

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, NOVEMBER 20, 2008**

Commissioner Jan Gardner, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, November 20, 2008, at 9:15 a.m. Present were Commissioners David Gray, *Vice President*; Kai Hagen, Charles Jenkins and John Thompson, Jr. Also present were Ron Hart, County Manager and Mary Baker, Recording Secretary.

(Official minutes of the Board of County Commissioners' meetings are kept on file in the County Manager's Office; the meetings are also video recorded. Approved minutes are available on the county's website. To receive a copy of meetings recorded on videotape or DVD, please contact the Board of County Commissioners at 301-600-1100 or visit the county's website at www.co.frederick.md.us)

NOTE: Copies of all staff reports are available in the OnBase system. If you need assistance with the OnBase system, please contact the recording secretary.

PLEDGE OF ALLEGIANCE

The meeting began with the Pledge of Allegiance.

COMMISSIONERS COMMENTS

Commissioner Jenkins congratulated Corporal Jason West for being awarded Law Enforcement Officer of the Year.

Commissioner Gardner made mention of the Board's schedule when they are not in session.

Commissioner Gardner congratulated Patrick Healy for being awarded Business Volunteer of the Year.

CONSENT AGENDA

The following items were on the consent agenda:

BID AWARDS

1. Purchasing Memo #09-99 – Request Approval for Award of Contract Snow Removal Services
Award to: Various Contractors
Award amount: \$100.00 per hour for the ¾ ton truck and up to one (1) ton trucks with equipment \$145.00 per hour for the regular trucks
2. Purchasing Memo #09-100 – Request to Purchase Pumpers and Ladder Truck Piggybacking the Houston Galveston Area Contract
Award to: Pierce Manufacturing, Inc.
Award amount: \$1,851,900.00

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, NOVEMBER 20, 2008**

3. Purchasing Memo #09-102 – Request to Piggyback Frederick County Public Schools Contract for Paving and Seal Coating at Various County Facilities
Award to: RFP, Inc.
Award amount: \$38,697.23

GRANT

1. FY 2009 Emergency Medical Dispatcher Training Grant and Associated Budget Transfers – Clarence “Chip” Jewell, Emergency Management Division

Commissioner Gray moved to approve the consent agenda as presented. Commissioner Hagen seconded the motion that passed 5-0.

ADMINISTRATIVE BUSINESS

Announcement of Appointment to the Maryland Emergency Number System Board – Board of County Commissioners

The Board announced the Governor of Maryland appointed Jack Markey, Director, Emergency Management Division, to the Maryland Emergency Number System Board.

Funding for Panel Attorneys – The Honorable G. Edward Dwyer, Jr., Frederick County Circuit Court; The Honorable Oliver John Cejka, Jr., Frederick County District Court; Mary Riley, Office of the Public Defender; and Barbara Domer, Frederick County Circuit Court

Honorable G. Edward Dwyer, Jr, Honorable Oliver John Cejka, Jr., Ms. Riley, and Ms. Domer presented information to the Board regarding panel attorney funding.

The Board took no action.

Street Acceptance – Blair Hovatter, Public Works Division

Staff presented information to the Board including a list of new roads to be accepted into the Frederick County roads system for maintenance as presented in the staff report.

Commissioner Hagen moved to approve staff's recommendation to accept for maintenance responsibility the recently constructed streets as presented in the staff report. Commissioner Gray seconded the motion that passed 5-0.

Reichs Ford Road - Resolution – Wendy Kearney, Office of the County Attorney

The Office of Transportation Engineering was planning to make improvements along Reichs Ford Road. Ms. Kearney presented the proposed resolution, which would allow the County

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, NOVEMBER 20, 2008**

Attorney's office to move forward with a condemnation lawsuit against an adjoining property owner in order to acquire the necessary property to construct the improvements.

Commissioner Gray moved to approve the resolution as presented with the understanding the County Attorney's office must continue negotiations to resolve the matter until the last possible minute. Commissioner Thompson seconded the motion that passed 5-0

(A copy of Resolution #08-37 can be obtained in the County Manager's office or from the county's website, www.co.frederick.md.us).

**Purchasing Memo #09-103, RFP #09-08, Residential Solid Waste and Recyclable
Material Collection Services – Hal Good, Finance Division**

Mr. Good and Mike Marschner, Utilities and Solid Waste Management Division, presented information to the Board and recommended Allied Waste be awarded the countywide contract for pick up of materials as presented in the staff report.

Commissioner Gray moved to approve the staff report with recommendations as presented and to expand pick up countywide. Commissioner Hagen seconded the motion that passed 5-0.

**Proposed Additional Provisions to Public Works Agreements (PWA) - Commissioner
John L. Thompson, Jr.**

Commissioner Thompson presented information to the Board regarding a proposed public works resolution to allocate the risk of impracticability of performance, frustration of purpose and mistake and disclaim any intention the PWA precludes the Board from enacting otherwise lawful government regulations affecting the land.

The Board recommended the proposed resolution be rewritten so the legal language would be easier to understand, hold an outreach meeting to obtain input and bring back to the Board in a worksession once staff and the public has had a change to make comments.

**Brunswick/Rosemont Water Situation – Petition for Maryland Department of
Environment (MDE) Declaratory Ruling – Commissioner John L. Thompson, Jr.**

Commissioner Thompson presented information regarding a declaratory ruling from Maryland Department of the Environment (MDE) as to whether a community water supply system may be permanently terminated to a service area.

Commissioner Jenkins moved to table this item until Brunswick held their town meeting scheduled for November 25, 2008, and revisit this item on December 4, 2008, if necessary. Commissioner Gray seconded the motion that passed 4-1 with Commissioner Thompson opposed.

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, NOVEMBER 20, 2008**

There was consensus from the Board to send a letter to MDE to obtain information regarding a municipality shutting off water to a village they supply and legal issues surrounding the issue.

Brunswick/Rosemont Water Situation – Petition for Maryland Department of Environment (MDE) Investigation – Commissioner John L. Thompson, Jr.

Commissioner Thompson presented information regarding a request to Maryland Department of the Environment (MDE) to conduct an investigation of a portion of the Brunswick water supply.

Commissioner Jenkins moved to table this item until Brunswick held their town meeting scheduled for November 25, 2008, and revisit this item on December 4, 2008, if necessary. Commissioner Gray seconded the motion that passed 4-1 with Commissioner Thompson opposed.

There was consensus from the Board to send a letter to MDE to obtain information regarding a municipality shutting off water to a village they supply and legal issues surrounding the issue.

Communications Collaboration Study – Jack Markey, Emergency Management Division

Mr. Markey presented information to the Board.

The Board approved staff's recommendation for the Emergency Management Division to continue planning with Frederick County Government, the City of Frederick and Frederick County Public Schools, to consolidate the radio networks of the three parties which will meet the operational needs and budgets the three parties can support and to proceed with an operational space needs assessment to address dispatch center growth over the next ten years, including the identification of appropriate emergency operations center space and for staff to come back with the next step for further discussion.

COMMISSIONERS COMMENTS

None.

PUBLIC COMMENTS

None.

QUESTIONS – PRESS

None.

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, NOVEMBER 20, 2008**

ADJOURN

The meeting adjourned at 2:05 p.m.

Respectfully submitted,

Mary E. Baker
Recording Secretary