

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, JULY 30, 2009**

Commissioner Jan Gardner, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, July 30, 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 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.

**AGENDA BREIFING**

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

Tuesday, August 4, 2009, at 7:00 p.m.

**WORKSESSION**

- Christophers Crossing and Yellow Springs Road Capital Improvements Program Projects - Tony Pellegrino, Public Works Division

**CONSENT AGENDA**

**BID AWARDS**

1. Purchasing Memo #10-13 – Request to Approve FY 2010 Blanket Orders for Parts and Service  
Award to: Various Vendors  
Amount: \$550,000.00
2. Purchasing Memo #10-14 – Request to Piggyback Frederick County Public Schools Contract 07-T-1  
Award to: FleetPride, Inc.  
Award amount: \$85,000.00

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3. Purchasing Memo #10-17 – FY 2010 Replacement Vehicle Purchase Twelve (12) 2010 Ford Crown Victoria Sedans Piggybacking the State of Maryland Contract 0011T8732  
Award to: Hertrich Fleet Services  
Award amount: \$273,552.00

**BUDGET TRANSFERS**

1. #BT-09-222, Accounting, Finance
2. #BT-10-007, Agricultural Preservation, Planning Division
3. #BT-10-010, Circuit Court
4. #BT-10-011, Aging, Citizens Services

**BOARD OF EDUCATION (BOE) EXPENSE FUND AMENDMENTS**

Current Expense Fund Amendments

1. #6-09
2. #7-09
3. #1-10

School Construction Expense Fund Amendment

1. #10-01 and #BT-10-013

**GRANTS**

1. FY 2009 Emergency Management Performance Grant Memorandum of Understanding and Associated Budget Transfers - Seamus Mooney, Emergency Management Division
2. Lower Monocacy Watershed Green Infrastructure Project Grant - Shannon Moore, Public Works Division
3. Renewal of the Collaborative Supervision and Focused Enforcement Grant (2nd Year) and Associated Budget Transfer - David Callahan, Office of the State's Attorney

**EASEMENTS**

1. Catoclin Creek Park, Phase I, Declaration to Establish and Retain Easement - Sue Putnam, Public Works Division
2. Grant of Waterline Easement to Clover Ridge LLC and the City of Frederick - Betsy Smith, Permitting and Development Review Division

**CHANGE ORDER**

1. Water and Sewer Cost of Service Study, Change Order No. 1 - Brenda Teach, Utilities and Solid Waste Management Division

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

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**ADMINISTRATIVE BUSINESS**

**Approval of Board of County Commissioners' Meeting Minutes**

The following minutes were approved by unanimous consent:

- ◆ Closed Session Minutes for Tuesday, May 14, 2009
- ◆ Tuesday, May 26, 2009
- ◆ Closed Session Minutes for Tuesday, May 26, 2009
- ◆ Thursday, May 28, 2009
- ◆ Tuesday, June 2, 2009
- ◆ Closed Session Minutes for Tuesday, June 2, 2009
- ◆ Tuesday, June 2, 2009 (Evening)
- ◆ Thursday, June 4, 2009
- ◆ Form of Statement to Close Meeting on Thursday, June 4, 2009
- ◆ Closed Session Minutes for Thursday, June 4, 2009
- ◆ Form of Statement for Open Meeting Following Closed Session on Thursday, June 4, 2009
- ◆ Closed Session Minutes for Thursday, June 4, 2009 (Afternoon)
- ◆ Tuesday, June 9, 2009
- ◆ Tuesday, June 9, 2009 (Evening)
- ◆ Thursday, June 11, 2009
- ◆ Tuesday, June 16, 2009
- ◆ Tuesday, June 16, 2009 (Evening)
- ◆ Thursday, June 18, 2009

**Bid Award - Purchasing Memo #10-09, Request for Additional Communications  
Consulting Services Piggybacking Fairfax County, Virginia – Hal Good, Finance  
Division**

Mr. Good and Mr. Jack Markey, Emergency Management Division, presented information regarding the purchasing memo.

Commissioner Gray moved approval of Purchasing Memo #10-09 as presented.  
Commissioner Hagen seconded the motion that passed 5-0.

**Bid Award - Purchasing Memo #10-11, Request Approval of Hansen Software  
Maintenance – Hal Good, Finance Division**

Mr. Good presented information regarding the purchasing memo.

Commissioner Gray moved approval of Purchasing Memo #10-11 as presented.  
Commissioner Hagen seconded the motion that passed 5-0.

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**Bid Award - Purchasing Memo #10-12, Request to Approve Sole Source Hyland OnBase Software Maintenance – Hal Good, Finance Division**

Mr. Good presented information regarding the purchasing memo.

Commissioner Jenkins moved approval of Purchasing Memo #10-12 as presented.  
Commissioner Gray seconded the motion that passed 5-0.

**Strategic Plan, Evaluation of Parkland Acreage Deficiencies (Goal No. 5, Objective No. 5) - Paul Dial, Parks and Recreation Division**

Mr. Dial presented information regarding the issue on how staff should evaluate the existing policies and programs contained in the 2006 Land Preservation Parks and Recreation Plan relating to parkland preservation and to identify additional tools to address identified parkland acreage deficiencies.

The Board recommended staff pursue impact fees, Installment Purchase Programs, the formulation of a trust fund foundation or a requirement formula for parkland contribution, to be discussed during future zoning ordinance discussions.

**Recommendation for Change of Representative to the Maryland Fire Service Personnel Qualifications Board (MFSPQB) - Rick Himes, Fire and Rescue Services Division (DFRS)**

The current Frederick County representatives of the MFSPQB were Richard Himes as primary representative and Gene Mellin as the alternate. Since Mr. Mellin has retired, staff requested a letter be sent to Mike Robinson, Chair of MFSPQB, recommending Douglas Brown, Chief, DFRS Bureau of Operations, be appointed to serve as the alternate representative.

Commissioner Jenkins moved approval of staff's recommendation as presented.  
Commissioner Hagen seconded the motion that passed 5-0.

**CSX Facility Encroachment Agreement - Bush Creek Interceptor - Landfill Leachate Sewer - Beth Ramacciotti, Utilities and Solid Waste Management Division (DUSWM)**

Mr. Mike Marschner and Ms. Ramacciotti, DUSWM, requested authorization to execute a Facility Encroachment Agreement to cross under the properties of CSX Transportation as required for the Bush Creek Interceptor – Landfill Leachate Project.

Commissioner Gray moved approval of the Facility Encroachment Agreement No. CSX049708 as presented. Commissioner Jenkins seconded the motion that passed 5-0.

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**Update and Modify Reimbursement Policy, Water and Sewer Capacity Fees and Permitting and Development Review Division Fees for Volunteer Fire/Rescue Companies - Steve Leatherman, Fire and Rescue Services Division and Doug Orner, Volunteer Fire and Rescue Services (DFRS)**

Mr. Leatherman and Mr. Orner presented a proposed modified reimbursement policy for fees paid by volunteer fire and rescue companies to include Permitting and Development Review Division (DPDR) fees. The current policy included water and sewer capacity fees. The modified policy would also change the process in which the companies would request reimbursement and would state that the companies may be considered to have fees refunded depending on availability of funds.

The Board requested the modified policy include “*C. – Development of well and septic/Health Department fees*” and add Health Department fees to the Intent Section.

Commissioner Gray moved approval of the modified reimbursement policy for fees paid by volunteer fire and rescue companies to DUSWM and DPDR for the construction/renovation of fire stations using non county government funds including the revisions as noted above. Commissioner Jenkins seconded the motion that passed 4-1 with Commissioner Thompson opposed.

(Commissioner Gray left the meeting.)

**Adoption of the NCR Master Schedule for License Review and Adoption v1 - Jack Markey, Emergency Management Division**

Mr. Markey presented information regarding the master schedule.

Commissioner Jenkins moved the Board accept and authorize the President of the Board to sign the NCR Master Schedule for license review and to adopt v1 as submitted by Fairfax County Government and authorize the Director of Emergency Management Division or his/her designee as the designated rebanding point of contact to sign future documents to carry out actions under the schedule. Commissioner Hagen seconded the motion that passed 4-0 with Commissioner Gray absent.

**Management of Frederick County Government Public Safety Radio System FCC Licenses - Jack Markey, Emergency Management Division**

Mr. Markey presented information regarding the management of the radio licenses and requested the Board delegate authority to the Director of Emergency Management Division or his/her designee to manage the county’s existing public safety radio system licenses.

Commissioner Jenkins moved approval of staff’s recommendations as presented. Commissioner Hagen seconded the motion that passed 4-0 with Commissioner Gray absent.

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**Rebanding and Reconfiguration Agreements - Jack Markey, Emergency Management  
Division**

Mr. Markey presented the agreements and requested the Board accept and authorize the agreements.

Commissioner Jenkins moved the Board accept and authorize the President of the Board to sign the agreements and the related Reconfiguration Implementation Phase Agreement with Motorola, Inc. and authorize the Director of Emergency Management Division to sign documents required to execute actions within the agreements. Commissioner Hagen seconded the motion that passed 4-0 with Commissioner Gray absent.

**COMMISSIONERS COMMENTS**

None.

**PUBLIC COMMENTS**

None.

**QUESTIONS – PRESS**

None.

**CLOSED SESSION**

Commissioner Jenkins moved to proceed into 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 Hagen seconded the motion that passed 4-0 with Commissioner Gray absent.

**ADJOURN**

The meeting adjourned at 11:55 p.m.

Respectfully submitted,

Mary E. Baker  
Recording Secretary

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**FORM OF STATEMENT FOR  
CLOSING THE MEETING OF THURSDAY, JULY 30, 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 Jenkins moved to proceed into 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 Hagen seconded the motion that passed 4-0 with Commissioner Gray absent.

**Topic to be Discussed:**

To consider a proposal to resolve a contract dispute with a county vendor.

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Mary E. Baker  
Recording Secretary

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**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING  
ON TUESDAY, AUGUST 4, 2009,  
FOLLOWING THE CLOSED MEETING OF THURSDAY, JULY 30, 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 Jenkins moved to proceed into 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 Hagen seconded the motion that passed 4-0 with Commissioner Gray absent.

**Others in Attendance:**

J. Mathias, R. Hart, M. Marschner, M. Baker

**Topic Discussed:**

To consider a proposal to resolve a contract dispute with a county vendor.

**Action Taken:**

The Board approved staff's recommendations as presented.

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Mary E. Baker  
Recording Secretary