

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, OCTOBER 8, 2009**

Commissioner Jan Gardner, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, (“Board”) for Thursday, October 8, 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 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).

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 noted today was the ground breaking ceremony for Citizens Care and Rehabilitation Center and Montevue Home for their new “state-of-the-art” buildings.

CONSENT AGENDA

BID AWARDS

1. Purchasing Memo #10-59 – Health Entry for Kids Program
Award to: Various Vendors
Award amount: \$57,978
2. Purchasing Memo #10-73 – Pre-Employment Psychological Exams (Piggyback)
Award to: Greenside Psychological Associates, Inc.
Award amount: \$14,000

BOARD OF EDUCATION (BOE) EXPENSE FUND AMENDMENT

Current Expense Fund Amendment

1. #2-10

GRANT

1. FY 2010 Emergency Medical Dispatcher Training Grant and Associated Budget Transfer - Chip Jewell, Emergency Management Division

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CHANGE ORDER

1. FY 2008 Bituminous Overlay of Various County Roadways, Contract No. C29918, Change Order No. 15 - Chuck Nipe and Tom Meunier, Public Works Division

Commissioner Jenkins requested the motion be split to vote on Purchasing Memo #10-59.

Commissioner Gray moved approval of the consent agenda as presented with the exception of Purchasing Memo #10-59. Commissioner Hagen seconded the motion that passed 5-0.

Commissioner Hagen moved approval of Purchasing Memo #10-59 as presented. Commissioner Gray seconded the motion that passed 3-2 with Commissioners Jenkins and Thompson opposed.

ADMINISTRATIVE BUSINESS

Bid Award - Purchasing Memo #10-72, Replacement of Existing Belt Filter Process Control System and Budget Transfer – Hal Good, Finance Division

Mr. Good and Kevin Demosky, Utilities and Solid Waste Management Division, presented the purchasing memo.

Commissioner Jenkins moved approval of Purchasing Memo #10-72 and the associated budget transfer as presented. Commissioner Gray seconded the motion that passed 5-0.

Bid Award – Purchasing Memo #10-71, Emergency Repair of Caterpillar 973 Track Loader at Utilities and Solid Waste Management Division – Hal Good, Finance Division

Mr. Good presented the purchasing memo.

Commissioner Gray moved approval of Purchasing Memo #10-71 and the associated budget transfer. Commissioner Hagen seconded the motion that passed 5-0.

Amendment II to the Memorandum of Understanding (MOU) Between Frederick County and Maryland State Highway Administration (SHA) for MD 180- MD 351 Planning Study - John Thomas, Planning Division

Mr. Thomas presented the proposed amendment to the MOU that described the request by SHA to obtain reimbursement not only for consultant cost, but also costs incurred by SHA staff for the work on the MD 180-MD 351 planning study to complete it.

Commissioner Jenkins moved approval of the amendment to the MOU as presented. Commissioner Gray seconded the motion that passed 5-0.

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**MD 180-351 Project Planning Study – Locally Preferred Alternative Recommendations -
John Thomas, Planning Division**

Mr. Thomas presented information relating to the study including identification of a locally preferred alternative to improve the existing capacity and traffic operations along MD 180/MD 351 from Greenfield Drive to Corporate Drive, while supporting existing and planned development.

Commissioner Gray moved approval of alternative 3B as outlined in the staff report noting alternative 2 would be acceptable as “Phase I” and the improvements to south of Crestwood Boulevard would be the “Final Phase” to include re-examination and public involvement. Commissioner Jenkins seconded the motion that passed 5-0.

**CSX Facility Encroachment Agreement No. CSX630678 - Ballenger-McKinney Enhanced
Nutrient Removal Waste Water Treatment Plant (WWTP) Expansion - Beth Ramacciotti,
Utilities and Solid Waste Management Division**

Ms. Ramacciotti presented the agreement to gain permission for encroachment on the properties of CSX for the WWTP expansion project.

(Commissioner Jenkins left the meeting.)

Commissioner Hagen moved approval of the agreement as presented. Commissioner Gray seconded the motion that passed 3-1 with Commissioner Thompson opposed and Commissioner Jenkins absent.

**CSX Facility Encroachment Agreement No. CSX624897 - Bush Creek Interceptor -
Middle Phase - Beth Ramacciotti, Utilities and Solid Waste Management Division**

Ms. Ramacciotti presented the agreement to gain permission for encroachment on the properties of CSX for the interceptor project.

(Commissioner Jenkins entered the meeting.)

Commissioner Hagen moved approval of the agreement as presented. Commissioner Gray seconded the motion that passed 4-1 with Commissioner Thompson opposed.

Wendy Kearney, Office of the County Attorney, requested permission to include these types of agreements on the consent agenda.

There was consensus to add this item to the consent agenda.

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**DIRECTOR'S REPORT – Dale Spangenberg, Interagency Information Technologies
Division**

Mr. Spangenberg presented his report on the activities/projects taking place within his division.

COMMISSIONERS COMMENTS

None.

PUBLIC COMMENTS

None.

QUESTIONS – PRESS

None.

CLOSES SESSION

Commissioner Hagen 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 Gray seconded the motion that passed 4-1 with Commissioner Jenkins opposed.

ADJOURN

The meeting adjourned at 12:30 p.m.

Mary E. Baker
Recording Secretary

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**FORM OF STATEMENT FOR
CLOSING THE MEETING OF THURSDAY, OCTOBER 8, 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 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 Gray seconded the motion that passed 4-1 with Commissioner Jenkins opposed.

Topic to be Discussed:

To discuss with the County Attorney the legal issues involved in recently filed litigation.

Mary E. Baker
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
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**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON TUESDAY, OCTOBER 13, 2009,
FOLLOWING THE CLOSED MEETING OF THURSDAY, OCTOBER 8, 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 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 Gray seconded the motion that passed 4-1 with Commissioner Jenkins opposed.

Others in Attendance:

R. Hart, B. Stanton, J. Mathias, M. Chomel, K. Mitchell, A. Hudak, E. Soter, R. Santangelo and M. Baker

Topic Discussed:

To discuss with the County Attorney the legal issues involved in recently filed litigation.

Action Taken:

The Board provided appropriate direction to staff.

Mary E. Baker
Recording Secretary