

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
GOVERNMENTAL CENTER
Tuesday, June 12, 2007**

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, Senior Admin. Coordinator (Recorder)

CALL TO ORDER

The meeting was called to order at 9:05 am.

APPROVAL OF CHECK REGISTER

Commissioner Raley moved, seconded by Commissioner Jarboe, to authorize the Commissioner President to sign the Check Register dated June 12, 2007, 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 June 5, 2007, as distributed. Motion carried 5-0.

PROCLAMATIONS PRESENTED:

National Nursing Assistant's Week – June 14 -21, 2007 (St. Mary's Nursing Center)

Present: Kim Wood, Director of Nursing
Don Lewis, Director, St. Mary's Nursing Center

National Dump the Pump Days – June 20 – 22, 2007 (Dept. of Public Works and Transportation)

Present: George Erichsen, Director
Jackie Fournier, Transportation Manager

**DEPT. OF HUMAN RESOURCES: MARYLAND COMMITTEE FOR
EMPLOYER SUPPORT OF THE GUARD AND RESERVE CEREMONY**

Present: Sue Sabo, Director, HR
Larry Shanks, Chairman, Prince Georges County Committee for Employer Support
of the Guard and Reserve Committee

The Maryland Committee for Employer Support of the Guard and Reserve (ESGR) presented an Appreciation Award to the Board of County Commissioners. St. Mary's County Government was recognized as a "5 Star Employer" for going above and beyond the federal requirements in supporting their employees who serve in the Guard and Reserve. During the ceremony, the Commissioners signed statements pledging their continued supported for County employees that are members of the Guard and Reserve

The following County Government Employees, who are members of the Guard and Reserve, were present and recognized during the ceremony:

Lt. Col. Sabrina Hecht (Marine Corp), Land Use and Growth Management
Commander Gary Wipple (Civil Eng. Corp., Navy), Department of Public Works and Transportation
Lt. Christopher Medved (Navy), Sheriff's Office

Dan Snyder, Sheriff's Office, currently deployed with the Marines in Iraq, was also recognized.

COUNTY ADMINISTRATOR

1. Draft Agenda for June 26, 2007 (no meetings on June 19 and July 3)
2. **Department of Public Works & Transportation** (*George Erichsen, P.E., Director*)

Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign the Budget Amendment in the amount of \$15,231, closing out Project PF0405, Airport Environmental Assessment, to the FIN07 account. Motion carried 5-0.

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the Public Works Agreements for Avonlea Subdivision, Section 2, Phases 2 and 3, located in the 5th Election District, both with expiration dates of March 1, 2008. Motion carried 5-0.

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the Public Works Agreement for Murphy Subdivision, located in the 6th Election District, with an expiration date of April 1, 2008. Motion carried 5-0.

Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the Public Works Agreement for the Primrose Park Subdivision located in the 8th Election District with an expiration date of July 1, 2008. Motion carried 5-0.

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the Public Works Agreement Addenda for subdivisions located in the 8th Election District, outlined in the memo dated June 5, 2007, as follows:

- Mazel Subdivision, Section 1, with an expiration date of May 1, 2008**
- Emerald Hills Subdivision, Section 4, with an expiration date of April 1, 2008**
- Greenview West PUD Subdivision, Section 2, with an expiration date of May 1, 2008**
- Abberly Farms Subdivision, Section 1, with an expiration date of October 1, 2007**
- Addition to Greenbrier Subdivision with an expiration date of May 1, 2008**

Motion carried 5-0.

Commissioner Raley moved, seconded by Commissioner Dement, to sign the Resolutions accepting Dunleigh Drive and Dunleigh Court into the County's Highway Maintenance System, located in the Dunleigh Subdivision, 8th Election District, and to post 25-mph speed limit and stop signs on said roads. Motion carried 5-0.

3. Department of Public Safety (*Dave Zylak, Director; Shirley Copado, Mgr., Emergency Communications Div.*)

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the Budget Amendment in the amount of \$1,775 decreasing the FY07 budget for the MIEMSS Emergency Medical Dispatch, aligning the project with the actual expended grant amount, and increasing the Supplemental Reserve. Motion carried 5-0.

4. Dept. of Recreation, Parks and Community Service (*Phil Rollins, Director*)

Commissioner Dement moved, seconded by Commissioner Jarboe, to endorse the Application for Funding in the amount of \$30,000 from the National Recreational Trails Program for Phase IV-A of the Three Notch Trail and to sign the related letter of consent. Motion carried 5-0.

Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the Budget Amendments closing-out the following projects to the FIN 07 Capital Reserve:

- Parks ADA Project, in the amount of \$1,310**
- Mansfield Canoe/Kayak Launch Project, in the amount of \$2,516**

- **Lacrosse Fields Project, in the amount of \$25,000**
- **Abell's Wharf Project, in the amount of \$7,798**
- **Fox Harbor Landing Project, in the amount of \$2,355**
- **Forest Landing Project, in the amount of \$7,000**
- **Charlotte Hall Community Recreation Center Project, in the amount of \$6,611**

Motion carried 5-0.

Commissioner Dement moved, seconded by Commissioner Raley, to approve and authorize the Commissioner President to sign the Budget Amendment transferring funds in the amount of \$18,759, partially closing-out the Piney Point Lighthouse Museum project, to the FIN07 Capital Reserve. Motion carried 5-0.

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the Budget Amendment transferring funds in the amount of \$2,042, closing-out the Countywide Maintenance Grant (MD0508), to the Supplemental Reserve Account. Motion carried 5-0.

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the Budget Amendment transferring funds in the amount of \$7,798, from the Supplemental Reserve Account to the Countywide Maintenance Grant (MD0608). Motion carried 5-0.

(Elaine Kramer, CFO)

Commissioner Jarboe moved, seconded by Commissioner Dement, to authorize the Contracting Officer to execute the contract for the Wicomico Shores Golf Course Clubhouse renovation and expansion construction project in the amount of \$1,922,033, as requested in the June 7, 2007 Contract Award Recommendation for Golf Course Clubhouse memorandum, signed by both the Director, Recreation, Parks and Community Service and the Procurement Officer, and to sign the Resolution "Authorizing Issuance and Sale of General Obligation Bonds", endorsing Option B, 20 Year Term, at 5.62%. Motion carried 5-0.

5. Department of Aging *(Jennie Page, Deputy Director; Peggy Maio, Fiscal Supervisor)*

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the Notification of Grant Award for the Senior Health Insurance Program for federal funding in the amount of \$13,124. Motion carried 5-0.

6. **Office of the County Attorney** (*Liz Passarelli, Real Property Mgr.*)

Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the Temporary Railroad Right-of-Way Easement Agreement for the construction of a sewer main to proposed 3N building, to be located on the northbound side of MD Rt. 235 in California. Motion carried 5-0.

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

Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and authorize realigning \$23,077 in unused exempt financing proceeds from other County government departments to the Sheriff's 2007 vehicles project, increasing the unapplied portion of the Sheriffs' vehicles funding for the 07 exempt financing to \$51,483, and authorizing staff to utilize funds to install AVLs in as many as possible sheriff's vehicles, and to approve and authorize the Commissioner President to sign the Budget Amendment realigning \$5,225 in budgeted payments for the debt service on the exempt financing in FY2008, reflecting the realignment of proceeds. Motion carried 5-0.

8. **Dept. of Economic and Community Development** (*Dennis Nicholson, Executive Director, Housing Authority*)

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the Resolution endorsing a Community Block Grant Application providing assistance for economically displaced residents of National Mobile Home Park and White Oak Mobile Home Park, and the related Statement of Assurances and Certifications. Motion carried 5-0.

MOTION TO ADJOURN AS THE BOARD OF COUNTY COMMISSIONERS

Commissioner Mattingly moved, seconded by Commissioner Raley, to adjourn as the Board of County Commissioners and to convene as the St. Mary's County Board of Health. Motion carried 5-0.

BOARD OF COUNTY COMMISSIONERS SITTING AS THE ST. MARY'S COUNTY BOARD OF HEALTH

Present: Dr. Icenhower, Health Officer
 Tracy Kubinec, Deputy Health Officer
 Nancy Luginbill, Dir., Health Services
 Daryl Calvano, Dir., Environmental Health

The following topics were presented and discussed:

Clarification of FY2008 Health Department Budget Deficit (Tracy Kubinec)

St. Mary's County Health Department (SMCHD) has been projecting a deficit for FY2008 for a number of months. 92% of the Health Department's budget is personnel costs. SMCHD is staffed by State employees, but unlike other state agencies, all cost of living adjustments (COLA), step increases, retirement, and health insurance increases mandated by the state are not automatically funded by the state. SMCHD submitted their budget request to St. Mary's County Government in February 2007, requesting a 4.7% increase based on these personnel costs.

Causes of the FY2008 \$300,000 deficit: Increased personnel costs of \$250k and decrease in collections of \$50k (Environmental Health Service Fee). Ms. Kubinec reviewed solutions to cover the FY2008 budget shortfall including staff reductions due to attrition, increase of funding from the County and state core funds, funding reallocation, and increasing Environmental Health Services Fees.

The impact of service, specifically transportation, and staff reductions was discussed. Ms. Luginbill provided an update relative to the school nurse program.

The County Administrator, John Savich, said that continuing issues with the budget will be flagged for discussion with the Delegation in the fall, and he will work with Dr. Icenhower to schedule a session (BOCC sitting as the Board of Health) earlier in the year next year.

Public Hearing for Approval of Environmental Health Fees (Daryl Calvano)

In regard to the increase of Environmental Health Services fees, the last time the fees were raised was two years ago, effective date of August 2005. Previous to that, the last time fees were raised was in 1998. Costs for personnel, gasoline, and electricity have greatly increased in the past two years. A 6% increase in environmental health fees is being proposed.

It was clarified by Christy Chesser, County Attorney, that a public hearing and adoption of a revised Ordinance will be required prior to any increase in the Environmental Public Health fees.

Commissioner Mattingly moved, seconded by Commissioner Raley, to direct staff to schedule a public hearing to consider and receive public testimony on the request to increase Environmental Public Health fees. Motion carried 5-0.

Clarification of 2% indirect cost charge on Alcohol and Drug Abuse Administration (ADAA) funds distribution the Marcey House and Walden-Sierra (Tracy Kubinec)

The BOCC and the Maryland State Alcohol and Drug Abuse Administration (ADAA) in June 2006 decided that oversight was needed on the \$3M public funds distribution to St. Mary's County prevention and treatment providers. As a result of this decision, effective in FY2007, an Addictions Coordinator position was established at the SMCHD to provide monitoring and oversight.

There was discussion regarding responsibilities and funding for the Addictions Coordinator position. Prior to this position, Finance staff provided funding monitoring and oversight support. Concern regarding program vs. administrative funds was expressed by Commissioner Mattingly, who stated that he was not aware that funding for the Addictions Coordinator position would require reductions with core services and programs. Mr. Savich will work with Dr. Icenhower and the other agencies regarding ADAA funding and oversight issues and schedule follow-up discussions on a future BOCC agenda.

Ms. Kubinec provided clarification regarding the 2% indirect cost charge on ADAA funds. The definition from the State of Maryland Local Health Department Funding Systems Manual was reviewed.

Flu Vaccine School Campaign

To be covered at future meeting.

Gold Star Program

To be covered at a future meeting.

MOTION TO ADJOURN AS THE ST. MARY'S COUNTY BOARD OF HEALTH

Commissioner Raley moved, seconded by Commissioner Jarboe, to adjourn as the St. Mary's County Board of Health and to reconvene as the Board of County Commissioners. Motion carried 5-0.

COMMISSIONER'S TIME

Commissioner's Time was waived.

PUBLIC HEARING: CONSIDERATION OF PETITIONS FROM OWNERS OF THE FOLLOWING PROPERTIES TO SELL AN EASEMENT TO THE MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION (MALPF DISTRICTS):

- (1) 21400 Colton Point Rd., Avenue, Tax Map 46, Grid 5, Parcel 229**
- (2) 36206 Old Chaptico Wharf Road, Chaptico, Tax Map 22, Grid 23, Parcel 20;**

- (3) 36175 Notley Hall Road, Maddox, Tax Map 29, Grid 18, Parcel 19
- (4) Colton Point Road, Avenue, Tax Map 38, Grid 16, Parcel 268
- (5) Notley Hall Road, Maddox, Tax Map 29, Grid 23, Parcel 42
- (6) 25151 Colton Point Road, Morganza, Tax Map 24, Grid 4, Parcel 31 & 197
- (7) 23150 Bushwood Road, Bushwood, Tax Map 30, Grid 23, Parcel 8
- (8) Point Lookout Road, Mechanicsville, Tax Map 4, Grid 24, Parcel 160

Present: Donna Sasscer, Agriculture Manager, DECD

Ms. Sasscer certified that the public hearing was advertised in the May 20 and May 27, 2007 editions of the St. Mary's Today newspaper. The St. Mary's County Agriculture Land Preservation Advisory Board conducted open meetings on March 22 and April 17, 2007 and subsequently determined that the Properties meet the criteria for participation in the MALPF Program. The St. Mary's County Planning Commission conducted an open meeting on April 23, 2007 and subsequently concurred with the Advisory Board.

The public hearing was opened for public comment. There were no names on the sign-up sheet and no public comments offered. Commissioner Russell closed the public hearing and declared the record open for ten days, during which time written comments can be mailed to the Board of County Commissioners.

MOTION TO ENTER INTO EXECUTIVE SESSION

Commissioner Mattingly moved, seconded by Commissioner Raley, to enter into Executive Session for the purpose of discussing Real Property. Motion carried 5-0.

EXECUTIVE SESSION

Real Property

Present: Commissioner Francis Jack Russell, President
Commissioner Kenneth R. Dement
Commissioner Lawrence D. Jarboe
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
John Savich, County Administrator
Christy Chesser, County Attorney
Liz Passarelli, Real Property Manager
Denis Canavan, Director, Land Use and Growth Management
George Erichsen, Director, Public Works and Transportation
Donna Gebicke, Administrative Assistant to the BOCC, Recorder

Authority: Article 24, Section 4-210(a)11
Time Held: 12:00 noon – 12:10 pm
Action Taken: The Commissioners discussed property acquisition matter.

Real Property

Present: Commissioner Francis Jack Russell, President

Commissioner Kenneth R. Dement
Commissioner Lawrence D. Jarboe
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
John Savich, County Administrator
Christy Chesser, County Attorney
Robin Finnacom, Exec. Dir., Community Development Corporation

(CDC)

Barbara Horn, Chair, CDC
Wayne Davis, CDC Board Member
Donna Gebicke, Administrative Assistant to the BOCC, Recorder

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

Time Held: 12:10 pm – 12:50 pm

Action Taken: The Commissioners discussed property acquisition matter.

ACTION FROM EXECUTIVE SESSION

Commissioner Jarboe moved, seconded by Commissioner Raley, to direct staff to proceed as discussed in Executive Session. Motion carried 5-0.

WORK SESSION

Present: Denis Canavan, Director, Land Use and Growth Management

A Work Session on Proposed Zoning Text Amendments to Modify Provisions for Transferring Development Rights (TDRs) began at 2:00 pm

ADJOURNMENT

Minutes Approved by the Board of County Commissioners on _____

Betty Jean Pasko, Senior Administrative Coordinator