

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY**  
**MEETING MINUTES FOR THURSDAY, SEPTEMBER 3, 2009**

Commissioner Jan Gardner, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, September 3, 2009, at 9:40 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 Patti Morrow, 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**

Commissioner Gardner announced a resolution would be added to the agenda regarding the proposed annexation proceedings being considered by the Mayor and Aldermen of The City of Frederick (City).

The Board indicated an invitation would be extended to the Mayor and Aldermen of the City for a meeting regarding the proposed annexations.

**CONSENT AGENDA**

The following items were considered on the consent agenda:

**BID AWARDS**

1. Purchasing Memo #10-44 – Contract for Group Term Life Insurance for Employees  
Award to: ING/Reliastar Insurance Company  
Estimated award amount: \$580,263.00
2. Purchasing Memo #10-49 - Bid #09-02, Loading and Hauling Cinders (Renewal Contract)  
Award to: Schildtknecht Trucking, Inc.  
Award amount: \$37,360.00

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3. Purchasing Memo #10-53 - Bid #10-CP-53, Catoctin Creek Park, Phase I

Award to: Building Systems, Inc.

Base Bid:	\$2,597,000.00
Alternates:	212,600.00
Unit Contingent items estimate:	78,200.00
Allowance #1 estimate	20,000.00
Contingency amount	290,780.00

**BUDGET TRANSFER**

1. #BT-10-031, Program Development and Management, Public Works Division

**CHANGE ORDER**

1. Boyers Mill Sewage Pumping Station, Construction Contract No. 204-E-S, Design Change Order No. 1 – Rodney Winebrenner, Utilities and Solid Waste Management Division

**GRANT**

1. FY 2010 Services Contract Agreement for Family Support Centers and Approval of Budget Transfer – Shelly Toms, Citizens Services Division

**MISCELLANEOUS**

1. Maryland Department of the Environment (MDE) Final Loan Application for the Ballenger-McKinney Enhanced Nutrient Removal (ENR) Waste Water Treatment Plant (WWTP) – Brenda Teach, Utilities and Solid Waste Management Division and Regina Howell, Finance Division
2. Ballenger-McKinney ENR WWTP Expansion Grant Agreement for Planning, Design and Construction – 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**

The following minutes were approved by unanimous consent:

- ◆ Tuesday, July 28, 2009
- ◆ Tuesday, July 28, 2009 Closed Session
- ◆ Thursday, July 30, 2009
- ◆ Thursday, July 30, 2009 Closed Session

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- ◆ Tuesday, August 4, 2009
- ◆ Tuesday, August 4, 2009 (Afternoon)
- ◆ Tuesday, August 4, 2009 (Evening)

**Letter of Support for Way Station – Scott Rose, Way Station, Inc.**

Commissioner Hagen moved to approve the letter of support for the Way Station, Inc. Commissioner Gray seconded the motion that passed 5-0.

The Board indicated the yearly letter would be considered for the consent agenda in the future.

**Proposed Resolution to Request Maryland Department of Planning’s Intervention in The City of Frederick Annexations – John L. Thompson, Jr., County Commissioner**

Commissioner Thompson moved to adopt a resolution that requested the Maryland Department of Planning to intervene in the two (2) annexation proceedings pending before the Mayor and Board of Aldermen of The City of Frederick. Commissioner Hagen seconded the motion that passed 5-0.

(A copy of Resolution #09-25 can be obtained in the County Manager’s Office or from the county’s website, [www.co.frederick.md.us](http://www.co.frederick.md.us))

(Commissioner Gardner passed the gavel to Commissioner Gray and left the meeting.)

**Purchasing Memo #10-45 - Contract for Custodial Services (Sole Source) – Hal Good, Finance Division**

Commissioner Hagen moved to approve the staff recommendation. Commissioner Jenkins seconded the motion that passed 4-0 with Commissioner Gardner absent.

**Purchasing Memo #10-48 - Purchase of 150 Motorola Minitor V-VHF Pagers (Sole Source) – Hal Good, Finance Division**

Doug Orner, Office of the County Manager, and Chip Jewell, Emergency Management Division, commented on the pagers.

Commissioner Hagen moved to approve the staff recommendation. Commissioner Gray seconded the motion that failed 2-2 with Commissioners Jenkins and Thompson opposed and Commissioner Gardner absent.

**Purchasing Memo #10-50 – Contract Amendment – Patriot Phone System Phase II – Hal Good, Finance Division**

Chip Jewell commented on the request.

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Commissioner Jenkins moved to approve the staff recommendation. Commissioner Hagen seconded the motion that passed 4-0 with Commissioner Gardner absent.

**FY 2011 – 2016 Capital Improvements Program (CIP) Calendar, Policies and Direction – Kelly Weaver, Finance Division**

Ms. Weaver reviewed with the Board the CIP calendar, policies and the proposed construction cost adjustment factors that would be utilized in the development of CIP project requests.

Ray Barnes, Frederick County Public Schools, commented on the inflation factors.

Commissioner Hagen moved to approve the staff recommendation. Commissioner Jenkins seconded the motion that passed 4-0 with Commissioner Gardner absent.

(Commissioner Jenkins left the meeting.)

**Forest Resource Ordinance (FRO) Fee-in-lieu Expenditure Request for Frederick County Public Schools Tree Planting Project – Mike Wilkins, Permitting and Development Review Division**

Mr. Wilkins presented the request for fee-in-lieu expenditures for tree planting projects at Windsor Knolls Middle School, Urbana High School and Urbana Middle School.

Heather Montgomery, Public Works Division, and Ray Barnes, Frederick County Public Schools, commented on the request.

(Commissioner Jenkins returned to the meeting.)

Commissioner Hagen moved to approve the request as presented. Commissioner Gray seconded the motion that passed 3-0-1 with Commissioner Jenkins abstained and Commissioner Gardner absent.

**Director's Report – Gary Hessong, Permitting and Development Review Division**

Mr. Hessong gave a PowerPoint presentation to the Board on a review of development data through the end of July 2009 and a look ahead at the Frederick County Planning Commission meetings.

(Commissioner Gardner returned to the meeting.)

(Commissioner Gray passed the gavel back to Commissioner Gardner.)

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**Purchasing Memo #10-48 - Purchase of 150 Motorola Minitor V-VHF Pagers (Sole Source) – Hal Good, Finance Division**

Mr. Good and Mr. Orner reviewed the request for the purchase of the pagers with the Board.

Commissioner Hagen moved to approve the staff recommendation. Commissioner Gray seconded the motion that passed 3-2 with Commissioners Jenkins and Thompson opposed.

**COMMISSIONERS' COMMENTS**

Commissioner Gardner indicated the Maryland Department of Planning would try to have a staff member in attendance at the public hearing scheduled this evening in Frederick City Hall, to consider the two (2) proposed northern annexations.

Commissioner Gardner announced there would be a meeting at 1:00 p.m. with the Mayor and Board of Aldermen from The City of Frederick.

**PUBLIC COMMENTS**

None.

**QUESTIONS - PRESS**

None.

**CLOSED SESSION**

Commissioner Hagen moved to go into closed session under the 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 Gray seconded the motion that passed 5-0.

**ADJOURN**

The meeting adjourned at 12:15 p.m.

Patricia A. Morrow  
Recording Secretary

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**FORM OF STATEMENT FOR  
CLOSING THE MEETING OF THURSDAY, SEPTEMBER 3, 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 Hagen moved to go into closed session in accordance with the 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 Gray seconded the motion that passed 5-0.

**Topic To Be Discussed:**

Legal issues related to the impact of funding and budget cuts.

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Patricia A. Morrow  
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY**  
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**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING  
ON THURSDAY, SEPTEMBER 3, 2009,  
FOLLOWING THE CLOSED MEETING OF THURSDAY, SEPTEMBER 3, 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 Hagen moved to go into closed session in accordance with the 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 Gray seconded the motion that passed 5-0.

**Others in Attendance:**

R. Hart, B. Stanton, J. Mathias, L. Thall, J. Kroll, M. Ward, R. Santangelo

**Topic Discussed:**

Legal issues related to the impact of funding and budget cuts.

**Action Taken:**

The Board took no action.

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Patricia A. Morrow  
Recording Secretary