

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, DECEMBER 16, 2010**

Commissioner Blaine Young, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, December 16, 2010, at 10:00 a.m. Present were Commissioners C. Paul Smith, *Vice President*; Billy Shreve and Kirby Delauter. Also present were Barry Stanton, County Manager and Mary Baker, Recording Secretary. Commissioner David Gray was absent.

*(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).)*

**PLEDGE OF ALLEGIANCE**

The meeting began with the Pledge of Allegiance.

**COMMISSIONERS COMMENTS**

Commissioner Smith commented on the articles in *The Frederick News-Post* yesterday and the *Gazette* today regarding the repeal of the Ethics Laws noting the miss reporting of information by the reporters.

Commissioner Shreve advised anyone interested in more information on this issue, please contact the Frederick County Public Information Officer.

Robin Santangelo, Public Information Officer, showed a video which contained interviews of various county staff during the Strategic Planning Meetings last week.

**AGENDA BRIEFING**

Staff briefed the Board on the following public hearing item scheduled for:

Tuesday, December 21, 2010, at 8:30 a.m.

- Zoning Text Amendment #ZT-10-05, Proposed Ordinance to Amend Certain Sections of the Frederick County Code Regarding Floodplain, Commercial and Business Schools, Public and Private Schools and Boarding Stables - Larry Smith, Planning Division

**CONSENT AGENDA**

**BID AWARD**

1. Purchasing Memo #11-100 – Congregate and Home Delivered Meal Components  
Award to: Business Food Solutions  
Award amount: \$720,345 (Total estimated cost for five years)

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**GRANTS**

1. FY 2011 Walmart Foundation Grant Application - Joy Rowe, Citizens Services Division
2. United Way Annual Statement of Agreement - Shelly Toms, Citizens Services Division

Commissioner Young pulled Grant #2.

Commissioner Smith moved approval of the consent agenda as presented with the exception of Grant #2. Commissioner Shreve seconded the motion that passed 4-0 with Commissioner Gray absent.

Margaret Nusbaum and Shelly Toms, Citizens Services Division, presented information regarding Grant #2.

Commissioner Smith moved approval of Grant #2 as presented. Commissioner Shreve seconded the motion that passed 4-0 with Commissioner Gray absent.

**ADMINISTRATIVE BUSINESS**

**LIFE Enriched Maryland Initiative/Barbara Bush Foundation for Family Literacy Grant Application – Shelly Toms, Citizens Services Division**

Margaret Nusbaum, Citizens Services Division, and Ms. Toms presented the proposed grant application.

Commissioner Smith moved approval of the grant as presented. Commissioner Delatuer seconded the motion that passed 4-0 with Commissioner Gray absent.

**Collective Bargaining for FY 2012 with Represented Fire and Rescue Services Division Employees - Miles Ward, Human Resources Division**

Mr. Ward presented information to start the collective bargaining process.

Commissioner Young moved approval to start the collective bargaining process as presented. Commissioner Smith seconded the motion that passed 4-0 with Commissioner Gray absent.

**Wastewater Utility Masterplan for Frederick County and the City of Frederick Waste Water Collection and Conveyance System, Design Change Order No. 17 – Mike Marschner, Utilities and Solid Waste Management Division**

Mr. Marschner presented the proposed change order.

Commissioner Smith moved approval of Change Order No. 17 as presented. Commissioner Shreve seconded the motion that passed 4-0 with Commissioner Gray absent.

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**WORKSESSION**

**Installment Purchase Program - Lakin Dwelling Exclusion Request - Tim Blaser and Anne Bradley, Planning Division**

Mr. Blaser and Ms. Bradley presented the proposed installment purchase program request.

There was no public comment.

Commissioner Shreve moved approval to set the one-acre boundary that was previously excluded. Commissioner Delauter seconded the motion that passed 4-0 with Commissioner Gray absent.

The Board also requested staff to include language to the advertisements letting property owners have the choice to donate easement property versus the county purchasing the easement property.

**Fire and Rescue Service Delivery Task Force Report - Tom Owens, Fire and Rescue Services Division**

Mr. Owens presented the report.

The Board requested a night meeting be scheduled for this item.

No action was taken by the Board.

**ADMINISTRATIVE BUSINESS**

**Frederick County Snow Removal Operations Plan Update - Tom Meunier, Public Works Division**

This item was postponed due to inclement weather.

**COMMISSIONERS COMMENTS**

None.

**PUBLIC COMMENTS (3 MINUTE PRESENTATION)**

- John Neary

**QUESTIONS – PRESS**

None.

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**CLOSED SESSION**

The following closed session item was postponed to a future agenda:

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 Smith moved to proceed into closed session in accordance with Maryland Annotated Code State Government Article § 10-508(a) (14) Before a contract is awarded or bids are opened, discuss a matter directly related to a negotiation strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process. Commissioner Shreve seconded the motion that passed 4-0 with Commissioner Gray absent.

**ADJOURN**

The meeting adjourned at 1:55 p.m.

Mary E. Baker  
Recording Secretary

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**FORM OF STATEMENT FOR  
CLOSING THE MEETING OF THUSDAY, DECEMBER 16, 2010**

**STATUTORY AUTHORITY TO CLOSE SESSION**

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

(14) Before a contract is awarded or bids are opened, discuss a matter directly related to a negotiation strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.

**Motion:**

Commissioner Smith moved to proceed into closed session in accordance with Maryland Annotated Code State Government Article § 10-508(a) (14) Before a contract is awarded or bids are opened, discuss a matter directly related to a negotiation strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process. Commissioner Shreve seconded the motion that passed 4-0 with Commissioner Gray absent.

**Time and Location:**

2:00 p.m. – Third Floor Meeting Room, Winchester Hall

**Topic to be Discussed:**

To discuss with county staff the negotiating strategy and advantages and disadvantages of proceeding with a future solid waste transportation and disposal contract proposal.

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Mary Baker  
Recording Secretary

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**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING  
ON TUESDAY, DECEMBER 21, 2010,  
FOLLOWING THE CLOSED MEETING OF THURSDAY, DECEMBER 16, 2010**

**STATUTORY AUTHORITY TO CLOSE SESSION**

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

(14) Before a contract is awarded or bids are opened, discuss a matter directly related to a negotiation strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.

**Motion:**

Commissioner Smith moved to go into closed session in accordance with Maryland Annotated Code State Government Article §10-508(a) (14) Before a contract is awarded or bids are opened, discuss a matter directly related to a negotiation strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process. Commissioner Shreve seconded the motion that passed 4-0 with Commissioner Gray absent.

**Time and Location:**

2:00 p.m. – Third Floor Meeting Room, Winchester Hall

**Others in Attendance:**

B. Stanton, J. Mathias, M. Marschner, J. Kroll and P. Morrow.

**Topic Discussed:**

To discuss with county staff the negotiating strategy and advantages and disadvantages of proceeding with a future solid waste transportation and disposal contract proposal.

**Action Taken:**

The Board supported the staff recommendation to renew a renegotiated contract with a one (1) year renewal.

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Patti Morrow  
Recording Secretary