

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, JANUARY 21, 2010**

Commissioner Jan Gardner, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, January 21, 2010, at 9:40 a.m. Present were Commissioners David Gray, *Vice President*; Kai Hagen 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.FrederickCountyMD.gov](http://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**

**CHANGE ORDER**

1. Change Order No. 3 for Project SW0730 Waste to Energy (Northeast Maryland Waste Disposal Authority) - Michael Marschner, Utilities and Solid Waste Management Division

Commissioner Gray moved approval of the consent agenda as presented. Commissioner Thompson seconded the motion that passed 3-1 with Commissioner Hagen opposed.

**ADMINISTRATIVE BUSINESS**

**Bid Award – Purchasing Memo #10-128, Approval of Sole Source Contracting for Strategic Plan Consulting Services for Citizens Care and Rehabilitation Center – Hal Good, Finance Division**

Mr. Good presented the proposed purchasing memo.

Public comment was taken from:

- Jack Tritt, Citizens Nursing Home Board of Trustees member.

Commissioner Gray moved approval of Purchasing Memo #10-128, scenario 'A' that states "*the final contract be in a form agreeable to and approved by the County Attorney without*

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*being brought back before the Board for final approval.*” Commissioner Hagen seconded the motion that passed 3-1 with Commissioner Thompson opposed.

**Request for Lake Linganore Pre-Construction and Benefit Assessment Public Hearing -  
Rod Winebrenner, Utilities and Solid Waste Management Division**

Mr. Winebrenner presented the request.

Commissioner Hagen moved approval of the Board holding a pre-construction and benefit assessment public hearing on the Villages of Pinehurst and Nightingale Lake Linganore Projects to enable construction to begin on new and upgraded water and sewer lines. Commissioner Gray seconded the motion that passed 4-0.

**Winchester Hall Electrical Upgrades "Additional Design Services" - Kevin Vida, Public  
Works Division**

Mr. Vida presented information regarding the upgrades which would allow an architect to provide a fee proposal addressing existing and future flooding problems near the new generator location.

Commissioner Gray moved approval of Change Order No. 3 in the amount of \$8,498.00, from the Architect/Engineering account for this project. Commissioner Hagen seconded the motion that passed 4-0.

**Realignment of Funding in the Capital Improvements Program (CIP) for the New Market  
Fire Station - Steve Leatherman, Fire and Rescue Services Division**

Mr. Leatherman presented information regarding the realignment of funding within the CIP to allow for the acquisition of property for the construction of a New Market Fire Station by allowing the Public Works Division and Fire and Rescue Services Division to begin negotiations for the property allowing construction to begin, noting a confidential proposal on site selections would be presented to the Board prior to the start of any negotiations.

Commissioner Hagen moved approval of staff’s recommendation, noting the site and construction may happen later rather than sooner due to possible cuts in the CIP and to perhaps look at temporary locations for lease or rent in the meantime. Commissioner Gray seconded the motion that passed 3-1 with Commissioner Thompson opposed.

**Final Fire Distribution for FY 2010 – Mike Gastley, Finance Division**

Mr. Gastley presented the final distribution information.

Commissioner Thompson moved to impound the remaining amount. This motion failed due to lack of a second.

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Commissioner Gray moved to impound half of the amount noting any appeals for the remainder of the funds would be determined by the County Manager. Staff could then review the last half to determine where and when it could be distributed. This motion failed due to lack of a second.

Public comment was taken from:

- Mr. Jim Graham, Treasurer, Walkersville Volunteer Fire Company

(Commissioner Thompson left the meeting.)

Commissioner Gray pulled his motion.

(Commissioner Thompson entered the meeting.)

Commissioner Hagen moved to approve the final 25% distribution on or about February 1, 2010. Commissioner Gray seconded the motion that passed 3-1 with Commissioner Thompson opposed.

**Legislative Issues**

Commissioner Gardner presented updates from Delegate Stull and inquired who would speak on behalf of the Frederick County bills during tomorrow's meeting with the delegation.

**PUBLIC COMMENTS**

- Ralph Whitmore, Burgess, Walkersville
- Rolan Clark
- Bill Ashton

**DIRECTOR'S REPORT – Paul Dial, Parks and Recreation Division**

Mr. Dial presented updates within his division.

**COMMISSIONERS COMMENTS**

None.

**QUESTIONS - PRESS**

None.

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**CLOSED SESSION**

Commissioner Gray moved to proceed into closed session in accordance with Maryland Annotated Code State Government Article § 10-508(a)(3) To consider the acquisition of real property for a public purpose and matters directly related thereto. Commissioner Hagen seconded the motion that passed 4-0.

**ADJOURN**

The meeting adjourned at 1:45 p.m.

Mary E. Baker  
Recording Secretary

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**FORM OF STATEMENT FOR  
CLOSING THE MEETING OF THURSDAY, JANUARY 21, 2010**

**STATUTORY AUTHORITY TO CLOSE SESSION**

**State Government Article §10-508(a):**

(3) To consider the acquisition of real property for a public purpose and matters directly related thereto.

**Motion:**

Commissioner Gray moved to proceed into closed session in accordance with Maryland Annotated Code State Government Article § 10-508(a)(3) To consider the acquisition of real property for a public purpose and matters directly related thereto. Commissioner Hagen seconded the motion that passed 4-0.

**Topic to be Discussed:**

To consider the acquisition of real property for emergency response use.

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Mary Baker  
Recording Secretary

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**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING  
ON THURSDAY, JANUARY 21, 2010  
FOLLOWING THE CLOSED MEETING OF THURSDAY, JANUARY 21, 2010**

**STATUTORY AUTHORITY TO CLOSE SESSION**

**State Government Article §10-508(a):**

(3) To consider the acquisition of real property for a public purpose and matters directly related thereto.

**Motion:**

Commissioner Gray moved to proceed into closed session in accordance with Maryland Annotated Code State Government Article § 10-508(a)(3) To consider the acquisition of real property for a public purpose and matters directly related thereto. Commissioner Hagen seconded the motion that passed 4-0.

**Others in Attendance:**

R. Hart, B. Stanton, W. Kearney, M. Chomel, C. Chamberlain, D. Ennis, A. Hudak, S. Leatherman, D. Orner and M. Baker.

**Topic Discussed:**

To consider the acquisition of real property for emergency response use.

**Action Taken:**

The Board approved staff's recommendations.

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Mary Baker  
Recording Secretary