

**ST. MARY'S COUNTY  
BOARD OF COUNTY COMMISSIONERS' MEETING  
GOVERNMENTAL CENTER  
Tuesday, January 25, 2005**

**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  
Kate Mauck, Senior Administrative Coordinator (Recorder)

**CALL TO ORDER**

The meeting was called to order at 9:07 a.m.

**APPROVAL OF CHECK REGISTER**

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

**APPROVAL OF MINUTES**

**Commissioner Jarboe moved, seconded by Commissioner Raley, to approve the minutes of the Commissioners' meeting of Tuesday, January 11, 2005. Motion carried.**

**DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT &  
DIRECTOR OF THE OFFICE OF MILITARY AFFAIRS AND FEDERAL  
FACILITIES: BRAC UPDATE**

**Present:** Mike Hayes, Brigadier General, Retired  
John Savich, Director of Economic and Community Development

Brigadier General Hayes provided an update on the Base Realignment and Closure (BRAC) process, outlining the BRAC timeline, overview of County activity, and information regarding the state of Maryland as it pertains to the BRAC process.

St. Mary's County Government was encouraged to continue to work closely with the Navy regarding meeting its needs within the community. In addition, the County was encouraged to be prepared to move quickly when recommendations for BRAC are presented, and to be ready to assist in the process by providing flexibility in the community.

## COUNTY ADMINISTRATOR

1. Draft Agendas for February 1 and 8, 2005

*Staff was directed to try to hold the February evening Public Forum in the northern part of the County.*

2. **Maryland Cooperative Extension and IT Department**

Present: Liat Mackey, Co-Acting County Extension Director  
Bob Kelly, IT Director

**Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign Budget Amendment in the amount of \$13,933 for the purchase of computers and computer equipment for the Maryland Cooperative Extension. Motion carried.**

3. **Department of Aging**

Present: Gene Carter, Director

- a. **Commissioner Dement moved, seconded by Commissioner Jarboe, to approve and authorize the Director of the Department of Aging to sign the Applications for Day Care License Renewal on behalf of St. Mary's County. Motion carried.**

*Commissioner President McKay stated that he would work with individuals and bring together a group to provide supplies and services in order to build a much-needed deck area onto the Ripple Adult Center in Hollywood.*

- b. **Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign Agreement with St. Mary's Hospital in order to provide service to participants of the Medical Adult Day Services Program. Motion carried.**
- c. **Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign Agreement with the Riverside Center Dinner Theatre and Conference Facility for their theater performance of "Brigadoon" that will be held on March 23, 2005. Motion carried.**

4. **Department of Public Safety**

Present: Patrick Walsh, Director  
Timothy Bennett, Emergency Planner

**Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign Hazardous Materials Preparedness Grant Memorandum of Agreement and accompanying Budget Amendment. Motion carried.**

*Staff was directed to look into accessing additional storage facilities for equipment. The Board of Education, in particular, may have strategically located space that would be usable.*

## 5. Department of Public Works and Transportation

Present: George Erichsen, Director

- a. Deed from Stewarts Grant, LLC. *Located in the 8th Election District for the purpose of conveying property for a variable width right-of-way for the extension/continuation of Carver School Boulevard, County Route 31104, as part of the Carver Elementary School construction project.*

**Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign Deed from Stewarts Grant, LLC for the purpose of conveying property for a variable width right-of-way for the extension/ continuation of Carver School Boulevard, County Route 31104, as part of the Carver Elementary School construction project. Motion carried.**

- b. Public Works Agreement for the Breezy Acres Subdivision. *Located in the fourth (4th) Election District with an expiration date of December 1, 2005. A Letter of Credit has been provided by the Mercantile Southern Maryland Bank in the amount of \$92,000. The road included in the agreement is: Dorothy Mea Court (751').*

**Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign Public Works Agreement for the Breezy Acres Subdivision. Motion carried.**

- c. Public Works Agreement Addendum for Misty Pond of Wildewood Subdivision, Phase 1. *Located in the 8th Election District with an expiration date of January 1, 2006. The Letter of Credit provided by the Mercantile Southern Maryland Bank in the amount of \$90,600 remains as posted based on the Department's Inspection Report dated December 17, 2004. The Public Works Agreement and*

*Letter of Credit in the amount of \$90,600 were originally issued on February 24, 2004. The road included in this agreement is: Wildewood Parkway (730').*

- d. Public Works Agreement Addendum for Misty Pond of Wildewood Subdivision, Phase 1. *Located in the 8th Election District with an expiration date of January 1, 2006. The Letter of Credit provided by the Mercantile Southern Maryland Bank in the amount of \$90,500 remains as posted based on the Department's Inspection Report dated December 17, 2004. The Public Works Agreement and Letter of Credit in the amount of \$90,500 were originally issued on February 27, 2004. The road included in this agreement is: Misty Pond Court (434').*
  
- e. Public Works Agreement Addendum for Pepper Ridge of Wildewood Subdivision, Section 4. *Located in the 8th Election District with an expiration date of July 1, 2005. The Letter of Credit provided by the Mercantile Southern Maryland Bank in the amount of \$286,200 remains as posted based on the Department's Inspection Report dated December 16, 2004. The Public Works Agreement and Letter of Credit in the amount of \$286,200 were originally issued on January 22, 2002. The roads included in this agreement are: Cherry Hill Court (490') and Sassafras Drive (895').*
  
- f. Public Works Agreement Addendum for Westbury Subdivision, Section 2, Phase 2. *Located in the 8th Election District with an expiration date of January 1, 2006. The Letter of Credit provided by the Mercantile Southern Maryland Bank in the amount of \$518,400 remains as posted based on the Department's Inspection Report dated December 4, 2004. The Public Works Agreement and Letter of Credit in the amount of \$518,400 were originally issued on January 21, 2004. The roads included in this agreement are: Westbury Boulevard West (750'), Wilcutt Street (389'), Altman Court (360'), Bolden Court (500'), and Gordon Court (300').*

**Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign Public Works Agreement Addendums items c, d, e, and f. Motion carried.**

- g. Public Works Agreement Addendum for Hanover at Breton Bay Subdivision. *Located in the 3<sup>rd</sup> Election District with an expiration date of January 1, 2006. The Bond provided by the Developers Surety and Indemnity Company in the amount of \$115,800 remains as posted based on the Department's Inspection Report dated December 17, 2004. The Public Works Agreement and Bond in the amount of \$490,000 were originally issued on November 19, 2001. The roads included in this agreement are: Hanover Drive (2,009'), Hanover Court (299'), Hanover Woods Court (746'), Orchard Court (350'), and Bam Court (744').*
  
- h. Public Works Agreement Addendum for Villages of Leonardtown Subdivision. *Located in the 3<sup>rd</sup> Election District with an expiration date of February 1, 2006.*

*The Bond provided by the Western Surety Company in the amount of \$310,000 remains as posted based on the Department's Inspection Report dated January 10, 2005. The Public Works Agreement and Bond in the amount of \$773,000 were originally issued on November 5, 2001. The roads included in this agreement are: J M Gough Court (554'), Gunnell Drive (1,435'), Mitchell Drive (246'), Abraham Drive (1,760'), Klear Court (269'), and Candella Place (130').*

**Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign Public Works Agreement Addendums items g and h. Motion carried.**

**6. Boards, Committees, and Commissions**

**Commissioner Jarboe moved, seconded by Commissioner Mattingly, to approve and sign letters of appointment to the following Boards, Committees, and Commissions. Motion carried.**

**Community Health Advisory Committee**

**Terms to Expire**

Lt. Louis F. Burris – Sheriff's Office Representative

December 31, 2005

**Sheriff's Office Retirement Plan Board of Trustees**

William E. Raddatz

December 31, 2005

**7. Employment Contract**

**Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign Employment Contract for the Director of Human Resources, Maxine G. Somerville. Motion carried.**

*Staff was directed to include the introduction of Ms. Somerville on an upcoming agenda of the Board of County Commissioners.*

**8. Department of Recreation, Parks, and Community Services**

Present: Phil Rollins, Director  
Elaine Kramer, Chief Financial Officer

Information was presented regarding, and direction was requested, for the Solicitation Evaluation Committee on the Request for Expression of Interest for the Indoor Recreation Center, Solicitation #05-RPCS-001.

**Commissioner Dement moved, seconded by Commissioner Raley, to recommend support for the Request for Expression of Interest for the Indoor Recreation Center, Solicitation #05-RPCS-001. Motion carried.**

*Staff was directed to work closely with the group involved, and to find ways to endorse the Indoor Recreation Center. Mr. Rollins reported that he would send an official letter of support.*

#### **9. County Attorney's Office**

Present: John B. Norris, III, County Attorney  
Elaine Kramer, Chief Financial Officer

The County Attorney presented a letter of request from the King's Christian Academy, LLC, asking for an exemption from a 5% energy tax on fuel oil deliveries. Discussion took place regarding the preparation of local legislation to provide for a refund of the local energy tax for private and parochial schools and to advertise a public hearing for the same. St. Mary's County Public School system is exempt from the energy tax. The Board of County Commissioners gave the following direction:

*Mr. Norris to follow the Resolution/Ordinance process by advertising for a public hearing and to follow through with the appropriate process. In addition, staff was directed to find out if the upcoming Charter School will be required to pay energy tax when the school is established. Ms. Kramer and Mr. Norris were directed to prepare information outlining the budgetary impact of moving forward on the refund process, i.e., request energy tax information from schools, grades K-12, that are accredited by the state. Staff reported that they will let all schools in the County that might possibly qualify know that the Board of County Commissioners will be considering the potential for the refund.*

*In addition, daycare centers will be restricted from the Resolution/Ordinance, unless they meet the K-12 qualifications for education by the state, and personal residences will be restricted. Staff was directed to send a letter to the King's Christian Academy outlining the direction given by Commissioners and the public hearing process.*

*It was determined that the process will need to be completed in time to be included as part of the budget process.*

#### **RURAL LEGACY PROGRAM PRESENTATION/DISCUSSION**

Present: Donna Sasscer, Agriculture Manager  
Sue Vieth, Environmental Planner

An update was provided on the status of the Rural Legacy Program in the County. The update was prompted due to a letter placed in the Consent Agenda folder for signature by the Board of County Commissioners. In-depth information regarding the Rural Legacy Program was outlined, including the reasons that lack of funding for the program by the

state has occurred for the past three years, and the reasons that a modification of an application would be submitted, if approved.

Top priority for the Rural Legacy Program in the County will remain the expansion of the Huntersville Area, for which an application for change is under consideration by the state. The Consent letter, should it be signed by the Board of County Commissioners, would express their support for a modification of the St. Mary's River Rural Legacy Plan and Application. The letter would not establish or promise future funding for this program at this time. Some Commissioners expressed concerns that the modifications have not reduced and have not focused the areas that are being targeted enough. Deadline for submission of the Consent letter to the state is this Friday, January 28<sup>th</sup>.

**Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and authorize the Board of County Commissioners to sign the letter to Secretary Franks expressing a request for reconsideration of the St. Mary's River Rural Legacy Program. Motion carried.**

#### **DEPARTMENT OF PUBLIC SAFETY: EMERGENCY MANAGEMENT PLAN UPDATE**

Present: Patrick Walsh, Director, Public Safety  
Timothy Bennett, Emergency Planner

The Department of Public Safety provided an overview of the Emergency Management Plan Update, including the mission, accomplishments, and goals for the upcoming year as previously requested by the Board of County Commissioners. Additional information presented included the need for tower capability on Cobb Island. Mr. Walsh outlined the process that has already taken place on this matter and stated, should grant money not be forthcoming, space and tower costs could potentially reach \$1 million.

*The Board of County Commissioners asked for funding information to be determined, in the event that school buses should need to come onto the system. In addition, Commissioners expressed their concern for meeting the communication needs throughout the County, especially for fire and rescue facilities, as well as other emergency communication needs.*

Mr. Forrest reported that a more comprehensive plan would be presented to the Commissioners regarding communications in the County at a future date.

#### **COMMISSIONERS' TIME**

##### **Commissioner Dement**

Attended the Annual Installation of Officers and Awards Banquet for the Mechanicsville Volunteer Fire Department.

Represented the Commissioners at a potluck dinner with the Salt and Pepper Club.

Participated in the 90<sup>th</sup> Birthday Celebration for Mrs. Quade, and she is to be congratulated.

Attended the Southern Maryland Martin Luther King Prayer Breakfast, with two great speakers, including our own Mr. George Forrest.

Attended the 7<sup>th</sup> District Installation of Officers banquet, along with Commissioner Raley and Commissioner Jarboe.

Represented Commissioners and presented a proclamation at a surprise Retirement Party for Shirley Medinski last Saturday evening.

### **Commissioner Mattingly**

Expressed his apologies for his inability to attend many important and interesting events throughout the County, as he was on a very important trade mission for St. Mary's County. Commissioner and Mrs. Mattingly went along with two hundred and twenty five of the finest citizens in the County on a tour of the Hawaiian Islands. The trip, which was sponsored by Holy Angels as part of their fundraising efforts in the way of trips every other year, raised \$32,000 for the school. Ed Cole and Gilbert Murphy did a fantastic job of putting the trip together, and it was an enjoyable time for all.

### **Commissioner Jarboe**

Outlined items that have been presented to the Commissioners regarding problems with playgrounds, etc. in the northern end of the County. *Asked for consideration to hold the February Public Forum in the northern end of the County so that citizens may express their concerns publicly.*

*Asked for staff to provide an itemized list of exactly how funding was spent on a BMX track. Reported that Commissioners voted to approve \$25,000 for the track nearly six months ago.*

### **Commissioner Raley**

Stated that since his retirement, he thought he would have time to keep up with the other Commissioners, however, so far, he seems to be unable to do so.

### **Commissioner President McKay**

Reported that the Governor would be making an announcement tomorrow, Wednesday, January 26<sup>th</sup>, of the designees of Maryland's first Priority Places Program. The announcement location has yet to be determined.



Expressed congratulations to Sarah Shaffer, winner of the Firefighter of the Year Award at Mechanicsville Fire Department. In addition, it was reported that Ms. Hayden received the same award in the 7<sup>th</sup> District. All the County fire fighters and rescue squads, EMS, and ALS workers are to be congratulated.

Reported that the County is in the process of issuing about 2,000 energy tax refunds, totaling about \$66,000. Outlined programs that would qualify citizens to participate in the energy tax refund program.

Reported that he is in the process of visiting all Boards, Committees, and Commissions at their meetings in the County to present the *Embracing Progress* video and to talk with them about the BRAC process and how it affects the County. Invited the Commissioners to look at the meeting schedule and to participate in these meetings.

**DEPARTMENT OF PUBLIC SAFETY & HAZARD MITIGATION  
COMMITTEE: PROPOSED PLAN OF ACTION FOR AN UPDATE OF THE  
HAZARD MITIGATION PLAN FOR ST. MARY'S COUNTY**

Present: Patrick Walsh, Director, Public Safety  
Deepa Srinivasan, Greenhorne & O'Meara, Contractor  
Members of the Hazard Mitigation Plan Committee

An update on the proposed plan of action for an update of the Hazard Mitigation Plan for St. Mary's County was presented. Funding was provided through the "Multi-Hazard Mitigation Planning Grant" in the amount of \$31,200, and was approved by the Board of County Commissioners on July 27, 2004.

A detailed overview of the Hazard Mitigation Plan was provided, and it was reported that the Plan is now approximately half way through the process toward completion. A public hearing will be conducted regarding the matter at the Southern Maryland Higher Education Center on February 8, 2005, from 6:30 to 8:00 p.m. A more detailed Plan will be presented at that time. In approximately three months, the Plan will be brought back to the Commissioners for direction and hopeful approval at the County level. After approval by the County, the Plan would then go to other agencies, with final approval authority at FEMA.

*Commissioners directed staff to re-arrange their meeting schedule in order to incorporate plans to attend the public hearing at the Higher Education Center.*

**ANNOUNCEMENT**

Commissioner President McKay reported that the Governor's announcement of the designees of Maryland's first Priority Places Program has been changed to Tuesday, February 1, 2005. Therefore, the Board of County Commissioners' meeting schedule will need to be adjusted accordingly.

**ADJOURNMENT**

The meeting adjourned at 2:50 p.m.

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

\_\_\_\_\_  
Kate Mauck, Senior Administrative Coordinator