

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, MARCH 31, 2011**

Commissioner Blaine R. Young, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, March 31, 2011, at 10:05 a.m. Present were Commissioners C. Paul Smith, *Vice President*; Billy Shreve, David Gray and Kirby Delauter. Also present were Barry Stanton, 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.)

PLEDGE OF ALLEGIANCE

The meeting began with the Pledge of Allegiance.

COMMISSIONER COMMENTS

Commissioner Smith commented on the issue of opening the meetings with a prayer.

Update of Board of County Commissioners' Administrative Actions – Commissioner Blaine R. Young and Barry Stanton, Office of the County Manager

Commissioner Young and Mr. Stanton briefed the public on the Board's recent administrative actions.

WORKSESSION

Month of the Young Child Proclamation

The Board proclaimed April as the month of the Young Child.

Child Abuse Prevention Awareness Month Proclamation

The Board proclaimed April as Child Abuse Prevention Awareness Month.

Crime Victims' Rights Week Proclamation

The Board proclaimed Crime Victims' Rights Week.

Jobs Update – Laurie Boyer, Community Development Division and Ron Tobin, Business Development and Retention Administrator

Ms. Boyer and Mr. Tobin briefed the Board on the recent employment outlook.

It was indicated Ms. Boyer and Mr. Tobin would, on occasion, highlight businesses that have demonstrated something unique in the community and recognize them during a Board meeting.

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AGENDA BRIEFING

Staff reviewed with the Board the following items scheduled for public hearings on Tuesday, April 5, at 6:00 p.m. at Catoctin High School:

- Proposed Ordinance to Change the Electric Lighting Tax Rates for the Braddock Heights and New Addition Electric Lighting Districts; and
- The Recommended / Proposed FY 2012 Operating Budgets (includes the budgeted county support for the Frederick County Board of Education) - Mike Gastley, Finance Division.

CONSENT AGENDA

The following items were presented on the consent agenda:

BID AWARD

1. Purchasing Memo #11-147 - Bid #11-CP-71, Patching and Repair of Various Roadways FY 2011
Award to: L.W. Wolfe Enterprises, Inc.
Award amount: Estimated total of \$766,404.50

CHANGE ORDER

1. ARRA Resurfacing/Rehabilitation and Safety Improvements, Contract No. C29970, Change Order No. 8 - Chuck Nipe, Public Works Division

EASEMENT

1. Russell Property/Wedgewood II Stormwater Management Pond - Partial Release of Easement - David Crable, Community Development Division

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

ADMINISTRATIVE BUSINESS

Approval of Board of County Commissioners' Meeting Minutes

The following minutes were approved as amended by unanimous consent:

- ◆ Tuesday, March 1, 2011, Evening
- ◆ Thursday, March 3, 2011
- ◆ Thursday, March 3, 2011, Closed Session
- ◆ Tuesday, March 8, 2011
- ◆ Thursday, March 10, 2011
- ◆ Thursday, March 10, 2011, Closed Session
- ◆ Thursday, March 10, 2011, Evening
- ◆ Thursday, March 10, 2011, Evening Closed Session

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- ◆ Tuesday, March 15, 2011
- ◆ Tuesday, March 15, 2011, Evening

Recommendation for External Auditor Contract - John Kroll, Finance Division

Mr. Hal Good, Finance Division, participated in the discussion.

Commissioner Smith moved to approve the recommended contract for external audit services. Commissioner Gray seconded the motion that passed 5-0.

Amendment to Extended Payment Plan - Cracked Claw Restaurant - Brenda Teach, Utilities and Solid Waste Management Division

Ms. Teach presented the amendment to the Capacity Fee Agreement request.

Mr. Kevin Demosky, Utilities and Solid Waste Management Division, commented on the amendment.

Commissioner Smith moved to approve an amendment to the Capacity Fee Agreement that would allow repayment of fees over an additional 10 years past the original 10 year term for the Cracked Claw Restaurant. Commissioner Shreve seconded the motion that passed 5-0.

Briefing on County Radio System P25 Digital Radio System Upgrade – Jack Markey, Emergency Management Division

Mr. Markey briefed the Board on the ongoing upgrade to the county's radio system.

There was no action taken on this item as it was for informational purposes.

Briefing Regarding the Status of Waste to Energy (WTE) Facility Project - Mike Marschner, Office of the County Manager

Mr. Marschner briefed the Board on the status of the WTE project. Robin Davidov, Northeast Maryland Waste Disposal Authority (NMWDA), participated in the briefing.

The Board directed staff to schedule a worksession in 30 days to discuss:

- Status of Carroll County's participation in the WTE project;
- Regarding a site relocation provide information regarding permitting issues, time involved and the feasibility of making a location change; and
- Consideration of an outreach plan.

It was indicated following the discussion in 30 days the Board would address the response letter to Horacio Tablada, Maryland Department of the Environment, regarding the refuse disposal permit application. This item was not discussed on this day.

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, MARCH 31, 2011****Request for Funds to Construct the Brunswick Volunteer Fire Department (BVFD) Fire Station – Tom Owens, Fire and Rescue Services Division**

Commissioner Young commented on the Federal Emergency Management Agency (FEMA) grant award of \$2.44 million through the FY 2009 American Recovery and Reinvestment Act (ARRA) for the BVFD. He indicated the grant fell short of the actual construction cost of the BVFD fire station. Commissioner Young noted the issue was perplexing and difficult to solve without losing the grant money.

Mr. Roy Lipscomb, Chief and Mr. Clarence Weber, BVFD, were present for the discussion.

Commissioner Smith made a motion to approve a memorandum of understanding with the BVFD which would provide for funds with an annual supplemental appropriation to their operating budget that would service the debt on a commercial loan up to \$1 million, plus the interest thereon, that would be obtained by the BVFD. Commissioner Gray seconded the motion that passed 5-0.

Discussion of Capital Improvements Program (CIP) Road Projects - Kelly Weaver, Finance Division and Robert Shen, Public Works Division

This discussion was requested at the direction of Commissioner Shreve. Ms. Weaver and Mr. Shen commented on the planned upgrades to the Reichs Ford Road Phase II CIP road project.

Mr. Tom Meunier, Public Works Division, participated in the discussion.

Staff was directed to look at the option of completing the bridge project, as scoped in the CIP, rather than the entire Reichs Ford Road Phase II improvements. The scope of the project would be revised, if needed, during a future CIP cycle. It was noted that the study phase for this project was projected to be funded in FY 2015, however, it would not begin until after the approval of the funding.

WORKSESSION**2011 "BIG Sweep" - Donnie Crum, Public Works Division**

Mr. Crum presented to the Board a request to partner with Hands on Frederick County in the 2011 "BIG Sweep."

Commissioner Gray moved to approve the Office of Highway Operations and the Utilities and Solid Waste Management Division to provide equipment and personnel to participate in the "BIG Sweep." Commissioner Smith seconded the motion that passed 5-0.

(Commissioner Delauter left the room at 12:40 p.m.)

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**Miss Utility Fees – Kevin Demosky, Utilities and Solid Waste Management Division
(DUSWM)**

Mr. Demosky presented a proposed resolution to eliminate the fees charged by DUSWM for Miss Utility charges.

Ms. Kathy Mitchell, Office of the County Attorney, commented on the proposed resolution.

Public comment was heard from:

- Jamie Rose

Commissioner Smith moved to adopt the resolution to eliminate the fees charged by DUSWM for Miss Utility charges as presented. It was seconded by Commissioner Shreve and passed 4-0 with Commissioner Delauter absent.

(A copy of the approved/adopted ordinance can be obtained in the County Manager's Office or from the county's website, www.FrederickCountyMD.gov.)

**Appointments/Reappointments to Boards/Commissions/Committees – Joyce
Grossnickle, Office of the County Manager**

Mental Health Advisory Committee

Commissioner Smith moved to appoint Mr. A. Barrett Churchill, Jr. to fill an unexpired term to expire June 30, 2011, and also appoint Mr. Churchill for a three-year term to expire June 30, 2014, and appoint Mr. Paul (Tony) Turner to fill an unexpired term to expire June 30, 2012. Commissioner Shreve seconded the motion that passed 4-0-1 with Commissioner Delauter abstained.

(Commissioner Delauter returned to the meeting at 1:00 p.m.)

Solid Waste Advisory Committee

Commissioner Shreve moved to appoint Mr. Dave Haller to fill an unexpired term to expire June 30, 2011, and appoint Mr. Haller to serve a full three-year term to expire June 30, 2014. Commissioner Delauter seconded the motion that passed 5-0.

ADMINISTRATIVE BUSINESS

**Legislative Issues – John Mathias, Office of the County Attorney and Ragen Cherney,
Office of the County Manager**

Mr. Mathias and Mr. Cherney briefed the Board on the issues before the Frederick County delegation members.

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COMMISSIONER COMMENTS

Commissioner Smith noted the grand opening of the Frederick County Visitor Center on Saturday, April 2, 2011, at 9:30 a.m.

PUBLIC COMMENTS

- Steve Cassis

QUESTIONS – PRESS

None.

CLOSED SESSION

Commissioner Smith moved to go into closed session in accordance with 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; and (9) To conduct collective bargaining negotiations or consider matters that relate to the negotiations. Commissioner Shreve seconded the motion that passed 5-0.

ADJOURN

The meeting adjourned at 1:10 p.m.

Patricia A. Morrow
Recording Secretary

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**FORM OF STATEMENT FOR
CLOSING THE MEETING OF THURSDAY, MARCH 31, 2011**

STATUTORY AUTHORITY TO CLOSE SESSION

State Government Article §10-508(a):

(9) To conduct collective bargaining negotiations or consider matters that relate to the negotiations.

Motion:

Commissioner Smith moved to go into closed session in accordance with Maryland Annotated Code State Government Article §10-508(a) (9) To conduct collective bargaining negotiations or consider matters that relate to the negotiations. Commissioner Shreve seconded the motion that passed 5-0.

Time and Location:

1:20 p.m. – Third Floor Meeting Room, Winchester Hall

Topic to be Discussed:

Matters relating to the negotiation of a memorandum of understanding with the union that represents certain designated county firefighters.

Patricia Morrow
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
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**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON TUESDAY, APRIL 5, 2011,
FOLLOWING THE CLOSED MEETING OF THURSDAY, MARCH 31, 2011**

STATUTORY AUTHORITY TO CLOSE SESSION

State Government Article §10-508(a):

(9) To conduct collective bargaining negotiations or consider matters that relate to the negotiations.

Motion:

Commissioner Smith moved to go into closed session in accordance with Maryland Annotated Code State Government Article §10-508(a) (9) To conduct collective bargaining negotiations or consider matters that relate to the negotiations. Commissioner Shreve seconded the motion that passed 5-0.

Time and Location:

1:20 p.m. – Third Floor Meeting Room, Winchester Hall

Others in Attendance:

B. Stanton, D. Dunn, J. Mathias, M. Chomel, L. Thall, M. Hose, M. Ward, J; Kroll, T. Owens, R. Santangelo and P. Morrow.

Topic Discussed:

Matters relating to the negotiation of a memorandum of understanding with the union that represents certain designated county firefighters.

Action Taken:

The Board directed staff to move forward with the memorandum of understanding with the union.

Patricia Morrow
Recording Secretary

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Motion:

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Time and Location:

1:20 p.m. – Third Floor Meeting Room, Winchester Hall

Topic to be Discussed:

To discuss with the county's attorneys the status and potential settlement of a pending lawsuit.

Patricia Morrow
Recording Secretary

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Motion:

Commissioner Smith moved to go into closed session in accordance with 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 Shreve seconded the motion that passed 5-0.

Time and Location:

1:20 p.m. – Third Floor Meeting Room, Winchester Hall

Others in Attendance:

B. Stanton, J. Mathias, K. Mitchell, E. Soter, R. Santangelo and P. Morrow.

Topic Discussed:

To discuss with the county's attorneys the status and potential settlement of a pending lawsuit.

Action Taken:

The Board gave direction to staff regarding a pending lawsuit.

Patricia Morrow
Recording Secretary