

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
GOVERNMENTAL CENTER
Tuesday, March 27, 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)

The Board of County Commissioners' meeting was called to order at 9:00 AM.

ADDITIONS/DELETIONS TO AGENDA

Commissioner Russell noted that "Personnel" has been added as a subject of discussion to today's Executive Session.

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve the agenda as amended. Motion carried 4-0.

APPROVAL OF CHECK REGISTER

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to authorize the Commissioner President to sign the Check Register for checks dated March 27, 2007, as submitted. Motion carried 4-0.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Dement, to adopt the minutes of the Commissioners' meeting of March 20, 2007, as presented. Motion carried 4-0.

PROCLAMATION: NATIONAL PUBLIC HEALTH WEEK

Present: Leslie Payne, Public Information Officer
Dr. Icenhower, Health Officer
Tracy Kubinec, Deputy Health Officer
Cindy Spalding, Administrative Officer
Janet Williams, Transportation Program Staff
Anita Stevens, Bioterrorism Program Supervisor
Jackie Fournier, Supervisor, DPW&T Transportation
Cynthia Brown, Community Services

National Public Health Week is April 2 – 8, 2007. During this week, public health professionals and their partners celebrate the successes of public health and inform the public about health concerns. This year's theme, "Take the First Step," focuses on emergency preparedness and planning.

Commissioner Raley joined the meeting at 9:12 AM.

SHERIFF'S OFFICE: UPDATE ON ACCREDITATION PROCESS (rescheduled for 4/10/07)

COUNTY ADMINISTRATOR

1. Draft Agenda for April 10, 2007 (no meeting April 3)
2. **Department of Aging** (*Lori Jennings-Harris, Director; Jennie Page, Deputy Director*)

Commissioner Dement moved, seconded by Commissioner Jarboe, to approve the Application for the Maryland Senior Rides Demonstration Program. Motion carried 5-0.

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

Commissioner Dement moved, seconded by Commissioner Raley, to approve and authorize the Commissioner President to sign the USTA Mid-Atlantic Maryland Grant application to provide windscreens as part of the Tennis Court Improvement Project for Cecil Park. Motion carried 5-0.

(Christina Bishop, Therapeutic Recreation Specialist)

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the FY2008 Department of Health and Mental Hygiene, Development Disabilities Administration, Grant Application / Agreement and related documents to assist in funding the New Horizons Summer Camp. Motion carried 5-0.

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the Budget Amendment decreasing the New Horizons Day Camp project budget revenues and expenses by \$2,000 due to non-receipt of the Local Management Board grant. Motion carried 5-0.

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

Commissioner Raley moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign the Lease Agreement with

the Board of Education for the premises known as the former Great Mills Elementary School, located at 20833 Great Mills Road, Great Mills, MD. Motion carried 5-0.

Commissioner Raley moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign the Railroad Right-of-Way Easement Agreement with Thomas Builders at Lexington Park, LLC, for the purpose of constructing a sewer main, to be located at the proposed Clements Woods Subdivision, California, MD. Motion carried 5-0.

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the Railroad Right-of-Way Easement Agreement for the purpose of granting ingress, egress, and utilities easement to Peter Byrne and Lyrel Byrne to their property located at 29555 Charlotte Hall Road, Charlotte Hall, MD, and to waive the \$500 fee. Motion carried 5-0.

5. Department of Public Works and Transportation (*George Erichsen, P.E., Director*)

Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the Easement between the Board of County Commissioners and SMECO for the purpose of providing electric service to the St. Andrews Landfill Property. Motion carried 5-0.

6. Department of Finance (Elaine Kramer, CFO; Dan Carney, CFO, St. Mary's Co. Public Schools)

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the Certification of Mutual Agreement statement on the Board of Education Excludable Non-Recurring Costs forms totaling \$7,899,700 and to sign the related Consent Letter. Motion carried 5-0.

7. Committee Appointments

Form of Government Task Force – no terms

Anne Bell
Elmer Brown
Richard Gass
John L. Madel, Jr.
John Mattingly
Patrick Murphy
Kathleen O'Brien
John K. Parlett, Jr.
Dan Rebarchick
Doug Ritchie

Patty Robrecht
Judith A. Spalding
Clare Whitbeck
Patricia A. Woodburn

Commissioner Raley moved, seconded by Commissioner Mattingly, to appoint the individuals, as stated by the County Administrator to the Form of Government Task Force. Motion carried 5-0.

COMMISSIONER'S TIME

Commissioner Dement

With Commissioners Russell and Raley, attended the new "Good Water Store and Cafe" ribbon cutting Friday evening.

Apologized for not being able to attend the Maryland Day celebrations.

Presented a Proclamation to Virginia Nolan, in celebration of her 70th birthday, on Sunday.

Congratulations to the Hollywood Volunteer Fire Department and Ladies Auxiliary's 50th Anniversary, attended the event on Saturday.

Commissioner Mattingly

The "High Hopes (for Everyone)" Disability Awareness Day event was a big success.

Congratulations to Hollywood; other events are planned – parade later this year.

Apologized to Ryken, couldn't attend their event, (conflict with committed event at Hollywood.)

Ryken will have their hearing next week before the Critical Areas Commission;

Commissioner Russell is planning to attend (on behalf of the BOCC) to encourage the Critical Areas Commission to approve the request.

Maryland Day celebrations at St. Mary's City and St. Clement's Island over the weekend; both very nice events.

Commissioner Raley

Apologized for being late (for today's BOCC meeting); Dad is having medical procedure done at Georgetown.

Regarding the Maryland Day Event at St. Mary's City; thanked Captain Hill for taking him to tour the Chapel that is undergoing restoration (roof area). The coffins will be interred in the Chapel.

Also, thanked the people at St. Clement's Island – commenting that they do wonderful things.

Commissioner Jarboe

Denise Cargill brought up a good idea regarding energy conservation; i.e., turn off computers and electronics that continue to draw amps when not in use. Requested John Savich to look at and come up with simple, common sense energy conservation solutions (over the next year). Encouraged the Board of Education to do the same.

Commissioner Russell

Also visited the Good Water Store (ribbon cutting); very impressed.

Very impressed with Hollywood event and Auxiliary contribution; they are a great asset to our community.

Attended a meeting at St. Mary's Landing yesterday with Steny Hoyer and Ben Cardin about the farm bill. Good representation from the three counties. Some of the topics brought up: land preservation, inheritance tax, farm credit issues, and federal aid to deal with the encroachment issue.

Stopped by the maintenance shop at Public Works; (positive comments on work being performed).

Solid Waste Advisory Committee is going to take a tour of the County's Convenience Centers on Friday.

FINAL APPROVAL OF FY2008 BUDGET FOR PRESENTATION AT THE APRIL 24, 2007, PUBLIC HEARING

Present: Elaine Kramer, CFO, Dept. of Finance
Jeanett Cudmore, Deputy Director, Dept. of Finance

Ms. Kramer presented and reviewed the "Recommended Estimate of Revenues and Appropriations for Fiscal Year 2007 – 2008," dated March 27, 2007. The fiscal year period begins July 1, 2007, and ends June 30, 2008. Ms. Kramer's overview highlighted operating (revenues and expenses) and capital project data.

Commissioner Raley moved, seconded by Commissioner Mattingly, to approve the FY2008 Budget (Operating, Capital, & other Revolving Funds) for Presentation at the April 24, 2007, Public Hearing. Motion carried 5-0.

MOTION TO ENTER INTO EXECUTIVE SESSION

Commissioner Jarboe moved, seconded by Commissioner Dement, to enter into Executive Session for the purpose of discussing Litigation and Personnel, specifically Personnel Contract matters. Motion carried 5-0.

Commissioner Russell announced that the Commissioners will depart for the Office on Aging March for Meals Fundraising Event: Laps for Lunches, at the Leonardtown Hall Recreation Center, Governmental Center Campus.

Commissioner Russell also announced that there will be no Budget Work Session on March 29th, and there is no BOCC meeting scheduled for next Tuesday, April 3, 2007.

MOTION TO ENTER INTO EXECUTIVE SESSION

Commissioner Jarboe moved, seconded by Commissioner Dement, to enter into Executive Session for the purposes of Litigation and Personnel, as provided for in Article 24, Sections 4-210(a)8 and 1, respectively. Motion carried 5-0.

EXECUTIVE SESSION

Litigation

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
Denis Canavan, Dir., Dept. of Land Use and Growth Management
George Erichsen, Dir., Dept. of Public Works and Transportation
Liz Passarelli, Real Property Manager
Donna Gebicke, Administrative Assistant to the BOCC, Recorder

Authority: Article 24, Section 4-210(a)8
Time Held: 11:20 am – 11:35 am
Action Taken: The Commissioners discussed pending litigation matters.

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, Administrative Assistant to the BOCC, Recorder

Authority: Article 24, Section 4-210(a)1
Time Held: 11:35 am – 11:45 am
Action Taken: The Commissioners discussed employment contract.

MOTIONS TAKEN IN OPEN SESSION PRIOR TO OPENING OF PUBLIC HEARING

Commissioner Jarboe moved, seconded by Commissioner Raley, to direct staff to proceed as discussed in Executive Session on matters relative to Litigation and Personnel. Motion carried 5-0.

Commissioner Raley moved, seconded by Commissioner Dement, to appoint Dr. Francine Dove Hawkins to the Form of Government Task Force. Motion carried 5-0.

PUBLIC HEARING: PROPOSED AMENDMENTS TO THE COMPREHENSIVE WATER AND SEWERAGE PLAN (CWSP)

Present: Jeff Jackman, Senior Planner, Dept. of Land Use and Growth Management
John K. Parlett, representing Pembroke, LLC (Thompson and Kessler)

John B. Norris, Sr., NG&O Engineering, representing Alamo Properties, LLC
(Tamara's Chance)

The public hearing was opened by Commissioner President Russell at 6:32 pm. Mr. Jackman certified that the public hearing for the three cases described below was advertised in the Enterprise newspaper on March 7 and 14, 2007, and that all other notification requirements were followed. The Planning Commission held a public hearing on each case and subsequently conveyed through Resolutions their recommendation to the Board of County Commissioners that each CWSP be amended as requested by the applicants. Mr. Jackman presented exhibits for proposals to amend the CWSP, reviewed the required staff analysis, and summarized the requests as follows:

Pembroke/Kessler Neighborhood, CWSP #06-132- 031

The proposal is to amend service area maps III-51 and IV-51 to change the service area category from W-6 and S-6 (service in 6 to 10 years) to W-3D and S-3D (service in 3 to 5 years, developer financed) for 6.2 acres described as Tax Map 51, Grid 23, Parcel 411 in the Eighth Election District in anticipation of a 28-unit residential development.

There were no public comments offered. The record will remain open ten days for written public comments.

Tamara's Chance, CWSP #06-132- 022

The proposal is to amend service area maps III-51 and IV-51 to change the service area category from W-6 and S-6 (service in 6 to 10 years) to W-3D and S-3D (service in 3 to 5 years, developer financed) for 14 acres described as Tax Map 51, Grid 23, Parcel 361 in the 8th Election District in anticipation of a 36-unit residential development.

There were no public comments offered. The record will remain open ten days for written public comments.

Pembroke/Thompson Neighborhood, CWSP #06-120- 010

The proposal is to amend service area maps III-51 and IV-51 to change the service area category from W-6 and S-6 (service in 6 to 10 years) to W-3D and S-3D (service in 3 to 5 years, developer financed) for 5.32 acres described as Tax Map 51, Grid 16, Parcel 387 in the Eighth Election District in anticipation of an 11-lot residential development.

In response to questions from the Commissioners, Mr. Norris, clarified the following: (1) comments from MetCom were to install water line along the frontage of the property that would necessitate fire hydrants; (2) planners for this project and adjoining projects will come together to work out the best way to tie into common facilities; (3) one connection (most likely aerial) will be made through Pembroke Stream; (4) Mr. Parlett, Greenbriar developer (and all) have agreed to cooperate to do some easements so that the sewerage can be removed from the downtown part of Lexington Park which is taxed capacity-wise and put it into the bay interceptor which is not taxed at all by using the force main that comes out of Greenbriar and goes across the Millison farm and goes through another

farm on the other side of 235 and into the bay interceptor and flows fairly low-flow all the way to wastewater treatment.

There were no public comments offered. The record will remain open ten days for written public comments.

ADJOURNMENT

The meeting adjourned at approximately 7 pm.

Minutes Approved by the Board of County Commissioners on _____

Betty Jean Pasko, Senior Administrative Coordinator