

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, FEBRUARY 4, 2010**

Commissioner Jan Gardner, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, February 4, 2010, at 10:05 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**

Commissioner Gray visited Mount Saint Mary's University yesterday to learn about the solar panel project they were working on, noting they were installing 250,000 solar panels.

Commissioner Thompson noted yesterday the Election Board commented on a possible mandate for new statewide election system and possible county funding impacts.

**CONSENT AGENDA**

**BUDGET TRANSFER**

1. #BT-10-115, Program Development and Management, Public Works Division

**GRANT**

1. Maryland State Community-Right-To-Know Grant Program for 2010 – 2015 and associated Budget Transfer – Seamus Mooney, Emergency Management Division
2. FY 2011 Mid-Maryland Rural Legacy Grant Application – Tim Blaser, Planning Division

**MISCELLANEOUS**

1. State of Maryland Cooperative Agreement Between the Department of Agriculture and Frederick County Regarding the Extradication of Noxious Weeds – Mike Gastley, Finance Division

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Commissioner Gray moved approval of the consent agenda as presented. Commissioner Hagen seconded the motion that passed 4-0.

**ADMINISTRATIVE BUSINESS**

**Aspen (North) Booster Pump Station Project – Mike Marschner, Utilities and Solid Waste Management Division**

Mr. Marschner presented a request for the Board to authorize the developer of Aspen North to use portions of the decommissioned Holly Hill water booster pump station (BPS) for the construction of an interim BPS to serve pressure zone 3 in Aspen North.

Commissioner Hagen moved approval of the BPS as presented including the following requirements:

- The developer's engineer determines that the used equipment is adequate to meet the required design pumping capacity for all 164 lots in this part of pressure zone 3, which could ultimately be served by this pump;
- The used equipment is fully inspected, tested and certified by the equipment's manufacturer or their authorized repair center;
- The used equipment can be configured, satisfactory to Utilities and Solid Waste Management Division (DUSWM) for operation and maintenance in the new BPS building that will be located on Lot 20 in Aspen North;
- Corrosion control and repainting of the equipment to a like new condition would be completed prior to or once the equipment was installed; and
- The developer provides, either as part of public works agreement for the station construction or by some other means satisfactory to DUSWM, a one-year warranty on all of the equipment DUSWM allows to be reused for this project.

Commissioner Gray seconded the motion that passed 4-0.

**Transportation Priorities, Appropriations and Reauthorization Status Briefing – John Thomas, Planning Division**

Mr. Thomas presented the briefing.

Rick Weldon and Tim Davis, City of Frederick, also spoke on the briefing on behalf of the city.

Commissioner Hagen moved to send a letter to the Federal Delegation requesting appropriations and support for FY 2011 including and in priority order:

1. US 15 at Monocacy Boulevard Interchange;
2. I-270/MD 85 interchange; and
3. MARC Rail, Frederick Spur of Brunswick Line.

Commissioner Gray seconded the motion that passed 4-0.

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Commissioner Hagen moved to send a letter of support to the Federal Delegation in support of the City of Frederick's request for construction funding from the Federal Aviation Administration for an air traffic control tower for the Frederick Municipal Airport. Commissioner Gray seconded the motion that passed 3-1 with Commissioner Thompson opposed.

**Legislative Issues**

Commissioner Gardner and Regan Cherney, Office of the County Manager, presented updates to the bills currently proposed for the 2011 legislative session.

**DIRECTOR'S REPORT – Gary Hessong, Permitting and Development Review Division**

Mr. Hessong presented updates within his division.

**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; and (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.

**COMMISSIONERS COMMENTS**

None.

**PUBLIC COMMENTS**

- Blaine Young, Monrovia

**QUESTIONS - PRESS**

None.

**ADJOURN**

The meeting adjourned at 11:40 a.m.

Mary E. Baker  
Recording Secretary

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**FORM OF STATEMENT FOR  
CLOSING THE MEETING OF THURSDAY, FEBRUARY 4, 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; and (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.

**Topic to be Discussed:**

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

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**Topic to be Discussed:**

To discuss and provide direction regarding pending legal matters and potential litigation.

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Mary Baker  
Recording Secretary

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**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING  
ON THURSDAY, FEBRUARY 4, 2010,  
FOLLOWING THE CLOSED MEETING OF THURSDAY, FEBRUARY 4, 2010**

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**Others in Attendance:**

R. Hart, B. Stanton, W. Kearney, C. Chamberlain, P. Dial, B. Hicks, M. Hose, M. Ward, R. Santangelo and M. Baker

**Topic Discussed:**

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

**Action Taken:**

The Board provided direction to staff on each property.

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**Topic Discussed:**

To discuss and provide direction regarding pending legal matters and potential litigation.

**Action Taken:**

No action was taken by the Board.

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Mary Baker  
Recording Secretary