

**ST. MARY'S COUNTY  
BOARD OF COUNTY COMMISSIONERS' MEETING  
Tuesday, June 28, 2011**

**Present:** Commissioner President Francis Jack Russell  
Commissioner Lawrence D. Jarboe  
Commissioner Cynthia L. Jones  
Commissioner Todd B. Morgan  
Sue Sabo, Acting County Administrator  
Sharon Ferris (Recorder)

**Absent:** Commissioner Daniel L. Morris

**CALL TO ORDER**

Commissioner President Russell called the meeting to order at 9:00 am.

**APPROVAL OF MINUTES**

**Commissioner Jones moved, seconded by Commissioner Jarboe, to adopt the minutes of the meeting of Tuesday, June 21, 2011, as presented. Motion carried 4-0.**

**COMMENDATIONS**

**Commendations were presented to the following individuals in recognition of the following Maryland State Firemen's Association Awards:**

- **Brandy C. Guy**, Seventh District Volunteer Fire Department, **Rookie of the Year Award**
- **Melissa Gould**, Bay District Volunteer Fire Department, **Silver Spring Trophy Award** (fire prevention efforts by an individual)
- **John G. Gatton Sr.**, Hollywood Volunteer Fire Department, **Marberry F. Gates Service Cup Award** (fifty years of continuous service)
- **John A. Nelson**, Fire Chief, Seventh District Volunteer Fire Department, **2010 Deputy State Fire Marshal of the Year**

## **ST. MARY'S COUNTY PUBLIC SCHOOLS: REQUEST APPROVAL OF FY 2012 BUDGET**

**Present:** Dr. Michael J. Martirano, Superintendent, St. Mary's County Public Schools  
Greg Nourse, Director, Budget and Finance  
Brad Clements, Chief Operating Officer  
Dr. Salvatore Raspa, Chairman, Board of Education

Dr. Martirano presented the final FY2012 Operating and Capital Budgets for St. Mary's County Public Schools. He thanked the Commissioners for the additional \$750,000 County funding and noted that the additional funds preserved the 16 teaching positions that previously received reduction in force notices. FY2012 negotiations with all employee groups have been finalized and there will be no COLAs, no step increases and 3 furlough days for all employees. The teachers 3 furlough days will be deducted from their 190 day school year, meaning they will receive pay for 187 days. A freeze has been placed on all hiring for next year; however if vacancies become available, Dr. Martirano will review each to see if the position needs to be filled. Dr. Martirano will recommend to the Board of Education that days when students will not be in school but teachers will (Oct 10, Oct 21, and Jan 23), will now be school days for students. Another recommendation that will accommodate the three furlough days and serve as an energy saving measure is to shift the operating calendar to close schools for the Christmas Holiday on December 16<sup>th</sup> and open back up on January 3. With the elimination of 57/58 position, class sizes are going to be at cap next year: Kindergarten (23); Grades 1-2 (24); Grades 3-5 (29); Middle and High Schools have no set cap but they could go as high as 25-30. Dr. Martirano noted if there are budget cuts again next year, class sizes might be adjusted again. He expressed concern about two major items going to special session: (1) shifts in pension and (2) discussions on changes to maintenance of effort. He expressed an ongoing concern with OPEB. Currently the St. Mary's Public School system has \$17M in a trust fund for OPEB, the highest of any school system in the state; however, the school system's FY2012 Budget does not contain an actual budgeted amount for OPEB. Race to the Top expenses are also a concern for the schools. The \$1.6 M, one-time-only funding, is to be used for items like technology, not positions. The decision to lease/rent machines and computers should be more cost effective since technology changes so quickly. Conventional textbooks become obsolete in a couple of years, so a freeze has been imposed on spending money for textbooks. The plan is to use on-line versions and download information to tablets and computers to provide latest information available. Dr. Martirano requested input from the Commissioners for their next joint meeting agenda. Dr. Martirano commented that the operational budget for FY2012 takes the schools back to the 2009 funding level.

**Commissioner Morgan moved, seconded by Commissioner Jarboe, to approve the Board of Education's operating, revolving, restricted, and capital budgets for FY2012 at the level of category and fund totals, and the total FTE positions, with the requirement that the Board of Education submit a fully developed FY 2012 Approved Budget Book for review and acceptance by the BOCC by July 15, 2011 to include the FTE count in each individual grant, and appendix pages for compensation. We further direct that any FY2011 and FY2012 savings in Fixed Charges, Group and Retiree Health and Life be contributed to the OPEB Trust; and execute the consent letter signifying approval of same. Motion carried 4-0.**

**COUNTY ADMINISTRATOR**

1. Draft Agendas for July 12. There will be no meetings on July 5.
2. **Department of Finance** (*Lotti Bell, Budget Analyst, Finance Department; Mark Smith, Agronomist, MD Department of Agriculture*)

**Commissioner Morgan moved, seconded by Commissioner Jones, to approve and authorize Commissioner President to execute the FY2012 Cooperative Agreement between the Maryland Department of Agriculture and St. Mary's County for the Control and Eradication of Noxious Weeds. Motion carried 4-0.**

3. **Office of the County Attorney** (*George Sparling, Attorney*)

*(Bob Kelly, Director, Dept. of Information Technology and Interim Director, Dept. of Public Safety; Jeannette Cudmore, Deputy Director, Dept. of Finance; Michael Cahall, President, SMALS; Carol Sullivan, Chief of Operations, SMALS)*

**Commissioner Jarboe moved, seconded by Commissioner Morgan, to approve and authorize Commissioner President Russell to execute the Memorandum of Understanding with St. Mary's County Advanced Life Support Unit, Inc. (SMALS), as submitted, to be effective beginning July 1, 2011 on behalf of the County. Motion carried 4-0.**

4. **County Administrator** (*Sue Sabo, Acting*)

At the last meeting, Commissioner Jarboe requested that the Commissioners discuss a resolution on grandfathering campgrounds, Mr. Sabo opened the discussion and noted that a public hearing is scheduled for July 26 on a text amendment that would change the rules for establishing campgrounds in the RPD and CM zones. Commissioner Jarboe agreed that the text amendment scheduled for public hearing in July is appropriate for future campgrounds but is concerned that existing campgrounds operating for over 20 years should not have to go through the process again and asked if a resolution could be used to reinforce the current text amendment. Commissioner Jarboe also asked that the Board adopt a policy regarding campgrounds. Commissioners Russell, Jones, and Morgan agreed to go forward with the public hearing as scheduled on July 26 and not to consider Commissioner Jarboe's proposed resolution at this time.

5. **Department of Public Works and Transportation** (*George Erichsen, Director*)

**Commissioner Jarboe moved, seconded by Commissioner Jones, to approve and authorize Commissioner President Russell to sign the budget amendment in the amount of \$20,800 to realign the Department of Public Works & Transportation Division's budget accounts to cover the increase associated with the Engineering Division's health benefit expenses realized after the budget submission. Motion carried 4-0.**

## **MD STATE HIGHWAY ADMINISTRATION: UPDATE ON MD 4-THOMAS JOHNSON BRIDGE STUDY**

**Present:** Zane Rettstatt, Project Manager, DPW&T  
Jeremy Beck, SHA Project Manager  
Alexis Zimmer, SHA Environmental Mgr.  
Sarah Fowler, SHA Project Engineer

An update on status of the Rt. 4 Thomas Johnson Bridge Study was presented. Public hearings were held last September in both St. Mary's County and Calvert County to present alternatives and receive citizens' input. The study phase and preferred alternatives will be finalized by the fall of 2011 with location/design approval by spring of 2012.

## **PUBLIC HEARING ON PROPOSED ZONING TEXT AMENDMENT TO ALLOW A DISTILLERY IN THE RPD, RSC, VMX AND TMX DISTRICTS**

Commissioner Russell opened the Public Hearing at 11:00 am

**Present:** Yvonne Chaillet, Zoning Administrator, Dept. of Land Use and Growth Management  
Phil Shire, Deputy Director, Dept. of Land Use and Growth Management

Ms. Chaillet noted for the record that a notice of this Public Hearing was advertised in *The Enterprise* newspaper on June 10 and 15, 2011. The Planning Commission held a public hearing and on June 9, 2011, and voted unanimously on May 23, 2011, to recommend that the County Commissioners adopt an ordinance to allow a distillery as a permitted use in the Rural Preservation District (RPD), Rural Service Center District (RSC) Village Mixed Use (VMX) and Town Center Mixed Use (TMX) Districts. A distiller with proper license can manufacture, bottle and sell to wholesalers brandy, rum, whiskey, alcohol and neutral spirits. A distillery, unlike a winery, cannot hold special events or tours whereby the public is allowed to sample their products.

Commissioner Russell opened the Public Hearing for public comment.

Public Comments. (*Comments as noted below are intended as highlights of testimony given and are not verbatim.*)

### **Robert T. Jarboe, Leonardtown MD 20650**

Expressed concerned with traffic issues on private roads that have a distillery.

### **Joseph Wood, 39136 Avie Lane, Mechanicsville, MD 20659**

Supports Distilleries. Most grain grown in county goes to Eastern Shore for chickens. Need alternative use for grain.

### **Richard Copsey, 27305 Three Notch Rd., Mechanicsville, MD 20659**

Supports Distilleries. Good way to support local farmers. Looking at ways to sell grain locally.

**George Baroniak, Dameron, MD 20628**

Supports Distilleries. Southern Maryland had a history of making whiskey. All distilleries left the state. Presented a bottle of whiskey produced in Kentucky labeled “made from old southern Maryland recipe”. Producing alcohol is dependent on type of water you use – need spring water – not much of that in County. Explained grains needed for produce a variety of alcohol: wheat (Gin/Vodka), Corn (Bourbon), Barley (Scotch). No matter what County does, it is dependent on the state – need Delegate support.

**Delegate John Wood**

Supports Distilleries. It’s part of our heritage. With tobacco gone, we need to look at alternatives to help farmers. It will give kids an opportunity to see how things were years ago and how our forefathers made a living.

Commissioner Russell closed the hearing at 11:30 am and announced that the Board of County Commissioners will receive public comments on this matter for an additional ten days.

**REQUEST TO EXTEND 125-DAY DEADLINE FOR DECIDING PROPOSED TEXT AMENDMENT TO ALLOW A DISTILLERY**

**Present:** Yvonne Chaillet, Zoning Administrator, Dept. of Land Use and Growth Management  
Phil Shire, Deputy Director, Dept. of Land Use and Growth Management

Ms. Chaillet requested a 60 days extension on the proposed amendment to allow a Distillery because the 125-day requirement for the Board to make decisions on text amendments expires on July 11, 2011.

**Commissioner Jones moved, seconded by Commissioner Morgan, to extend the 125-day period for the deciding the proposed distillery text amendment from July 11, 2011, to September 9, 2011. Motion carried 4-0.**

**COMMISSIONER’S TIME**

The Commissioners highlighted events attended over the past week.

**SUMMER KNIGHTS” LEADERSHIP PROGRAM**

The Commissioners met with Middle School students participating in the St. Mary’s Ryken’s “Summer Knights Leadership Program” to discuss the six pillars of leadership.

**PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE ST. MARY'S COUNTY WATER AND SEWERAGE PLAN WATER SERVICE CATEGORY CHANGE FOR THE "HAYDEN PROPERTY"**

**Present:** Jeff Jackman, Senior Planner, LUGM

Dave Chapman, Capital Facilities Planner, LUGM

Commissioner Russell opened the public Hearing at 6:30 p.m.

Mr. Chapman noted for the record that notice of this hearing was posted in *The Enterprise* newspaper on June 10, and June 11, 2011. The proposed amendments will change water service for Case Number 10-200-004, Area Map III-32 from W-6D to W-3D for Tax Map 32, Grid 11, Parcel 339, Out parcel A, Tax Map 32, Grid 11, Parcel 339, Lot 1, and Tax Map 32, Grid 11, Parcel 225 also known as the "Hayden Property". Mr. Chapman said there had been inquiries as to the notification process for changes to the Comprehensive Water and Sewerage Plan and explained that notice of public hearings are published in the newspaper, signs are posted on the property, and property owners who abut the property or properties that cross right-of-ways of the land under consideration are notified by certified mail. Signs are also posted on the property. In this instance, all of the required notifications were completed. In addition, citizens who attended the Planning and Zoning Board's Public Hearing and signed in were also sent a letter of notification for today's public hearing. Citizens from Leonard's Grant who attended the Planning Commission's public hearing should have received a letter if they signed in.

*Commissioner Morgan asked if all property owners on Lindsay Dr received notification and was told they did not since they are not all contiguous property owners.*

*Commissioner Jarboe asked for clarification from staff that the Board is only considering water service to the property at this time and not sewerage or sewerage distribution. Mr. Chapman confirmed and added that the Planning Commission presented two proposed amendments; one on water service changes, and the other would have accommodated the application of treated waste on land within the Leonardtown sanitation district. The Planning Commission gave a favorable vote to move forward with the water change. Land application for treated wastewater will be addressed at a later date.*

*Commissioner Morgan expressed his concern for all residents in the immediate area of property under consideration and suggested all should be notified by regular mail, if not by registered mail. His concern is that if homeowners are not being notified, we are not being transparent to them and allowing them to get their due day at a public hearing. He suggested that in the future we need to find a better way to reach out to them.*

Commissioner Russell opened the Public Hearing for public comment.

Public Comments. *(Comments as noted below are intended as highlights of testimony given and are not verbatim.)*

**Bernard Packman, Belmar Dr., Leonardtown, MD 20650**

Mr. Packman was under the impression that tonight's meeting was also about waste water treatment. He has been trying to follow this in general there is incomplete information concerning land use and timetable. He said the comments he had were really geared towards waste water.

**Don & Pat Guy, 41772 Cemetery Rd., Leonardtown, MD 20650**

Mr. and Mrs. Guy were under the impressions that they could discuss waste water tonight. Very concerned about waste water. Mr. Guy said he is not sure what is going on – the whole deal.

**Evelyn Holland, 24060 Hollywood Rd., Leonardtown MD 20650**

Asked how anyone in this day and age would consider water without considering sewer.

**Mr. Jeff Jackman, Senior Planner, Dept. Land Use and Growth Management**

Mr. Jackman stated that sewer will be considered in the future. The public facilities that you see on the site plan are possibly an elementary school, a mid school and a library which will have to be serviced by community sewerage disposal and water systems. Those are maintained by the Metropolitan Commission and will require a certain description in the comp water and sewerage plan. This will allow the State Dept of Environment to certify that the use of property and facilities serving it are adequate. We are taking a multi phase approach – still have work to do on water – it may be community well system or it may be connected to Leonardtown's water, we don't know yet. This is an early step along the way. We will be back to consider sewerage.

**Robert Hayes, Cemetery Road, Leonardtown, MD 20650**

Mr. Hayes said he lives 10 ft from Hayden property and did not get a certified letter. He asked if the category for water is not same for sewer. He commented "what you are saying is the deck is stacked".

*Commissioner Russell said he understands that the town of Leonardtown is looking for other land for perhaps land application use. Leonardtown is also in negotiation with Maryland Department of the Environment to recalculate the capacity of the plant, and once they do a nutrient update and E&R on the Leonardtown plant, it may have enough EDUs to accommodate the schools.*

**Mrs. Guy**

Mrs. Guy said she understands the Wilkerson Farm that was being considered as an alternative site for land application was sold to a developer.

*Commissioner Morgan noted that he is concerned with the overall notification process. He suggested that anyone who owns property touching or in the near vicinity (for example, across the road from the land being considered for change) should be notified. He requested keeping the record open for 20 days vice 10 days to hear public comments and to add the notification process topic to the July 12<sup>th</sup> BOCC meeting agenda so Commissioners can fully understand the process. All Commissioners agreed to keep the record open for 20 days.*

*Commissioner Jarboe said the distance from the property being considered for change and the homeowner's property is a matter of policy and Commissioners can change that policy.*

**Bernard Packman**

Mr. Packman stated he would like to see a topographic map showing the area of the creek in relation to the property to show ultimately where the water will end up - when it drains into McIntosh Run and finally ends up in the bay.

**Kimberly Howe, Coordinating Supervisor of Capital Planning and Green Schools**

Ms. Howe, representing the school system, supports the resolution. She explained that this is part of the approval process. As property sits it does have requirements for sewer but not for water. This amendment will provide the property to be in the proper category to have water. She said, as it stands now, the elementary school will be built first and then the middle school.

*Commissioner Jarboe asked if any amendment is coming to public hearing any time soon to provide for land based disposal.*

Ms. Howe responded that we have put in some information and have asked the planning commission for additional information on land based disposal because the BOE is not taking any further action until this information is provided. At this point the only concern is that we have the adequate water and sewer capacity to be able to move forward.

Commissioner Russell announced that the Board of County Commissioners will receive public comments on this matter for an additional twenty (20) days.

**ADJOURN**

Commissioner Russell closed the Public Hearing and adjourned the Board of County Commissioners at approximately 7:18 pm.

Minutes Approved by the Board of County Commissioners on \_\_\_\_\_

\_\_\_\_\_  
Sharon Ferris, Senior Administrative Coordinator (Recorder)