

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, FEBRUARY 12, 2009**

Commissioner Jan Gardner, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, February 12, 2009, at 9:55 a.m. Present were Commissioners Charles Jenkins and John L. Thompson, Jr. Also present were Ron Hart, County Manager and Mary Baker, Recording Secretary. Commissioners David Gray, *Vice President*, and Kai Hagen were absent.

(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 Thompson requested scheduling issues be addressed following Legislative Issues.

AGENDA BRIEFING

Staff briefed the Board on the following public hearing items scheduled for:

Tuesday, February 17, 2009, at 8:30 a.m.

- Proposed Ordinance to Permit "Structures Destroyed by Catastrophic Event" to be Reconstructed, in Certain Circumstances without a Site Plan – Mark Depo and Larry Smith, Planning Division

Tuesday, February 17, 2009, at 6:00 p.m.

- Administrative Business - Waste to Energy Discussion (WTE)
- Public Hearing - Proposed Waste to Energy Facility - Mike Marschner, Utilities and Solid Waste Management Division

Thursday, February 19, 2009, at 7:00 p.m.

- Continuation of Public Hearing on the Proposed Waste to Energy Facility - Mike Marschner, Utilities and Solid Waste Management Division

Commissioner Jenkins moved to remove from consideration the Tuscarora WTE (Allegheny Power property) site from the public hearing. Commissioner Thompson seconded the motion that passed 3-0 with Commissioners Gray and Hagen absent.

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CONSENT AGENDA

The following items were on the consent agenda:

BID AWARDS

1. Purchasing Memo #09-134 – Approval of Extension of Interim Contract for Therapy Services for Citizens Care and Rehabilitation Center (CCRC)
Award to: Genesis Rehabilitation Services, Inc.
Award amount: Estimated total of \$122,000
2. Purchasing Memo #09-138 – SOQ/RFP#08-CSC-09 – National Pollutant Discharge Elimination System Consulting Services Indefinite Delivery Quantity (IDQ)
Award to: Versar, Inc.
Award amount: Not to Exceed \$600,000

BUDGET TRANSFERS

1. BT-09-124, Water and Sewer, Utilities and Solid Waste Management Division
2. BT-09-125, Water and Sewer, Utilities and Solid Waste Management Division
3. BT-09-126, Accounting, Finance Division
4. BT-09-127, Accounting, Finance Division
5. BT-09-128, Accounting, Finance Division

CHANGE ORDERS

1. FY 2009 Full Depth Reclamation of Various County Roadways, Contract No. C29919, Change Order No. 2
2. Ballenger-McKinney Enhanced Nutrient Removal (ENR) Waste Water Treatment Plant (WWTP) Expansion, Contract No.200A-S, Design Change Order No. 9

Commissioner Jenkins moved to approve the consent agenda as presented. Commissioner Thompson seconded the motion that passed 3-0 with Commissioners Gray and Hagen absent.

ADMINISTRATIVE BUSINESS

Gypsy Moth Suppression Program - FY 2009 Funding Issues – Robert Tatman and Tom Lupp, Maryland Department of Agriculture

Mr. Lupp and Mr. Tatman presented information to the Board regarding plans for FY 2009 cooperative gypsy moth suppression program in Frederick County. The Maryland Department of Agriculture (MDA) completed the gypsy moth egg mass survey and were currently finalizing estimates of private, local and state owned forested acres which would be proposed for

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treatment within each county. The MDA would provide an estimate of the county's thirty percent cost share to spray.

Based on this fall's egg mass count, the MDA proposed 13,128 acres be sprayed and would choose the insecticide appropriate for each area.

The county's share was estimated up to \$223,176.00.

The MDA requested the Board's decision be sent by letter no later than January 23, 2009.

Public comment was taken from Judy Lingg.

Commissioner Gardner requested this item be tabled until all commissioners were present and have weighed in their decisions. It was noted the letter would be sent by the deadline.

Health Plan Benefit Changes for FY 2010 - Mitch Hose, Human Resources Division

Mr. Hose and Bonnie Madison, Human Resources Division, presented proposed changes to the Board.

The annual premium increases reflected medical inflation, tempered by generally good claims experience during the period. Frederick County looked at how plan benefits compare to other public sectors and it was noted Frederick County was very generous in comparison for most plans.

Staff recommended a premium increase to 11.9% per month, yielding approximated savings across all funds for FY 2010 of \$900,000.00 for active employees and \$145,000.00 for retirees, which would have a \$700,000.00 impact on the general fund.

Commissioner Jenkins moved to approve staff's recommendation as presented the staff report. Commissioner Thompson seconded the motion that passed 3-0 with Commissioners Gray and Hagen absent.

Health Plan Cost-Sharing Changes for FY 2010 - Mitch Hose, Human Resources Division

Mr. Hose and Bonnie Madison, Human Resources Division, presented proposed changes to the Board.

Frederick County has traditionally paid 85% of the monthly premium cost of health insurance for Health Maintenance Organization (HMO) and Preferred Provider Organization (PPO) and employees paid the remaining 15% through payroll deductions. Staff recommended to implement a cost sharing program where the county would pay 85% of the lower cost premiums in the HMO regardless of the plan selected by the employee or retiree. The employee or retiree would pay the remaining cost (15%) if the HMO is selected or 15% plus

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the difference in cost between the HMO and PPO if the PPO is selected. The county estimated a savings of \$500,000 for active employees and \$120,000 for retirees for FY 2010.

Commissioner Jenkins moved to approve staff's recommendation as presented. Commissioner Thompson seconded the motion that passed 3-0 with Commissioners Gray and Hagen absent.

Legislative Issues

Mr. Mathias presented updates to legislative issues.

There was consensus to have all five commissioners present to weigh in on House Bill 477, County Commissioner Retirement Benefits.

House Bill 879, Divestiture from Iran & Sudan, was not yet scheduled for hearing.

House Bill 906, Bow Hunting Safety Setback, was not yet scheduled for hearing.

State Bill 713, Bow Hunting Safety Setback, was scheduled for Friday, March 13, 2009.

House Bill 719, Frederick County Tip jars and Punchboard License, was scheduled for Wednesday, February 25, 2009.

State Bill 868, Frederick County Tip jars and Punchboard License, was scheduled for Thursday, March 5, 2009.

House Bill 721, Wine Festival Liquor License, was scheduled for Monday, February 23, 2009.

CLOSED SESSION

Commissioner Thompson moved to proceed to closed session in accordance with Maryland Annotated Code State Government Article § 10-508(a) (7) To consult with counsel to obtain legal advice on a legal matter; and (8) To consult with staff, consultants, or other individuals about pending or potential litigation. Commissioner Jenkins seconded the motion that passed 3-0 with Commissioners Gray and Hagen absent.

COMMISSIONERS COMMENTS

None.

PUBLIC COMMENTS

None.

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QUESTIONS – PRESS

None.

ADJOURN

The meeting adjourned at 12:20 p.m.

Respectfully submitted,

Mary E. Baker
Recording Secretary

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**FORM OF STATEMENT FOR
CLOSING THE MEETING OF THURSDAY, FEBRUARY 12, 2009**

STATUTORY AUTHORITY TO CLOSE SESSION

State Government Article §10-508(a):

- (7) To consult with counsel to obtain legal advice on a legal matter; and
- (8) To consult with staff, consultants, or other individuals about pending or potential litigation.

Motion:

Commissioner Thompson moved to proceed to closed session in accordance with Maryland Annotated Code State Government Article § 10-508(a) (7) To consult with counsel to obtain legal advice on a legal matter; and (8) To consult with staff, consultants, or other individuals about pending or potential litigation. Commissioner Jenkins seconded the motion that passed 3-0 with Commissioners Gray and Hagen absent.

Topic to be Discussed:

To discuss with staff (including the County Attorney) the ramifications of a recent court decision in pending lawsuits.

Mary E. Baker
Recording Secretary

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**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON TUESDAY, FEBRUARY 17, 2009,
FOLLOWING THE CLOSED MEETING OF THURSDAY, FEBRUARY 12, 2009**

STATUTORY AUTHORITY TO CLOSE SESSION

State Government Article §10-508(a):

- (7) To consult with counsel to obtain legal advice on a legal matter; and
- (8) To consult with staff, consultants, or other individuals about pending or potential litigation.

Motion:

Commissioner Thompson moved to proceed to closed session in accordance with Maryland Annotated Code State Government Article § 10-508(a) (7) To consult with counsel to obtain legal advice on a legal matter; and (8) To consult with staff, consultants, or other individuals about pending or potential litigation. Commissioner Jenkins seconded the motion that passed 3-0 with Commissioners Gray and Hagen absent.

Also present were:

J. Mathias, L. Thall, R. Hart, B. Stanton, M. Hose and M. Baker.

Topics Discussed:

To discuss with staff including the County Attorney, the ramifications of a recent court decision in pending lawsuits.

Action Taken:

Staff received appropriate direction from the Board.

Mary E. Baker
Recording Secretary