

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
GOVERNMENTAL CENTER
Tuesday, October 26, 2004**

Present: Commissioner President Thomas F. McKay
Commissioner Kenneth R. Dement
Commissioner Lawrence D. Jarboe
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
George G. Forrest, County Administrator
Donna Gebicke, Administrative Assistant (Recorder)
Kate Mauck, Senior Administrative Coordinator (Recorder)

CALL TO ORDER

The meeting was called to order at 9:15 a.m.

APPROVAL OF CHECK REGISTER

Commissioner Raley moved, seconded by Commissioner Dement, to authorize the Commissioner President to sign the Check Register. Motion carried.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve the minutes of the Commissioners' meeting of Tuesday, October 19, 2004 as corrected. Motion carried.

COUNTY ADMINISTRATOR

1. Draft Agendas for November 9, 2004. There will be no meeting on November 2, 2004.

2. Circuit Court

Present: Teresa Weeks, Senior Legal Assistant
John Norris, III, County Attorney

Commissioner Jarboe moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign Budget Amendment for the Acceptance of Custodial Evaluations/Home Studies Grant. Motion carried.

Commissioners expressed concern that the Circuit Court had not presented a signed sub-recipient agreement. Due to the separation of the executive and legislative branches in this instance, Commissioners determined that they would, in this case only, follow through with approving the grant. The following direction was given to staff:

Due to the lack of a signed sub-recipient agreement, Commissioners asked the County Attorney to provide an update on the requirements for sub-recipient agreements and the ways other jurisdictions handle this process. In addition, Commissioners determined that they would need to discuss the matter with Judge Kaminetz.

2005 LEGISLATIVE PROPOSALS: POSITIONS ON REMAINING ITEMS

- Present: Heidi Dudderar, Deputy County Attorney
Ken Korando, Chapel Cellars
John Savich, Director, Department of Economic and Community
- Development Carolyn Laray, Tourism Development Coordinator
George Erichsen, Director, Department of Public Works and
- Transportation

The Board of County Commissioners took the following positions on the remaining 2006 Legislative Proposals:

Proposal #	Proposal Description & Submitter	Support	No Support	No Position	Comments
17	Allow a Class 4 winery to import up to 12,000 gallons of wine from any other winery inside or outside the state of Maryland. (Ken Korando, Chapel Cellars, citizen)	Dement Mattingly McKay Raley		Jarboe	Four commissioners agreed to support the proposed concept – but will wait for input from Sec. Of Agriculture, MD Winery Association, and public before supporting any specific details. Com. Jarboe felt these objectives could be accomplished by obtaining both Class 3 and 4 Winery licenses and fees for each license are not exorbitant.
18 (became item #11 upon completion of priority list)	Request State bond funding for two capital projects shown in priority order below (list revised): (a) \$437,000 Charlotte Hall Visitors Center	Dement Jarboe Mattingly McKay Raley			

	<p>(b) \$100,000 for Piney Point Lighthouse Museum</p> <p>(Departments of Economic & Community Development and Recreation, Parks, and Community Services, John Savich and Phil Rollins)</p>	<p>Dement Jarboe Mattingly McKay Raley</p>			
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The Commissioners support three additional capital projects, but agreed not to designate them as priorities for the 2005 Legislative Package:

- \$250,000 for Three Notch Trail
- \$250,000 for Charlotte Hall Community Recreation Center
- \$500,000 for Regional Grain Export Facility in St. Mary's County

In addition, the previously numbered item 18(a) - stabilization measures for Patuxent Beach Road was removed from consideration due to written documentation from Mr. Erichsen.

Commissioner Mattingly departed the meeting at 10:20 a.m.

COUNTY ADMINISTRATORS' TIME (continued)

3. Maryland Cooperative Extension

Present: Elaine Kramer, Chief Financial Officer

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and sign letter for use of FY2004 unexpended County funds from the University to purchase computers for the local Maryland Cooperative Extension Office. All Commissioners present voted in favor. Motion carried.

Commissioners directed that the IT Department work with the Maryland Cooperative Extension office and to take a look at their computer system to determine what would best meet their needs. Both the IT Department and Cooperative Extension Office should return to the Commissioners' table regarding this matter.

4. Sheriff's Department

Present: David Zylak, Sheriff

Erin Gass, Fiscal Manager

Commissioner Dement moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign Police Protection State Aid Report Forms 1& 2. All Commissioners present voted in favor. Motion carried.

Commissioners directed that typographical errors on the Table of Contents and Page 9 be corrected prior to submission.

5. Finance Department, Public Safety Department, and Sheriff's Department

Present: Elaine Kramer, Chief Financial Officer
Patrick Walsh, Director of Public Safety
David Zylak, Sheriff

A public hearing on FY2005 Supplemental Appropriation – Homeland Security Grant Program was conducted on October 12, 2004, and no comments from the public were given. During the ten-day open comment period, there were no written public comments received.

Mr. Walsh was asked to ensure the County is working with Captain Spaulding of the Maryland State Police regarding planning strategies for upcoming elections, in case security issues should arise. Mr. Forrest reported that he would set up a meeting between Sheriff Zylak and Captain Spaulding, and he has already met with the Election Board in order to ensure safe elections in St. Mary's County.

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and sign Ordinance for FY 2005 Supplemental Appropriation – Homeland Security Grant Program for the Law Enforcement Terrorism Prevention Program and related Budget Amendment. All Commissioners present voted in favor. Motion carried.

6. Human Resources Department and St. Mary's County Public Library

Present: Tara Klotz, Deputy Director
June Robrecht, HR Rick Analyst
Kathleen Reif, Library Director

Commissioner Raley moved, seconded by Commissioner Dement, to: 1) Approve and authorize the Commissioner President to sign Sponsorship Agreement of the St. Mary's County Memorial Library for Primary Liability Insurance Coverage through Local Government Insurance Trust; and 2) Approve and sign letter authorizing the sponsorship of the St. Mary's County Library Board of Trustees within Local Government Insurance Trust for said insurance and trust participation in accordance with Section 9.06(a)(2) of the Trust Agreement. All Commissioners present voted in favor. Motion carried.

7. Department of Economic and Community Development – Housing

Present: John Savich, Director, Department of Economic and Community Development

Dennis Nicholson, Executive Director, Housing Authority
Tonja Fraser-Jenkins, Program Manager, Housing
Debra Jones, SMTCCAC, Inc.
John Norris, III, County Attorney

Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign Maryland Community Development Block Grant Agreement for \$30,000 in grant funds for predevelopment costs for the Hunting Creek Housing Development and approve and authorize the Commissioner President to sign Sub-recipient Agreement. All Commissioners present voted in favor. Motion carried.

8. Department of Aging

Present: Gene Carter, Director
Mary Ruth Horton, Chair, Commission on Aging

- a. **Commissioner Dement moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign amended By-Laws of the Commission on Aging. All Commissioners present voted in favor. Motion carried.**
- b. **Commissioner Dement moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign Older Americans Act Title II Notification of Grant Award and related Budget Amendment. All Commissioners present voted in favor. Motion carried.**

9. Department of Public Works and Transportation

Present: George Erichsen

- a. **Commissioner Jarboe moved, seconded by Commissioner Raley, to approve and authorize the Commissioner President to sign Budget Amendment for additional funding for the MES Tire Cleanup at the Oakville property and funding for the required gas sampling assessment for the Clements Landfill property. All Commissioners present voted in favor. Motion carried.**

Also Present: Joyce Malone, Real Property Manager

- b. **Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign Easement Agreement with**

SMECO for electric service to Hangar P and Hangar J at the Captain Walter Francis Duke Airport. All Commissioners present voted in favor. Motion carried.

- c. Commissioner Dement moved, seconded by Commissioner Raley, to approve and authorize the commissioner President to sign Temporary Easement Agreement for drainage outfall improvements from Stark Drive to the Potomac River between Elizabeth A. Smith and the County. All Commissioners present voted in favor. Motion carried.**

10. Department of Public Works and Transportation – Transportation Manager

Present: George Erichsen, Director, Department of Public Works and Transportation
George Jarboe, Transportation Manager

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign 2006 Transportation Grant Assurances and approve and sign Resolution authorizing the filing of an application with the Mass Transit Administration of the Maryland Department of Transportation for a Section 5311 Grant under the Federal Transit Act. All Commissioners present voted in favor. Motion carried.

11. Finance Department

Present: Elaine Kramer, Chief Financial Officer

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign Budget Amendment closing the remaining unexpended and un-awarded funds from the State of Maryland Outlays into the FIN05 Reserve. All Commissioners present voted in favor. Motion carried.

It was determined that after closing out, remaining unexpended and un-awarded fund accounts will first go through the Executive Management Team. The matter will then be brought before the Commissioners in the form of a work session or another format.

12. Employment Contract

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign Employment Contract for George Forrest, County Administrator. All Commissioners present voted in favor. Motion carried.

COMMISSIONERS' TIME

Commissioner Dement

Reported that he attended the St. Mary's County Oyster Festival on Saturday which proved to be a great success. Estimated that approximately 75% of the visitors at the Festival were from out of the local area, which is good for tourism in the County.

Attended a Ducks, Unlimited Banquet event on Saturday, October 23rd. The organization raised funds for the event from auctions.

Commissioners attended the St. Inigoes Public Landing Ribbon Cutting ceremony on Tuesday, October 19th.

Attended the Hollywood Fire Department Ladies Auxiliary Memorial dedication honoring deceased members, and was told that Commissioner President McKay and Delegate Tony O'Donnell and other representatives attended the event as well.

Attended a fundraising event held in memory of Dylan Brown on Sunday.

Commissioner Jarboe

Asked staff to put together a Proclamation honoring Manning McKay, former County Commissioner and State Delegate, in celebration of his 85th birthday and his many years of service to St. Mary's County. Also, staff should set up an opportune time for Commissioners to present the Proclamation to Mr. McKay. Commissioner Jarboe directed staff to do this after recently running into a wonderful retired employee from Land Use and Growth Management, Peggy Childs, who mentioned the special birthday to him.

Asked staff to get the word out to the public and the media that Halloween will be celebrated on Sunday, October 31st and that the Commissioners would not be changing the date upon which trick-or-treating should be conducted.

Commissioner Raley

Noted that he was working for County Government in Permits when Manning McKay was a County Commissioner. He came before the Commissioners asking for funding for a laminating machine and was told to find it within his own budget, just as the current Commissioner McKay would say.

Reported that he has worked on the Great Mills Road issue for several weeks, as numerous citizens have contacted him regarding their discontent with the torn up road (top layer of road taken off). Commissioner Raley reported that he called the State regarding the matter, and then contacted the contractor as well. The contractor reported

that they began patching the road last night, and when that is completed, actual resurfacing will then commence.

Urged all citizens to come out and vote on Election Day.

Asked Patrick Walsh to give a progress report in the form of a short one-page memo on the status of addressing the issue of communications for/with Fire and Rescue. Commissioners stated that it is essential that communications be brought up to speed in the County. Mr. Forrest reported that he spoke with Mr. Walsh this morning and that he was in the process of preparing a memo on this subject to the Commissioners.

Commissioner President McKay

Stated that communications within the County, especially for the volunteer fire departments, is a serious issue and needs to be resolved. On a recent visit to the Hollywood VFD, they reported a recent purchase of an antenna to put on the end of a ladder truck to be able to receive/transmit communications.

Reminded the public that the contractor resurfacing Great Mills Road has a 90-day window in which to complete the project.

Encouraged the citizens of the County to vote next Tuesday, as it is a great opportunity to exercise one of our many freedoms.

Reminded the public that Cable Channel 12 will be broadcasting live on Election Night, Tuesday, November 2nd, from approximately 8:30 p.m. to 10:00 p.m. Computers will be on-hand with website postings and monitors to give details on the national as well as local elections, as they are reported from the polling locations throughout the County. Incoming calls from local candidates are anticipated.

Reminded the public of the Joint Public Meeting which will be conducted tonight between the Board of County Commissioners and the St. Mary's County Delegation regarding the 2005 Legislative Proposals. The public will be given an opportunity to comment on each legislative proposal supported by a majority of the Board of County Commissioners.

Commissioner Jarboe moved, seconded by Commissioner Raley, for the Board of County Commissioners to meet in Executive Session in order to discuss Real Property Acquisition/

Disposition as provided for in Article 24, Section 4-210(a)11. All Commissioners present voted in favor. Motion carried.

Commissioner Raley moved, seconded by Commissioner Dement, for the Board of County Commissioners to meet in Executive Session in order to discuss Personnel as provided for in Article 24, Section 4-210(a)1. Commissioner Jarboe voted against the motion; all other Commissioners present voted in favor. Motion carried.

Commissioner Mattingly returned to the meeting at this time

Donna Gebicke transcribed the remaining meeting minutes:

EXECUTIVE SESSION

Personnel

Present: Commissioner Thomas F. McKay, President
Commissioner Daniel H. Raley
Commissioner Kenneth R. Dement
Commissioner Lawrence D. Jarboe
Commissioner Thomas A. Mattingly, Sr.
George Forrest, County Administrator
John Norris, County Attorney
Delores Lacey, Appointments Secretary
Valerie Pilkerton, Assistant Appointments Secretary
Donna Gebicke, Recorder

Authority: Article 24, Section 4-210(a)1

Time Held: 1:45 – 1:54 pm.

Action Taken: The Commissioners reviewed applications to boards and committees.

Real Property Acquisition/Disposition

Present: Commissioner Thomas F. McKay, President
Commissioner Daniel H. Raley
Commissioner Kenneth R. Dement
Commissioner Lawrence D. Jarboe
Commissioner Thomas A. Mattingly, Sr.
George Forrest, County Administrator
John Norris, County Attorney
Joyce Malone, Real Property Manager
Donna Gebicke, Recorder

Authority: Article 24, Section 4-210(a)11

Time Held: 1:58 -3:45 pm

Action Taken: The Commissioners discussed real property matters

JOINT PUBLIC MEETING: BOARD OF COUNTY COMMISSIONERS AND THE ST. MARY'S COUNTY DELEGATION ON 2005 LEGISLATIVE PROPOSALS

Present: Board of County Commissioners
Senator Roy P. Dyson
Delegate John L. Bohanan, Jr.
Delegate John F. Wood, Jr.
Shannon Oxley (representing Delegate Anthony O'Donnell)

Heidi Dudderer, Assistant County Attorney

Commissioner McKay announced that the purpose of the public meeting was to provide an opportunity for the Legislative Delegation and the public to hear presentations and provide comments on the 2005 Legislative Proposals that have received the support of the majority of the Board of County Commissioners. Prior to beginning the presentations, the following actions were taken as a result of Executive Sessions held earlier in the day

Commissioner Jarboe moved, seconded by Commissioner Mattingly, to direct staff to proceed as discussed in Executive Session on matters relative to Real Property Acquisition and Disposition. Motion carried.

Commissioner Jarboe moved, seconded by Commissioner Mattingly, to appoint Joe Bush to the Library Board. Motion carried.

Commissioner Jarboe moved, seconded by Commissioner Mattingly, to appoint the following persons to the Compensation Review Commission: Wayne Pettit, John A. Candela, and Jacqueline Miller. Motion carried.

Commissioner McKay announced that the following persons were also appointed to the Compensation Review Commission as follows:

St. Mary's County Legislative Delegation Appointments: Judith Sterling and F. Elliott Burch, Jr.

St. Mary's County Democratic Central Committee Appointment: Mervyn E. Hampton

St. Mary's County Republican Central Committee Appointment: John Bergin

The Commission will report its findings to the Board of County Commissioners by December 1, 2004.

Legislative Proposal Presentations and Public Comments (*Comments of the Commissioners or Delegates are indicated in italics.*)

1. (tab #1) Impose stricter penalties and revise procedures for persons who violate protective orders. (It was suggested that this become a statewide legislative action.) Presenter: Denise Barnes, citizen
Senator Dyson asked Ms. Barnes to write a letter to the delegation asking them to put forward the legislation.
2. (tab #17) Allow a Class 4 winery to import up to 12,000 gallons of wine from any other winery inside or outside the state of Maryland. Presenter: Ken Korando, Chapel Cellars, citizen

Four Commissioners agreed to support the proposed concept, but will wait for input from Secretary of Agriculture, MD Winery Associations, and the public before supporting any specific details. Commissioner Jarboe felt the same thing could be accomplished by getting both a Class 3 and Class 4 license, since license fees are not exorbitant

3. (tab #7) Revise provisions relating to treasurer's bond to conform to bond language required by MD Insurance Commissioner. Section 113- 1(E) of Article 19 of the Public Local Laws of Maryland. Presenter: Jackie Raley Meiser, Legal Counsel for MetCom
The BOCC amended the proposal to include the following language after "Insurance Commissioner of the State of Maryland": "and approved by the County Attorney." Ms. Meiser is working with County Attorney's Office on final language.
4. (tab #5a) While this proposal was *not* supported by the Board of County Commissioners (to increase the annual salary of the Chairman of the Board of Education from \$4,300 to \$7,000 and the annual salaries of the members from \$4,000 to \$6,000), Mr. Sal Raspa, Vice Chair of the Board of Ed spoke on this issue, outlining the need for an increase in salaries and urging the support of the Commissioners.

(tab #5b) Require the St. Mary's County Compensation Review Commission to review the salaries of the Board Chairman and members and make recommendations to the County Commissioners in accordance with the provisions set forth in §23-5 of Article 19 of the Public Local Laws of Maryland. This proposal is designed to ensure that the St. Mary's Compensation Review Commission will be required to review the salaries of the members of the Board of Education in 2008 and every four years thereafter.

Public Comment: Robert Jarboe

This Board of Ed salary issue was overlooked in the past and should be taken care of.

5. (tab #9) Property tax credit for individuals over age 70. Legislation was introduced in 2004, but was given an unfavorable report in the Senate. Presenter: Gene Carter, Director, Department of Aging

Commissioner Mattingly indicated that he supports the concept of property tax relief for seniors, but he does not support SMC Ordinance 04-03 which would take effect if the State provides enabling authority. The Delegates asked if the Senate's concerns from last year have been addressed and indicated that the Delegation was working with the Ways and Means Committee to come up with alternatives, such as expanding the Homeowner Circuit Breaker program. The current program is limited by income and property value restrictions.

Public Comment: Unidentified citizens expressed their support for a program that did *not* include means testing.

6. (tab #11) Request State bond funding for two capital projects shown in priority order below
 - (a) \$437,000 Charlotte Hall Welcome Center
 - (b) \$100,000 for Piney Point Lighthouse Museum

Presenters: John Savich and Phil Rollins Departments of Economic & Community Development and Recreation, Parks and Community Services, respectively. The importance of a Charlotte Hall location for a Welcome Center as a “gateway” to the County was discussed.

7. (tab #12) Extend the deadline, from November 1 to January 1, for Counties with populations of 400,000 or less to provide financial reports to the State. Counties with populations greater than 400,000 currently are not required to report until January 1. Presenter: Elaine Kramer, Chief Financial Officer

The BOCC requested that an individual St. Mary’s County Delegate or Delegates introduce this legislation, as the House committee that considered this bill last year indicated that it has statewide implications and, therefore, should not be introduced by a single county delegation. The County will also seek the support of the Maryland Association of Counties.

8. (tab #13) Authorize the County to issue \$20,000,000 in public facilities bonds. This amount of this authorization has been certified as falling within the County’s affordability limits. Presenter: Elaine Kramer, Chief Financial Officer
9. (tab #14) Increase County bonding authority to enable the County to enter into land installment contracts for agricultural preservation purposes. Presenters: Donna Sasscer, Agricultural Manager
10. (tab #15) (a) Exempt farm markets and on-site farm food processing/preparation operations from certain State food services regulations relating to commercial kitchen equipment; and

(b) Alter the term of a “temporary food service facility” license from 14 days to 4 months. *Suggested separate category for agriculturally related businesses to apply for food service license up to four months or after harvesting. State Health Department to look into other details.*

Presenter: Donna Sasscer, Agricultural Manager, on behalf of Mary and Joe Wood, citizens

11. (tab #16) Clarify the enabling authority for certain regulatory fees.
Presenter: Heidi Dudderar, Assistant County Attorney

General Public Comment:

Bill Bartlett, Valley Lee

Please do everything you can to help clean up the Chesapeake Bay, Potomac and Patuxent Rivers - - they continue to go downhill. Thanks to Delegate O'Donnell for supporting the Oyster bill, although he does have a poor voting record on environmental issues. You discussed several tourism activities tonight - - much of our tourism depends on the water. Treatment plants are putting out too much nitrogen.

ADJOURNMENT

The meeting adjourned at 9:08 p.m.

Minutes Approved by the Board of County Commissioners on _____

Kate Mauck, Senior Administrative Coordinator
to the Board of County Commissioners

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