

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, JANUARY 15, 2009**

Commissioner Jan Gardner, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, January 15, 2009, at 10:00 a.m. Present were Commissioners David Gray, *Vice President*; Kai Hagen, Charles Jenkins and John L. Thompson, Jr. Also present were Barry Stanton, Assistant 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

None.

AGENDA BRIEFING

Staff briefed the Board on the following public hearing items scheduled for Tuesday, January 20, 2009, at 7:00 p.m.

- To Consider an Amendment of the Ethics Ordinance's Financial Disclosure Filing Requirements - Linda Thall, Office of the County Attorney.

CONSENT AGENDA

The following items were on the consent agenda:

BID AWARDS

1. Purchasing Memo #09-131 – FY 2009 Replacement Vehicle Purchase of Six Low-Floor Transit Buses (Piggybacking Stark Area Regional Transit Authority)
Award to: Gillig Corporation
Award amount: \$1,897,470.00
2. Purchasing Memo #09-132 – FY 2009 Replacement Vehicle Purchase of Three Chevrolet One-Ton Pickup Trucks (Piggybacking the State of Maryland Contract)
Award to: Criswell Chevrolet, Inc.
Award amount: \$78,852.00

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BUDGET TRANSFER

1. BT-09-111, Accounting, Finance

GRANT

1. FY 2008 Child Support Enforcement Cooperative Reimbursement Agreement - Budget Modification - Marty Gallagher, Sheriff's Office

EASEMENT

1. Release of Dedication Area for the Dodd and Raines Property - Kathy Hall, Permitting and Development Review Division

CHANGE ORDERS

1. FY 2008 Patch and Repair of Various County Roadways, Contract No. C29918, Change Order No. 3 - Chuck Nipe and Tom Meunier, Public Works Division
2. Spectrum Drive, Contract No. C28385, Change Order No. 17 - Chuck Nipe and Tom Meunier, Public Works Division
3. Ballenger-McKinney Enhanced Nutrient Removal (ENR) Waste Water Treatment Plant (WWTP) Expansion, Bridge and Utilities Crossing Ballenger Creek, Contract No. 200A2-S, Construction Change Order No. 4 - Rodney Winebrenner, Utilities and Solid Waste Management Division

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

ADMINISTRATIVE BUSINESS

Approval of Board of County Commissioners Meeting Minutes

The Board unanimously approved the minutes as presented.

Policy on Non-County Use of County Vehicles - Pat Hannah, Management Services Division

Mr. Hannah presented information regarding a proposed policy for non-county use of county vehicles to allow occasional use of county vehicles by "sister" agencies such as Board of Education, Frederick County Library staff, etc., resulting in lower fuel costs and more fuel efficiency by using a large 12-15 person van rather sending 12-15 individual vehicles traveling to the same destination.

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Commissioner Hagen moved to approve the policy as presented in the staff report. Commissioner Gray seconded the motion that passed 5-0.

Landfill Gas Project Service Agreement Between Frederick County and the Northeast Maryland Waste Disposal Authority (NMWDA) - Mike Marschner, Utilities and Solid Waste Management Division

Mr. Marschner presented information regarding the service agreement.

Frederick County has two permitted sanitary landfills located on 529 acres near Reich's Ford Road. Between 1969 and 1997, an estimated 3.5 million tons of solid waste was placed in the Reich's Ford Road Site-A landfill before it was closed. Following the closure and capping of Site-A in 1997, a 72-well active gas extraction system and gas flare was constructed. Since 1998, this system has been flaring the landfill gas to ensure compliance with the landfill's air permit. The Site-B landfill, which is the county's only operational landfill, is located on a 183-acre parcel. The 58-acre fill area is divided into three cells that generate landfill gas. After a previous attempt by the county to develop a land-fill gas to energy project failed, Utilities and Solid Waste Management Division (DUSWM) requested the NMWDA to conduct a procurement, which would provide a turn-key gas development project to provide the county's solid waste enterprise with an additional revenue stream and/or renewable energy purchase alternatives.

Staff recommended the DCO Energy, LLC proposal that would provide the county with the highest guaranteed revenues of the proposals received along with additional variable revenue from emission reduction. They would install a new gas collection system on Site-B. The NMWDA agreement would provide other benefits including the need for DUWSM to hire additional staff to manage the project or contract.

Commissioner Hagen moved to approve the Landfill Gas Project Services Agreement between the Board and the NMWDA for installation of a new landfill gas collection system on Site-B as presented in the staff report. Commissioner Gray seconded the motion that passed 5-0.

Excess Waste Transportation and Disposal Agreement Between Frederick County and the Northeast Maryland Waste Disposal Authority (NMWDA) - Mike Marscher, Utilities and Solid Waste Management Division

Mr. Marschner presented information to the Board.

The NMWDA issued a request for purchase of additional waste transportation and disposal to supplement the existing contract with Waste Management Inc. to locate lower process for excess solid waste coming into the Reich's Ford Road Landfill. The county is obligated to direct 122,400 tons per year to Waste Management, the remaining 103,000 tons are available for redirection to another vendor. The county's new transfer station was designed to load two

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trailers at any given time, with thirty trailer spaces; multiple vendors would be able to manage outbound waste and recyclables.

Commissioner Hagen moved to approve the Excess Waste Disposal Agreement between the Board and NMWDA as presented in the staff report. Commissioner Gray seconded the motion that passed 5-0.

WORKSESSION

Appointments/Reappointments to Boards/Commissions/Committees - Joyce Grossnickle, County Manager's Office

Adult Public Guardianship Review Board

Commissioner Thompson recused himself due to a conflict of interest.

There was no public comment.

Commissioner Hagen moved to reappoint Ms. Jennifer Blakeslee to serve a three year term to expire June 30, 2011, and appoint Janet Farmer, Esquire, to fill an unexpired term to expire June 30, 2011.

Deferred Loan Program – Loan Review Committee

There was no public comment.

Commissioner Hagen moved to:

- Appoint Dr. Ann Dalrymple as the Affordable Housing Council (AHC) Representative (Mr. Jim Schmersahl would serve as the AHC' representative in Dr. Dalrymple's absence)
- Reappoint Mr. R. Troy Linton as the Mortgage Banking Representative
- Reappoint Mr. Charles Hawley as the Real Estate Community Representative
- Reappoint Mr. John Lynn Shanton as the Private Industry Representative
- Reappoint Ms. Sue Oehring as the Human Services Non-Profit Community Representative
- Reappoint Ms. Eileen Barnhard, Alternate;

and approve the change in term length from two (2) years to three (3) years and change in term expiration date from October 31 to June 30.

The members would serve three-year terms to expire June 30, 2011.

Commissioner Gray seconded the motion that passed 5-0.

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Mr. Bryan Patchan was recommended to serve as the Building Community Representative; however, there was consensus to hold his application until his residency could be verified.

Other Post Employment Benefits Investment Committee

There was no public comment.

Commissioner Hagen moved to appoint Mr. Terry Irwin to a three-year term to expire June 30, 2011, and DCF Michael Easterday to serve with no term assigned. Commissioner Gray seconded the motion that passed 5-0.

LEGISLATIVE ISSUES

Mr. Mathias presented legislative updates to the Board.

DIRECTOR'S REPORT – Al Hudak, Public Works Division

Mr. Hudak, Tom Meunier and Robert Shen presented updates on public works projects throughout the county.

(Commissioner Jenkins left the meeting.)

COMMISSIONERS COMMENTS

It was noted the annual Martin Luther King, Jr. Tribute at Governor Thomas Johnson High School would be postponed due to inclement weather.

PUBLIC COMMENTS

None.

QUESTIONS – PRESS

None.

ADJOURN

The meeting adjourned at 12:30 p.m.

Respectfully submitted,

Mary E. Baker

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Recording Secretary