

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, MAY 26, 2011**

Commissioner Blaine Young, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, May 26, 2011, at 10:40 a.m. Present were Commissioners C. Paul Smith, *Vice President*, Billy Shreve, and David Gray and Kirby Delauter. Also present were Mr. David Dunn, Acting County Manager and Ms. 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.

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

Commissioner Young and Mr. Dunn, Office of the County Manager, briefed the public on the Board's recent administrative actions.

AGENDA BRIEFING

Staff presented the following item for public hearing.

Thursday, June 2, 2011, at 10:00 a.m.

- Proposed Ordinance to Revise and Correct Ordinance No. 10-21-556 - Brenda Teach, Utilities and Solid Waste Management Division

CONSENT AGENDA

BID AWARD

1. Purchasing Memo #11-194 - Bid #11-CP-62, Urbana Elementary School Bioswale Project
Award to: Harland J. Shoemaker and Son, Inc.
Award amount: \$45,020.06

BOARD OF EDUCATION (BOE) EXPENSE FUND AMENDMENT

School Construction Expense Fund Amendment

1. #11-06 and BT-11-160

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, MAY 26, 2011**

EASEMENT

1. Partial Release of Water and Sewer Easement - Lot D, Ballenger Creek Center PND - Beth Ramacciotti, Utilities and Solid Waste Management Division

ENCROACHMENT AGREEMENT

1. Washington Gas Encroachment Agreement - Ballenger McKinney Enhanced Nutrient Removal (ENR) Wastewater Treatment Plant (WWTP) Expansion - Beth Ramacciotti, Utilities and Solid Waste Management Division

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

ADMINISTRATIVE BUSINESS

Bid Award - Purchasing Memo #11-192 - Occupational Therapy Contract with Crystal Cicarelli, OTR/L - Hal Good, Finance Division

Mr. Good presented the proposed purchasing memo.

Commissioner Smith moved approval of Purchasing Memo #11-192 as presented. Commissioner Gray seconded the motion that passed 5-0.

Fee Resolution - Department of Permits and Inspections and the Development Review Functions of the Community Development Division - Gary Hessong, Community Development Division

Mr. Hessong presented the proposed fee resolution.

(Commissioner Delauter left the meeting.)

Commissioner Smith moved approval of the fees as presented in Exhibit B. Commissioner Shreve seconded the motion that passed 3-1 with Commissioner Gray opposed and Commissioner Delauter absent.

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

(Commissioner Delauter re-entered the meeting.)

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, MAY 26, 2011**

**Finalize 2011 Annual Transportation Priorities Review - Summary for Submission to the
Maryland Department of Transportation - John Thomas, Community Development
Division**

Mr. Thomas presented the review and letter to the state. He requested adding the freight line study and rail line tunnel project to the request letter.

The Board allowed public comment.

Public comment was taken from:

- Jim Carpenter

Commissioner Smith moved to add the freight line study and rail tunnel projects; add MD 75 road improvements; remove numbers for streetscapes projects; remove language “not in priority order” from the letter and for Commissioner Young to sign the letter to the state on behalf of the Board. Commissioner Shreve seconded the motion that passed 5-0.

**Memorandum of Understanding with Career Firefighters Association of Frederick
County Maryland, Inc. - Miles Ward, Human Resources Division**

Mr. Ward presented the proposed memorandum of understanding (MOU).

Commissioner Smith moved approval of the MOU as presented. Commissioner Gray seconded the motion that passed 5-0.

**Proposed Resolution to Ratify Division Directors – David Dunn, Office of the County
Manager**

Mr. Dunn presented the proposed resolution.

Commissioner Smith moved approval of the proposed resolution as presented with the correction to the Public Works Division director’s name. Commissioner Shreve seconded the motion that passed 4-1 with Commissioner Gray opposed.

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

WORKSESSION

**Boyers Mill Road Capital Improvements Program (CIP) Project - Tony Pellegrino, Public
Works Division**

Mr. Thomas Meunier, Mr. Robert Shen, and Mr. Pellegrino presented the proposed projects.

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, MAY 26, 2011**

There was no public comment.

Commissioner Gray made a motion to move forward with the project as outlined in the staff report as presented. Commissioner Smith seconded the motion that passed 4-1 with Commissioner Shreve opposed.

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

Board of Gaming Appeals

Ms. Grossnickle presented the request for reappointment.

There was no public comment.

Commissioner Smith moved to reappoint Mr. Charles Wisner to serve a three-year term to become effective July 1, 2011, and expire June 30, 2014. Commissioner Gray seconded the motion that passed 5-0.

Commission for Women

Ms. Grossnickle presented the request for appointment.

There was no public comment.

Commissioner Smith moved to appoint Ms. Shellome Walters to fill an unexpired term to expire June 30, 2011, and to appoint Ms. Walters to a full three-year term to become effective July 1, 2011, and expire June 30, 2014; appoint Ms. Sharon Dobson to fill an unexpired term to expire June 30, 2012; and appoint Ms. Cher Woehl and Ms. Lisa Gritton to fill unexpired terms to expire June 30, 2013. Commissioner Gray seconded the motion that passed 3-2 with Commissioners Shreve and Delauter opposed.

Commission on Aging

Ms. Grossnickle presented the request for appointment.

Mr. James Judd commented on the request.

Commissioner Gray moved to appoint Mr. Dennis Ford to fill an unexpired term to expire June 30, 2012. Commissioner Smith seconded the motion that passed 4-1 with Commissioner Shreve opposed.

Local Management Board

Ms. Grossnickle presented the request for appointment.

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, MAY 26, 2011**

There was no public comment.

Commissioner Smith moved to appoint Ms. Kathy Hartsock to serve as the Frederick County Public Schools representative on the Board with no assigned term. Commissioner Gray seconded the motion that passed 4-1 with Commissioner Shreve opposed.

Public Library Board

Ms. Grossnickle presented the request for reappointment and appointment.

There was no public comment.

Commissioner Smith moved to reappoint Mr. Tom Kutz to serve a five-year term to become effective July 1, 2011, and expire June 30, 2016; and appoint Ms. Candy Greenway to serve a five-year term to become effective July 1, 2011, and expire June 30, 2016. Commissioner Gray seconded the motion that passed 4-1 with Commissioner Shreve opposed.

Property Tax Assessment Appeal Board

Ms. Grossnickle presented the request for appointment.

There was no public comment.

Commissioner Smith moved to forward Mr. Dennis Cowell's name to the Maryland Governor's Appointments Office for consideration. Commissioner Gray seconded the motion that passed 4-1 with Commissioner Shreve opposed.

Deferred Compensation Committee

Ms. Grossnickle presented the request for reappointment and appointment.

Ms. Tracy Lobuts commented on the request.

Commissioner Smith moved to reappoint Mr. Mike Crosby and Ms. Joyce Grossnickle to serve terms to expire June 30, 2013; and to appoint Mr. Terry Irwin and Mr. Charles Nipe to serve terms to expire June 30, 2012. Commissioner Gray seconded the motion that passed 4-1 with Commissioner Shreve opposed.

Retirement Plan Committee

Ms. Grossnickle presented the request for reappointment and appointment.

There was no public comment.

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, MAY 26, 2011**

Commissioner Smith moved to reappoint Mr. Jim Gangawere and Ms. Dianna Lu to serve terms to expire June 30, 2013; and to appoint Mr. Charles Nipe to serve a term to become effective July 1, 2011, and expire June 30, 2014. Commissioner Gray seconded the motion that passed 4-1 with Commissioner Shreve opposed.

COMMISSIONERS COMMENTS

Commissioner Young noted that any item scheduled for a BOCC meeting will be pulled if the staff reports are not received on time for proper notification and distribution by staff.

PUBLIC COMMENTS – (5 MINUTE PRESENTATION)

None.

QUESTIONS - PRESS

Meg Tully, The Frederick News-Post

CLOSED SESSION

Commissioner Smith moved to proceed 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 Delauter seconded the motion that passed 5-0.

ADJOURN

The meeting adjourned at 2:20 p.m.

Mary E. Baker
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, MAY 26, 2011**

**FORM OF STATEMENT FOR
CLOSING THE MEETING OF THURSDAY, MAY 26, 2011**

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 Smith moved to proceed 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 Delauter seconded the motion that passed 5-0.

Time and Location:

2:20 p.m. – Third Floor Meeting Room, Winchester Hall

Topic to be Discussed:

To discuss with the county attorneys a recently filed petition for judicial review.

Mary Baker
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, MAY 26, 2011**

**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON THURSDAY, JUNE 2, 2011,
FOLLOWING THE CLOSED MEETING OF THURSDAY, MAY 26, 2011**

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 Smith moved to proceed 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 Delauter seconded the motion that passed 5-0.

Time and Location:

2:20 p.m. – Third Floor Meeting Room, Winchester Hall

Others in attendance:

J. Mathias, D. Dunn, M. Chomel, R. Cherney and M. Baker

Topic Discussed:

To discuss with the county attorneys a recently filed petition for judicial review.

Action Taken:

The Board provided direction to staff.

Mary Baker
Recording Secretary