

**ST. MARY'S COUNTY  
BOARD OF COUNTY COMMISSIONERS' MEETING  
Tuesday, December 4, 2012**

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

**CALL TO ORDER**

Commissioner President Russell called the business meeting to order at 9:00 am in the Chesapeake Building meeting room, Governmental Center.

**ADDITIONS/DELETIONS TO AGENDA**

**Commissioner Morgan moved, seconded by Commissioner Jones, to add an Executive Session on property acquisition matter to today's agenda. Motion carried 5-0.**

**APPROVAL OF MINUTES**

**Commissioner Morris moved, seconded by Commissioner Jarboe, to approve the minutes of November 20, 2012, as presented. Motion carried 5-0.**

1. Draft Agenda for December 11 and 18, 2012.

**2. Department of Aging and Human Services** (*Lori Jennings-Harris, Director; Peggy Maio, Fiscal Supervisor*)

*(Kathleen Reif, Representing The Local Management Board Sub-committee of the Human Services Council; Cynthia Brown, Division Manager; Kelsey Bush, Local Management Board and Youth Coordinator, Human Services Division)*

**Commissioner Jones moved, seconded by Commissioner Jarboe, to authorize the County LMB Chair and Department Staff to execute the FY2013 Community Partnership Agreement and Appendices A & B and to approve and authorize**

**Commissioner President Russell to execute the FY2013 Community Partnership Agreement for Project #'s MD1360, 1361, 1365, 1366, 1367 and 1388, from the Governor's Office for Children in the amount of \$401,718; the related budget amendments; and Sub-recipient Agreements between the County Government and Tri-County Youth Services Bureau, St. Mary's County Public Schools, and Walden Sierra, Inc. Motion carried 5-0.**

**Commissioner Morris moved, seconded by Commissioner Jones, to approve and accept the request and funding to be used to contract for a Community Needs Assessment and Strategic Plan and to execute a related budget amendment establishing budget authority in the amount of \$24,820. Motion carried 5-0.**

*(Alice Allen, Division Manager Senior Center Operations, Dept. of Aging and Human Services)*

**Commissioner Jarboe moved, seconded by Commissioner Morris, to approve and authorize Commissioner President Russell to execute the Revised Notification of Grant Award for the FY2012 Nutrition Service Incentive Program Grant Award, Project US1206, from the Maryland Department of Aging on behalf of the St. Mary's County Department of Aging and Human Services to provide meals to our Seniors in the amount of \$42,348 and the related budget amendment to decrease the project budget by \$6,669. Motion carried 5-0.**

**3. Department of Public Works and Transportation** *(George Erichsen, Director;*

*Jacque Fournier, Transportation Manager, Dept. of Public Works and Transportation)*

**Commissioner Morgan moved, seconded by Commissioner Jones, to approve and authorize Commissioner President Russell to execute the budget amendment increasing the STS Capital Equipment Project US1228 and decreasing the Highways Lease Payment account by \$14,752. Motion carried 5-0.**

**Commissioner Jarboe moved, seconded by Commissioner Morris, to approve and authorize Commissioner President Russell to execute the American Recovery and Reinvestment Act Revised Grant Amendment from the Maryland Transit Administration on behalf of the Department of Public Works and Transportation in the amount of \$426,116.48; and execute the budget amendment reducing Project USRA02 in the amount of \$28,596 in accordance with the revised award. Motion carried 5-0.**

*(Zane Rettstatt, Project Engineer, Dept. of Public Works and Transportation)*

**Commissioner Morris moved, seconded by Commissioner Jones, to approve and authorize Commissioner President Russell to execute the Dredge Material Placement Site Easement Agreement for the St. Jerome Creek Jetty Project (MA 1101) as presented by staff. Motion carried 5-0.**

**4. Department of Recreation and Parks** *(Brian Loewe, Director)*

*(Debra Pence, Museum Division Manager, Dept. of Recreation and Parks)*

**Commissioner Jones moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President Russell to execute the Letter of Amendment for the FY2012 Maryland Heritage Areas Authority Grant Agreement for the Piney Point Lighthouse Museum and Historic Park Enhancement Project # RP1203. Motion carried 5-0.**

**Commissioner Morgan moved, seconded by Commissioner Jones, to approve and authorize Commissioner President Russell to execute the Letter of Amendment for the FY2011 Maryland Heritage Areas Authority Grant Agreement for the Three Notch Trail Phase VI Project # RP1101. Motion carried 5-0.**

**Commissioner Jones moved, seconded by Commissioner Morgan, to approve and authorize Commissioner President Russell to execute the FY2013 National Recreational Trails Memorandum of Understanding for the Three Notch Trail Phase VI, Project # PA1101, in the total amount of \$50,000 on behalf of the Department of Recreation and Parks. Motion carried 5-0.**

**5. Department of Finance** *(Elaine Kramer, CFO)*

*(Bob Kelly, Director, Dept. of Emergency Services & Technology)*

**Commissioner Morris moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President Russell to execute two budget amendments to realign \$215,983 of the BOCC Emergency Reserve for Hurricane Sandy, to cover the Emergency payroll costs of \$190,183 for Department/Elected Official accounts on payroll 11/16/2012, and establish the budget for Project OT1320, Hurricane Sandy for non-payroll expenses for the amount of \$25,800. Motion carried 5-0.**

**BOCC TAKES DECISIONS ON 2013 LEGISLATIVE PROPOSALS**

#	Submitted By/ Proposal	Support	Oppose	Comments
1	Board of County Commissioners  To enable the BOCC to enact ordinance concerning property maintenance	Morgan Russell Jones Morris	Jarboe	Commissioner Jarboe suggested the County consider providing an incentive to upgrade the property in the future.
2	Commissioner Morris  To exempt from the Tier III and IV development limitations subdivisions in which all lots are 15 acres or more	Morgan Jarboe Jones Morris	Russell	
3	Commissioner Morris  To enable BOCC to determine a building impact fee on a per square-foot basis	Jarboe Jones Morris	Morgan Russell	Commissioners supporting felt this was not a raise in impact fees but a way to make more equitable for individuals building smaller homes  Commissioners opposed felt there was no justification for proposal and did not want to impose a new impact fee.
4	Commissioner Jarboe  To make connection to MetCom water and/or sewer facilities optional for a property owner with a septic system and/or well in compliance with Health Department regulations	Jarboe Morris	Morgan Russell Jones	Those opposing felt a decision should not be made until the group tasked by the BOCC to study the issues of mandatory water and sewer connections have reported back with their recommendations.

#	Submitted By/ Proposal	Support	Oppose	Comments
5	<p>Dept. of Finance</p> <p>Request for Bond authority in the amount of \$30,000,000</p>	Morgan Russell Jones Morris	Jarboe	Commissioner Jarboe felt that additional bond authority shouldn't be requested in the current economic climate.
6	<p>Dept. of Economic &amp; Community Dev.</p> <p>To add St. Mary's County to the counties in which a Class 6 pub-brewery license may be issued</p>	Morgan Jarboe Russell Jones Morris		
7	<p>Dept. of Economic &amp; Community Dev.</p> <p>To add St. Mary's County to the counties in which a Class 7 micro-brewery (on- and off-sale) license may be issued</p>	Morgan Jarboe Russell Jones Morris		
8	<p>Dept. of Aging &amp; Human Services</p> <p>To delete the requirement that the psychiatrist or psychologist serving on the St. Mary's County Adult Protective Services Review Board be affiliated with the St. Mary's County Health Department</p>	Morgan Jarboe Russell Jones Morris		
9	<p>County Attorney</p> <p>To repeal a public local law authorizing the adoption of subdivision regulations</p>	Morgan Jarboe Russell Jones Morris		

#	Submitted By/ Proposal	Support	Oppose	Comments
10	<p style="text-align: center;">County Attorney</p> <p>To revise the provisions regarding the salaries and budgetary procedures for funding the Office of the State's Attorney for SMC</p>		Morgan Jarboe Russell Jones Morris	<p>Commissioner Morris suggested amending this proposal as originally presented by taking out any consideration of the State's Attorney's salary, while retaining the portion of the proposal that pertains to other employees in the SAO. The following motion was made:</p> <p><b>MOTION:</b> Commissioner Morris moved, seconded by Commissioner Jones, to remove the State's Attorney's salary issue from the legislative proposal -- the remaining factors involving the employees of the SAO would remain. Motion failed 1-4. Commissioners Jones, Morgan, Jarboe and Russell voted nay.</p> <p>The Commissioners then stated their positions on the proposal as it was originally submitted and reviewed at the joint public meeting with the Delegation on Nov. 20. As noted in the position column, all five Commissioners stated their opposition.</p>
11	<p style="text-align: center;">Building Trades Foundation</p> <p>To enable the BOCC to grant to a non-profit entity a deferral of the building impact fee</p>	Morgan Jarboe Russell Jones Morris		

**DECISION ON PROPOSED ZONING TEXT AMENDMENTS TO ALLOW A FARM BREWERY IN THE RURAL PRESERVATION DISTRICT (RPD)**

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

A public hearing was held November 13, 2012, on the proposed zoning text amendments to allow for a farm brewery in the RPD. One written comment in support of the text amendment was received from Dr. Bob Schaller on the morning of the hearing. No public comments were received during the hearing or the 10-day open comment period.

**Commissioner Morgan moved, seconded by Commissioner Morris, to amend Schedule 50.4, Section 51.3, Schedule 64.3.1, and Article 9, Chapter 90 of Chapter 285 of the Code of St. Mary's County to allow a farm brewery as a permitted use in the Rural Preservation District. Motion carried 5-0.**

**DECISION ON PROPOSED TEXT AMENDMENT TO THE ZONING AND SUBDIVISION ORDINANCES TO CONFORM DEFINITIONS OF MAJOR AND MINOR SUBDIVISIONS WITH SENATE BILL 236**

**Present:** Phil Shire, Director, Dept. of Land Use and Growth Management  
Bob Bowles, Planner IV, Dept. of Land Use and Growth Management

A public hearing was held November 20, 2012, on the proposed ordinance to redefine the definition of a major and minor subdivision to conform with the Sustainable Growth and Agricultural Preservation Act of 2012, Senate Bill 236. No public comments were received during the hearing or the 10-day open comment period.

**Commissioner Morris moved, seconded by Commissioner Jarboe, to amend Chapters 264 and 285 of the Code of St. Mary's County to increase the number of lots permitted in a minor subdivision from five to seven. Motion carried 5-0.**

**ST. MARY'S COUNTY EMERGENCY MEDICAL SERVICES SWOT (STRENGTHS, WEAKNESSES, OPPORTUNITIES AND THREATS) REPORT**

**Present:** Dr. Richard Alcorta, State EMS Medical Director and Facilitator of The St. Mary's SWOT Task Force

Dr. Alcorta reported on the findings of the Strength, Weakness, Opportunities, Threats (SWOT) Task Force, a group formed at the request of the previous Board of County Commissioners to assure quality Emergency Medical Service (EMS) services in St. Mary's County. Taskforce members were representatives from the Department of Emergency

Services and Technology, Emergency Communications, Emergency Services Committee, Fireboard Association, rescue squads, fire departments, Health Department, Sheriff's Office, State Police, MedSTAR St. Mary's Hospital, NDWFD Patuxent River Station, and Jurisdictional Medical Director for St. Mary's County. The three goals addressed were to: (1) promote longevity of the volunteer EMS system; (2) develop a plan to bring Basic Life Support performance metrics in line with national standards; and (3) develop a plan to bring Advanced Life Support performance metrics in line with national standards. Several recommendations were presented to the Commissioners for their consideration.

## COMMISSIONERS TIME

The Commissioners highlighted upcoming events and events attended over the past week.

## MOTION TO ENTER INTO EXECUTIVE SESSION

**Commissioner Morgan moved, seconded by Commissioner Morris, to enter into Executive Session for the purpose of discussing personnel, specifically, appointments to boards, committees and commissions, and real property matters. Motion carried 5-0.**

## EXECUTIVE SESSIONS

### Real Property

Present: Commissioner Francis Jack Russell, President  
Commissioner Lawrence D. Jarboe  
Commissioner Cynthia L. Jones  
Commissioner Daniel L. Morris  
Commissioner Todd B. Morgan  
Sue Sabo, HR Director and Acting County Administrator  
Elaine Kramer, CFO  
George Sparling, County Attorney  
George Erichsen, Director, DPW&T  
Donna Gebicke, Administrative Assistant

Authority: Article 24, Section 4-210(a)11  
Time Held: 11:33 am – 11:47 am  
Subject Discussed: Real Property

### Personnel

Present: Commissioner Francis Jack Russell, President  
Commissioner Lawrence D. Jarboe  
Commissioner Cynthia L. Jones  
Commissioner Daniel L. Morris



Commissioner Todd B. Morgan  
Sue Sabo, HR Director and Acting County Administrator  
Sarah Cannavo, Appointments Admin. (for boards and committees only)  
Donna Gebicke, Administrative Assistant

Authority: Article 24, Section 4-210(a)1

Time Held: 11:48 am – 12:22 pm

Subject Discussed: Personnel

## **FY 2014 BUDGET WORK SESSION**

Commissioners conducted a work session on the FY 2014 budget.

## **PUBLIC FORUM**

Commissioner President Russell opened the Public Forum for public comments at 6:30 pm in the Chesapeake Building meeting room, Governmental Center.

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

### **Shelby Guazzo, PO Box 219, Chaptico, MD**

- Against Park & Ride at New Market intersection of Rt. 5 & Rt. 6 – understand the need but wrong location
- April 2007 Planning Commission voted down the MD Transit Authority's concept plan for Park & Ride at Rt. 5 & Rt. 6 – now State is back with similar plan
- Traffic Congestion and Security of the Public are major concerns with the location in New Market
- Community has not had input in process
- Understands Commissioners will have to sign MOU with state that will say the State will come in and build and pay for Park & Ride on property but the County Commissioners will keep ownership of the property and will be responsible for upkeep and repair – Liability will on the County

### **Pam Hageman, 44871 Hickory Landing Way, Hollywood MD**

- Requested artificial turf for Public School system and the County
- Parent – Taxpayer - very familiar with sports in county (two children graduated and one now in Leonardtown High School)
- Great Mills High School Head Varsity Lacrosse Coach, and Commissioner and one of the founding members of the St. Mary's County Girls Lacrosse League
- Lots of experience with sports and playing on turf fields

- Feels St. Mary's County athletes are at a disadvantage when they practice on grass fields and play outside the County on artificial turf fields

**John Parlett, Charlotte Hall, MD**

- Attended meeting last week on Park & Ride along with 200 neighbors
- Involved with the group in 2007 that opposed Park & Ride at Rt. 5 & Rt. 6 and do not see that anything has changed to make it feasible at this time
- Recommended site is adjacent to park and school
- Development costs - extensive amount of work to minimize impact on traffic in area
- Don't think site was thought out properly – majority of commuters coming from south end of county
- Recommended alternative site on property owned by Dennis Burch at north east side of Mechanicsville Rd. and Rt. 5
  - State would have to buy property
  - No homes, schools, park in immediate area and lot is visible from Rt. 5
  - Traffic light already in place coming onto Rt. 5 - less funding needed for road work
  - Room for further expansion
  - Property is in RPD
- Presented Commissioners with map with recommended site

**Jack Bailey, 38159 New Market Turner Rd., Mechanicsville MD**

- Against Park & Ride at Rt. 6/New Market
- Wrote a paper on Park & Rides for John Hopkins University which he provided to Commissioners
- Police officer for 27 years
- Crime will increase with a park & ride
- Not wise to put park & ride near a school
- Cameras perceived to deter crime but doesn't work
- Women have more fear with a park & ride in wooded area

**Karin Bailey, 38159 New Market Turner Rd., Mechanicsville MD**

- Disagree with location of Park & Ride
- State did not consider elementary school location
- Concern that child predators could watch the school
- No one has talked to State Police or Sheriff's Office about security

**Melinda Tracy, 29261 Eliza Way, Mechanicsville, MD**

- Against Park & Ride location
- School teacher and monitor for student drop-off/pick-up at Lettie Marshall Dent School– today 80 cars, yesterday 76 and last Friday 84 for drop-off/pick-up
- 12 buses arriving and leaving school daily
- No room between school exit to transfer to Rt. 6
- Trucks park along side of road waiting for 84 lumber and transfer station
- Concern with safety at school and the church preschool across the street

**Tom Gasch, 21320 Ceder Hill Ln., Leonardtown, MD**

- Wicomico Golf Course recommendations
- Feels if you are going to run a golf course it should be more competitive with others in the County and other counties
- There is a Maryland passport book you can buy to play on golf courses all over the state and Wicomico is not in there
- Played at Wicomico last week, the course was in good shape because no players - from 9:00 am to 3:00 pm on beautiful day there were only 17 people on the course
- Senior group from this area goes to Chesapeake Hills to play on Wednesdays for \$30 - it costs \$40 at Wicomico
- Wicomico is not in heavily populated area so people have to travel a long way to get to it - Can go to Breton Bay and pay a little more but you save time in traveling

*Commissioner Russell said he would provide info to the Wicomico Golf Course Advisory Board*

**Dale Antosh, 29754 Beach Ct., Mechanicsville MD**

- Opposes Park & Ride location
- Golden Beach area residents have second way out of development if main entrance is blocked but put in the park & ride at Rt. 5 & Rt.6 and we don't – more congestion there
- Agrees with others on traffic congestion and safety issues
- Lack of community input – attended meeting last week and asked to be a person of interest and state representative didn't know what I was talking about – I wanted to get on the state's mailing list
- 80% of people using facility will be coming from the south
- Told Commissioners they were elected by the people to work for the people and not one person here is in favor of the site

*Commissioner Jarboe noted that the key is to stay in contact with the Board to see when we will be asked to sign the MOU. He stated he has always been in favor of a regional park & ride in the area and now with the bypass in Hughesville it would be an ideal area to serve all three counties.*

**Darrin Peters, 24700 E. Mantiggo Rd., Hollywood, MD 20636**

- President of Leonardtown Raiders Quarterback club – a non-profit boosters group for LHS, representing 120 parents who are members
- LHS is a center for education during the day then sports activities during the evening - thankful for the staff at Leonardtown
- Infrastructure of County High Schools is seriously inadequate – dressing rooms small; storage an issue (sweaty equipment stored on top of each other -breeding area for bacteria); playing fields inadequate (mud when it rains, ice in winter), lighting horrible on fields (end zones barely lit, center of field lighting not even, spectators must walk a long distance to a 2 person restroom
- Numerous studies show improvements from the old astro turf and the new turf - the new does not freeze in winter or harden in the summer

**Bart Rogers, 21910 Point Lookout Rd., Leonardtown, MD 20650**

- Concerned with athletic facilities in Saint Mary's County
- School Board paid for a study to look at athletic facilities in St. Mary's County
- LHS rated the worst of the three County High Schools
- Coached in Leonardtown for 15 years
- Advantage is you can play on turf fields every day, no maintenance, less injuries
- In January 2012 the State Board of Public Works approved county schools proposal to spend \$4M on turf fields
- Saint Mary's County Athletes at a disadvantage when playing on turf fields and when college coaches are scouting to recruit
- Asked Commissioners to find a way to fund

**Dexter Hernonen, Great Mills, MD**

- Waste Management issue – shipping garbage to Arlington and Alexandria
  - Suggested sorting plastics from trash and planting mushrooms (*Pestalotiopsis microspore*) that eat plastic
- Concerned that so many grocery stores are selling genetically modified foods and they are not all labeled – fasted for 3 weeks and noticed how much better his body functioned
- Feels education is failing in this country – American literacy high school graduation rate is not as high and teaching methods are outdated
- Medical concern - Spain released a study that shows hemp oil can cure cancer; this is not studied in U.S.

*Commissioner Russell he would have Solid Waste people contact him.*

**George Allen Hayden, New Market Turner Road**

- Supports all comments made tonight on park & ride
- Percentage of commuters coming north come from south – if we shift park & ride further down road will relieve congestion
- Many pluses to moving park & ride further south – construction would be held to minimum; not tying up intersection in front of old Texaco Station
- Thought public hearings was a condition when they went through the Board of Appeals approved recommended site
- Suggested if Commissioner have doubts about the location they should let the State know now before the State spends any more money because once they do it is harder to stop

*Commissioner Jarboe said he would have to problem if the Commissioners wanted to sign a letter that we are reconsidering and don't want to sign a MOU at this time.*

**Jennifer Crownover, Mechanicsville**

- Asked if anyone had spoken to Recreation and Parks about the impact the Park & Ride location would have on their fields behind Lettie Marshall Dent School

- Many sporting activities on the County fields which generates a lot of traffic after school and on weekends - Football, Soccer, Cheerleading all use fields plus individuals who just want to bring their kids to the playgrounds - Just wanted to make sure this is considered when the decisions are made

**Elliott Burch**

- Opposed Park & Ride at New Market
- Testimony you heard tonight is excellent - please review it because there are a lot of problems

**ADJOURNMENT**

Commissioner Russell closed the Public Forum and adjourned the Board of County Commissioners meeting at 7:40 pm.

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

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