

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY**  
**MEETING MINUTES FOR THURSDAY, APRIL 1, 2010**

Commissioner Jan Gardner, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, April 1, 2010, at 9:40 a.m. Present were Commissioners David Gray, *Vice President*, Kai Hagen, John L. Thompson, Jr. and Blaine Young. 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.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.

**COMMISSIONER COMMENTS**

None.

**CONSENT AGENDA**

The following items were included on the consent agenda:

**BID AWARDS**

1. Purchasing Memo #10-157 – RFP #09-24, Vending Machine Services  
Award to: Hagerstown Canteen Service  
Revenue Producing Contract – Approximately \$25,000.00
2. Purchasing Memo #10-161 - Bid #10-CP-73, Bituminous Overlay of Various Frederick County Roadways FY 2010  
Award to: F. O. Day, Inc.  
Estimated award amount - \$4,107,537.25
3. Purchasing Memo #10-165 - Bid #10-17, Supply of Precast Concrete Culvert Systems for Harp Hill Road  
Award to: Gillespie Precast, LLC.  
Award amount: \$54,050.00

**BUDGET TRANSFERS**

1. #BT-10-143, Sheriff's Office
2. #BT-10-144, Animal Control
3. #BT-10-145, Accounting, Finance Division

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4. #BT-10-146, Program Development and Management, Public Works Division
5. #BT-10-147, Maintenance, Management Services Division

**GRANTS**

1. Rental Allowance Program FY 2010 Grant Renewal – Jenny Short, Citizens Services Division
2. Application for Funding Renewal from the State Agency Mediation and Conflict Resolution Office (MACRO) for Family Mediation Program – Lynn McPherson, Circuit Court

**CHANGE ORDER**

1. Bituminous Overlay of Various County Roadways, Contract No. C29919, Change Order No. 5 - Chuck Nipe and Tom Meunier, Public Works Division

Commissioner Gray moved to approve the consent agenda as presented. Commissioner Hagen seconded the motion that passed 5-0.

As a result of the consent agenda, staff was requested to schedule a future discussion on the issue of vending machine services.

**ADMINISTRATIVE BUSINESS**

**Bid Award - Purchasing Memo #10-162, Replacement Print Management Equipment for the Frederick County Public Libraries (FCPL) (Sole Source) and Budget Transfer – Hal Good, Finance Division**

Darrell Batson, FCPL, commented on the bid award.

Commissioner Hagen moved approval of Purchasing Memo #10-162 to replace the print management equipment for the FCPL, noting it was a sole source, and approval of the associated budget transfer. Commissioner Gray seconded the motion that passed 5-0.

**Forest Resource Ordinance (FRO) Fee-in-Lieu Expenditures in the Linganore Watershed – Mike Wilkins, Permitting and Development Review Division**

Mr. Wilkins presented the staff report regarding the exploration of purchasing easements on private property, especially in the Linganore watershed, for the purposes of reforestation.

Gary Hessong, Permitting and Development Review Division, commented on the issue.

Commissioner Hagen moved to approve the staff recommendation and incorporate the following comments from the Board:

- Look into what other counties are doing;

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- Research how it may fit with Conservation Reserve Enhancement Program (CREP) applicants;
- Deal upfront with the lenders to subordinate stream crossings;
- Research adding a second easement; and
- Deal with noxious and invasive weeds.

Commissioner Gray seconded the motion that passed 5-0.

**FY 2011 Public School Construction Capital Improvements Program (CIP): Request for Local Fiscal Support Letter – Board of County Commissioners**

Ray Barnes, Frederick County Public Schools, commented on the school construction CIP.

Commissioner Gray moved to send a letter to Dr. David Lever, Executive Director, Interagency Committee on School Construction, Maryland State Board of Education, to reconfirm support to approve the county's ability to fund additional state funding matches for the school construction program. Commissioner Hagen seconded the motion that passed 5-0.

**Legislative Issues**

Ragen Cherney, Office of the County Manager, briefed the Board on the issues before the Frederick County delegation members.

Commissioner Gardner updated the Board on recent Maryland Association of Counties (MACo) legislation.

**WORKSESSION**

**Appointments/Reappointments to Boards/Commissions/Committees – Joyce Grossnickle, Office of the County Manager (Continued from 3/30/2010 meeting)**

**Commission for Women:**

There were no public comments.

Commissioner Hagen moved to appoint Deborah Conroy to fill an unexpired term to expire June 30, 2011, and Vivian Laxton to fill an unexpired term to expire June 30, 2012. Commissioner Gray seconded the motion that passed 5-0.

**Commission on Aging**

There were no public comments.

Commissioner Gray moved to reappoint Virginia Skelley and Steve Wilhide for terms to expire December 31, 2012. Commissioner Hagen seconded the motion that passed 5-0.

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Commission on Disabilities

There were no public comments.

Commissioner Gray moved to appoint Haywood Evans and Michael Planz to fill unexpired terms to expire June 30, 2010, and also appoint both for full three-year terms to become effective July 1, 2010, and to expire June 30, 2013. Commissioner Hagen seconded the motion that passed 5-0.

Electrical Board

There were no public comments.

Commissioner Gray moved to reappoint Paul Donaghue to serve a five-year term to expire June 30, 2015. Commissioner Hagen seconded the motion that passed 5-0.

Sustainability Commission

Hilari, Varnadore, Office of Environmental Sustainability, commented.

Commissioner Hagen moved to approve the appointment of William Morrow to fill an unexpired term ending June 30, 2010, and also appoint Mr. Morrow for a full three-year term to become effective July 1, 2010, and expire June 30, 2013. Commissioner Gray seconded the motion that passed 5-0.

**DIRECTOR'S REPORT – Dr. Barbara Brookmyer, Health Services Division - Update of the Health Department's H1N1 Program**

Dr. Brookmyer presented a snapshot of the second wave response regarding the H1N1 response to the Board.

**PUBLIC COMMENTS**

None.

**COMMISSIONER COMMENTS**

None.

**QUESTIONS – PRESS**

None.

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**CLOSED SESSION**

Commissioner Hagen moved to go into closed session according to the Maryland Annotated Code State Government Article § 10-508(a)(7) To consult with counsel to obtain legal advice on a legal matter; (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 11:40 a.m.

Patricia A. Morrow  
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY**  
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**FORM OF STATEMENT FOR  
CLOSING THE MEETING OF TUESDAY, APRIL 1, 2010**

**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**

The legal ramifications and the possible appeal of a recent administrative decision.

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Patricia A. Morrow  
Recording Secretary

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**Topic To Be Discussed**

The status of pending lawsuits with the County Attorney's Office.

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Patricia A. Morrow  
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY**  
**MEETING MINUTES FOR THURSDAY, APRIL 1, 2010**

**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING  
ON TUESDAY, APRIL 6, 2010,  
FOLLOWING THE CLOSED MEETING OF THURSDAY, APRIL 1, 2010**

**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, W. Kearney, K. Mitchell, M. Chomel, E. Soter, L. Steel and P. Morrow

**Topic Discussed:**

The legal ramifications and the possible appeal of a recent administrative decision.

**Action Taken:**

Staff was directed to proceed to file an appeal in the Frederick County Circuit Court.

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Patricia A. Morrow  
Recording Secretary

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ON TUESDAY, APRIL 6, 2010,  
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**Topic Discussed:**

The status of pending lawsuits with the County Attorney's Office.

**Action Taken:**

No action was taken.

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Patricia A. Morrow  
Recording Secretary