

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR TUESDAY, OCTOBER 26, 2010**

Commissioner, Jan Gardner, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Tuesday, October 26, 2010, at 8:30 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 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.)

PLEDGE OF ALLEGIANCE

The meeting began with the Pledge of Allegiance.

COMMISSIONERS COMMENTS

None.

WORKSESSION *(Following the staff report presentation and discussion, public comments will be accepted for each worksession item. Comments should not exceed three (3) minutes.)*

Home Healthcare Month Proclamation

Commissioner Gardner presented the proclamation.

Siting the North Frederick Fire Station – Austin Abraham, Management Services Division

Mr. Abraham and Tom Owens, Fire and Rescue Services Division, presented information pertaining to the site.

There were no public comments.

Commissioner Gray moved to support siting on adjoining portions of 7630 Hayward Road and 33 Thomas Johnson Drive. Commissioner Hagen seconded the motion that passed 3-2 with Commissioners Thompson and Young opposed.

Funding Schedule for Other Post Employment Benefits – John Kroll, Finance Division

Mr. Kroll presented the proposed funding schedule.

Comments were taken from Sheriff Chuck Jenkins and Renee Williar, Frederick County Sheriff's Office.

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Commissioner Gray moved approval of staff's recommendation as presented. Commissioner Gardner seconded the motion that failed 2-3 with Commissioners Hagen, Thompson and Young opposed.

Commissioner Thompson moved to shift \$1 million dollars from Frederick Community College to fund other post employment benefits (OPEB) in fiscal year (FY) 2012. Commissioner Gardner seconded the motion that failed 1-4 with Commissioners Gardner, Gray, Hagen and Young opposed.

Commissioner Thompson moved to shift \$100,000 from Frederick Innovative Technology Center, Inc. to fund OPEB in FY 2012. Commissioner Gray seconded the motion that failed 1-4 with Commissioners Gardner, Gray, Hagen and Young opposed.

Commissioner Young moved to use the five-year ramp up schedule. Commissioner Hagen seconded the motion.

Commissioner Gardner called the motion out of order.

Commissioner Gardner recommended this item be rescheduled once the new Board takes office.

Standard Operating Procedures for Property Rights Acquisitions in Frederick County, Maryland – Crystal Chamberlain, Public Works Division and Beth Ramacciotti, Utilities and Solid Waste Management Division

Ms. Chamberlain, Ms. Ramacciotti, Austin Abraham, Management Services Division, and Wendy Kearney, Office of the County Attorney, presented the proposed resolution.

There was no public comment.

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

A copy of the approved/adopted resolution can be obtained in the County Manager's Office or by accessing www.FrederickCountyMD.gov.

COMMISSIONERS COMMENTS

Commissioners Gardner, Gray and Hagen commented on the inaccurate accusations being made about the current Board and current candidates running for office on the radio, in the local newspapers and in mailings going to Frederick County residents.

PUBLIC COMMENTS

None.

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QUESTIONS - PRESS

None.

CLOSED SESSION

Commissioner Hagen moved to proceed into closed session in accordance with Maryland Annotated Code State Government Article § 10-508(a)(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 10:20 a.m.

Mary E. Baker
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
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**FORM OF STATEMENT FOR
CLOSING THE MEETING OF TUESDAY, OCTOBER 26, 2010**

STATUTORY AUTHORITY TO CLOSE SESSION

State Government Article §10-508(a):

(8) To consult with staff, consultants or other individuals about pending or potential litigation.

Motion:

In open session Commissioner Hagen moved to proceed into closed session in accordance with Maryland Annotated Code State Government Article § 10-508(a)(8) To consult with staff, consultants or other individuals about pending or potential litigation. Commissioner Gray seconded the motion that passed 5-0.

Time and Location:

10:20 a.m. – Third Floor Meeting Room, Winchester Hall

Topic to be Discussed:

To obtain legal advice on existing litigation.

Mary Baker
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR TUESDAY, OCTOBER 26, 2010**

**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON THURSDAY, OCTOBER 28, 2010,
FOLLOWING THE CLOSED MEETING OF TUESDAY, OCTOBER 26, 2010**

STATUTORY AUTHORITY TO CLOSE SESSION

State Government Article §10-508(a):

(8) To consult with staff, consultants or other individuals about pending or potential litigation.

Motion:

In open session Commissioner Hagen moved to proceed into closed session in accordance with Maryland Annotated Code State Government Article § 10-508(a)(8) To consult with staff, consultants or other individuals about pending or potential litigation. Commissioner Gray seconded the motion that passed 5-0.

Time and Location:

10:20 a.m. – Third Floor Meeting Room, Winchester Hall

Others in Attendance:

R. Hart, B. Stanton, J. Mathias, W. Kearney, Laura Steele (Outside Counsel), E. Soter, R. Santangelo and M. Baker

Topic Discussed:

To obtain legal advice on existing litigation.

Action Taken:

Staff was directed to take appropriate action.

Mary Baker
Recording Secretary