

**ST. MARY'S COUNTY  
BOARD OF COUNTY COMMISSIONERS' MEETING  
CHESEAPEAKE BUILDING  
Tuesday, September 29, 2009**

**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 (Recorder)

**CALL TO ORDER**

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

**ADDITION TO AGENDA**

**Commissioner Raley moved, seconded by Commissioner Mattingly, to add an Executive Session today to the agenda for the sole purpose of discussing Personnel, specifically related to boards and committees, as proposed by staff. Motion carried 4-1.** (Commissioner Jarboe voted no.)

**APPROVAL OF CHECK REGISTER**

**Commissioner Raley moved, seconded by Commissioner Mattingly, to authorize the Commissioner President to sign the Check Register for checks dated September 29, 2009, as submitted. Motion carried 5-0.**

**APPROVAL OF MINUTES**

**Commissioner Jarboe moved, seconded by Commissioner Dement, to adopt the minutes of the Commissioners' meeting of Tuesday, September 22, 2009, as presented. Motion carried 5-0.**

**COUNTY ADMINISTRATOR**

1. Draft Agendas for October 6 and 20, 2009 (no BOCC meeting 10/13)
2. **St. Mary's County Circuit Court** (*Hon. Karen H. Abrams, Administrative Judge; Pete Cucinotta, Drug Court Coordinator*)

**Commissioner Dement moved, seconded by Commissioner Jarboe, to approve and accept the Adult Drug Court Grant (US1039) award in the amount of \$311,653, on behalf of the St. Mary's County Circuit Court. Motion carried 5-0.**

- 3. Office of the Sheriff, State's Attorney's Office, and Circuit Court**  
*(Sheriff Timothy Cameron and Erin Shoemaker, Fiscal Mgr.; Pam Soffos, State's Attorney's Office; and Teresa Weeks, Circuit Court Master's Office)*

**Commissioner Jarboe moved, seconded by Commissioner Dement, to accept the Child Support Cooperative Reimbursement Incentive Funds from the Department of Human Resources, on behalf of the St. Mary's County Sheriff's Office, State's Attorney's Office, and Circuit Court in the total amount of \$8,112, and to approve and authorize Commissioner President Russell to execute the three related budget amendments aligning the budget to award amounts. Motion carried 5-0.**

- 4. Office of the Sheriff** *(Sheriff Timothy Cameron; Erin Shoemaker, Fiscal Mgr.)*

**Commissioner Dement moved, seconded by Commissioner Mattingly, to accept the Collaborative Supervision and Focused Enforcement (CSAFE) grant award, Project MD1009 and MD1016 from the Governor's Office of Crime Control and Prevention on behalf of the St. Mary's County Sheriff Office in the amount of \$25,072 and to approve and authorize the Commissioner President to execute the related budget amendment. Motion carried 5-0.**

**Commissioner Mattingly moved, seconded by Commissioner Jarboe, to accept the Sex Offender Registration, Project MD1046, from the Department of Public Safety and Correctional Services on behalf of St. Mary's County Sheriff Office in the amount of \$25,800, and to execute the related budget amendment to increase the project budget by \$3,000. Motion carried 5-0.**

**Commissioner Jarboe moved, seconded by Commissioner Dement, to accept the Enforcing Underage Drinking award, Project US1038, from the Governor's Office of Crime Control and Prevention on behalf of St. Mary's County Sheriff's Office in the amount of \$44,185 and to approve and authorized Commissioner President Russell to execute the related budget amendment to increase the project budget by \$4,140. Motion carried 5-0.**

**Commissioner Raley moved, seconded by Commissioner Dement, to approve and accept the Commercial Vehicle Enforcement grant award in the amount of \$5,000, Project MD1065, from the State Highway Administration on behalf of St. Mary's County Sheriff Office. Motion carried 5-0.**

**Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to execute the Child Support**

**Cooperative Reimbursement Agreement, Project US1017, from State of Maryland Department of Human Resources on behalf of the Sheriff's Office, in the amount of \$348,301, and the related Budget Amendment to decrease the project and increase both the Supplemental Appropriation Reserve and the BOCC Emergency Reserve. Motion carried 5-0.**

**5. Office of the County Attorney** (*Liz Passarelli, Real Property Manager*)

*(Chet Frederick, MetCom, was also in attendance).*

**Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize Commissioner President Russell sign the Easement Agreement by and between St. Mary's County Metropolitan Commission and the Board of County Commissioners for a Water and Utility Easement on the Board's property located along Great Mills Road and Pleasant Mill Drive. Motion carried 5-0.**

**6. Office of the County Attorney and Dept. of Recreation and Parks**

*(David Weiskopf, Deputy Co. Attorney; Phil Rollins, Dir., Recreation and Parks)*

**Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize Commissioner President Russell to execute the Lot Consolidation Agreement upon Lots One (1) through Twenty-Two (22) and Lots Thirty-Six (36) through Forty-Four (44), Block Ten (10), in the Subdivision known as "Point Blackistone", located in the Seventh (7<sup>th</sup>) Election District of St. Mary's County, owned by the Board of County Commissioners, for the purpose of consolidating all thirty-one lots into one lot to comply with building line restrictions for the construction of improvements on the property. Motion carried 5-0.**

**7. Dept. of Recreation and Parks** (*Phil Rollins, Dir., Recreation and Parks*)

**Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the budget amendment that will decrease the Derelict Boat and Debris Removal grant project PL0801 by \$10,000 in accordance with the actual grant award. Motion carried 5-0.**

**8. Dept. of Human Services** (*Bennett Connelly, Director*)

*(Kathleen O'Brien, Executive Director, Walden/Sierra, Inc.)*

**Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to execute the ARRA-VOCA (Recovery Act Victims of Crime Program) grant application from the Office of Grants Management, Maryland Department of Human Resources, on behalf of the Department of Human Services, in the amount of \$24,350, for core services assisting primary victims of domestic crime. Motion carried 5-0.**

*(Kelsey Bush, Youth Coord./AmeriCorps\*VISTA Project Supervisor)*

**Commissioner Jarboe moved, seconded by Commissioner Dement, to authorize departmental staff to electronically submit the application for federal assistance grant documents for the AmeriCorps\*VISTA grant from the Corporation for National and Community Service, in the amount of \$37,314, consistent with the hardcopy reviewed by the Board of County Commissioners, and authorize Commissioner President Russell to execute the related Memorandum of Agreement and Budget Amendment. Motion carried 5-0.**

**Commissioner Dement moved, seconded by Commissioner Raley, to authorize the re-alignment of \$2,700 from the Department of Human Services' Division of Community Services' staff development line item to the Department of Human Services' VISTA Division and to approve and authorize the Commissioner President to execute the related budget amendment increasing the VISTA Division for payment to the Corporation for National and Community Services for the two cost-share positions agreed upon in the Memorandum of Agreement signed in September 2008 between the corporation and the Board of County Commissioners. Motion carried 5-0.**

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

**A. Public Works Agreement, Agreement Addenda, and related Resolutions**

**Commissioner Raley moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign the Public Works Agreement Addenda and the Public Works Agreement and related Resolutions, all located in the 8<sup>th</sup> Election District, as outlined on Mr. Erichsen's September 23, 2009 memo as Items A, B, C, and D and as listed on the County Administrator agenda under Item 9.A. Motion carried 5-0.**

*Motion specifically pertains to the following:*

- A. Public Works Agreement Addendum for Challenger Estates Subdivision located in the 8th Election District with an Expiration Date of July 1, 2010.  
*The roads included in this Agreement are: Wildewood Drive (1,984'), Smith Street (775'), McBride Street (350'), Gregory Street (684'), Crippen Street (308'), Scobee Street (1,057'), and McAuliffe Street (546').*
- B. Public Works Agreement Addendum for Columbia Colony at First Colony Subdivision, Section 1, located in the 8th Election District with an Expiration Date of July 1, 2010.  
*The roads included in this Agreement are: Clark Drive (549'), Brown Street (952'), McCool Street (765'), Husband Street (730'), and Clark Street (852').*
- C. Public Works Agreement for Continued Maintenance and Repair for Hunting Creek Subdivision, Section 2, located in the 8th Election District with an Expiration Date of July 1, 2010; and Resolutions accepting Primrose Court (340') and Bluebell Street (517') into the highway maintenance system and posting 25-mph speed limit and stop signs.
- D. Resolutions accepting Orchid Drive (254') and Azalea Court (536') located in the Wildewood Subdivision, Orchid Park Section 1, 8th Election District, into the highway maintenance system and posting 25-mph speed limit and stop signs based on the Department's Inspection Report dated August 20, 2009.

**B. Claim Letters to the Selective Insurance Company**

*Greenview West PUD Subdivision, located in the 8<sup>th</sup> Election District*

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**Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the Claim Letter, and the attached certification document, in the amount of \$251,800 to the Selective Insurance Company for a Public Works Agreement issued for the Greenview West PUD Subdivision, Section 2. Motion carried 5-0.**

*Bond #B8394; Item e. on Mr. Erichsen's 9/23/09 memo.*

**Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the Claim Letter, and the attached certification document, in the amount of \$108,000 to the Selective Insurance Company for Grading Permit No. 05-17 issued for the Greenview West PUD Subdivision. Motion carried 5-0.**

*Bond #B839477; Item f. on Mr. Erichsen's 9/23/09 memo.*

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

**Commissioner Raley moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to execute a FY2009 budget amendment to realign funding sources on thirty-two (32) projects, as presented, noting that there is no effect on the expenditure budgets currently approved for such projects; and, to approve and authorize the Commissioner President to execute the budget amendment related to FIN09, which rolls \$2,087,754 in pay-go and \$500,000 in appropriation authority for Non-County sources, to FY2010 project FIN10, and that as a part of that action, we acknowledge that we have reduced the cumulative capital budget in projects intended to be financed by bonds by \$6,531,073, saving about \$500,000 annually in debt service. Motion carried 5-0.**

**Debt Policy**

*Newly-adopted legislation requires each county adopt a debt policy*

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Ms. Kramer reviewed the Debt Policy (and the resolution that adopts the policy). It was agreed that Ms. Kramer would modify the resolution to reference the Debt Affordability Study, modify the Debt Policy to specify the county's policy to refrain from using derivatives, and return to the BOCC meeting at approximately 1:30 PM with the updated documents for BOCC action.

**ST. MARY'S CO. BOARD OF EDUCATION: DECISION ON STATE CAPITAL IMPROVEMENT SUBMISSION**

Present: Dr. Michael Martirano, Superintendent of Schools  
Brad Clements, Chief Operating Officer

The FY2011 State Capital Improvements Program was presented at the September 22, 2009 Board of County Commissioners meeting.

In conjunction with the Planning Commission's vote (September 21, 2009) on the County's Comprehensive Plan, a number of changes were made relative to land use, residential development, and adequate public facilities. Those changes were summarized by Mr. Derick Berlage, Director, Land Use and Growth Management and were provided to the BOE for inclusion in the revised CIP presented to the BOCC today for approval.

It was clarified by Dr. Martirano that the CIP does not contain an improvement project to upgrade athletic fields to artificial turf. Conducting an athletic field enhancement study will be discussed at this evening's Board of Education meeting. Dr. Martirano said this item is at its infancy phase and therefore, not in the CIP. He said a report will be prepared (in the future) and that funding options will be considered; e.g., fund-raising. The report, specifically relative to any capital budget implications, will be presented to the Board of Education and then to the BOCC.

**Commissioner Jarboe moved, seconded by Commissioner Dement, to sign the letter of support for the FY 2011-FY 2016 State Capital Improvements Program presented at our meeting on September 22, 2009, and later revised to incorporate the County's changes to the narrative and as presented today. Motion carried 5-0.**

**ST. MARY'S COUNTY HISTORIC PRESERVATION COMMISSION:  
PRESERVATION PROJECT AWARD TO THE MARYLAND PROVINCE  
FOR THE SOCIETY OF JESUS**

Present: Grace Mary Brady, Historic Preservation Planner

Ms. Brady presented attending member of the St. Mary's County Historic Preservation Commission and award recipients: Father James Casciotti, Chief of Staff for the Maryland Province of Jesuits, Maryland Province of the Society of Jesus; and Father Ryan, Treasurer for the Maryland Province of Jesuits.

Mr. Robert Gibbs, Chair of the St. Mary's County Historic Preservation Commission, nominated the Maryland Province of the Society of Jesus to receive an award for electing to sell all of its holding to the State of Maryland, providing the state with an unprecedented conservation opportunity.

## **DEPT. OF HUMAN RESOURCES: UPDATE ON WORKER'S COMPENSATION PROGRAM**

Present: Susan Sabo, HR Director

Ms. Sabo reviewed program goals, improvements, and costs savings information. On July 1, 2008 (for FY 2009), the county transitioned to a self-insured program with a third-party administrator (SISCO) to assist in administering claims.

### **COMMISSIONER'S TIME**

The Commissioners highlighted upcoming events and those attended over the past week as well as personal interest items.

Commissioner Jarboe followed-up on the status of contacting DNR (pertain to hunting at Elms Beach), requested posting a stop sign on Debra Drive where the Three Notch Trail ends, and requested consulting with Legal about potentially waiving the 3% penalty for a senior citizen that will be late paying her property tax.

### **MOTION TO ENTER INTO EXECUTIVE SESSION**

**Commissioner Mattingly moved, seconded by Commissioner Raley, to enter into Executive Session for the purpose of discussing personnel, specifically related to boards and committees. Motion carried 4-1. (Commissioner Jarboe voted no.)**

### **EXECUTIVE SESSION**

#### Personnel

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  
Donna Gebicke, Recorder

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

Time Held: 12:05 pm – 12:25 pm

Subject Discussed: Boards and Committees

### **MOTION IN OPEN SESSION**

**Commissioner Dement moved, seconded by Commissioner Raley, to direct staff to proceed as discussed in Executive Session on a matter related to personnel, specifically boards and committees. Motion carried 5-0.**

## COUNTY ADMINISTRATOR, CONTINUED

### 10. Dept. of Finance, cont'd. (*Elaine Kramer, CFO*)

**Commissioner Jarboe moved, seconded by Commissioner Dement, to approve the Debt Policy, as presented, and to sign Resolution 2009-28 to which the policy is attached, with an Effective Date of September 29, 2009. Motion carried 5-0.**

## BOCC – SOUTHERN MARYLAND ELECTRIC COOPERATIVE (SMECO) WORK SESSION

Present: Joseph Slater, President & CEO and SMECO Board members:  
Joe Stone, Francis Hewitt, Bo Bailey, and Raynor Blair

SMECO Presenters: Tom Dennison, Public and Media Relations Mgr.  
Ken Capps, SVP & COO  
Sonja Cox, SVP & CFO

County Staff present: John Savich, County Administrator  
Derick Berlage, Director, LU&GM  
Christy Holt-Chesser, County Attorney  
Karen Everett, PIO  
Amy Carter (audio/video technician)  
Betty Jean Pasko (meeting recorder)

The BOCC – SMECO work session commenced at 2:00 PM and was held at SMECO's Regional Office in Leonardtown. The following topics were presented and discussed: Patuxent River Naval Air Station Privatization, Southern Maryland Reliability Project, CoolSentry and EmPower Maryland Program, and Power Pricing and Market Forecast for 2010.

### Patuxent River Naval Air Station Privatization (Ken Capps)

Five year project /\$20million investment; moving operations from the Navy to SMECO (50 year agreement). Navy 'gifted' current utility infrastructure.

Projects: Capital Improvements, Meter Assessment and Installation, Vault Construction, and Laydown Site

- Four sub-stations, includes Webster field and Solomns
- Scope includes implementing many safety improvements and upgrades, (mechanical room vaults upgraded to National Utility Standards), installing 1200 meters (smart meters).
- Finalizing Two-Year Distribution Plan (16 distribution projects, 33 sub-sets)

### Southern Maryland Reliability Project (Tom Dennison)



Project involves assembling and installing two new units (transformers) and transmission line to achieve a 25 percent upgrade in capacity. The new Hewitt Road transformer was installed in April and placed into operation May 1, 2009. The Public Service Commission granted and affirmed SMECO's application for Certificate of Public Convenience and Necessity.

CoolSentry and EmPower Maryland Program Update (Sonja Cox)

New Load Management Program provides incentives for installing energy efficient programmable thermostats, heat pumps, and water heaters. The program began (installation) November 2008. As of September 28, 2009, 6,600 devices have been installed.

EmPower Maryland Programs offer rebates for purchasing and installing energy efficient HVAC systems and appliances (commercial and residential). Free energy audits (with utility assessment) offered to low/limited income customers.

Power Pricing and Market Forecast for 2010 (Sonja Cox)

Reviewed graphs depicting energy costs (price per megawatt hour), actual and estimate costs for SMECO purchased power (PJM grid), and the average rate for residential and commercial SMECO customers.

It was noted that SMECO uses SCADA (Supervisory Control and Data Acquisition) to monitor and control systems; however, incompatibilities with MetCom's SCADA system are anticipated. SMECO has considered solar power and methane recovery at land-fills; but projects must be economically feasible to pursue.

Mr. Savich noted the configuration of the Patuxent River Naval Air Base may change (some area may be moved to a less-secure facility area) and encouraged SMECO to review the County's Comprehensive Plan.

**TOUR OF PORT OF LEONARDTOWN WINERY**

Laschelle McKay, Town Administrator, members of the Southern Maryland Wine Grower's Cooperative, and Bob Schaller, Director, Dept. of Economic and Community Development, provided a status update and tour of the Port of Leonardtown Winery, located at 23190 Newtowne Neck Road.

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

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Betty Jean Pasko, Sr. Admin. Coord. (Recorder)