

**ST. MARYS COUNTY  
BOARD OF COUNTY COMMISSIONERS MEETING  
GOVERNMENTAL CENTER  
Tuesday, May 6, 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)

**PRE-BUSINESS MEETING EVENTS**

- 9:00 am - Functional Exercise for Hurricane Response, Dept. of Public Safety, Emergency Operations Center.
- 12:00 pm - Dept. of Aging: Lunch with your Commissioners at the Garvey Senior Center.

**CALL TO ORDER**

Commissioner President Russell called the meeting to order at 1:30 pm.

**CHANGE TO AGENDA**

County Administrator item # 3, St. Marys County Health Department, has been rescheduled for May 13, 2008.

**APPROVAL OF CHECK REGISTER**

**Commissioner Jarboe moved, seconded by Commissioner Mattingly, to authorize the Commissioner President to sign the Check Register for checks dated May 6, 2008, 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 April 29, 2008, as presented. Motion carried 5-0.**

**PROCLAMATIONS:**

**Small Business Month** presented to Mary Ann Murray, Chairman of the Board, and members of the Chamber.

**National Drug Court Month** presented to Judge Karen Abrams, Judge Michael Stamm, Pete Cucinotta, and others associated with the Drug Court program for St. Marys County.

#### **COUNTY ADMINISTRATOR**

1. Draft Agendas for May 13 and 20, 2008  
*Note: Budget Work Sessions scheduled on Monday, May 12 and Monday, May 19, 2008*

2. **St. Marys County Public Schools** (*Daniel Carney, CFO*)

**Commissioner Raley moved, seconded by Commissioner Jarboe, to approve the Board of Educations request to increase their FY08 Restricted Fund budget by \$1,000 pursuant to their actions taken on April 9, 2008, to incorporate the new Maryland History Day Grant, and to sign the related letter evidencing this action. Motion carried 5-0.**

3. **St. Marys County Health Dept.** rescheduled for May 13, 2008.

4. **Dept. of Human Services** (*Sabrina Hecht, Chief of Staff*)

**Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign the DHMH 432 Contract proposal, Budget Forms and the Conditions of Award, to receive funding in the amount of \$66,000 for Jail Psychiatric Services. Motion carried 5-0.**

*(Dennis Nicholson, Exec. Dir., SMC Housing Authority)*

**Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign the Shelter Plus Care Housing Program MOU Agreement and Affirmation Attachment documents, between the Mental Hygiene Administration and St. Marys County. Motion carried 5-0.**

5. **Dept. of Economic and Community Development** (*Bob Schaller, Director; Robin Finnacom, Executive Director*)

**Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize Commissioner President Russell to sign the revised FY09 Intergovernmental Agreement, originally approved by the BOCC on April 8, 2008, between the Maryland State Department of Human Resources/St. Marys County Department of Social Services and the Board of County Commissioners, for Job Placement/Job Retention and Work Experience Services for Non-job Ready and Job Ready Customers. Motion carried 5-0.**

6. **Dept. of Recreation, Parks, and Community Services** (*Arthur Shepard, Rec. Div. Mgr.*)

**Commissioner Dement moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President Russell to sign the FY09 Maryland State Department of Education Summer Food Service grant application/agreement in the amount of \$13,128, and to approve and authorize Commissioner President Russell to sign the MSDE Summer Food Service Program Agreement between St. Marys County Board of Education and the Board of County Commissioners, for the Local Education Agency to furnish meals for the summer camp program. Motion carried 5-0.**

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

**Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize Commissioner President Russell to sign the Budget Amendment to supplement the funding for the first lease payment on the FY08 and FY09 vehicle purchases. Motion carried 5-0.**

**Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and authorize Commissioner President Russell to sign the Comprehensive Flood Management Grant Program, Amendment One to the Capital Project Agreement, from the Maryland Department of the Environment to provide additional funding for the Piney Point Hazard Mitigation Project. Motion carried 5-0.**

**Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President Russell to sign the Public Works Agreement Addenda, identified as Items A, B, and C in Mr. Erichsens memo dated April 30, 2008. Motion carried 5-0.**

*Motion pertains to:*

- (A.) Forest Knolls Two Subdivision, located in the 4th Election District with an Expiration Date of March 1, 2009. *The road included in this Agreement is: Delibera Court (40).*
- (B.) Emerald Hills Subdivision, Section 4, located in the 8th Election District with an Expiration Date of April 1, 2009. *The roads included in this Agreement are: Anita Court (542) and Colleen Place (175).*
- (C.) The Addition to Greenbrier Subdivision, located in the 8th Election District with an Expiration Date of May 1, 2009. *The roads included in this Agreement are: Brooke Ann Court (499) and Shelby Leigh Court (344).*

**8. Dept. of Land Use & Growth Management** (*Denis Canavan, Dir.*)

**Commissioner Dement moved, seconded by Commission Mattingly, to approve and authorize Commissioner President Russell to sign the Budget Amendment transferring funding for the replacement of large format copier. Motion carried 5-0.**

**COMMISSIONERS TIME**

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

**PUBLIC HEARING ON PROPOSED ADOPTION OF 2006 NATIONAL STANDARD PLUMBING CODE AND THE 2006 NATIONAL FUEL GAS CODE AS THE ST. MARYS COUNTY PLUMBING AND FUEL GAS CODE**

Present: Adam Knight, Deputy Code official, LU&GM

The Public Hearing commenced at 2:30 pm in Room 14 of the Governmental Center.

Mr. Adam Knight:

- Stated that St. Marys County Plumbing and Fuel Gas Board met on December 20, 2006 and voted to adopt the 2006 National Standard Plumbing Code and the 2006 National Fuel Gas Code.
- Reviewed the Notice of Public Hearing advertised in the April 18 and April 25, 2008 editions of the Enterprise newspaper.
- Stated that the proposed ordinance replaces the current 1993 National Standard Illustrated Code with 1994/95 Supplements and that the State of Maryland is currently under the 2003 National Standard Code, working toward 2006.
- Presented the draft ordinance at the April 8, 2008 BOCC meeting. At that meeting, concern about the homeowner test requirement was raised.

The recommended Ordinance:

- brings County plumbing code up to State and National standards.
- allows contractors to work from a standard set of rules and regulations throughout the State (rather than just St. Marys County).
- allows the Plumbing and Board Fuel Gas Board to review inspections, policy and procedures, as well as the enforcement procedure for persons performing work that they are not licensed to do.

At the request of Mr. Knight, Mr. Dwight Mason, a Master Plumber and a member of the St. Marys County Plumbing and Fuel Gas Board, provided the following information:

**Dwight Mason, Shore Drive, Tall Timbers, MD**

Three points supporting licensed plumbers or test requirement for homeowners:

1. Plumbers are responsible for health of public; risk of false connects and leaks resulting in mildew mold, associated to allergies, respiratory problems, even legionnaires disease. Backflow prevention getting to be a very big thing, started by Federal Government in 1974, getting to be more important all the time. A plumber is required to work under a master plumber for a minimum of 11,660 hours before they can qualify to take the master plumbers exam to work on their own.
2. If homeowners are required to take the test to do the work in their own residence, they will realize the amount and scope of work involved and the importance of quality workmanship. Also, this will help stop homeowners from having others that are unlicensed and uninsured doing their work. There will be a better chance of homeowner passing the inspections on the first trip out by the inspector, cutting out need for re-inspection fees, and they will have a better idea what the plumbing codes are before they get into it.
3. St. Marys County is the only county in the tri-county area that doesnt require at least a test (for the homeowner to get a permit). Calvert doesnt allow homeowners to do plumbing work, and Charles requires a test based on the MD State Plumbing Code.

Based on questions posed by the BOCC, the follow clarifications were made:

Test will be administered at individuals residence, similar to the Electrical Board, but it will be narrowed down (versus the vast number of questions for the Electrical Board test). The test will be developed from a pool of questions, will be based on the scope of work, and will help educate the homeowner on the code requirements.

LU&GM will be responsible for enforcement through the inspection process; with the goal being compliance, rather than enforcement. The goal will be to work with homeowners to address and assist in resolving violations, rather than red tagging a home.

The test will apply to any job requiring a permit or inspections - - not repairs, only new installations, such as to move or install a plumbing fixture that requires a new line.

The number of homeowner permits issued is not tracked at this time. The goal is to be proactive and prevent potential problems and homeowner liability issues. The homeowner has to pay for multiple re-inspections. The Inspector is responsible for ensuring that the minimum intent of the code is being met, not to assist the homeowner with design and correction; however, LU&GM can provide assistance in this area.

The test will be written. The process for test administration is being discussed. Consideration will be given for individuals who know the job but may have difficulty taking and passing the test.

A clause was included in the ordinance about issuing homeowner exams for plumbing work only in structures owned by individuals and occupied by named individuals, and

not for resale of property for a period of two years from final inspection. It is important not to get someone who is in the business of flipping houses, which is not the intent of the ordinance requirement.

Commissioner Jarboe requested that a copy of the 2006 National Standard Plumbing Code and the 2006 National Fuel Gas Code be maintained in the BOCC library, at least during the 10-day open record period.

All counties that have adopted the 2006 national code do not have the test requirement. Data on test requirements in other rural areas was requested. Data was reviewed via the internet on areas in Colorado, Kansas, and other jurisdictions. Mr. Knight will provide this data to the Commissioners.

There are no provisions for homeowners to do fuel gas work.

Commissioner President Russell opened the Hearing for public comment. There were no names on the sign-up sheet; however Mr. Shapiro asked to make the following comments.

**David Shapiro, Phillip Lane, Leonardtown, MD**

Mechanical Engineer, graduated in 1958, Master Degrees in MD, VA, and DC, has HVAC licenses in the same localities; has been in the trade for 50 years.

In this country, we dont think twice about getting a glass of water. In other countries, where amateurs do the plumbing, were afraid to drink the water. Plumbers got together 125 years ago to form their master plumbers. Their mission statement was to protect the health of the nation and prevent diseases that we dont worry about anymore. Ability to put plastic pipe together does not make you a plumber. Water can become contaminated. Cannot have amateurs doing major work, like whats happening in this county.

Commissioner President Russell closed the hearing and set the 10-day open record period to receive any additional written public comments.

**DEPT. OF HUMAN RESOURCES: BRIEFING ON PROPOSED CHANGES TO  
DISABILITY RETIREMENT BENEFITS FOR THE SHERIFFS OFFICE  
RETIREMENT PLAN**

Present: Sue Sabo, HR Director and Plan Administrator

Ms. Sabo reviewed the following retirement plan change objectives:

- Revise criteria for line-of-duty catastrophic disability retirements to more accurately reflect the level of injury.
- Realign the benefit level of line-of-duty non-catastrophic disability benefits to be more similar to retirement plans in other Maryland jurisdictions.

- Decrease costs associated with disability benefits to ensure the retirement plan is sustainable in the future.

The following proposed changes to the retirement plan were reviewed:

- Line-of-duty, non-catastrophic disability benefit changed from 33 1/3% to 50% of compensation (not taxable).
- Line-of-duty, catastrophic disability will be awarded social security disability benefits. If social security disability is awarded, participant would receive a catastrophic benefit, (catastrophic disability remains at 66 2/3% of compensation, not taxable).

The criterion used by the Social Security Administration to determine if an individual is disabled was reviewed:

- Is the individual working?
- Is the condition severe?
- Can the individual do the work he/she did previously?
- Can the individual do any other type of work?

It was noted that social security disability must be applied for within three months of retirement to be considered for a catastrophic disability.

The Sheriffs pension enhancement plan (including disability retirements) will cost an additional \$400,000 (FY2010).

Ms. Sabo said she is planning to present the disability retirement benefits change to the BOCC on or about June 10, 2008, for a final decision, with a target effective date of July 1, 2008. There was some discussion regarding the best time to hold the public hearing. Considering that most shift-workers work evening hours, the public hearing should be scheduled during the day. However, it was also noted that the Sheriffs Board is in total agreement with the plan and there have been plan representatives maintaining communications with staff.

**Commissioner Raley moved, seconded by Commissioner Dement, to direct staff to schedule a public hearing for May 20, 2008, to hear comments regarding the proposed changes to the disability retirement benefits for the Sheriffs Office Retirement Plan, at a time to be set by the President of the Board. Motion carried 5-0.**

*It was clarified the President of the Board pertains to the President of the Board of County Commissioners.*

## **DEPT. OF LAND USE & GROWTH MANAGEMENT & LARDNER/KLEIN LANDSCAPE ARCHITECTS: BRIEFING ON CORRIDOR MANAGEMENT PLAN**

Present: Teresa Wilson, Historic Preservation Planner  
Jim Klein, Lardner Klein Landscape Architects  
Terry Maxwell, By-way Manager, MD State Highway Administration

The Religious Freedom Byway is being nominated as a National Scenic Byway through the Federal Highway Administrations Americas Byways Program. Development of a Corridor Management Plan is necessary to be nominated. At the national level, the byway will receive international marking and exposure. Americas Byways Program encourage byways to be self-sustaining (not relying on federal funding). On average, \$25,000 a year is submitted for a byway management grant.

The presenters provided an update of work, which began in May 2007, and plan contents. Milestones presented included:

- 4/28/08 - Planning Commission briefing
- Receive comments by 6/9/08
- 6/23/08 - Planning Commission public hearing and work session
- Late summer, prepare draft nomination form
- Submit nomination in September, 2008

The presenters solicited feedback on whether the Commissioners feel anything is missing from the plan, other opportunities for coordination with on-going project and activities, and how the plan can be best implemented.

BOCC discussion & comments:

- Suggested using route versus tour on signage; tour may be interpreted as a group.
- Preferred the older cast iron signs; i.e., MD historic markers.
- Encouraged consolidating and minimizing the number of signs along county roadways.
- If the plan is successful with the Planning Commission and the Board of County Commissioners, it will become part of the St. Marys County Comprehensive Plan
- Depending on the location, byways are designed for motor vehicles, bikes, or both. Making improvements to Point Lookout Road accessing Point Lookout State Parks should be factored in.

- The Byway Manager and Byway Steward could be the same person. By supporting the plan, the BOCC will not be committing to a new position. The Byway Manager will be a byway advocate, partnering with other agencies and programs relative to land use, transportation, heritage tourism, and economic development in Southern Maryland.

#### **MOTION TO ADJOURN**

**Commissioner Jarboe moved, seconded by Commissioner Dement, to adjourn. Motion carried 4-0.** Commissioner Mattingly left the meeting at 4:00 pm to attend another commitment.

The BOCC meeting adjourned at 4:23 pm.

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

\_\_\_\_\_  
Betty Jean Pasko, Sr. Admin. Coordinator