

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, OCTOBER 6, 2011**

Commissioner Blaine R. Young, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, October 6, 2011, at 10:00 a.m. Present were Commissioners Billy Shreve, David Gray and Kirby Delauter. Commissioner C. Paul Smith, *Vice President*, arrived to the meeting at 10:15 a.m. 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](http://www.FrederickCountyMD.gov).)*

**PLEDGE OF ALLEGIANCE AND INVOCATION**

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

**COMMISSIONER COMMENTS**

Commissioner Delauter read an article posted online by Kevin Williamson, National Review, on Steve Jobs, Apple co-founder, who passed away recently.

Commissioner Shreve read a quote from Steve Jobs.

Commissioner Smith commented on the Elder Expo held recently. He also indicated he would like to request reviewing the expansion of the Frederick County Public Libraries evening hours on Tuesday – Friday until 9:00 p.m. He also commented on the recent Maryland redistricting proposal and the stormwater management regulations licensing that Frederick County would need to apply for.

Commissioner Gray commented on the Elder Expo and the Recycling Symposium.

Commissioner Young announced Independent Hose Company had added eight (8) new members resulting from the recent recruitment efforts of the Fire and Rescue Services Division. He also commented on the stormwater management regulations.

Regarding the congressional mapping Commissioner Young made a motion to send a response to the Maryland Governor in support of a position that all of Frederick County should continue to be located entirely within a single congressional district. Commissioner Smith seconded the motion that passed 5-0.

**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.

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**WORKSESSION**

**Briefing from Maryland State Highway Administration (SHA) Regarding the Permanent Repair to the Slope Failure along MD 550 – Dave Coyne, SHA**

Mr. Coyne updated the Board on the work being done to permanently repair a portion of MD 550 northwest of Thurmont, damaged by a spring mudslide. He indicated the SHA had two (2) options: continue with the repair while keeping one lane open to traffic with an approximate 8 weeks to complete or close the road entirely and complete the repair in 6 weeks at a lower cost.

Mr. Tom Meunier, Public Works Division, commented on the repair.

There were no public comments.

The majority of the Board indicated they would prefer the one lane to remain open. It was also requested to schedule the issue for the December meeting of the Frederick County Roads Board.

**Proposed Changes to County Employees' Benefits – Mitch Hose, Human Resources Division**

Mr. Hose presented recommendations for changes to benefits for new hires. He reviewed the proposed changes for each benefit.

Ms. Kay Hoffman, Mercer, and Ms. Tracy Lobuts, Human Resources Division, discussed the proposed changes to the Frederick County Retirement Plan including the Defined Contribution option to replace the Defined Benefit plan for non-uniformed new hires.

Public comment was heard from:

- Diane Smolley
- Jesse Burriss, American Federal State County and Municipal Employees Local 3495
- Anthony Russo, Frederick County Deputy Sheriffs Lodge 102
- John Neary, President, Career Firefighters Association of Frederick County Local 3666

Commissioner Smith moved to forward the proposed changes to the employee benefits through the public review process with the proposed adjustments to the annual and sick leave; include sick leave donor program; options on holiday leave; defined benefits and defined contributions on non-uniformed and new hires as presented. Commissioner Shreve seconded the motion that passed 5-0.

(Commissioner Shreve left the meeting.)

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**CONSENT AGENDA**

The following items were considered on the consent agenda:

**BUDGET TRANSFER**

1. #BT-12-046, Circuit Court

**EASEMENT**

1. Partial Release and Abandonment of Deed of Easement, Woodridge, Section I, Plat 3, Contract No. 145E-SW – Beth Ramacciotti, Utilities and Solid Waste Management Division

**MISCELLANEOUS**

1. Extension of WASHCOG Contract No. 09-031 for Employer Outreach and Subsequent Award to Urbantrans Consulting – Nancy Norris, Transit Services Division

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

**ADMINISTRATIVE BUSINESS**

(Commissioner Shreve returned to the meeting.)

**Bid Awards – Hal Good, Finance Division**

**Purchasing Memo #12-055, Purchase of License to Use Pavement Management Software and Implementation Services**

Commissioner Gray moved to approve Purchasing Memo #12-055. Commissioner Delauter seconded the motion that passed 4-0-1 with Commissioner Shreve abstained.

**Purchasing Memo #12-057, Request to Approve and Execute Task Agreement with National Park Service for the Rose Hill Manor Electrical and HVAC System Upgrade Project**

Commissioner Gray moved to approve Purchasing Memo #12-057. Commissioner Smith seconded the motion that passed 5-0.

**Purchasing Memo #12-058, Request Approval of an Agreement for Bulk Gas Supply (Oxygen) for Citizens Care and Rehabilitation Center**

Commissioner Smith moved to approve Purchasing Memo #12-058. Commissioner Gray seconded the motion that passed 5-0.

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**Approval of Board of Education (BOE) FY 2013 Capital Funding Request to the State –  
Ray Barnes, Frederick County Public Schools**

Mr. Barnes presented a letter of support for the BOE's capital funding requests to the state.

Commissioner Smith moved to approve the request of support and to sign the letter to the Interagency Committee on School Construction. Commissioner Gray seconded the motion that passed 5-0.

**2012 Legislative Considerations – John Mathias, Office of the County Attorney and  
Ragen Cherney, Office of the County Manager**

Mr. Cherney and Mr. Mathias presented the following bill requests and position statements for Board consideration to take to public hearing:

1. Revision to inmate fees for the Frederick County Adult Detention Center.
2. Increase to the annual amount of gaming permits issued for raffles.
3. Permitting video lottery terminals (slots) for local charitable organizations.
4. Granting taxing authority to the Frederick County Board of Education.
5. Tax credit for small businesses.

Position Statements:

1. State school construction exceed economic assistance for business entities.
2. Frederick County Public Schools authority to count and report undocumented students.
3. Maryland to be a "Shall Issue" state for a right to carry a firearm.
4. Reinstatement of Highway User Revenues to local governments.
5. Constitutional convention regarding those in the United States unlawfully.
6. Support for the Maryland Partial Birth Abortion Ban Act.
7. Constitutional amendment to prohibit "economic development" takings.
8. Cooperative enforcement of federal immigration laws throughout Maryland.
9. Concerns with the negative impact of state stormwater regulations to local governments.
10. Repeal or modifications of the Work Place Fraud Act of 2009 (SB 909).
11. Sunsetting of issues on unemployment insurance fees on businesses.
12. Opposition to PlanMaryland.
13. Opposition to mandated state septic regulations on local governments.

Mr. Cherney presented the following additional bill requests.

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1. Requested increase in auctioneer fees for tax sale.
2. Increase in Frederick County Bond Authority.
3. Expanded appropriation authority for unappropriated undesignated fund balances.
4. Terminology changes for fund balance.
5. Altering the definition of an “on duty” volunteer firefighter.
6. Adding a provision regarding financial stipends for volunteer firefighters.

Commissioner Gray indicated opposition to the following position statements:

1. Frederick County Public Schools authority to count and report undocumented students.
2. Maryland to be a “Shall Issue” state for a right to carry a firearm.
3. Constitutional convention regarding those in the United States unlawfully.
4. Cooperative enforcement of federal immigration laws throughout Maryland.

Commissioner Smith moved to forward the 2012 Legislative Considerations through the public review process as presented. Commissioner Shreve seconded the motion that passed 5-0.

It was noted the public hearing would be held on Tuesday, October 18, 2011, at 7:00 p.m.

Commissioner Gray suggested to prioritize the proposed bills and position statements before presenting the package to the delegation.

**COMMISSIONER COMMENTS**

None.

**PUBLIC COMMENTS**

- John Neary

**QUESTIONS – PRESS**

None.

**ADJOURN**

The meeting adjourned at 12:30 p.m.

Patricia A. Morrow  
Recording Secretary