

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, SEPTEMBER 22, 2011**

Commissioner Blaine R. Young, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, September 22, 2011, at 10:00 a.m. Present were Commissioners C. Paul Smith, *Vice President*, Billy Shreve, David Gray and Kirby Delauter. Also present were Mr. Dave Dunn, County Manager and Ms. 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 AND INVOCATION

The meeting began with the Pledge of Allegiance followed by the invocation.

COMMISSIONER COMMENTS

None.

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

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

WORKSESSION

Domestic Violence Awareness Month Proclamation

The Board proclaimed the month of October as Domestic Violence Awareness Month.

Frederick County Commission on Aging (COA) FY 2010 Annual Report – Louise Lynch, COA

Ms. Lynch and Ms. Rae Ann Butler, COA, presented the 2010 annual report to the Board.

It was indicated the concept of a planning study would be considered. The study would include a comprehensive analysis to study aging trends and current services provided to the senior community and where to expand the existing services and future services. Ms. Pat Rosensteel, Director, Citizens Services Division, would work on the concept and the scope of the proposed study.

Ms. Carolyn True, Citizens Services Division, commented on the Thurmont Senior Center.

There were no public comments.

No action was taken, as this item was informational.

(Commissioner Delauter left the meeting at 10:45 a.m.)

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CONSENT AGENDA

The following items were presented on the consent agenda:

BID AWARD

1. Purchasing Memo #12-046 – Purchase Break-Away Sign Parts (Piggyback)
Award to: U.S. Municipal Supply, Inc.
Award amount: \$64,000.00

BUDGET TRANSFERS

1. #BT-11-194, Emergency Preparedness, Emergency Management Division
2. #BT-11-195, Accounting, Finance Division

GRANTS

1. FY 2013 State Aid for Police Protection Fund Application – Marty Gallagher, Sheriff's Office
2. FFY 2012 Child Support Enforcement - Cooperative Reimbursement Agreement – Marty Gallagher, Sheriff's Office
3. FY 2012 Child Support Cooperative Reimbursement Agreement – Susan Little, Office of the State's Attorney
4. HOME Initiatives Program Grant Application (Round 27) - Jenny Short, Citizens Services Division

Commissioner Gray moved to approve the consent agenda as presented. Commissioner Smith seconded the motion that passed 4-0 with Commissioner Delauter absent.

ADMINISTRATIVE BUSINESS

Bid Award - Purchasing Memo #12-039 – Renewal of RFP #07-02, Janitorial Services for Urbana Library/Senior Center (Continued from 9/8/11 BOCC Meeting) – Hal Good, Finance Division

Mr. Wayne Roach, Management Services Division and Ms. Amy Whitney, Frederick County Public Library, participated in the discussion.

Mr. Roach presented three (3) options for the janitorial services at the Urbana Library/Senior Center.

Commissioner Smith moved to approve Option 1 for a time period through June 30, 2012. Commissioner Gray seconded the motion that failed 2-2 with Commissioners Young and Shreve opposed and Commissioner Delauter absent.

Commissioner Young moved to approve Option 2 giving staff the opportunity to come back to the Board if problems would arise and giving library staff the choice of which five (5) full days

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to schedule the cleanings. Commissioner Shreve seconded the motion that passed 4-0 with Commissioner Delauter absent.

(Commissioner Delauter returned to the meeting at 11:05 a.m.)

Bid Award - Purchasing Memo #12-045 – Conditional Award and Assignment of Bid #11-CP-75 – Urbana North Regional Wastewater Pumping Station – Hal Good, Finance Division

Mr. Kevin Demosky, Utilities and Solid Waste Management Division, commented on the bid award request and the assignment to the developer of all the county's rights and responsibilities.

Commissioner Smith moved to approve Purchasing Memo #12-045 to conditionally award Bid #11-CP-75 for the Urbana North Wastewater Pumping Station. Commissioner Shreve seconded the motion that passed 3-1-1 with Commission Gray opposed and Commissioner Delauter abstained.

Urbana North Regional Wastewater Pumping Station Public Improvements Agreement (PIA) – Kevin Demosky, Utilities and Solid Waste Management Division

Mr. Demosky presented the "non-standard" PIA with Monocacy Land Company, LLC for the Urbana North Regional Wastewater Pumping Station.

Ms. Kathy Mitchell, Office of the County Attorney, noted the addition of language regarding the insurance requirements to be added to the PIA.

Commissioner Smith moved to approve the PIA as presented with the additional language that would make Frederick County the additional Loss Payee and additional Insured. Commissioner Shreve seconded the motion that passed 4-1 with Commissioner Gray opposed.

Bid Award - Purchasing Memo #12-048 – Request Approval of Sole Source for Firehouse Software Maintenance with Affiliated Computer Systems – Hal Good, Finance Division

Ms. Sherry Weakley, IIT, commented on the software maintenance request.

Commissioner Smith moved to approve Purchasing Memo #12-048 as presented. Commissioner Delauter seconded the motion that passed 5-0.

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Gypsy Moth Suppression Program for FY 2013 – Kelly Weaver, Finance Division

Ms. Weaver presented the request from Robert L. Tatman, Program Manager for Forest Pest Management, Maryland Department of Agriculture, to consider funding gypsy moth surveying and possible spraying.

Commissioner Gray moved to budget up to \$40,000 (\$15,000 for surveying and \$35,000 for spraying) of the non-state owned land in FY 2013 and it was noted the Board would make a decision to expend the funds in FY 2012. Commissioner Smith seconded the motion that passed 5-0.

Amendment #2 to Joint Funding Agreement #08E4MD24270060 with U.S. Geological Survey (USGS) – Shannon Moore, Community Development Division

Ms. Moore presented the Amendment #2 to the Board.

Commissioner Smith moved to authorize Amendment #2 to Joint Funding Agreement #08E4MD24270060 with USGS, with an added \$15,000 match from USGS, and a small change of scope, and no additional resources required by Frederick County. Commissioner Gray seconded the motion that passed 5-0.

Work Change Directive #14 – Citizens Care & Rehabilitation Center – Chuck Nipe and David Grossweiler, Public Works Division

Mr. Nipe and Ms. Sue Barthol, Public Works Division presented the request for the Work Change Directive #14 in an amount not to exceed \$80,000 to install a gas meter pad, retaining wall, and fencing.

Commissioner Gray moved to approve the Work Change Directive #14. Commissioner Smith seconded the motion that passed 4-1 with Commissioner Shreve opposed.

COMMISSIONER COMMENTS

Commissioner Young announced the Maryland Department of Transportation Tour meeting at 7:00 p.m. this evening in the first floor hearing room, Winchester Hall.

Commissioner Smith commented on a state sponsored meeting he attended recently on alternative funding for schools.

PUBLIC COMMENTS

None.

QUESTIONS – PRESS

None.

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CLOSED SESSION

Commissioner Smith moved to go into closed session under 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 Delauter seconded the motion that passed 5-0.

ADJOURN

The meeting adjourned at 11:50 a.m.

Patricia A. Morrow
Recording Secretary

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**FORM OF STATEMENT FOR
CLOSING THE MEETING OF THURSDAY, SEPTEMBER 22, 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 go into closed session under 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 Delauter seconded the motion that passed 5-0.

Time and Location:

11:55 a.m. – Third Floor Meeting Room, Winchester Hall

Topic to be Discussed:

To discuss with the county's attorneys the possible settlement of litigation.

Patricia Morrow
Recording Secretary

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**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON TUESDAY, SEPTEMBER 27, 2011,
FOLLOWING THE CLOSED MEETING OF THURSDAY, SEPTEMBER 22, 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 go into closed session under 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 Delauter seconded the motion that passed 5-0.

Time and Location:

11:55 a.m. – Third Floor Meeting Room, Winchester Hall

Others in Attendance:

D. Dunn, J. Mathias, K. Mitchell, K. Demosky, R. Winebrenner, E. Soter, J. Gugel and P. Morrow.

Topic Discussed:

To discuss with the county's attorneys the possible settlement of litigation.

Action Taken:

No action was taken.

Patricia Morrow
Recording Secretary