

**ST. MARYS COUNTY  
BOARD OF COUNTY COMMISSIONERS MEETING  
GOVERNMENTAL CENTER  
Tuesday, February 26, 2008**

**Present:** Commissioner President Francis Jack Russell  
Commissioner Kenneth R. Dement  
Commissioner Lawrence D. Jarboe  
Commissioner Thomas A. Mattingly, Sr.  
Commissioner Daniel H. Raley  
John Savich, County Administrator  
Betty Jean Pasko, Sr. Administrative Coordinator (Recorder)

**CALL TO ORDER**

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

**APPROVAL OF CHECK REGISTER**

**Commissioner Mattingly moved, seconded by Commissioner Jarboe, to authorize the Commissioner President to sign the Check Register for checks dated February 26, 2008, as submitted. Motion carried 5-0.**

**APPROVAL OF MINUTES**

**Commissioner Mattingly moved, seconded by Commissioner Dement, to adopt the minutes of the Commissioners meeting of February 19, 2008, as presented. Motion carried 5-0.**

**COUNTY ADMINISTRATOR PART I** *(Note: The following items were listed as items 2 a., b., and c. on the County Administrators agenda.)*

**Circuit Court** *(Hon. Karen Abrams, Administrative Judge; Hon. Michael Stamm, Judge of the Circuit Court; Pete Cucinotta, Drug Court Coordinator; William Tench, Court Administrator)*

**Commissioner Jarboe moved, seconded by Commissioner Dement, to accept the FY09 federal grant application for the Adult Drug Court Program. Motion carried 5-0.**

**Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize submission of the Adult Drug Court Grant Application from the Maryland Office of Problem Solving Courts in the amount of \$52,336. Motion carried 5-0.**

**Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize submission of the Juvenile Drug Court Grant Application from the Maryland Office of Problem Solving Courts in the amount of \$132,503. Motion carried 5-0.**

## **PROCLAMATION**

Roger L. Oliver, Wicomico Shores Golf Course Maintenance Foreman, Dept. of Recreation, Parks & Community Services, received a proclamation in recognition of his retirement on March 1, 2008.

## **DEPT. OF HUMAN RESOURCES: ANNUAL ACCRUED SICK LEAVE AWARDS**

Present: John Savich, County Administrator  
June Robrecht, Deputy Director

The following County employees were recognized for accruing a sick leave balance in multiples of 100 days:

100 Day: Ralph Butler, Karen Carpenter, James Farren, Jackie Fournier, Chantal Geneus, Patrick Handy, Patricia Insley, Linda Mattingly, Krista Morales, Mike Nickerson, William Raddatz, William Ray, Donna Sasscer, Rick Tarr, David Yingling, Harold Young

200 Day: Daniel Alioto, Catherine Conlon, James Gass, Stephen Meyers, David Oliver, Jennie Page, Phil Rollins, Julian Schwab

300 Day: Bernard Alvey, William Buckler, Deborah Zylak

## **ST. MARYS COUNTY PUBLIC SCHOOLS: AFRICAN-AMERICAN HISTORY MONTH STUDENT PRESENTATION**

Present: Lynn Morgan-Smoot, Supervisor of Instruction for Fine Arts  
Pamela LaFave, Theater Teacher, Great Mills High School  
Mistead Sai, Senior, Great Mills High School

In recognition of African-American History Month, Ms. Smoot and Ms. LaFave introduced Misted Sai, who performed a monologue portraying the actor, singer, and activist, Paul Robeson.

## **COUNTY ADMINISTRATOR PART II**

1. Draft Agendas for March 4 and 11, 2008
2. **Circuit Court** (*Items 2a-2c were presented separately at 9:05 am under County Administrator Time, Part I*)
3. **St. Marys County Public Schools** (*Daniel Carney, CFO*)

**Commissioner Jarboe moved, seconded by Commissioner Dement, to approve the FY2008 Mid-Year Categorical Request, approved by the Board of Education on February 13, 2008, and to sign the letter of consent evidencing this action. Motion carried 5-0.**

*(Linda Dudderar, Chief Academic Officer)*

**Commissioner Raley moved, seconded by Commissioner Jarboe, to sign the letter of consent approving the St. Marys County Board of Educations request to increase their FY08 Restricted Fund budget by \$10,500, pursuant to their action taken on January 29, 2008 to incorporate the new PNC Literacy Grant to support the school system vision that all of our children will read by Grade 3. Motion carried 5-0.**

*(Kelly Hall, Director of Elementary Instruction, Admin., and School Improvement; Nicole Connolly, Education Director, Chesapeake Public Charter School)*

**Commissioner Raley moved, seconded by Commissioner Dement, to sign the letter of consent approving the St. Marys County Board of Educations request to increase their FY08 Restricted Fund budget by \$36,845, pursuant to their action taken on February 13, 2008 to incorporate the new Charter School Enhancement Grant to provide continued support to the Chesapeake Public Charter School. Motion carried 5-0.**

4. **Dept. of Finance** (*Elaine Kramer, CFO*)

**Commissioner Mattingly moved, seconded by Commissioner Dement, to authorize the issuance of General Obligation Refunding Bonds in the amount of \$6,275,000 for the sole purpose of refunding the 2010, 2011, and 2012 maturities of the Countys outstanding Consolidated Public Improvement and Refunding Bonds of 1997, and to authorize the Commissioner President, County Administrator, County Attorney, and Chief Financial Officer to execute the necessary documents. Motion carried 5-0.**

**Commissioner Mattingly moved, seconded by Commissioner Raley, to approve and authorize the Commissioner President to sign the Budget Amendment in the amount of \$14,000 for additional one-time funding to the College of Southern Maryland, to address safety related door locking mechanisms, and to sign the related letter of consent, that will accompany the check, to the President, College of Southern Maryland. Motion carried 5-0.**

**5. Dept. of Recreation, Parks, and Community Services** (*Arthur Shepherd, Recreation Div., Mgr.; Gary Reed, Program Coordinator*)

**Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign the FY09 St. Marys County Arts Council, Community Arts Development grant application in the total amount of \$4,000. Motion carried 5-0.**

**6. Historic Preservation Commission** (*Teresa Wilson, Historic Preservation Planner, LU&GM; Harold Willard, Chairman*)

**Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize Commissioner President Russell to sign the Maryland Historical Trust Federal FY2008 Certified Local Government Program, Educational Set-Aside Application Sub-grant. Motion carried 5-0.**

**Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the Maryland Historical Trust, Certified Local Government Sub-grant Application and associated certifications, for Phase III Historic Roads/National Register multiple property nomination, and to sign the related letter of consent. Motion carried 4-1** (Commissioner Raley voted no).

*There was discussion regarding budget concerns for FY09 program. It was noted that the motion only authorizes submitting the grant application. If the grant is awarded by the state, it will need to come back to the BOCC and may not be approved at that time due to funding availability and priorities.*

**7. Dept. of Public Works and Transportation** (*George Erichsen, P.E., Director*)

**Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the Public Works Agreement Addendum for Forrest Farm Subdivision, Section 3, Phase 8, located in the 3rd Election District with an Expiration Date of February 1, 2009. Motion carried 5-0**

b. To approve and authorize the Commissioner President to sign the Public Works Agreement for Grandview Haven Subdivision, located in the **4th Election District** with an Expiration Date of November 1, 2008. Motion was tabled until later in the meeting.

**Commissioner Raley moved, seconded by Commissioner Dement, to sign Resolutions accepting Amber Drive in the Hickory Hills Subdivision, Section 3D, located in the 8th Election District, into the County Highway Maintenance System, and authorizing the posting of a 25-mph speed limit sign on said road. Motion carried 5-0.**

**8. Committee Appointments** (*John Savich, Co. Administrator*)

**Commissioner Dement moved, seconded by Commissioner Mattingly, to appoint the following individuals to the Emergency Services Committee, no terms to expire, as articulated by John Savich: Ronald Mattingly (7<sup>th</sup> District Volunteer Rescue Squad Primary representative); Steve Gibson (7<sup>th</sup> District Volunteer**

**Rescue Squad Alternate); and Jason Bean (2<sup>nd</sup> District Volunteer Fire Dept./Rescue Squad representative). Motion carried 5-0.**

## **RECESS**

The Board took a brief recess at 10:40 AM and resumed at 10:50 AM.

## **OFFICE OF THE COUNTY ATTORNEY: PUBLIC HEARING DECISION ON WHETHER TO PLACE THE QUESTION OF CODE HOME RULE FORM OF GOVERNMENT ON THE BALLOT**

Present: John Savich, County Administrator  
Colin Koehan, Deputy County Attorney

Mr. Savich reviewed the formation and activities of the Forms of Government Task Force. Upon receiving the Task Force recommendations, the Commissioners proceeded to consider Code Home Rule versus the current Commissioner form of government for St. Marys County. Public hearings were advertised and held on November 13, 2007, at the Northern Senior Center in Charlotte Hall; December 4, 2007, at the Lexington Park Library; January 15, 2008, at the Ridge Volunteer Fire Department; and February 5, 2008, at the Governmental Center in Leonardtown. Within 60 days of the last public hearing, the Board of County Commissioners is required to decide whether to place the question of Code Home Rule on the ballot.

The Board thanked the members of the Task Force and staff who provided support and assistance throughout this process. It was suggested that this type of review be done every four or five years.

It was further noted that of the four public hearings, a total of 12 citizens attended, indicating minimal public interest in changing.

**Commissioner Raley moved, seconded by Commissioner Jarboe, that having given notice of intent to consider the adoption of the Code form of Home Rule for St. Marys County, and having held four public hearings on the issue in accordance with the requirements of Article 25B, Section 6, of the Annotated Code of Maryland, that the Board of County Commissioners reject the adoption of Code Home Rule. Motion carried 5-0.**

## **DEPT. OF PUBLIC WORKS & TRANSPORTATION: BRIEFING ON PROPOSED REVISIONS TO THE SOLID WASTE ORDINANCE AND SOLID WASTE RULES AND REGULATIONS**

Present: George Erichsen, P.E., Director  
Richard Tarr, Solid Waste & Recycling Manager

Mr. Erichsen reviewed the documents provided to the Commissioners, including a final draft with red line changes, and existing document versions of the Solid Waste and Litter Control Ordinance and the Solid Waste Rules and Regulations documents. The existing Solid Waste Ordinance was last updated in 1988. The proposed revision incorporates

changes to make the document consistent with the Countys current Comprehensive Solid Waste Management and Recycling Plan, future operations

associated with the Solid Waste Transfer Station/Processing Facility, and current operations associated with the landfill and six convenience centers. Additionally, the proposed changes authorize stricter enforcement actions associated with illegal dumping and littering.

Health Department, County Attorney Office, and Land Use and Growth Management personnel assisted in the revision of the documents.

Mr. Tarr reviewed the major changes/additions to the Solid Waste and Litter Control Ordinance and the Solid Waste Rules and Regulations documents.

Commissioner Mattingly had the following comments/questions:  
Change name to Thomas A. Mattingly, Sr. (not Jr.) in documents  
Solid Waste and Litter Control Ordinance

- Article 1, Sections 1.4, 1.5 provisions shall apply to development and use of all land within the unincorporated County -- how does that apply to the subject of solid waste and litter control and is this a document that controls land use? Mr. Tarr responded that the ordinance applies to managing litter/solid waste on developed and/or undeveloped properties. Mr. Tarr will get with Legal and refine some of the language. It is intended to compliment the zoning ordinance.
- Article 2, Section 2.6.5 regarding mitigation measures, BOCC *shall* like to have alternatives, prefers using may.
- Article 3, Section 3.3 Exceptions, line 28 provide a definition for normal accumulation of agricultural waste.
- Article 8, Section 8.2 Storage Areas, line 48 -- are designated areas for storage of solid waste transfer vehicles referenced in the zoning ordinance? Mr. Erichsen and Mr. Tarr responded, yes.
- Article 13, Section 13.5 Schedule of Fees, Fines, and Penalties (a., line 18) each day a violation occurs or person fails to perform required duties to comply shall constitute a separate offense. Commercial fine not less than \$250 (not to exceed \$5,000). Is every day a violation for a commercial hauler too, or just private citizens? Needs to be consistent with zoning ordinance.
- Article 13, Section 13.F, line 25 suspend licenses to operate not to exceed seven days Need clarification on what license(s) this pertains too; e.g., licenses on commercial haulers? Who has the authority to suspend? MVA or police citation?

**Commissioner Raley moved, seconded by Commissioner Mattingly, to accept the draft revisions to the Solid Waste Ordinance and Solid Waste Rules and Regulations as presented here today and as incorporated by reference in the Countys Comprehensive Solid Waste Management and Recycling Plan; and to authorize staff to proceed with the scheduling of the respective public hearing. Motion carried 5-0.**

**COMMISSIONERS TIME**

The Commissioners highlighted events attended over the past week and personal interest items.

Actions:

Commissioner Jarboe requested that the County Attorney provide history on the liquor license fees that are paid to the Town of Leonardtown, e.g., when policy was implemented, if there an agreement in place, and what, if any, are the legal ramifications.

Commissioner Russell asked Donna Sasscer, Agricultural Program Manager, to get interested farmers and 4-H community members together to discuss bio-fuels aspects.

Commissioner Mattingly suggested preparing a letter of support regarding tobacco buy-out initiatives. The buy-out will last only a couple more years - but the state will continue to receive funds.

Mr. Savich also suggested that this be considered as part of next year's legislative package.

There was also discussion about recently introduced state legislation that will expand the current critical area buffer from 100 ft. to 300 ft. and will upgrade the standards for issuing variances.

## **COUNTY ADMINISTRATOR PART II (TABLED ITEM) CONTD**

### **7. Dept. of Public Works and Transportation** (*George Erichsen, P.E., Director*)

b. To approve and authorize the Commissioner President to sign the Public Works Agreement for Grandview Haven Subdivision, located in the **4th Election District** with an Expiration Date of November 1, 2008.

Mr. Erichsen clarified

- Section 1 was approved for 101 lots (W&S category changed); only 43 lots platted to date
- Every one of the roads listed on the Public Works Agreement are necessary to serve those 43 lots
- Five (5) lot approved minor sub-division approved (Phase 2) and Seven (7) farmsteads
- W&S category change that was denied, but upheld by the Court; those 56 lots now only 24
- Section 2 5 minor sub-divisions, 7 farmsteads, and 12 additional lots for residents 55 and older (no school capacity issues to address)

**Commissioner Mattingly moved, seconded by Commissioner Raley, to approve and authorize the Commissioner President to sign the Public Works Agreement for Grandview Haven Subdivision, located in the 4th Election District with an Expiration Date of November 1, 2008. Motion carried 4-1 (Commissioner Jarboe voted no).**

## **PUBLIC HEARING ON PROPOSED SHERIFFS OFFICE RETIREMENT PLAN PENSION ENHANCEMENT**

Present: Sue Sabo, Director, Human Resources (HR)

The Public Hearing was held 6:00 PM in Room 14 of the Governmental Center.

Ms. Sabo began by overviews Disability and Mortality Rates and Proposed Enhancement information that was previously presented to the BOCC on February 5, 2008:

- Increased costs will be required in FY2010
  - \$400,000 annually
  - Increased from 30.5% to 33.6% of payroll
- Increase accrual rates from 2.0% to 2.5%
  - Maximum retirement income capped at 80%
- New accrual rate would be applicable to all future service and 10 years of past service
- Increase Participant contribution from 6% to 8%
- Increase costs for the FY09 baseline budget
  - \$813,910 annually (takes into account 10 years of past service; \$523,228 if done future only)
  - Additional 7% of payroll

Also discussed the option to present to the BOCC in March for a final decision or to make decision during the budget process. A change to the Sheriffs Office Retirement Plan will require presenting during a BOCC meeting.

Commissioner Raley asked approximately how many retirees are on disability now. Ms. Sabo responded that one-half of the retirees are on disability. The average is 20 25%. There is a Sheriffs Office Retirement Board meeting this Thursday to review proposals. Written comments to be considered in conjunction with the 10-day open record period may be taken up during that meeting.

At 6:15 PM, Commissioner President Russell opened the hearing for public testimony. Twenty-eight individuals signed the Public Hearing Sign-up Sheet, with each one indicating support for the proposed enhancement. The following six individuals provided public testimony in support of the proposed enhancement:

### **Frank Marquart, FOP President, Hollywood, MD**

- Referenced the Sheriffs Office Mission Statement and attributes; respect, fairness, commitment, honesty, conduct, dependable service.
- Community expects raising the standards, benefits must increase as well.
- Enhancement necessary to retain deputies and corrections officers; keep in the County instead of losing to neighboring counties with better benefits.
- 126 deputies, 70 corrections officers

**William Raddatz, 23150 Leonard Hall Dr., Leonardtown, MD 20650**

- Has been here about 11 years; 112 hired
- Nine (9) deputies and four (4) correctional officers have been lost this fiscal year.
- Losing to other agencies (ICE and NICS) with better deals
- Officers are highly-trained, dont want to lose people with 10 years of service
- St. Marys County is a good place to be and work, love the people and the community loves and appreciates them
- PG County better advancement and retirement, but chose to stay here
- \$400,000 is a big sum of money, but not in the big scheme of things. Consider costs associated with losing trained officers.

**Sheriff Tim Cameron, Leonardtown, MD 20650**

- Expressed he is for the proposed enhancement; that it is sustainable to keep deputies and corrections officers.
- Competing with region, state, and national level agencies
- Dedicated public service comes with a price tag

**James K. Raley, Captain (retired) Avenue, MD**

- Supports (necessary for recruitment and retention)
- Referencing the currently salaries and retirement benefits to what they were when he retired (Sr. Deputy First Class makes what he made as a Captain), consider extending to those that retired earlier
- Appreciates benefits and retirement that they (earlier retirees) do receive; many took reduced retirement to take care of family.

**Dan Morris, 27636 Mechanicsville Rd., Mechanicsville, MD**

- No one mentioned costs (\$100,000) associated to training a new hire; not at potential until three years. Every time the County loses a deputy, it costs (the County) money. Money comes out of the Sheriffs budget.
- After 10 years, a lot of opportunity other agencies are recruiting, the County needs to be more competitive
- Speaking on behalf more for the younger guy (late 20s early 30s)
- Recently had a conversation with two deputies that were ready to relocate to PG County; there are advantages to working in St. Marys County

**David Yingling, (Polygraph Examiner) Hollywood, MD**

- Was recently questioned why are we doing this now? Budget cycle is right now. The longer put off, the more officers we will lose.
- Each year, the number of applications (and quality of applicants) go down
- Compared St. Marys County (25 years, 50%) to PG County (20 years, 60%)
- Want to appeal to military/navy base
- Charles County, Calvert County, and MSP all have better benefits and more career avenues
- People put life on the line, owe it to them if money is available, if dont have it, need to find it
- Internship here, loves the community and came back (not originally from here)

- Recent individual signed up and hired, then pulled away by Charles County
- 10-year officer with college degree (funded by County), recently lost (K-9 officer) dont want to lose anymore 10 year veterans

With no one else wishing to provide public testimony, Commissioner Russell closed the public hearing at 6:42 PM and set the ten day open record period.

**MOTION TO ADJOURN**

**Commissioner Mattingly moved, seconded by Commissioner Dement, to adjourn. Motion carried 5-0.**

The meeting adjourned at 6:42 PM.

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

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Betty Jean Pasko, Sr. Admin. Coordinator