

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, FEBRUARY 19, 2009**

Commissioner Jan Gardner, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, February 19, 2009, at 9:40 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 AWARDS**

1. Purchasing Memo #09-137 – RFP 08-CSC-07, Recommendation for Award of Engineering Services for Water and Sewer Facilities and Lines on an Indefinite Delivery Quantity Basis Award to:

The three (3) highest ranked firms for water and sewer lines:

- John E. Harms, Jr. & Associates, Inc.;
- Dewberry & Davis LLC; and
- CMX

The three (3) highest ranked firms for water and sewer facilities:

- Dewberry & Davis LLC;
- Hazen and Sawyer, P.C.; and
- McCrone, Inc.

Award amount: Estimated total of \$300,000.00

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2. Purchasing Memo #09-140 – Piggyback US Communities Contract #MA-IS-42374-9 for Cabling Supplies and Tools  
Award to: Graybar Electric Company  
Award amount: \$297,850.00

**MISCELLANEOUS**

1. FY 2009 Service Contract Agreement for Smoke Free Families Project and Budget Transfer - Shelly Toms, Citizens Services Division
2. Allegheny Power Electric Service Agreement - Kevin Demosky, 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**

Commissioner Thompson moved to amend page three of the closed session minutes for January 22, 2009.

The minutes were unanimously approved as presented and amended.

**Butz Outlot Deed to County/BOCC Outlot Deed to Carroll Manor Fire Company - Kathy Mitchell, Office of the County Attorney**

Ms. Mitchell presented the deed information to the Board.

On September 28, 2005, and October 14, 2005, former Commissioner Mike Cady, the County Attorney's Office staff and other county staff met with the Butz family and the Carroll Manor Volunteer Fire Company concerning the potential donation by the Butz family of an approximately 10 acre parcel of land located on the south side of Adamstown Road between MD Route 85 and Mountville Road to be used for a new fire station on the condition the subdivision and conveyance of the fire station parcel would not count against the potential subdivision rights remaining on the balance of the 200 acres. At the conclusion of the meetings the participants agreed the fire station parcel would be created by submission of an outlot plat. The transferring of the plat would be from the Butz family to the county to the Carroll Manor Volunteer Fire Company and contain a reversion clause, which would revert the property back to the county in the event it was no longer used for a fire station.

Commissioner Jenkins moved to approve the property for government use and the transfer of the Butz property as outlined in the staff report, advertised and to move to public hearing, file a copy of the sale/transfer agreement with the clerk of the circuit court and publish a summary

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of the agreement in *The Frederick News-Post*. Commissioner Gray seconded the motion that passed 4-1 with Commissioner Thompson opposed.

There was also consensus to notify adjoining and confronting property owners of the property transfer.

**Legislative Issues**

John Mathias, County Attorney, presented legislative issue updates to the Board.

House Bill 82, Overdue Water and Sewer Charge Restoration of Service Penalty, was scheduled for hearing on Thursday, March 5, 2009, at 1:00 p.m.

House Bill 477, County Commissioners Retirement Benefits, was scheduled for hearing on Thursday, March 5, 2009, at 1:00 p.m.

House Bill 1245, Deer Hunting on Private Property on Sundays, was scheduled for hearing on Friday, March 6, 2009, at 1:00 p.m.

Colby Ferguson, Office of Economic Development, presented information to the Board to obtain the Board's position on a winery bill for Frederick County wineries.

The Board advised Mr. Ferguson he could speak on this possible bill in Annapolis on behalf of the Economic Development Division, however, the Board took no position. Commissioner Thompson was opposed to the bill as presented.

**Life Cycle Analysis - Commissioner Kai Hagen**

Commissioner Hagen presented information to the Board along with Dr. Jeffrey Morris via conference call from Olympia, Washington, regarding a solid waste and recycling analysis.

The topics included landfill carbon, projections for landfill gas control, electrical offset, waste to energy electricity generation, emissions profile and various environmental impacts.

The Board made no decisions.

**COMMISSIONERS COMMENTS**

None.

**PUBLIC COMMENTS**

None.

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**QUESTIONS – PRESS**

None.

**ADJOURN**

The meeting adjourned at 1:00 p.m.

Respectfully submitted,

Mary E. Baker  
Recording Secretary