

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
GOVERNMENTAL CENTER
Tuesday, October 24, 2006**

Present: Commissioner President Thomas F. McKay
Commissioner Kenneth R. Dement
Commissioner Lawrence D. Jarboe
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
George G. Forrest, County Administrator
Betty Jean Pasko, Senior Admin. Coordinator (Recorder)

The meeting was called to order at 9:15 AM.

CHANGES TO AGENDA

Item 6.b. was removed from the County Administrator's list.

APPROVAL OF CHECK REGISTER

Commissioner Raley moved, seconded by Commissioner Jarboe, to authorize the Commissioner President to sign the Check Register, dated October 19, 2006, as presented. Motion carried 5-0.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Mattingly, to adopt the minutes of the Commissioners' meeting of October 17, 2006, as corrected. Motion carried 5-0.

COUNTY ADMINISTRATOR

1. Draft Agenda for October 31, 2006
2. **Department of Aging** (*Lori Jennings-Harris, Director; and Peggy Maio, Fiscal Supervisor*)

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the Memorandum of Understanding between the Tri-County AmeriCorps Service Project, Inc., and the St. Mary's County Department of Aging to be the host organization for three part-time

AmeriCorps members, between the period of September 21, 2006 through September, 21, 2007, at a cost of \$8,655. Motion carried 5-0.

3. **Department of Public Works and Department of Aging** (*George Erichsen, P.E., Director DPW&T; Lori Jennings-Harris, Director, Dept. of Aging*)

Commissioner Jarboe moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign the Budget Amendment transferring funds to provide additional landscaping at the Northern Senior Center, Project PF 0105, in Reference to Option 2, Subtotal \$35,549. Motion carried 5-0.

4. **Department of Public Works** (*George Erichsen, P.E., Director*)

Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the Budget Amendment transferring funds for base widening and pavement overlay along Big Chestnut road, from MD 234 to the subdivision entrance. Motion carried 5-0.

5. **Human Resources Department** (*Sue Sabo, Director*)

Commissioner Raley moved, seconded by Commissioner Jarboe, to sign the Resolution appointing AST Trust Company to act as a non-discretionary Successor Trustee of the Trust established as part of the Sheriff's Office Retirement Plan, and that Wachovia Securities be removed as Trustee, effective as of the date AST accepts its appointment. Motion carried 5-0.

6. **Finance** (*Elaine Kramer, CFO; Jeannett Cudmore, Deputy Director*)

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve the calendar proposed for the FY 2008 budget cycle, as submitted. Motion carried 5-0.

DEPARTMENT OF PUBLIC WORKS & TRANSPORTATION: 1.) ADOPT SOLID WASTE MANAGEMENT AND RECYCLING PLAN, 2005 UPDATE; 2.) UPDATE ON SOLID WASTE FACILITY

Present: George Erichsen, Director DPW&T
Richard Tarr, Solid Waste Manager, DPW&T
Gary Whipple, DPW&T

SOLID WASTE MANAGEMENT AND RECYCLING PLAN, 2005 UPDATE

Mr. Erichsen reviewed the changes that were made to the Plan in response to Board of County Commissioners, staff, Solid Waste Advisory Council, and public comments received during the September 26th, 2006, Public Hearing and the 10-day open record period. Mr. Erichsen also reviewed the corresponding “Comments/Response” letter, dated October 3rd, 2006, and presented a letter dated October 11, 2006, from the Solid Waste Advisory Committee to the Board of County Commissioners, unanimously concurring with the updated Plan and the Responses to the Comments/Text Amendment(s).

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve the County's Comprehensive Solid Waste Management & Recycling Plan, 2005 Update, in accordance with Section 9-503(d) of the Environment Article, Annotated Code of Maryland, and to direct staff to submit the Plan to the Maryland Department of the Environment (MDE) for final review and approval. Motion carried 5-0.

UPDATE ON SOLID WASTE FACILITY

Mr. Erichsen provided an update on the St. Mary's County MSW Transfer Station and Processing Facility, to be located at the St. Andrew's Landfill. The Board of County Commissioners approved a Budget Amendment on May 24th, 2006 to expedite the design of the facility. The project is at 50-60% completion of the design phase. County funding was made available on July 1st, 2006. The project is currently on time and under budget. Facility is projected to be operational during the July/August 2007 timeframe.

The following documents were provided to each Commissioner and introduced into the record by Mr. Erichsen:

TRANSFER STATION Project Chronology & Tentative Schedule (10/24/06 Update)

Clarification letter from the Calvert County Department of Public Works dated 8/31/06 (Calvert County Board of County Commissioners has granted St. Mary's County an extension for access by all St. Mary's County trucks greater than 38' in length to the Appeal Landfill up through 12/31/06.)

CIP Sheet, Conceptual Layout and Schematic Diagrams, and Color rendering of the site and facility

Facility signage

Roll-up door picture (St. Mary's facility will have inside roll-up doors)

Supplemental Information (Frequently Asked Questions) for the Proposed St. Mary's County MSW Transfer Station and Processing Facility

Letter dated October 19th, 2006 regarding Solid Waste Personnel

The Board of County Commissioners and members of the Solid Waste Advisory Committee will participate in a "Solid Waste/Recycling Tour," on Friday, October 27. The tour includes visits to the Howard County Transfer Station and to the Single Stream Recycling Facility in Elkridge, Maryland.

VOTE TO MOVE INTO EXECUTIVE SESSION

Commissioner Raley moved, seconded by Commissioner Dement, to enter into Executive Session for the purpose of discussing Real Property and Litigation, as provided for in Article 24, Sections 4-210(a)11, and 4-210(a)8, respectively. Motion carried 5-0.

EXECUTIVE SESSION

Real Property

Present: Commissioner Thomas F. McKay, President
Commissioner Kenneth R. Dement
Commissioner Lawrence D. Jarboe
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
George Forrest, County Administrator
Christy Chesser, County Attorney
Phil Rollins, Director, Recreation, Parks & Community Services
Donna Sasscer, Agriculture Manager, DECD
Liz Passarelli, Real Property Manager
Sue Veith, Environmental Planner, Dept. of Land Use and Growth Management

Donna Gebicke, Administrative Assistant to the BOCC, Recorder

Authority: Article 24, Section 4-210(a)11
Time Held: 10:55 am – 11:15 am
Action Taken: The Commissioners discussed real property acquisition.

Litigation

Present: Commissioner Thomas F. McKay, President
Commissioner Kenneth R. Dement
Commissioner Lawrence D. Jarboe
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
George Forrest, County Administrator
Christy Chesser, County Attorney
Donna Gebicke, Administrative Assistant to the BOCC, Recorder

Authority: Article 24, Section 4-210(a)8
Time Held: 11:15 am – 11:55 am
Action Taken: The Commissioners discussed pending litigation matters.

PUBLIC HEARING: PROPOSED ABANDONMENT OF THE APPROXIMATELY 0.623 OF AN ACRE OF THE 60 FOOT RIGHT-OF-WAY, IVERSON DRIVE, COUNTY ROUTE 31133

Present: George Erichsen, Director DPW&T
Guy Curley and Pat Unkle, representatives of Hickory Hills Development, Inc.

Mr. Erichsen stated that the proposed abandonment of the County-maintained road and transfer to a private road was requested by the abutting property owner.

The Notice of Public Hearing, a copy of the property posting, and Certificate of Publication were presented. Notice of the Public Hearing was published in St. Mary's Today, October 8th and 15th

editions. Additionally, Mr. Erichsen called attention to the October 5th, 2006, letter to Mr. Curley regarding responsibility not only for the site to be posted, but for the applicant to individually notify all the property owners that would be affected. The actual notice that was provided and the mailing list of 230 individuals were also presented for the record.

The Bay District Fire Department (Deputy Chief Marvin Jones) reviewed the site and the gate specifications and agreed that the system, as it was presented, is adequate and safe. The Board of Education concluded that since school-aged children have a cluster stop at the Community Center, and that they don't use Iverson Drive, they don't have an issue with the petition. Mr. Erichsen continued by stating the abandonment is not an issue with the Department of Land Use and Growth Management, the Health Department, or the Department of Public Works.

The applicants were available at the Public Hearing to answer any specific questions.

There was no public testimony presented at the Public Hearing.

The Public Hearing was closed and the record will remain open for the 10-day period. During the open record period, written comments may be submitted to Board of County Commissioners, County Attorney, or the Department of Public Works and Transportation.

COMMISSIONERS' TIME

Commissioner Mattingly

Congratulations to all of the community organizations and citizens that participated in the Oyster Festival; great response. Congratulations to the Ducks Unlimited group for another very successful banquet event.

Along with Commissioner Dement, presented a Proclamation and congratulated Jane and Roger Bussler on their 50th Wedding Anniversary.

Presented a 90th Birthday Proclamation to Jimmy Cheseldine, who used to run the Towne Florist in Leonardtown.

Commissioner Jarboe

Last night, at the St. Mary's Animal Welfare League Forum, there was an issue raised by Roz Tyler regarding puppies being sold illegally at the Charlotte Hall Farmers Market and at the parking area between the 7-11 and the veterinarian clinic. Evidently, people are coming in from out of the County and illegally selling animals without the proper shots and documentation. Ms. Tyler sent an email, which was forwarded to George Forrest to direct Emergency Management (Tim Cameron, Director, Public Safety) to investigate.

Commissioner Raley

November 7th, is coming up. Encouraged everyone to vote and congratulated and thanked the candidates running for office.

Commissioner Dement

Congratulated Roger and Jane Bussler on their 50th wedding anniversary.

Apologized for not being able to attend dinners, banquets, events, and debates in the last ten days.

Commissioner McKay

Reflected on hearing public's concerns (re: Commissioner Jarboe's comments) such as during debates. Regarding the issue with cleaning up/saving the bay, it would be a nice to have all of the schools in St. Mary's County apply and become certified as "green schools" and to put Chesapeake Bay tags on all County vehicles.

WORK SESSION TO DEVELOP BASIN TRIBUTARY STRATEGY IMPLEMENTATION PLANS

The Commissioners departed the Governmental Center to attend a work session held at the Frank Knox Training Center, 21866 Cedar Point Road, Patuxent River. The work session was conducted at the request of the state to engage local governments in the development of Basin Tributary Strategy Implementation Plans and to move forward with local planning for Total Maximum Daily Load (TMDL) implementation and the new water resources element requirement in local comprehensive plans. These plans will need to set measurable near term goals, identify tangible implementation gaps and assign accountability. According to the state, completion of these plans, along with the statewide plan, is critical as Maryland approaches 2010 and the development of a Bay-wide TMDL which will establish a regulatory framework for Bay clean up activities. State representatives advised the participants that fulfilling Maryland's commitments made in the Chesapeake 2000 Agreement to achieve water quality standards in the Chesapeake Bay will require significant action initiated at the local level. While state policies and funding will guide and assist with implementation of best management practices, actions and decisions by local governments, soil conservation districts and individuals will improve our ability to achieve water quality standards and habitat enhancements for the Bay.

Work Session participants included Jamie Baxter and Mike Bilek from the Maryland Department of Natural Resources, Jim George from the Maryland Department of the Environment; County staff; and representatives from the St. Mary's County Soil Conservation District, Health Department, St. Mary's County Metropolitan Commission

ADJOURNMENT

The meeting adjourned at approximately 12:00 PM.

Minutes Approved by the Board of County Commissioners on _____

Betty Jean Pasko, Senior Administrative Coordinator