be incurred.
- * All authorized returns are subject to a 25% restocking fee.
- * There is no warranty on existing equipment or takeovers.
- * 50% of total invoice is due prior to ordering equipment/ scheduling job.
- * Spicher's Security will make every effort to schedule installation within a 2 to 3 week time period however, acts of God may delay the scheduling.
- * All price quotes are only valid for 30 days.

Sub Total 13,913.40

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Invoice Total 13,913.40

Payment 0.00

Balance Due 13,913.40

Customer Signature _____

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Thank You

DCJS ID#: 11-7960

WC#: LV099046032412

LVSS#: WV048959

MD #: 107-2192

PURCHASE / CONTRACT / CONSENT FORM

City of Hagerstown Mayor and Council

Regular Session Date: _____ Special Session Date: June 21, 2022

Originating Department: Police Division (if applicable): _____

Department Director or Manager: Paul J. Kifer, Chief of Police

Account/Project Name: Crime Camera Expansion

Account No: 1610000 5839 G0401 CIP Control No. _____

Budget Amount: \$_____ Account Balance: \$_____ Unbudgeted Amount: \$_____

Fiscal Year: 2022 Source of Funds: MCIN Grant

Quantity	Description	Value
8	(4) fixed and (4) mobile cameras with pole mounts and all needed parts	\$ 27,826.80
TOTAL VALUE OF PROJECT		\$27,826.80

ABOVE TO BE USED FOR: Expansion of camera system. Per previous bid (#P1742.22).

RECOMMENDED VENDOR: Business Name: Spichers Security

Business Address: 13427 Pennsylvania Avenue

City/State/Zip: Hagerstown, Maryland 21742P1742.22

Bid/Proposal/Quote No.: P1742.22 Sole Source? Yes No

[illegible]

PLEASE INDICATE WHICH FOCUS AREA OF THE MAYOR & COUNCIL'S STRATEGIC PLAN THIS PURCHASE/CONTRACT APPLIES TO		
Indicate with an X	FOCUS AREA	GOAL STATEMENT
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X	PUBLIC SAFETY	The City of Hagerstown ensures that all who live, work, and play in the City of Hagerstown will be healthy and safe.
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	CITIZEN-BASED GOVERNMENT	The City of Hagerstown is an ethical and financial responsible government.
	FISCAL ACCOUNTABILITY	The City of Hagerstown will strive for continuous improvement of fiscal responsible decision making.
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	MISC. PROJECTS, GOALS AND LEGISLATIVE PRIORITIES	The City of Hagerstown takes a creative approach at finding solutions.

REVIEWED AND APPROVED AS FOLLOWS:

(1) Department Director and Division Manager

COMMENTS

The funds for this comes from our MCHL grant.

Cheryl Pawl 1/6/13/12

Signature / Date

Signature / Date

(2) Purchasing Agent

COMMENTS

Signature / Date

(3) Chief Financial Officer

COMMENTS

Signature / Date

(4) City Administrator

COMMENTS

Signature / Date



13427 PENNSYLVANIA AVE
HAGERSTOWN, MD 21742
(301) 739-2794

SERVICE INVOICE

Q00026395

Invoice Date
5/13/2022



Billing Address: 3017903200
CITY OF HAGERSTOWN
51 W MEMORIAL BLVD
HAGERSTOWN, MD 21740
(301) 790-3200

Service Address: 3017903200
CITY OF HAGERSTOWN
51 W MEMORIAL BLVD
HAGERSTOWN, MD 21740
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Direction :

Item Description		CSR	Tech	Rem	Sch Date
		DBUT	SECURI	QUOTE	
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Warranty	PO Number	Call Type	Purchase Date		Payment Type
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Total due 30 days upon receipt

Thank You

DCJS ID#: 11-7960

WC#: LV099046032412

LVSS#: WV048959

MD #: 107-2192



13427 PENNSYLVANIA AVE
HAGERSTOWN, MD 21742
(301) 739-2794

QUOTE

Q00026378

Quote Date
05/11/22

Bill To: 3017903200 CITY OF HAGERSTOWN 51 W MEMORIAL BLVD HAGERSTOWN, MD 21740 (301) 790-3200	Ship To 3017903200 CITY OF HAGERSTOWN 51 W MEMORIAL BLVD HAGERSTOWN, MD 21740 (301) 790-3200
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Directions:

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Thank You

DCJS ID#: 11-7960

WC#: LV099046032412

LVSS#: WV048959

MD #: 107-2192

**REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND**

Topic:

Approval of IAPro, BlueTeam, and Public Portal Applications for Police Department

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

Description

Motion_ - _Purchase_of_IAPro__Blue_Team__and_Public_Portal_Applications.pdf	Motion - IAPro, BlueTeam, and Public Portal Applications
CONSENT_AGENDA.pdf	CONSENT AGENDA
IAPRO_\$7345.44.pdf	QUOTE
IAPRO_\$7500.00.pdf	QUOTE
MEMO.pdf	MEMO

REQUIRED MOTION

MAYOR AND CITY COUNCIL HAGERSTOWN, MARYLAND

Date: June 21, 2022

TOPIC: Approval of Purchase of IAPro, BlueTeam, and Public Portal Applications

Charter Amendment	_____
Code Amendment	_____
Ordinance	_____
Resolution	_____
Other	<u> X </u>

MOTION: I hereby move for Mayor and Council approval of the purchase of IAPro, BlueTeam, and Public Portal Applications. These programs integrate together to facilitate the public portal tracking requirement established under Maryland House Bill 670.

Funding will come from available HPD funds and offset by a reduction in cost to a current system.

DATE OF PASSAGE: June 21, 2022

PURCHASE / CONTRACT / CONSENT FORM

City of Hagerstown Mayor and Council

Regular Session Date: _____ Special Session Date: June 21, 2022

Originating Department: Police Division (if applicable): _____

Department Director or Manager: Paul J. Kifer, Chief of Police

Account/Project Name: IAPro, BlueTeam, and Public Portal

Account No: 0110003 5512 CIP Control No. _____

Budget Amount: \$ 48,062 Account Balance: \$ 38,449 Unbudgeted Amount: \$ _____

Fiscal Year: 2022 Source of Funds: General Fund: HPD operating Budget

Quantity	Description	Value
1	IAPro, BlueTeam, and Public Portal Applications	\$ 14,845.44
TOTAL VALUE OF PROJECT		\$14,845.44

ABOVE TO BE USED FOR: These programs meet the IAP industry standards. This purchase is necessary due to timing and law.

RECOMMENDED VENDOR: Business Name: CI Technologies
Business Address: P.O. Box 57
City/State/Zip: Amherst, New Hampshire 03031

Bid/Proposal/Quote No.: _____ Sole Source? X Yes No

[illegible]

PLEASE INDICATE WHICH FOCUS AREA OF THE MAYOR & COUNCIL'S STRATEGIC PLAN THIS PURCHASE/CONTRACT APPLIES TO		
Indicate with an X	FOCUS AREA	GOAL STATEMENT
	NEIGHBORHOODS REVITALIZATION & SUSTAINABILITY	The citizens of Hagerstown will experience a high quality of life.
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	MISC. PROJECTS, GOALS AND LEGISLATIVE PRIORITIES	The City of Hagerstown takes a creative approach at finding solutions.

REVIEWED AND APPROVED AS FOLLOWS:

(1) Department Director and Division Manager

COMMENTS These programs integrate together to facilitate the public portal tracking requirement established under Maryland House Bill 670 (2021).

Paul J. Kiper 4/14/22
 Signature / Date

Signature / Date

(2) Purchasing Agent

COMMENTS

Approve - once obtain updated W4 from vendor.

Michelle [Signature] 4/16/22
 Signature / Date

(3) Chief Financial Officer

COMMENTS

Approve

Michelle [Signature] 4/16/22
 Signature / Date

(4) City Administrator

COMMENTS

Signature / Date



CITY OF HAGERSTOWN
MARYLAND
21740-4696

DEPARTMENT OF POLICE
50 N. Burhans Blvd.

Non-Emergency 301-790-3700
Emergency 301-739-6000
Fax 301-733-5513

June 13, 2022

To: Scott Nicewarner,
City Administrator

From: Paul J. Kifer, *POK*
Chief of Police

Re: FY 2022 IAPro, BlueTeam, and Public Portal Applications Purchase

HPD is requesting City Administrator approval for purchase of IAPro, BlueTeam, and Public Portal Applications. These programs integrate together to facilitate the public portal tracking requirement established under Maryland House Bill 670 (2021). Effective July 1, 2022, Public Safety Article 3-108 requires "Each law enforcement agency shall create a database that enables a complainant to enter the complainant's case number to follow the status of the case as it proceeds through: Investigation, Charging, Offer of Discipline, Trial Board, Ultimate Discipline, and Appeal." Our current provider, LEFTA Systems, cannot meet this requirement.

CI-Technologies, Inc. is the only provider found that meets these requirements before the deadline. CI Technologies, Inc. is also offering a \$17,500 discount for the Public Portal application if we purchase by June 30, 2022. The total purchase price, with the discount, for all three applications totals \$14,845.44. Funding will come from currently available HPD Funds and offset by a reduction in cost to LEFTA Systems.





THE LEADING PROFESSIONAL STANDARDS SOFTWARE. WORLDWIDE.

June 10, 2022

Sergeant Justin Wert
Hagerstown Police Department
Email: jwert@hagerstownpd.org
Office: (301)739-8577 Ext. 257

Sergeant Wert,

Thank you for your interest in our IAPRO software for use by Hagerstown Police Department. I have prepared the below price quote covering costs with implementing IAPRO and optional Blue Team software at your agency.

I would be glad to answer any questions you may have on this proposal.

IAPRO Price Quote

<u>Item</u>	<u>Purchase costs</u>
IAPRO Professional Standards software includes: <ul style="list-style-type: none">• Unlimited-use Site License □ Unlimited number of users• Unlimited number of workstations• Installation• Pre-Load of employee information	\$ 2,496.96
2 Days On-Site or Remote Training <ul style="list-style-type: none">• IAPRO User training• System Configuration with core users	\$ 2,400.00
Travel Expenses for Trainer	\$ Included
Total for IAPRO Software and Services	\$ 4,896.96



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<u>Optional BlueTeam</u>	
BlueTeam Field Support Services Software <ul style="list-style-type: none">• Unlimited-use Site License □ Unlimited number of users• Unlimited number of workstations• Installation	\$ 1,248.48
1 Days On-Site or Remote BlueTeam training	\$ 1,200.00
Travel Expenses for Trainer	\$ Included
Total with Optional Items	\$ 7,345.44.00

<u>Annual Maintenance Commencing the 2nd Year of Ownership</u>	
IAPRO	\$ 1,248.48
BlueTeam	\$ 624.24
Maintenance Totals	\$ 1,872.72

Officer Preload

CI Technologies offers a free service whereby we will import your employee information into the IAPRO database, prior to installing IAPRO at your agency. This is a one-time service offered at no additional cost.

Annual Maintenance

The first year of annual maintenance is provided free of charge. Thereafter annual maintenance is provided on a year-to-year basis and can be discontinued at any time.

The agency's annual maintenance cycle will not commence until training occurs. The first twelve (12) months of annual maintenance is provided free of charge.

CI-Technologies may raise the annual subscription amount by 2% every other year or periodically.

Unless requested otherwise by the agency, the first maintenance invoice will be prorated to bring the agency's invoice cycle up to a January thru December calendar year. Thereafter,

IAPro

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annual maintenance is invoiced on a calendar year basis, and will be disseminated each year in January.

Annual maintenance includes all end user and technical support via our 800 # and our online support website as well as any associated technical or user documentation. Annual maintenance also includes all new versions of the IAPro software.

Important Note

The purchase of the IAPro system does not include hardware, OS licensing or SQL Server licensing.

Most agencies that purchase IAPro have an existing server with existing Microsoft SQL Server licensing. IAPro can be installed on your existing hardware and within your existing SQL Server instance.

Employee Preload

CI Technologies offers a free service whereby we will import your employee information into the IAPro database, prior to installing IAPro at your agency. This is a one-time service offered at no additional cost.

Training

IAPro training is conducted by an IAPro training specialists. Each IAPro training specialist is a current or former law enforcement professional with extensive investigative experience.

IAPro training is heavily oriented towards hands-on usage. To this end, a special "training" version of IAPro is installed on each workstation used for training. This is a full-featured version of IAPro with demo/training database installed on the workstation hard drive. It is strongly recommended that there be one trainee per training workstation. An LCD projector is also needed for training.

HR Integration

If quoted in this proposal, the HR Integration process will be written as a SQL Stored procedure and will integrate data from an existing SQL Server data source containing the needed employee data elements.

*The integration process will bring in data elements that map to existing data elements within IAPro. New data elements will not be added.

See the "HR Integration Overview" document for details on this process.

IAPro

THE LEADING PROFESSIONAL STANDARDS SOFTWARE. WORLDWIDE.

Data Migration

The purchase price of IAPro and Blue Team does not include data migration of existing data. If the agency requests a quote can be provided for this service.

Considerations Regarding our Solution

There are aspects of our solution that are distinctive and set us apart from our competitors. They are:

Unlimited use licensing - there are no additional or hidden additional licensing costs: IAPro pricing is for unlimited use licensing in terms of both the number of users that can run the software concurrently, and the number of workstations the applications can be run on. Our pricing model ensures maximum flexibility for the customer, with all licensing costs paid at point of initial purchase. The customers will never have to purchase additional licensing based on increased or unforeseen future usage requirements. This is important since the participation of front-line personnel - especially supervisors - is crucial in upholding the integrity of the organization, and to constrain their use of the software would greatly limit, if not cripple, its effectiveness.

A three-day annual user's conference is offered to our customers: Each year since 2004, CI Technologies has hosted an Annual Users Conference for our IAPro customers. Our most recent conference saw over 600 attendees. Each conference consists of a multitrack format that, includes tracks for beginner-level users, advanced users, and users with specialized interests such as designing early intervention programs.

These conferences are a key part of the support services offered to our customers, and meet the following needs:

- Training of new customer staff based on turnover - Inevitably over time our customers will experience turnover in staff, which requires that training be available on an ongoing basis.
- Advanced training - Many customers benefit from advanced training, especially in-depth coverage of features found in new releases of the software.
- Networking with peers - In order to share ideas and approaches to utilizing our software.
- Providing feedback directly to the vendor's staff - The opportunity to provide feedback and suggestions directly to our staff is highly valuable to both our customers



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and our company. This ensures that we have up-to-date information on how best to improve our software and services.

Our Growing Customer Base: Over 900 public safety agencies in the US, Canada, Australia and New Zealand currently run IAPRO and IAPRO with BlueTeam. These agencies range in size from major to one-person IA Units in smaller departments. The size of our customer base reflects our leading position in the Professional Standards software marketplace.

Purchase Orders

Training and installation are scheduled on a first-come-first-served basis.

Due to our current sales backlog, we request to be notified as soon as possible once a purchase decision has been made. Please be sure to fax any purchase orders to us at 800.620.8504 for expeditious handling of your order.

This price quote will remain in-effect through December 31, 2022. Please call or email if you need additional information or have any questions. Thank you again for your interest and consideration!

Best Regards,

A handwritten signature in blue ink, appearing to read 'Dawn M. Sprayberry'.

Dawn M. Sprayberry
dsprayberry@ci-technologies.com
Off: 1.800.620.8504 ext. 709



THE LEADING PROFESSIONAL STANDARDS SOFTWARE, WORLDWIDE.

Public Portal Solution

Proposal and Statement of Work for City of Hagerstown Police Department

June 10, 2022

Prepared by:

Dawn Sprayberry
CI Technologies, Inc.
Off: 800.620.8504 x709
Email: dsprayberry@ci-technologies.com

For:

Hagerstown Police Department
Sergeant Justin Wert
Email: jwert@hagerstownpd.org



THE LEADING PROFESSIONAL STANDARDS SOFTWARE. WORLDWIDE.

Statement of Work

Month One - Installation of Public Portal application on customer infrastructure with remote installation assistance provided by CI Technologies technical support staff. Upgrade of companion IAPRO NextGen application.

Month Two – Remote training and configuration assistance by a CI Technologies Public Portal product specialist. Training will be scheduled to coincide with the “go live” date of the Public Portal application.



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Application and services costs

<u>Item</u>	<u>Recurring / subscription based licensing</u>
Public Portal Application Licensing <ul style="list-style-type: none">• Unlimited-use Site License• Unlimited number of users• Remote installation assistance	\$ 25,000.00 <i>Initial up-front purchase of licensing/one-time cost</i>
Public Portal Training <ul style="list-style-type: none">• One day – Remote Training and Configuration assistance	\$ Included
Limited Time - Early Adopter Licensing Discount <i>Pricing requires purchase of the Public Portal Application by July 1, 2022</i>	\$ 17,500.00
Total Software and Services	\$ 7,500.00
Recurring licensing subscription costs from Year 2 forward	\$ * 7,500.00

***Public Portal application will remain active at the agency as long as the annual subscription licensing amount is paid and up to date each year.**

Please note that CI Technologies currently increases annual maintenance and subscription prices by 2% every other year. Annual subscription licensing will not be increased more than 2% every other year, or 1% in a given year

Public Portal annual subscription licensing is based on up-front purchase of licensing



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Annual Maintenance and Technical Support

Annual maintenance and support services are provided on a year-to-year basis annual maintenance coverage is in-effect.

The agency's annual maintenance cycle will commence when training and configuration assistance occurs, with year 1 being no charge and billing beginning year 2 and forward.

Annual maintenance and support includes all end user and technical support via our 800 # and our online support website as well as any associated technical or user documentation. Annual maintenance also includes all new versions of the Public Portal software.

Annual maintenance includes provision of all new versions of Public Portal software and related materials such as manuals and technical documentation that are released during the period it is in-effect.

Technical support services will be provided via phone and e-mail in a timely manner during the period it is in effect.

Provision of product upgrades

Major and minor Public Portal upgrades are obtainable by customers from our Company's Unite customer support web-site. Minor upgrades are released roughly monthly, and major ones are release roughly annually.

Provision of technical support

While the annual maintenance agreement is in-effect, CI Technologies will provide technical support to the customer as follows:

Availability: Via our 1-800 number and personal cell phones during normal working hours. Also, e-mail for lower priority issues. We typically make ourselves available after working hours if a high priority problem is pending.

Two hours is our typical response time to medium and high priority calls. We typically respond to call or e-mails related to training or usage issues within 24 hours.

The following escalation procedures will be employed to insure an appropriate response to any interruption of service in order to minimize downtime. Problems are addressed quickly during the hours of 8:00am and 6:00pm EST Monday through Friday excluding Holidays and weekends.



We appreciate your interest and consideration in using our Public Portal solution!

This proposal will remain in effect until June 30, 2022.

A handwritten signature in blue ink, appearing to read "Dawn Sprayberry". The signature is fluid and cursive, with the first name "Dawn" and last name "Sprayberry" clearly distinguishable.

Dawn Sprayberry
CI Technologies, Inc.
800.620.8504 ext. 707
tconner@ci-technologies.com

PURCHASE / CONTRACT / CONSENT FORM

City of Hagerstown Mayor and Council

Regular Session Date: _____ Special Session Date: June 21, 2022

Originating Department: Police Division (if applicable): _____

Department Director or Manager: Paul J. Kifer, Chief of Police

Account/Project Name: IAPro, BlueTeam, and Public Portal

Account No: 0110003 5512 CIP Control No. _____

Budget Amount: \$_____ Account Balance: \$_____ Unbudgeted Amount: \$_____

Fiscal Year: 2022 Source of Funds: General

Quantity	Description	Value
1	IAPro, BlueTeam, and Public Portal Applications	\$ 14,845.44
TOTAL VALUE OF PROJECT		\$14,845.44

ABOVE TO BE USED FOR: These programs meet the IAP industry standards. This purchase is necessary due to timing and law.

RECOMMENDED VENDOR: Business Name: CI Technologies
Business Address: P.O. Box 57
City/State/Zip: Amherst, New Hampshire 03031

Bid/Proposal/Quote No.: _____ Sole Source? X Yes No

[illegible]

PLEASE INDICATE WHICH FOCUS AREA OF THE MAYOR & COUNCIL'S STRATEGIC PLAN THIS PURCHASE/CONTRACT APPLIES TO		
Indicate with an X	FOCUS AREA	GOAL STATEMENT
	NEIGHBORHOODS REVITALIZATION & SUSTAINABILITY	The citizens of Hagerstown will experience a high quality of life.
X	PUBLIC SAFETY	The City of Hagerstown ensures that all who live, work, and play in the City of Hagerstown will be healthy and safe.
	PUBLIC FACILITIES & INFRASTRUCTURE	The City of Hagerstown will maintain quality services and infrastructure that support residents and businesses in a cost-effective manner.
	ECONOMIC DEVELOPMENT	The City of Hagerstown will continue to grow a diverse, business-friendly economy that supports the community's needs.
	CITIZEN-BASED GOVERNMENT	The City of Hagerstown is an ethical and financial responsible government.
	FISCAL ACCOUNTABILITY	The City of Hagerstown will strive for continuous improvement of fiscal responsible decision making.
	PARKS & RECREATION FOR ACTIVE/HEALTHY LIVING	The City of Hagerstown supports a culturally vibrant community.
	INNOVATIVE/PROGRESSIVE GOVERNMENT	The City of Hagerstown is committed to employee development, excellence in services, and adapting to meet the needs of the community and organization.
	COMMUNITY PROMOTION/PRIDE	The City of Hagerstown will improve our community image.
	ECONOMIC DEVELOPMENT THROUGH SPORTS AND TOURISM	The City of Hagerstown will be creative and diversify opportunities for economic development through non-traditional means.
	MISC. PROJECTS, GOALS AND LEGISLATIVE PRIORITIES	The City of Hagerstown takes a creative approach at finding solutions.

REVIEWED AND APPROVED AS FOLLOWS:

(1) Department Director and Division Manager

COMMENTS These programs integrate together to facilitate the public portal tracking requirement established under Maryland House Bill 670 (2021).

Paul J. Kiper 6/14/22

Signature / Date

Signature / Date

(2) Purchasing Agent

COMMENTS

Signature / Date

(3) Chief Financial Officer

COMMENTS

Signature / Date

(4) City Administrator

COMMENTS

Signature / Date



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June 10, 2022

Sergeant Justin Wert
Hagerstown Police Department
Email: jwert@hagerstownpd.org
Office: (301)739-8577 Ext. 257

Sergeant Wert,

Thank you for your interest in our IAPRO software for use by Hagerstown Police Department. I have prepared the below price quote covering costs with implementing IAPRO and optional Blue Team software at your agency.

I would be glad to answer any questions you may have on this proposal.

IAPRO Price Quote

<u>Item</u>	<u>Purchase costs</u>
IAPRO Professional Standards software includes: <ul style="list-style-type: none">• Unlimited-use Site License □ Unlimited number of users• Unlimited number of workstations• Installation• Pre-Load of employee information	\$ 2,496.96
2 Days On-Site or Remote Training <ul style="list-style-type: none">• IAPRO User training• System Configuration with core users	\$ 2,400.00
Travel Expenses for Trainer	\$ Included
Total for IAPRO Software and Services	\$ 4,896.96



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<u>Optional BlueTeam</u>	
BlueTeam Field Support Services Software <ul style="list-style-type: none">• Unlimited-use Site License □ Unlimited number of users• Unlimited number of workstations• Installation	\$ 1,248.48
1 Days On-Site or Remote BlueTeam training	\$ 1,200.00
Travel Expenses for Trainer	\$ Included
Total with Optional Items	\$ 7,345.44.00

Annual Maintenance Commencing the 2nd Year of Ownership	
IAPro	\$ 1,248.48
BlueTeam	\$ 624.24
Maintenance Totals	\$ 1,872.72

Officer Preload

CI Technologies offers a free service whereby we will import your employee information into the IAPro database, prior to installing IAPro at your agency. This is a one-time service offered at no additional cost.

Annual Maintenance

The first year of annual maintenance is provided free of charge. Thereafter annual maintenance is provided on a year-to-year basis and can be discontinued at any time.

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Most agencies that purchase IAPRO have an existing server with existing Microsoft SQL Server licensing. IAPRO can be installed on your existing hardware and within your existing SQL Server instance.

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See the "HR Integration Overview" document for details on this process.



THE LEADING PROFESSIONAL STANDARDS SOFTWARE. WORLDWIDE.

Data Migration

The purchase price of IAPRO and Blue Team does not include data migration of existing data. If the agency requests a quote can be provided for this service.

Considerations Regarding our Solution

There are aspects of our solution that are distinctive and set us apart from our competitors. They are:

Unlimited use licensing - there are no additional or hidden additional licensing costs: IAPRO pricing is for unlimited use licensing in terms of both the number of users that can run the software concurrently, and the number of workstations the applications can be run on. Our pricing model ensures maximum flexibility for the customer, with all licensing costs paid at point of initial purchase. The customers will never have to purchase additional licensing based on increased or unforeseen future usage requirements. This is important since the participation of front-line personnel - especially supervisors - is crucial in upholding the integrity of the organization, and to constrain their use of the software would greatly limit, if not cripple, its effectiveness.

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and our company. This ensures that we have up-to-date information on how best to improve our software and services.

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Training and installation are scheduled on a first-come-first-served basis.

Due to our current sales backlog, we request to be notified as soon as possible once a purchase decision has been made. Please be sure to fax any purchase orders to us at 800.620.8504 for expeditious handling of your order.

This price quote will remain in-effect through December 31, 2022. Please call or email if you need additional information or have any questions. Thank you again for your interest and consideration!

Best Regards,

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Dawn M. Sprayberry
dsprayberry@ci-technologies.com
Off: 1.800.620.8504 ext. 709

Public Portal Solution

Proposal and Statement of Work for City of Hagerstown Police Department

June 10, 2022

Prepared by:

Dawn Sprayberry
CI Technologies, Inc.
Off: 800.620.8504 x709
Email: dsprayberry@ci-technologies.com

For:

Hagerstown Police Department
Sergeant Justin Wert
Email: jwert@hagerstownpd.org



Statement of Work

Month One - Installation of Public Portal application on customer infrastructure with remote installation assistance provided by CI Technologies technical support staff. Upgrade of companion IAPRO NextGen application.

Month Two – Remote training and configuration assistance by a CI Technologies Public Portal product specialist. Training will be scheduled to coincide with the “go live” date of the Public Portal application.

Application and services costs

Item	Recurring / subscription based licensing
Public Portal Application Licensing <ul style="list-style-type: none"> Unlimited-use Site License Unlimited number of users Remote installation assistance 	\$ 25,000.00 <i>Initial up-front purchase of licensing/one-time cost</i>
Public Portal Training <ul style="list-style-type: none"> One day – Remote Training and Configuration assistance 	\$ Included
Limited Time - Early Adopter Licensing Discount <i>Pricing requires purchase of the Public Portal Application by July 1, 2022</i>	\$ 17,500.00
Total Software and Services	\$ 7,500.00
Recurring licensing subscription costs from Year 2 forward	\$ * 7,500.00

***Public Portal application will remain active at the agency as long as the annual subscription licensing amount is paid and up to date each year.**

Please note that CI Technologies currently increases annual maintenance and subscription prices by 2% every other year. Annual subscription licensing will not be increased more than 2% every other year, or 1% in a given year

Public Portal annual subscription licensing is based on up-front purchase of licensing

Annual Maintenance and Technical Support

Annual maintenance and support services are provided on a year-to-year basis annual maintenance coverage is in-effect.

The agency's annual maintenance cycle will commence when training and configuration assistance occurs, with year 1 being no charge and billing beginning year 2 and forward.

Annual maintenance and support includes all end user and technical support via our 800 # and our online support website as well as any associated technical or user documentation. Annual maintenance also includes all new versions of the Public Portal software.

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Major and minor Public Portal upgrades are obtainable by customers from our Company's Unite customer support website. Minor upgrades are released roughly monthly, and major ones are release roughly annually.

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The following escalation procedures will be employed to insure an appropriate response to any interruption of service in order to minimize downtime. Problems are addressed quickly during the hours of 8:00am and 6:00pm EST Monday through Friday excluding Holidays and weekends.



We appreciate your interest and consideration in using our Public Portal solution!

This proposal will remain in effect until June 30, 2022.

A handwritten signature in blue ink, appearing to read "Dawn Sprayberry".

Dawn Sprayberry
CI Technologies, Inc.
800.620.8504 ext. 707
tconner@ci-technologies.com



CITY OF HAGERSTOWN
MARYLAND
21740-4696

DEPARTMENT OF POLICE
50 N. Burhans Blvd.

Non-Emergency 301-790-3700
Emergency 301-739-6000
Fax 301-733-5513

June 13, 2022

To: Scott Nicewarner,
City Administrator

From: Paul J. Kifer, *POK*
Chief of Police

Re: FY 2022 IAPro, BlueTeam, and Public Portal Applications Purchase

HPD is requesting City Administrator approval for purchase of IAPro, BlueTeam, and Public Portal Applications. These programs integrate together to facilitate the public portal tracking requirement established under Maryland House Bill 670 (2021). Effective July 1, 2022, Public Safety Article 3-108 requires "Each law enforcement agency shall create a database that enables a complainant to enter the complainant's case number to follow the status of the case as it proceeds through: Investigation, Charging, Offer of Discipline, Trial Board, Ultimate Discipline, and Appeal." Our current provider, LEFTA Systems, cannot meet this requirement.

CI-Technologies, Inc. is the only provider found that meets these requirements before the deadline. CI Technologies, Inc. is also offering a \$17,500 discount for the Public Portal application if we purchase by June 30, 2022. The total purchase price, with the discount, for all three applications totals \$14,845.44. Funding will come from currently available HPD Funds and offset by a reduction in cost to LEFTA Systems.



**REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND**

Topic:

Preliminary Agenda Review

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

June_28__2022_Preliminary_Agenda.pdf

Description

Preliminary Agenda - June
28, 2022



**MAYOR AND COUNCIL
REGULAR SESSION (44TH VOTING SESSION)
JUNE 28, 2022
AGENDA**

“The City of Hagerstown will inspire an inclusive, business-friendly, and sustainable community with clean, safe and vibrant neighborhoods.”

“The City of Hagerstown shall be a community focused municipality.”

Preliminary Agenda

The agenda and meeting packet is available at www.hagerstownmd.org/government/agenda

7:00 p.m. REGULAR SESSION – Council Chamber, 2nd floor, City Hall

I. CALL TO ORDER - Mayor Emily Keller

II. INVOCATION

III. PLEDGE TO THE FLAG

IV. ANNOUNCEMENTS

- A. Rules of Procedure – *Effective December 15, 2020*
- B. Use of cell phones during meetings is restricted.
- C. 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.
- D. Meeting Schedule:
 - 1. Tuesday, July 5, 2022 – No Meeting Scheduled
 - 2. Tuesday, July 12, 2022 – Work Session at 4:00 p.m.
 - 3. Tuesday, July 19, 2022 – Work Session at 4:00 p.m.
 - 4. Tuesday, July 26, 2022 – Regular Session at 7:00 p.m.

V. GUESTS

“If I Were Mayor” Contest Winners

VI. CITIZEN COMMENTS

Citizens are welcome to provide comments in person or by sending an email to councilcomments@hagerstownmd.org no later than 5:00 p.m. on Tuesday, June 28, 2022. Include your full name, home street address, and topic of your comments. You may attach a letter to the email, or write your comments in the body of the message. The City Clerk will read your name, address, and provide a summary of the comments. The full copy of the comments will be provided for public viewing as part of the minutes.

VII. PUBLIC HEARING

Unger Properties, LLC (1302 Virginia Avenue)

VIII. MINUTES

May 3, 2022, May 10, 2022, May 17, 2022, and May 24, 2022

IX. CONSENT AGENDA

- A. Engineering:
 - 1. Signal at Eastern at Frederick (*material to be presented*)
 - 2. Miscellaneous Safety Improvements – Milton Stamper Builders (Hagerstown, MD) \$ 255,000.00
 - 3. City Park Bandshell Improvements – PBI Commercial (Hunt Valley, MD) \$ 160,000.00
 - 4. City Park Train Hub/Softball Restrooms – Warner Construction (Frederick, MD) \$ 470,000.00
- B. Human Resources:
 - 1.. Workers' Compensation Surety Bond – Safety National Corporation (St. Louis, MO) \$ 38,100.00
 - 2. Workers' Compensation Self-Insurance Excess Liability Insurance – Safety National Casualty Corporation (St. Louis, MO) \$ 205,051.00
 - 3. Workers' Compensation Self-Insurance TPA Services – PMA Management Corporation (Blue Bell, PA) \$ 20,000.00
- C. Information Technology:
 - 1. Annual MUNIS Support and Maintenance Agreement – Tyler Technologies (Dallas, TX) \$ 266,997.03
 - 2. Kaseya/Bit Defender Annual Software Renewal – Kaseya US, LLC (Boston, MA) \$ 11,987.06
 - 3. Intellitime Hosting/Maintenance Agreement Renewal – Intellitime Systems Corporation (Santa Ana, CA) \$ 69,711.36
- D. Utilities:
 - 1. Light: Emergency Purchase - Wood Utility Poles – A Meredith Schneider Co., LLC (MEREDUC) (East Point, GA) \$ 29,934.00
 - 2. Water: Ductile Iron Pipe – Core & Main LP (Martinsburg, WV) \$ 202,470.00
 - 3. Water: ¾" iPERL Sensus Meters – L/B Water Services, Inc. (Chambersburg, PA) \$ 83,000.00
 - 4. Water: Emergency Purchase: Potassium Permanganate – Univar Solutions USA, Inc. (Downers Grove, IL) \$ 54,331.20
 - 5. Water: Water Distribution Supplies – Ferguson Waterworks (Frederick, MD) \$ 85,375.00
 - 6. Wastewater: Dumpster Services – Republic Services (Hagerstown, MD) \$ 10,177.25
 - 7. Wastewater: Oxygen System Valves and Actuators - Yeager (Reading, PA) \$ 32,237.64

X. UNFINISHED BUSINESS

No Unfinished Business

XI. NEW BUSINESS

- A. Introduction of an Ordinance: Conversion District Overlay, 535 Summit Avenue (ZM-2022-01)
- B. Introduction of an Ordinance: Local Conversion District Overlay, 245 North Potomac Street (ZM-2021-02)
- C. Introduction of an Ordinance: Illicit Discharge Ordinance
- D. Approval of a Resolution: FY 2023 Strategic Demolition Fund Application
- E. Approval of a Resolution: Parking Lease for Rochester Parking Lot with the Administrative Office of the Courts
- E. Approval of a Resolution: User Agreement with the Halfway National Little League for Use of Staley Park
- ✓ G. Approval of a Lease Agreement with MarketPlace LLC - 25 W. Church Street
- H. Approval of a Resolution: Grant Agreement with the Maryland Energy Administration
- I. Approval of Renewal of Memorandum of Understanding with the Washington County Board of Education – School Resource Officers
- J. Approval of HVAC Service and Maintenance Agreement Contract: 07/01/2022-06/30/2023
- ✓ K. Approval of FY2023 Invest Hagerstown Grant Program Funding Levels

**** Please note all times are approximate and subject to change. Meetings are televised and recorded. ****

New Business Continued

- L. Approval to Convert 2 Part-Time Hagerstown Police Department Positions to 1 Full-Time Position
- M. Approval of Non-Union Pay Scale
- N. Approval of Hagerstown Police Department Non-Union Pay Scale
- O. Approval of Amendment One to the Memorandum of Understanding for the Miscellaneous Safety Improvements Safe Routes to School Infrastructure Project
- ✓ P. Approval of Experience Study Through CBIZ Retirement Services
- Q. Approval of Engineering and Capital Projects Program Bay Restoration Fund Grant Application for Enhanced Nutrient Removal Operation and Maintenance

XII. CITY ADMINISTRATOR COMMENTS

XIII. MAYOR & COUNCIL COMMENTS

XIV. ADJOURN

✓ *Items that have been discussed and reviewed previously or are of a routine nature and, therefore, additional information may not be attached to this agenda.*

**** Please note all times are approximate and subject to change. Meetings are televised and recorded. ****

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301.739.8577, Ext. 113 • Telephone for the Hearing Impaired 301.797.6617**

**REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND**

Topic:

Annual Police and Fire Pension Review with CBIZ - *Don Francis, Director of Human Resources, and Amy Dreisbach, HR Administrator-Benefits and Wellness*

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

Memo_-
_Annual_Police_and_Fire_Pension_Review_with_CBIZ.pdf
Police_and_Fire_Pension_Review_-_Power_Point.pdf

Description

Police and Fire Pension
Review with CBIZ
Police and Fire Pension
Review - Power Point



CITY OF HAGERSTOWN, MARYLAND

Human Resources

TO: Scott Nicewarner, City Administrator

FROM: Don Francis, Director, Human Resources
Amy Dreisbach, HR Administrator-Benefits & Wellness

DATE: June 21, 2022

RE: **Annual Police & Fire Pension Review with CBIZ**

During the June 21, 2022 work session, staff will be joined by William Karbon, Consulting Actuary with CBIZ Benefits and Insurances Services. The purpose of this review is to provide Mayor and Council with an update of the Actuary Assumptions Police & Fire Employees' Retirement Plan.

THE ROLE OF CBIZ and PNC

CBIZ serves as the City's Police and Fire Retirement plan actuary and has worked with the City since the plan's inception in 1998.

Christopher Little with PNC meets regularly with the City's Police and Fire Retirement Committee to review investment performance, identify trends, project future performance, and monitor the investment policy compliance.

STRUCTURE OF THE CITY'S PLANS

A defined benefit pension is a major component of an employee's overall compensation package. The Police and Fire Retirement Plan offers a benefit that provides a maximum lifetime benefit of 60% of an employee's three highest years' salary after 30 years of service. Police and Fire are eligible to retire after 25 years of service and their benefit is calculated at 2% of their salary for each year worked.

As a comparison, the Reformed Maryland State Plan offers a benefit of approximately 40-50% of an employee's five highest years' salary. Normal retirement is age 65 with ten years of service or based on the Rule of 90 (age and service must equal 90). The Reformed Maryland Plan also has a ten year vesting requirement.

FINANCIAL CONSIDERATIONS

Since the inception of the Police and Fire Plan, the City has funded 100% of the actuary's

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CITY OF HAGERSTOWN, MARYLAND

Human Resources

recommended employer contribution amount. The employee contribution rate is currently 8%, with Mayor and Council approved increases of the City contribution rates to make up the difference. The absorption of contributions by the City was taken to ensure a securely funded retirement plan.

ROLE OF MAYOR & COUNCIL AND THE POLICE & FIRE RETIREMENT COMMITTEE

Chapter 38 of the City's Code details the authority and administration of the plan. Mayor and Council have ultimate authority over the Police and Fire Retirement Plan and the Committee.

The Police and Fire Retirement Committee reviews plan performance and discusses matters that could have an impact to the plan. The establishment and authority of the committee are also defined by Chapter 38 of the City's Code. Two positions on the committee require Mayor and Council's formal appointment. The Committee votes to establish a Chair and Vice-Chair their efforts and contribution. The committee as defined by the Code consists of the following members:

Director, Human Resources	Don Francis
Director, Finance	Michelle Hepburn
Representative of AFSCME Local 3373	Tom Kelly
Representative of IAFF Local 1605	Glenn Fuscick – Committee Chair Glen Fishack - Alternate
Representative of City of Hagerstown Police department management employees	Chief Joey Kifer
Representative of the City of Hagerstown Fire department management employees	Chief Steven Lohr
Member of the Hagerstown City Council who shall be entitled to vote only upon matters which do not require Council approval	Scott Nicewarner
A citizen of the City of Hagerstown with investment or financial experience who shall be appointed by the Mayor and City Council	Robert Bruchey
A retiree receiving benefits from the plan who shall be appointed by the Mayor & Council	Gary Hawbaker

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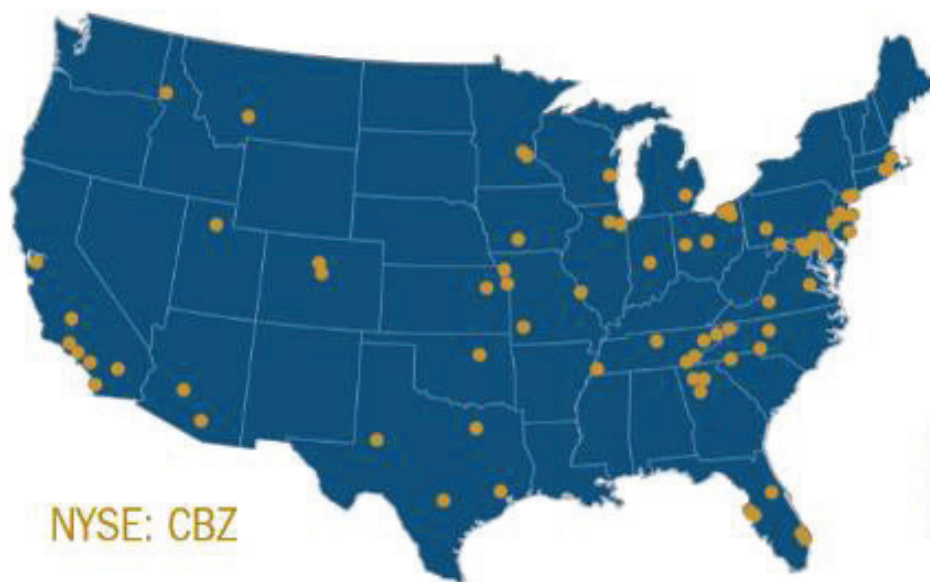
RETIREMENT & INVESTMENT SOLUTIONS | JUNE 21, 2022

City of Hagerstown

City of Hagerstown Police and Fire Employees' Pension Plan – Presentation to Mayor and Council

About CBIZ, Inc.

National Resources; Personal Service



100+ | offices
4,600+ | associates
90,000+ | clients

10th Largest Accounting Provider Nationally¹ A Top 20 Largest Broker of U.S. Business² A Top 100 Retirement Plan Adviser³

¹CBIZ is ranked together with MHM (Mayer Hoffman McCann P.C.), an independent CPA firm that provides audit, review and attest services, and works closely with CBIZ, a business consulting, tax and financial services provider. CBIZ and MHM are members of Kreston International Limited, a global network of independent accounting firms.
Accounting Today – March 2018

²Business Insurance Magazine – July 2018

³Rankings/recognition by unaffiliated rating services/publications should not be construed as a guarantee of a certain level of results if CBIZ Retirement Plan Services (dba: CBIZ RPS), through its Registered Investment Advisory firm, CBIZ Retirement Plan Advisory Services (dba: CBIZ RPAS), is engaged or continues to be engaged, to provide investment advisory services. The “PLANADVISER Top 100 Retirement Plan Advisers” list is compiled from responses to the PLANADVISER Retirement Plan Adviser Survey. The list is drawn solely from a set of quantitative variables and information in the survey is supplied by the advisers themselves.

Retirement & Investment Solutions

Advisory

- Investment selection, monitoring and replacement
- Fee and expense benchmarking and negotiation
- Fiduciary governance
- Participant education and support
- RFPs, conversions, and mergers & acquisitions



Retirement & Investment Solutions is a comprehensive retirement consulting, administration and actuarial team offering a robust suite of retirement solutions.

Administration

PENSION CO-SOURCING AND FULL OUTSOURCING

- Administration system for benefits eligibility
- Data Warehousing for participant pay and service history
- Fulfillment and required mailing notices support
- Participant online portal website access
- Participant service center
- Pension payroll, valuation and operations support
- Plan sponsor portal website access
- Plan sponsor reporting capabilities
- QDRO Determination
- Retirement and ongoing life event processing

TPA ADMINISTRATION

- Distribution and loan processing
- Filings, notices and reporting
- Form 5500 and schedules
- Non-discrimination testing
- Payment processing
- Plan audit support
- Plan design services
- Plan document services
- Tax reporting

Actuarial

PENSION ACTUARIAL

- FASB, GASB, and IAS reporting
- Annual actuarial valuation (funding & accounting reports)
- Actuarial assumption review
- AFTAP certification and notice
- Asset/liability studies
- Data/asset reconciliation
- Employee benefit statements
- Stochastic and deterministic forecasts of contributions and expense
- PBGC filings and annual funding notice
- Lump sum windows, annuity buyouts, and other de-risking strategies
- Plan terminations

HEALTH CARE ACTUARIAL

- OPEB, FASB, GASB IAS valuation reporting
- Actuarial assumption review
- Claims cost development
- Medicare Part-D attestation
- Plan start-up, redesign and termination consulting

Plan Type: 401(k), 403(b), 457, 401(a), Profit Sharing Plans, Money Purchase Plan, Pension, Cash Balance, Non-Qualified (DC&DB), SERP, VEBA

Police & Fire Pension Demographics

	<u>July 1</u>	<u>Actives</u>	<u>Retirees</u>	Terminated <u>Vested</u>	<u>Total</u>
♦ 2019		167	101	8	276
♦ 2020		176	103	9	288
♦ 2021		164	104	14	282

	2019	2020	2021
Average Active Age	40.79	40.40	41.67
Average Length of Service	13.26	12.97	14.13

Plan Provisions

Contributions: Employees currently contribute 9.00% of pay to the plan and the City currently targets a 14.00% of pay contribution.

Normal Retirement: Age 62 or 25 years of svc.

Early Retirement: Age 50 and 20 years of svc.

Salary Average:

- Average of 5 highest consecutive plan years

Average Benefit at Normal Retirement:

- Hired prior to July 1, 2018: 2.00% of average monthly compensation times years of service
- Hired on or after July 1, 2018: 1.80% of average monthly compensation times years of service

Actuarial Basics

As the Plan Actuaries, we perform two Actuarial Valuations of the Plan each year

- An Actuarial Valuation measures plan liabilities and costs and is based on:
 - Plan Provisions
 - Member Data
 - Plan Asset Information
 - Actuarial Assumptions
 - Actuarial Cost Methods
- Actuarial Cost Methods allocate Plan costs (liabilities) between past and future service

Actuarial Basics

- The GASB-68 Actuarial Valuation is performed to satisfy accounting (GASB) requirements and results are shown in the Comprehensive Annual Financial Report
- The second valuation, usually called the Actuarial or Funding Valuation, looks at contribution policy and funding adequacy
- Liability measures are different between the two due to use of different cost methods

Actuarial Basics

Today, we are discussing the Actuarial Valuation as of July 1, 2021.

In this valuation, we:

- Determine funded ratios (Plan Assets divided by Liabilities)
- Determine an Actuarially Determined Contribution
- Compare that to actual plan contribution policy (currently 14% of pay)
- Compare actual results with these expected by the actuarial assumptions

Valuation Summary

Measurement	7/1/2019	07/01/2020	07/01/2021
Assumed Rate of Return	7.25%	7.25%	7.25%
Present Value of Accrued Benefits	\$46,058,163	\$47,900,008	\$49,606,124
Present Value of Future Accruals	11,555,551	12,004,213	11,985,484
Present Value of Future Benefits	\$57,613,714	\$59,904,221	\$61,591,608
Market Value of Assets	\$21,590,467	\$21,855,511	\$26,720,071
Accrued Funded Percentage	46.9%	45.6%	53.9%
Future Benefits Funded Percentage	37.5%	36.5%	43.3%

1. Present Value of Accrued Benefits is the current lump sum value of all accrued benefits at the assumed rate of return
2. Present Value of Future Accruals represents the value of future benefit increases due to salary growth and additional service for current participants
3. Present Value of Future Benefits is the current lump sum value of all benefits for current participants at the assumed rate of return
4. Note liabilities tend to increase each year as new entrants come in to the plan, and payroll increases

Valuation Summary

	7/1/2019	7/1/2020	7/1/2021
Future Benefits Funded Percentage	37.5%	36.5%	43.3%
Employer Contributions	1,520,609	1,456,144	1,465,600
Member Contributions	868,254	839,930	845,330
Total	2,388,863	2,296,074	2,310,930
Benefit Payments	(3,155,917)	(3,035,198)	(3,108,415)
Net inflow/(outflow)	(767,054)	(739,124)	(797,485)
Investment Return	1,313,844	1,004,168	5,662,045
Investment Rate of Return	6.4%	4.7%	26.4%
Increase in Assets	546,790	265,044	4,864,560

Actuarially Determined Contribution

Year	FY 2021	FY 2022
1. Present Value of Future Contributions (PVFC)	\$37,631,139	\$37,431,040
2. Level % of Payroll Amortization of PVFC	\$2,129,922	\$2,118,597
3. Assumed Expenses	\$107,000	\$87,000
4. Expected Employees Contribution	\$864,000	\$954,000
5. Net City Contribution: [(2) + (3) – (4)]	\$1,478,587	\$1,198,676
6. Net City Contribution as % of Payroll	12.71%	11.81%

1. PVFC is equal to the present value of all future benefits less the actuarial value of assets
2. The amortization period for the PVFC is over 25 years
3. Budgeted contribution is 14.0% of payroll.

Valuation Summary

Strong investment returns in FYE 2021 improved Funded Percentage and reduced actuarially determined contributions.

Plan is 43.3% funded on Future Benefits basis

As benefit payments are greater than contributions, investment performance will drive funding ratio

Consider closing amortization period to accelerate pay down of unfunded liability

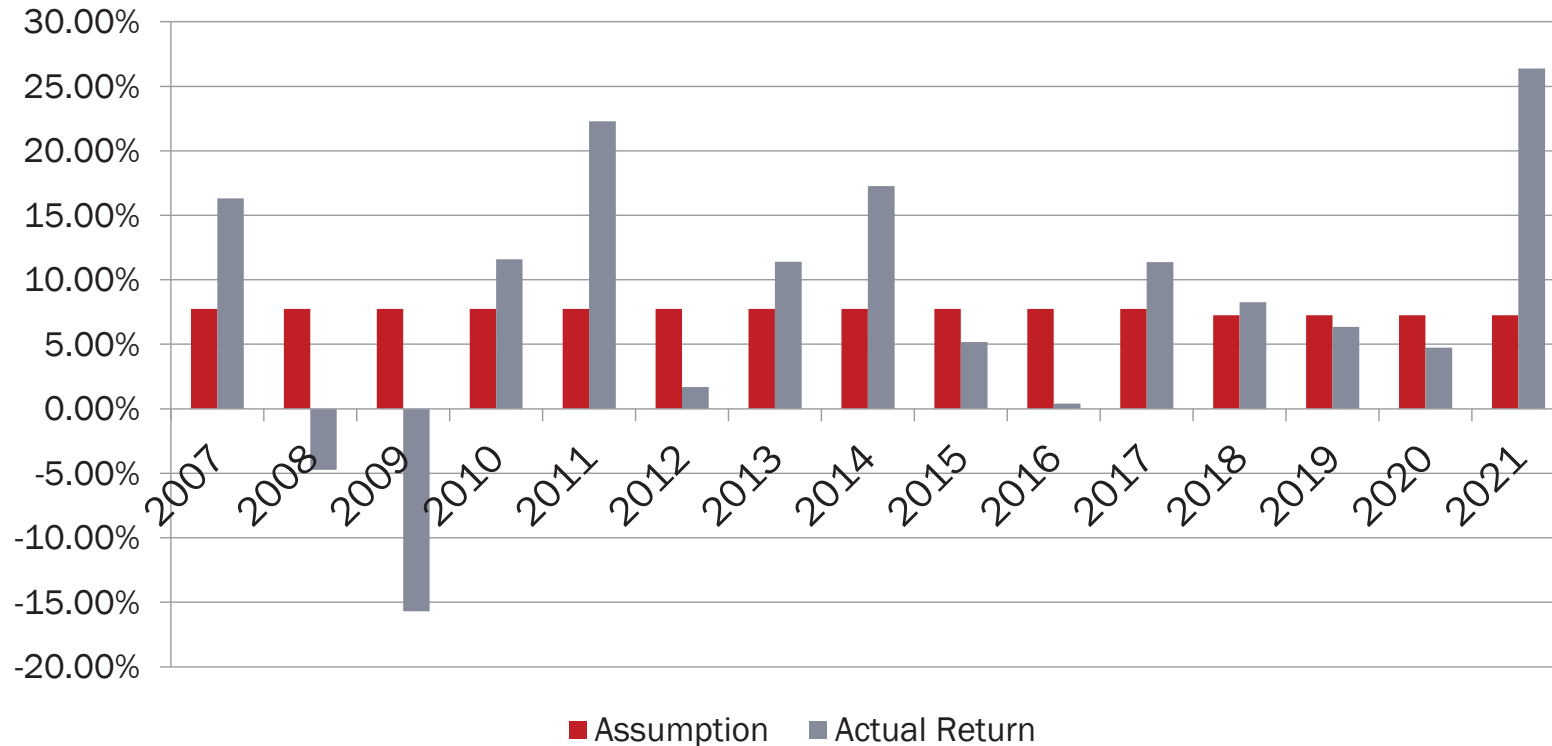
Historical Actuarial Contribution Rates

Recommend maintaining floor City contribution of 14.00% of payroll

- The plan's assets are still less than 50% of the accrued benefits
- Current investment environment makes achieving a 7.25% return more difficult
- Important to keep in mind that the system has only two sources of income:
Investment return and Contributions

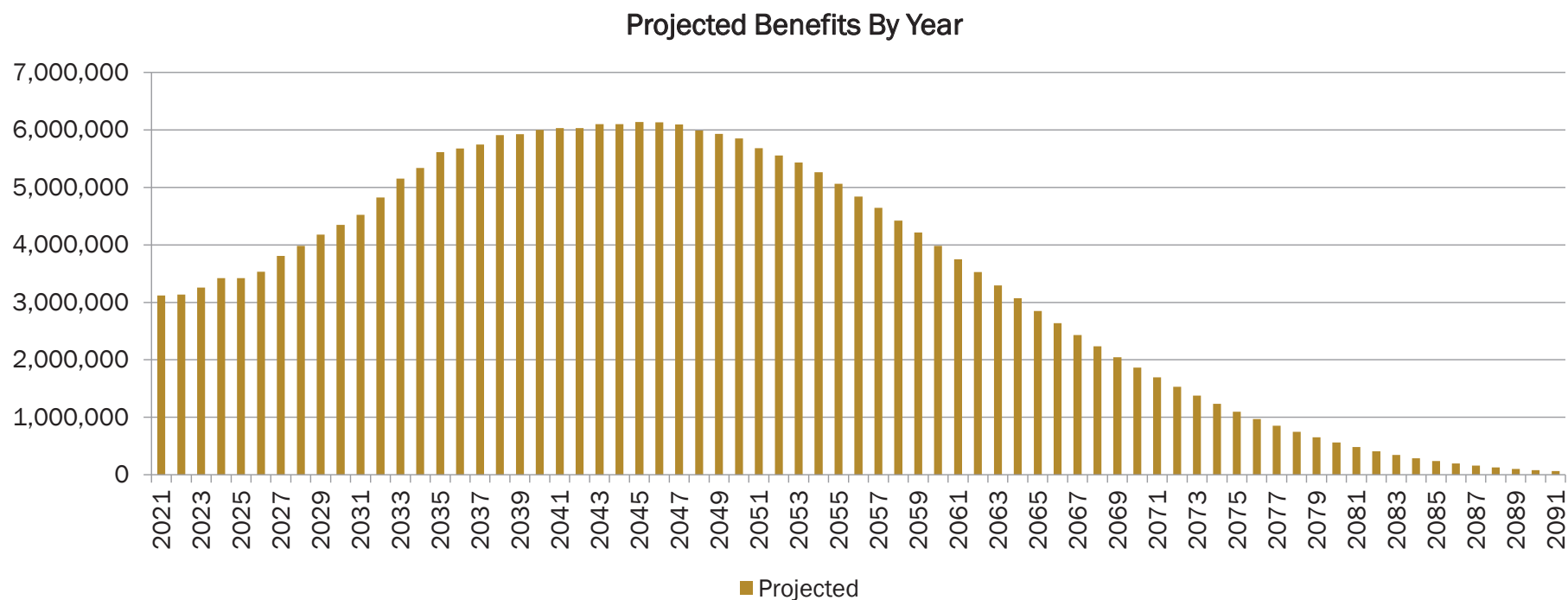
	FY 2022	FY 2021	FY 2020	FY 2019	FY 2018	FY 2017
Employee Cost as a % of Payroll	9.00%	8.00%	8.00%	8.00%	7.00%	7.00%
City Cost as a % of Payroll	14.00%	14.00%	14.00%	14.00%	14.00%	14.00%
Total	23.00%	22.00%	22.00%	22.00%	21.00%	21.00%
Actuarially Determined City Contribution	11.81%	12.71%	12.58%	12.23%	14.22%	14.48%

Rate of Return Review



1. Assumed annual investment return is 7.25%.
2. The average of the returns over the last 5 years has been 11.1% , over 10 years has been 9.1% and over 15 years 7.7%.

Projected Plan Payments



Based on PUB-10 Mortality Table for Public Safety Employees (fully generational) with scale MP 2020, and valuation retirement assumption

Projected benefits for current retirees and employees

Experience Study

- Align valuation assumptions with actual plan experience
 - Guidelines in Actuarial Standards of Practice (ASOPs)
 - Actuaries must support assumptions and assess potential risks
 - Auditors require support
 - Reliable assumptions improve plan liability projection
 - Projecting future benefits
 - Retirement and separation of service assumptions
 - Measuring participant liabilities
 - Payment form and timing assumptions

Experience Study

Actuarial Assumptions Review

- Generally recommended every three to five years
- Review has not been performed for City of Hagerstown in over 10 years
- Needed to provide rationale for actuarial assumptions

Experience Study

Results and recommendations presented to the Mayor and City Council for consideration and approval of recommendations

- Study must commence by July 1, 2022 in order to present results for approval in time to incorporate in 2022 actuarial valuation (Issued in November, 2022)
- Cost of the Experience Study is \$12,000



Important Notices and Certifications

Data Assumptions, Methods, and Provisions

- This report is based on participant data as of July 1, 2021, as summarized herein.
 - Except as otherwise noted herein, this report is based on assumptions, methods, and provisions summarized in the Actuarial Valuation Report for the Plan Year Beginning July 1, 2021 (issued on November 30, 2021).

Certification

The actuaries whose signatures appear below meet the Qualification Standards for Actuaries Issuing Statements of Actuarial Opinion in the United States and are qualified to render the actuarial opinion contained herein. CBIZ Benefits & Insurance Services, Inc.'s relationship with the Plan and Plan Sponsor is strictly professional. There are no aspects of the relationship that may impair or appear to impair the objectivity of our work.



William G. Karbon
MAAA, MSPA, EA



Curtis Powell
EA, MAAA, FCA

June 6, 2022

Date

**REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND**

Topic:

Lease Agreement with MarketPlace LLC - 25 W. Church Street - *Chris Siemerling, Economic Development Specialist*

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

062122_MCC_WS_Lease_MarketPlaceLLC.pdf

062122_MCC_WS_Lease_Handout.pdf

Description

Lease Agreement - 25 W.
Church St.

Hand Out from June 21,
2022 Work Session



CITY OF HAGERSTOWN, MARYLAND

Department of Community and Economic Development

TO: Scott Nicewarner, City Administrator

FROM: Christopher Siemerling, Economic Development Specialist
Doug Reaser, Business Development Specialist

DATE: June 15, 2022

RE: Lease Agreement with MarketPlace LLC – 25 W. Church Street

At the June 21, 2022 Work Session of the Mayor and City Council, staff will review a proposed lease agreement for storage with MarketPlace LLC for space located at 25 W. Church Street. This is required due to the timing needed for the City Attorney to complete deed work for the property.

The lease will enable the space to be utilized for temporary storage by the business in advance of the anticipated settlement of the Purchase Agreement approved at the November 23, 2021 Regular Session.

c: Jill Thompson, Director of Community and Economic Development
Eric Deike, Manager of Public Works
Steve Lohr, Fire Chief
Review Committee

CITY OF HAGERSTOWN, MARYLAND

**A RESOLUTION AUTHORIZING THE CITY OF HAGERSTOWN
TO ENTER INTO A NEW LEASE AGREEMENT WITH MARKETPLACE LLC
FOR A PORTION OF THE PROPERTY KNOWN AS
25 WEST CHURCH STREET**

RECITALS

WHEREAS, the City of Hagerstown owns property known as 25 West Church Street in Hagerstown, Maryland; and

WHEREAS, a portion of the said property is available for lease (“the Premises”); and

WHEREAS, the City of Hagerstown desires to lease said Premises to Marketplace LLC; and

WHEREAS, Marketplace LLC, is a limited liability company according to the laws of the State of Maryland, including the Maryland Limited Liability Company Act, and which plans to use the space for temporary storage, desires to lease the Premises from the City; and

WHEREAS, the Mayor and Council find it to be in the best interests of the citizens to do so;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Hagerstown, Maryland as its duly constituted legislative body, as follows:

1. That it adopts herein the foregoing Recitals and authorizes the City of Hagerstown to enter into a Lease Agreement with MarketPlace, LLC for the Premises, pursuant to the terms of the Lease Agreement attached hereto and incorporated herein by reference.
2. That the Mayor be and is hereby authorized to execute and deliver the Lease Agreement attached hereto, and to execute any additional documentation required to effectuate the purpose of this Resolution.

BE IT FURTHER RESOLVED THAT this Resolution shall become effective immediately upon its approval.

WITNESS AND ATTEST
AS TO CORPORATE SEAL

MAYOR AND COUNCIL OF THE
CITY OF HAGERSTOWN, MARYLAND

Donna Spickler, City Clerk

Emily Keller, Mayor

Date of Introduction: June 28, 2022
Date of Passage: June 28, 2022
Effective Date: June 28, 2022

Prepared by:
SALVATORE & MORTON, LLC
City Attorneys

LEASE AGREEMENT

THIS LEASE AGREEMENT ("Agreement") entered into on ____ day of _____, 2022, by and between THE CITY OF HAGERSTOWN, a Maryland Municipal Corporation, existing under and by virtue of the laws of the State of Maryland, hereinafter called "City" or "Landlord", and Marketplace, LLC, a limited liability company organized and existing under the laws of the State of Maryland, hereinafter called "Tenant."

WHEREAS, City owns a certain property located in Hagerstown, Washington County, Maryland, known as 25 West Church Street (the "Property"); and

WHEREAS, City desires to Lease a portion of the aforesaid Property to the Tenant; and

WHEREAS, the Tenant desires to enter into a lease for a portion of the Property for pursuant to the terms hereof;

NOW THEREFORE, in consideration of the obligations contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereto agree as follows:

SECTION 1 **DEMISE OF PREMISES**

Landlord, for and in consideration of the payment of the rent and performance of the covenants and agreements hereinafter mentioned, hereby leases to Tenant and tenant hereby leases from Landlord space located at 25 West Church Street, Hagerstown, Maryland, consisting of approximately 12,900 total square feet, more particularly identified as the shaded portion on the attached **Exhibit A**, together with full use of the Property basement .

SECTION 2 **TERM**

The Premises described herein are leased by Landlord to Tenant for an initial term of three beginning on the 29th day of June, 2022 and terminating on the 31st day of December, 2022 at and for rental as set forth in Section 3 – Rent. If Landlord conveys the Premises, this lease agreement shall terminate. Upon the expiration of the term and/or any renewal thereof (collectively the "term"), the rights of the Parties shall be construed pursuant to Section 17 hereof.

SECTION 3 **RENT**

The annual rental shall be ZERO DOLLARS and 00/100 CENTS (\$0.00).

SECTION 4
USE FEES; UTILITIES

Tenant shall be responsible for paying for water, sewer, electricity, gas, heating, and all utilities except as provided herein. To the extent possible, Tenant shall place the account for said utilities in its name and same shall be payable directly by Tenant to the applicable utility provider. Tenant shall be responsible for all trash removal services.

Tenant shall be responsible for any other applicable taxes or fees.

SECTION 5
COMPLIANCE TO MAINTAIN PROPERTY
IN COMPLIANCE WITH INSURANCE

Tenant covenants that it will not do nor permit to be done, nor keep nor permit to be kept upon the Premises, anything which will contravene the policy or policies of insurance against loss by fire or other causes, or which will increase the rate of fire or other insurance on the Property beyond the current rate. Should any act of Tenant so increase the rate, then, in addition to the rent hereinabove provided for, Tenant shall be liable for such additional premium, which shall be payable when billed as additional rent, collectible in the same manner as the annual rent. Tenant covenants that under no circumstances will it keep or permit to be kept, do or permit to be done, in or about the Premises, anything of a character so hazardous as to render it difficult, impracticable, or impossible to secure such insurance in companies acceptable to Landlord. Tenant further covenants, immediately upon notice, to remove from the Premises and/or to desist from any practice deemed by the insurance companies or the Fire Marshall as so affecting the insurance risk or otherwise presenting a hazard.

SECTION 6
MAINTENANCE

Tenant agrees to keep the interior of the Premises, including the fixtures, equipment and personalty and appurtenances thereto in good repair and will make all ordinary and replacement repairs as its expense. Tenant agrees to be responsible for all interior and exterior window cleaning. Tenant shall be responsible for snow removal and cleaning on sidewalk of the Premises as needed. Tenant shall maintain the Premises in a neat and clean condition and upon the expiration of the term of this Agreement surrender the entire premises in as good a state and condition as they were in at the commencement of the term, ordinary wear and tear excepted. If Tenant refuses or neglects to repair or replace the fixtures, equipment or personal property as required hereunder to the reasonable satisfaction of Landlord within a reasonable time following written demand to Tenant by Landlord, Landlord may make such repairs or replacements, and upon completion, Tenant shall pay Landlord's costs for making such repairs or replacements upon presentation of bills therefore, payable and collectible as additional rent.

Tenant shall be responsible and pay for all janitorial and cleaning services as may be required for the Premises. Tenant shall be responsible and pay for all pest/insect/rodent control services for the Premises.

Landlord agrees to keep and maintain in good order and repair the exterior, the roof and all structural parts of the Premises and the Property. Landlord shall maintain in good condition and repair the electrical, heating, cooling and plumbing systems which serve the Premises.

SECTION 7
USE OF EQUIPMENT AND PERSONALTY

N/A

SECTION 8
ALTERATIONS

Tenant further covenants that it will not make any alterations, additions, or changes of any kind to the Premises, without first securing the written consent of Landlord, after submission of the plans therefor to Landlord for review and prior approval. Any alterations, additions, or changes as Landlord shall permit in writing shall be made at Tenant's expense. This shall not be construed to deny the Tenant the right to do usual and customary decorating of the Premises. Tenant agrees that all improvements to the Premises shall become the property of the Landlord at the time of installation.

SECTION 9
USE

The demised Premises shall be used by the Tenant solely for the intended purpose of temporary storage or as otherwise mutually agreed by the Tenant and Landlord in advance in writing. No other use may be made of the Premises.

SECTION 10
SIGNS

Tenant shall be permitted to maintain existing signs on the exterior walls, and on any interior walls. The Tenant may not erect or place any additional signs on the exterior of the Premises or Property or which are visible from the exterior of the building unless same are in compliance with all applicable regulations and have been approved in writing by the Landlord. Said approval shall not be unreasonably or arbitrarily withheld.

SECTION 11
ASSIGNMENT AND SUBLEASE

Tenant shall not assign this Lease nor sublet all or any portion of the Premises to any person or entity without prior written approval from Landlord. Said approval shall be in the sole and absolute discretion of the Landlord. Landlord shall not assign this Lease to any person or entity without prior written approval from Tenant. Said approval shall be in the sole and absolute discretion of the Tenant.

SECTION 12
INDEMNITY AND LIABILITY INSURANCE

Tenant shall save and hold harmless and indemnify Landlord, its agents, servants, employees, officers and representatives from any and all claims of whatsoever nature or kind arising directly or indirectly from Tenant's use of the Premises including any suits, demands, claims or fines of whatsoever nature or kind including personal injuries and property damage arising directly or indirectly under any circumstances by the exercise of the Tenant in the use of the premises.

Tenant agrees to maintain general liability, fire and casualty and property damage insurance with an insurance company acceptable to Landlord in the minimum amount of \$1,000,000.00 per occurrence. The insurer must be approved or acceptable to the Landlord. Such policy shall cover the demised Premises only. Said policies shall provide for at least 30 days' notice to the Landlord before cancellation and an endorsement shall be delivered to Landlord. A certificate of insurance shall be furnished to Landlord upon the execution of this Lease, and annually thereafter.

SECTION 13
QUIET ENJOYMENT

Provided Tenant is not in default hereunder, Landlord agrees to permit Tenant quiet enjoyment of the Premises.

SECTION 14
INSPECTION OF PREMISES

Tenant agrees that Landlord shall have the right to inspect the Premises at reasonable times during business hours, upon reasonable advance notice to Tenant.

SECTION 15
FIRE DAMAGE/CONDEMNATION

In the event the Premises is damaged by fire, storm, the elements, act of God, unavoidable accident and/or the public enemy, to such an extent as to render it partially untenable, Landlord shall restore such portion of the Premises so injured or damaged as speedily as possible. The rent shall abate proportionately on such part of the Premises as may have been rendered untenable until such time as such part shall be fit for use, and after which time, the full amount of rent reserved in this Lease shall be payable as hereinabove set forth. If the Premises is injured or damaged by any of the aforesaid causes to such an extent as to render the same wholly untenable, then this Lease shall thereupon become null and void, and all liability of Tenant shall terminate upon payment of all rent and additional rent or other charges due and payable to the date of such happening.

Should the Premises or any part thereof be condemned, appropriated and/or required for public use, then this Lease Agreement at the option of Landlord, shall terminate upon the date when the Premises or any part thereof shall be taken. Rent shall be apportioned as of the date of such termination. Tenant shall not be entitled to any portion of a damage award.

In the event of partial or entire untenability or condemnation, Landlord shall not be responsible for relocation costs and/or loss of business or income to Tenant. The term untenable shall be defined as meaning the premises are unable to be used for the Tenant's intended use.

SECTION 16

DEFAULT OF TENANT; REMEDIES OF LANDLORD

If any default is made in the payment of the rental or any other provisions as herein agreed by the Tenant, then the Landlord shall have any and all such rights as are available to it by law.

SECTION 17

TENANT HOLDING OVER

This agreement shall terminate automatically upon the expiration of the initial term or any validly exercised renewal thereof. However, if Tenant does not immediately surrender possession of the Premises upon the termination, and there is a holding over by Tenant, then and in said event, the tenancy of this lease shall be a periodic tenancy, the Parties hereto agree that said periodic tenancy shall be month-to-month, terminable by either party upon 30 days' written notice.

SECTION 18

CONTINGENCY

It is recognized by and between the parties that it is necessary for the Landlord to pass a resolution approving the execution of this Lease and the provisions hereof. It is agreed that the necessary resolution required by the Tenant shall be introduced as expeditiously as possible.

SECTION 19

SMOKING

No smoking will be permitted on the Premises by the public or the guests, invitees, agents, servants or employees of Tenant. No candle, incense or open flame shall be permitted on the Premises.

SECTION 20

NOTICES

Any notice required or permitted by this Lease to be given by either party may be personally delivered or sent by certified mail, properly addressed and prepaid, to the addresses of the parties herein given, unless another address shall have been substituted for such address by notice in writing. The date of delivery, being taken as the date of the receipt of such notice.

City of Hagerstown: City Clerk
City of Hagerstown
City Hall
1 E. Franklin Street
Hagerstown, MD 21740

Tenant: Marketplace, LLC
PO Box 112
Brunswick, Maryland 21716
Attn: Mr. David S. Blackmon, Managing Member

SECTION 21
ADDITIONAL DOCUMENTS

The parties agree to execute, acknowledge and deliver, any and all further documents and instruments that may be required or necessary to carry out and effectuate the purpose of this Agreement or any provisions contained herein.

SECTION 22
PARTIAL INVALIDITY

If any term, covenant or condition of this Agreement shall be deemed invalid or unenforceable, then the remainder of this Agreement shall not be affected and same shall remain in full force and effect.

SECTION 23
GOVERNING LAW

This Agreement shall be construed, interpreted and enforced according to the Laws of the State of Maryland, without regard to principles of conflict of law. The parties hereto agree to the exclusive jurisdiction and venue of the State Courts of Maryland located in Washington County. THE PARTIES HEREBY WAIVE THE RIGHT TO TRIAL BY JURY.

SECTION 24
PERMITS

In the event that it becomes necessary for any special permits, licenses or anything that may be requisite for the Tenant to occupy and use the Premises for the purposes set forth herein or as hereinafter may be agreed upon, then in said event, Tenant shall be responsible for the application and payment of any such permit or license fee if required.

SECTION 25
MISCELLANEOUS

The headings in the Agreement are solely for convenience and reference only and are not intended to define or limit the scope of any provisions of this Agreement, nor affect the interpretation thereof.

All references made, and nouns and pronouns used herein, shall be construed in the singular or plural, and in such gender as the sense and circumstances require.

This Agreement shall inure to the benefit of and be binding upon the parties hereto, their grantees, successors and assigns, if applicable.

This Agreement is subject to and contingent on the passage of any ordinances or resolutions required as indicated, and upon the adoption of this Agreement by formal action of the Mayor and Council.

This Agreement contains the final and entire Agreement between the parties and they shall not be bound by any terms, conditions, statements, or representations, oral or written, not herein contained. Any subsequent amendment to the Agreement shall be valid only if executed in writing by the parties or their grantees, successors or assigns, if applicable.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the date and year first above written.

WITNESS AND ATTEST
AS TO CORPORATE SEAL

Donna Spickler, City Clerk

CITY OF HAGERSTOWN

By:_____
Emily N. Keller, Mayor

WITNESS AND ATTEST
AS TO CORPORATE SEAL

MARKETPLACE, LLC

BY:_____(SEAL)
David S. Blackmon, Managing Member

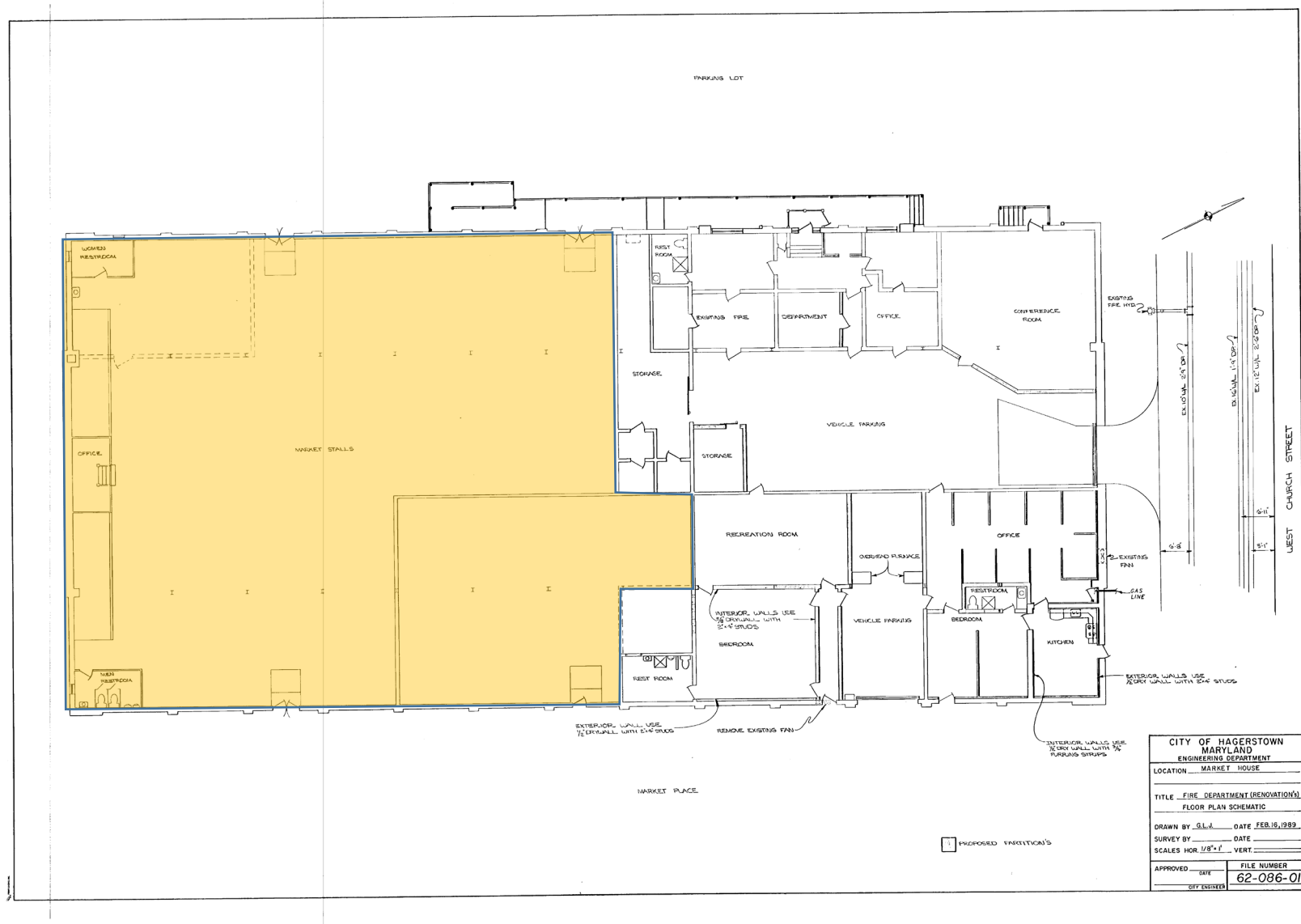


Exhibit A

**REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND**

Topic:

Engineering and Capital Projects Program: Bay Restoration Fund Grant Application - *Nancy Hausrath, Director of Utilities*

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

Memo_BNR-ENR_O_M_Grant_FY23.docx

Motion_-_Bay_Restoration_Fund_Grant_Application_FY23.doc

BNR-ENR_OM_Application_FY2023.pdf

Description

MDE Bay Fee Grant BNR-ENR Application Approval FY23

Motion: MDE Bay Fee Grant BNR-ENR Application Approval

MDE BNR-ENR Grant Application

CITY OF HAGERSTOWN



DEPARTMENT OF UTILITIES

425 East Baltimore Street
Hagerstown, MD 21740-6105

51 West Memorial Blvd
Hagerstown, MD 21740-6848

June 17, 2022

To: Scott Nicewarner, City Administrator
From: Nancy Hausrath, Director of Utilities
Subject: Engineering and Capital Projects Program:
Bay Restoration Fund Grant Application
Enhanced Nutrient Removal Operation and Maintenance Projects

Staff received notification from Maryland Department regarding the availability of the above referenced grant. Please find attached the completed Grant Application.

The City has received the following grant funds beginning in 2018:

2018: \$240,000
2019: \$240,000
2020: \$240,000
2021: \$405,781

As you are aware, all customers served by the City are required pay the Bay Restoration Fee which is collected by the City and remitted to the State. This grant program returns a portion of the Bay Restoration Fees to Hagerstown wastewater customers.

As always, staff is available to provided clarification as may be needed.

REQUIRED MOTION
MAYOR & CITY COUNCIL
HAGERSTOWN, MARYLAND

DATE: **June 28, 2022**

TOPIC: Engineering and Capital Projects Program: Bay Restoration Fund Grant Application for
Enhanced Nutrient Removal Operation and Maintenance

Charter Amendment	_____
Code Amendment	_____
Ordinance	_____
Resolution	_____
Other	<u> X </u>

MOTION: I hereby move for the Mayor and City Council to approve the Bay Restoration Fund Grant Application for Engineering and Capital Projects for Enhanced Nutrient Removal Operation and Maintenance. Funding will be used for Enhanced Nutrient Removal improvement projects identified in the FY23 CIP and Operating Budget to help ensure compliance with the City's NPDES nutrient load requirements for nitrogen and phosphorus.

DATE OF INTRODUCTION: 6/28/2022
DATE OF PASSAGE: 6/28/2022
EFFECTIVE DATE: 6/28/2022



Maryland

Department of the Environment

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor

Ben Grumbles, Secretary
Horacio Tablada, Deputy Secretary

ENGINEERING AND CAPITAL PROJECTS PROGRAM BAY RESTORATION FUND GRANT APPLICATION FOR ENHANCED NUTRIENT REMOVAL OPERATION AND MAINTENANCE

General Information: Individual forms must be fully completed for each facility in operation with Enhanced Nutrient Removal treatment technology.

Facility Name: _____

Facility Location/County: _____

Applicant Name: _____

Address: _____

Congressional District: _____ Legislative District: _____

Contact Person/Title: _____

Contact Address: _____

Phone #: _____ Fax #: _____

E-mail: _____

The following questions will be used to determine the facilities eligibility for this grant:

1. Do the customers of this wastewater facility pay the BRF fee?

_____ Yes _____ No
2. Are you operating the enhanced nutrient removal facility in a manner that optimizes the nutrient removal capability of the facility in order to achieve enhanced nutrient removal (ENR) performance levels, thereby making best efforts to achieve 3 mg/l total nitrogen and 0.3 mg/l total phosphorus in wastewater effluent concentration?

_____ Yes _____ No

3. During the last calendar year, what was the monthly and annual average for your facility's effluent concentrations for total nitrogen as N (TN) and total phosphorus as P (TP)?

Month	TN (mg/l)	TP (mg/l)
January		
February		
March		
April		
May		
June		
July		
August		
September		
October		
November		
December		

Annual Average: TN = _____ mg/l TP = _____ mg/l Flow = _____ MGD

NPDES Permit No.: MD _____

ADDITIONAL GRANTS FOR ENR OUTPERFORMANCE:

The Department may offer additional operation and maintenance grants for facilities achieving better than Enhanced Nutrient Removal based on the additional load reductions achieved due to the outperformance. The applicant may request to withhold any additional load reduction (in full or in part) from receiving the additional grants in order be used instead for trading, Clean Water Commerce Act or any other purpose.

Withhold the following:

_____ All additional nitrogen reduction

_____ All additional phosphorus reduction

OR

_____ Pounds of nitrogen

_____ Pounds of phosphorus

4. When your facility started the ENR operation? _____ (Month/Year)

Authorized Representation Signature: _____ Date: _____

Name: _____ Title: _____

Return the completed application to:

valid.saffouri@maryland.gov

**REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND**

Topic:

Social Agency Efforts - *Mayor Emily Keller*

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates: