

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, OCTOBER 22, 2009**

Commissioner Jan Gardner, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, October 22, 2009, at 9:45 a.m. Present were Commissioners David Gray, *Vice President*; Kai Hagen, Charles Jenkins and John L. Thompson, Jr. Also present were Barry Stanton, Assistant 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.FrederickCountyMD.gov.)

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

BUDGET TRANSFER

1. #BT-10-051, Human Resources

GRANT

1. HOME Initiatives Program Grant Application - Jenny Short, Citizens Services Division

CHANGE ORDER

1. FY 2009 Full Depth Reclamation of Various County Roadways, Contract No. C29919, Change Order No. 6 - Chuck Nipe and Tom Meunier, Public Works 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

Bid Award – Purchasing Memo #10-76, Bid 09-CP-58, Ballenger – McKinney Enhanced Nutrient Removal Waste Water Treatment Plant Expansion and Assignment of MBR and UV Contracts and Budget Transfers - Hal Good, Finance Division

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

Commissioner moved approval of Purchasing Memo #10-76 to:

1. Award Option B to Alan A. Myers, LLC;
2. Approve two assignments for pre-purchased equipment to Alan A. Myers, LLC;
3. Approve Option B1 of Design Change Order 13 to Whitman, Requardt and Associates, LLC, matching the bid award option selected; and
4. Approve a budget transfer associated with the award options selected.

Commissioner Hagen seconded the motion.

Commissioner Thompson offered an amendment to forgo the federal stimulus funds associated with this project. Commissioner Jenkins seconded the motion that failed 1-4 with Commissioners Gardner, Gray, Hagen and Jenkins opposed.

The main motion passed 5-0.

Maryland Housing Rehabilitation Program (MHRP) Letter of Intent - Jenny Short, Citizens Services Division

Ms. Short noted the MHRP provided housing for low to moderate income county home owners.

She presented the letter of intent that would reserve the Frederick County MHRP allocation which must be executed and returned by October 30, 2009.

Commissioner Gray moved approval of the letter of intent as presented in the staff report including the associated budget transfer. Commissioner Hagen seconded the motion that passed 5-0.

Lease Agreement - Temporary Location Site for the Brunswick Library During Construction - Wayne Roach, Management Services Division

Mr. Roach and staff presented information regarding the temporary lease of a 1,560 square foot space in the Brunswick Shopping Center with the owner Brooks Ward for a 30-month lease with a termination option after the first 12 months with three months written notice.

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

Briefing/Discussion on Maryland Department of Transportation Pre-Tour Issues Prior to the October 29, 2009, Tour Meeting - John Thomas, Planning Division

Mr. Thomas presented the briefing that is prepared annually with input from the local jurisdictions annual transportation priorities review process. The consolidated transportation program (CTP) outlines Maryland's six-year capital improvement program funding for state transportation agencies noting major system preservation projects were typically identified in the CTP. On October 29, 2009, the Maryland Department of Transportation will present the draft 2010-2015 Maryland CTP to the Board through a "tour" meeting in the county.

DIRECTOR'S REPORT – Richard Kaplan, Internal Audit Division

Mr. Kaplan presented updates within his division.

COMMISSIONERS COMMENTS

Commissioner Gray noted he visited Governor Thomas Johnson High School (TJ) to observe daily operations of the school and noted the operations, teachers and diversity of courses were phenomenal.

Commissioner Jenkins noted two of his sons and one of his daughter's teachers really stood out as terrific teachers and complemented the level of education children receive in Frederick County.

PUBLIC COMMENTS

None.

QUESTIONS – PRESS

None.

CLOSED SESSION

Commissioner Gray 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 Jenkins seconded the motion that passed 5-0.

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ADJOURN

The meeting adjourned at 11:45 a.m.

Mary E. Baker
Recording Secretary

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**FORM OF STATEMENT FOR
CLOSING THE MEETING OF THURSDAY, OCTOBER 22, 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 Gray 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 Jenkins seconded the motion that passed 5-0.

Topic to be Discussed:

To discuss a settlement proposal.

Mary E. Baker
Recording Secretary

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**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON THURSDAY, OCTOBER 22, 2009,
FOLLOWING THE CLOSED MEETING OF THURSDAY, OCTOBER 22, 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 Gray 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 Jenkins seconded the motion that passed 5-0.

Others in Attendance:

B. Stanton, W. Kearney, S. Goetz, M. Marschner, B. Teach and M. Baker

Topic to be Discussed:

To discuss a settlement proposal.

Action Taken:

The Board provided direction to staff.

Mary E. Baker
Recording Secretary