

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, JANUARY 22, 2009**

Commissioner Jan Gardner, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, January 22, 2009, at 10:00 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](http://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.

**CONSENT AGENDA**

The following items were on the consent agenda:

**BID AWARD**

1. Purchasing Memo #09-133 – Purchase of Replacement Computers (Dell) for Frederick County Public Libraries (Piggyback Contract)  
Award to: Data Networks  
Award amount: \$76,632.00

**GRANT**

1. Application for City of Frederick Grant - FY 2010 - Joy Rowe, Citizens Services Division

**CHANGE ORDER**

1. Ballenger-McKinney Enhanced Nutrient Removal (ENR) Wastewater Treatment Plant (WWTP) Expansion, Contract No. 200A-S, Design Change Order No. 6 and Budget Transfer

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

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**ADMINISTRATIVE BUSINESS**

**MD 80 at Ijamsville Road/Big Woods Road Memorandum of Understanding (MOU) and  
Budget Transfer - Robert Shen, Public Works Division**

Mr. Shen and Mark Crampton, State Highway Administration (SHA), Maryland Department of Transportation, presented information regarding the SHA project, which proposed improvements to the sight distance at the MD 80 with Ijamsville Road and Big Woods Road intersection.

The SHA would be 100% responsible for all design costs, acquisition of right-of-way, relocation of utilities and construction improvements and 50% of the cost for a new traffic signal on MD 80. The county would be responsible for 100% of all design costs, acquisition of right-of-way, relocation of utilities and construction improvements and 50% of the cost for a new traffic signal at the intersection of Ijamsville Road and Big Woods Roads.

Commissioner Hagen moved to approve the MOU and budget transfer as presented. Commissioner Gray seconded the motion that passed 5-0.

**Leadership in Energy and Environmental Design (LEED) Decision for the Brunswick  
Branch Library (CIP Project C11904) – David Grossweiler, Public Works Division**

Mr. Grossweiler presented information to the Board regarding the design of the Brunswick Library being changed from certified LEED to LEED Silver as established by the United States Green Building Council (USGBC).

Mr. Grossweiler noted the LEED certification was developed by the USGBC to promote design and construction of high performing, sustainable buildings. The rating system evaluated the impact the building had on the environment, natural resources, energy and water usage. LEED certified points were 26-32; Silver LEED points were 33-38.

Commissioner Gray moved to continue progress with LEED certification only at this time for the Brunswick Branch Library. Commissioner Jenkins seconded the motion that passed 5-0.

**FY 2009 State Gypsy Moth Agreement - Mike Gastley, Finance Division**

Mr. Gastley presented information regarding the gypsy moth agreement.

Mr. Gastley noted Mr. Robert Tatman, Program Manager for Plant Industries and Pest Management for the Maryland Department of Agriculture (MDA), sent a request to the county to fund up to \$233,176 for the county's share of the gypsy moth spray. Mr. Gastley indicated the county currently had \$80,000 budgeted for FY 2009.

There was Board consensus to send a letter back to Mr. Tatman stating the county only had \$80,000 budgeted for FY 2009.

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It was noted the Board also requested an explanation of fees and acreage changes within the county from MDA.

**LEGISLATIVE ISSUES**

John Mathias, County Attorney, presented updates to the legislative issues which included:

- Solid Waste Franchise issue (tabled until all eight delegation members were present to vote);
- Part-time alcoholic beverage inspector position; and
- Potential tax credits

It was also noted the other Frederick County requests would be reviewed during the legislative meeting scheduled for January 23, 2009.

**COMMISSIONERS COMMENTS**

None.

**PUBLIC COMMENTS**

Bill Ashton, Turkey Trail

**QUESTIONS – PRESS**

None.

**CLOSED SESSION**

Commissioner Gray moved to proceed to closed session in accordance with Maryland Annotated Code State Government Article § 10-508(a)(7) Consult with counsel to obtain legal advice; and (8) To consult with staff, consultants, or other individuals about pending or potential litigation. Commissioner Hagen seconded the motion that passed 5-0.

**ADJOURN**

The meeting adjourned at 11:25 a.m.

Respectfully submitted,

Mary E. Baker  
Recording Secretary

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**FORM OF STATEMENT FOR  
CLOSING THE MEETING OF THURSDAY, JANUARY 22, 2009**

**STATUTORY AUTHORITY TO CLOSE SESSION**

**State Government Article §10-508(a):**

(7) Consult with counsel to obtain legal advice.

**Motion:**

Commissioner Gray moved to proceed to closed session in accordance with Maryland Annotated Code State Government Article § 10-508(a)(7) Consult with counsel to obtain legal advice; and (8) To consult with staff, consultants, or other individuals about pending or potential litigation. Commissioner Hagen seconded the motion that passed 5-0.

**Topic to be Discussed:**

To discuss potential litigation involving county property.

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Mary E. Baker  
Recording Secretary

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**FORM OF STATEMENT FOR  
CLOSING THE MEETING OF THURSDAY, JANUARY 22, 2009**

**STATUTORY AUTHORITY TO CLOSE SESSION**

**State Government Article §10-508(a):**

(8) To consult with staff, consultants, or other individuals about pending or potential litigation.

**Motion:**

Commissioner Gray moved to proceed to closed session in accordance with Maryland Annotated Code State Government Article § 10-508(a)(7) Consult with counsel to obtain legal advice; and (8) To consult with staff, consultants, or other individuals about pending or potential litigation. Commissioner Hagen seconded the motion that passed 5-0.

**Topic to be Discussed:**

To discuss with the county's attorneys and county staff the legal consequences and issues with entering into a particular public works agreement.

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Mary E. Baker  
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, JANUARY 22, 2009**

**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING  
ON TUESDAY, JANUARY 27, 2009  
FOLLOWING THE CLOSED MEETING OF THURSDAY, JANUARY 22, 2009**

**STATUTORY AUTHORITY TO CLOSE SESSION**

**State Government Article §10-508(a):**

(7) Consult with counsel to obtain legal advice.

**Motion:**

Commissioner Gray moved to proceed to closed session in accordance with Maryland Annotated Code State Government Article § 10-508(a)(7) Consult with counsel to obtain legal advice; and (8) To consult with staff, consultants, or other individuals about pending or potential litigation. Commissioner Hagen seconded the motion that passed 5-0.

J. Mathias, R. Hart, B. Stanton, A. Abraham, P. Hannah, J. Kroll, R. McCain, R. Santangelo and M. Baker.

**Topic to be Discussed:**

To discuss potential litigation involving county property.

**Action Taken:**

The Board approved the negotiated settlement and agreement as presented in the staff report.

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Mary E. Baker  
Recording Secretary

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**STATUTORY AUTHORITY TO CLOSE SESSION**

**State Government Article §10-508(a):**

(8) To consult with staff, consultants, or other individuals about pending or potential litigation.

**Motion:**

Commissioner Gray moved to proceed to closed session in accordance with Maryland Annotated Code State Government Article § 10-508(a)(7) Consult with counsel to obtain legal advice; and (8) To consult with staff, consultants, or other individuals about pending or potential litigation. Commissioner Hagen seconded the motion that passed 5-0.

J. Mathias, R. Hart, B. Stanton, K. Demosky, G. Hessong, W. Kearney, B. Teach, R. Santangelo and M. Baker.

**Topic to be Discussed:**

To discuss with the county's attorneys and county staff the legal consequences and issues with entering into a particular public works agreement.

**Action Taken:**

The Board declined the agreement as presented in the staff report.

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Mary E. Baker  
Recording Secretary