

**ST. MARY'S COUNTY  
BOARD OF COUNTY COMMISSIONERS' MEETING  
GOVERNMENTAL CENTER  
Tuesday, May 1, 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)

**ADDITIONS/DELETIONS TO AGENDA**

Commissioner Russell announced that approval of minutes for the meeting of April 24, 2007, will be removed from today's agenda and added to the May 8, 2007, agenda.

**Commissioner Mattingly moved, seconded by Commissioner Dement, to approve the agenda as amended. Motion carried 5-0.**

**APPROVAL OF CHECK REGISTER**

**Commissioner Mattingly moved, seconded by Commissioner Jarboe, to authorize the Commissioner President to sign the Check Register as submitted. Motion carried 5-0.**

**COUNTY ADMINISTRATOR**

1. Draft Agendas for May 8, and May 15, 2007
2. St. Mary's County Public Schools (*Dan Carney, CFO; Dr. Martirano, Superintendent; Dr. Sal Raspa, Chair, BOE*)

**Commissioner Jarboe moved, seconded by Commissioner Mattingly, to include the Chesapeake Public Charter School Grant award in the amount of \$300,000 in the Board of Education's FY2007 Restricted Funds Budget and to sign the related letter of approval indicating that FTE's will be added during FY2007. Motion carried 5-0.**

3. **Dept. of Recreation, Parks, and Community Services** (*Phil Rollins, Director; and/or Arthur Shepherd, Recreation Div. Mgr.; and Christine Bishop, Therapeutic Recreation Specialist*)

**Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the Maryland State Department of Education, Summer Food Program, 2007 Application for Participation, which is included in the FY08 budget, and the related Maryland State Department of Education, Summer Food Service Program Agreement. Motion carried 5-0.**

4. **Dept. of Finance** (*Elaine Kramer, CFO; Jeannett Cudmore, Deputy Director*)

**Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the Budget Amendment realigning health and pension budgets through June 30, 2007. Motion carried 5-0.**

5. **County Administrator** (*John Savich, County Administrator*)

**Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to approve the Budget Amendment in the amount of \$4,000 to cover additional advertising costs associated with newly created task force and committees. Motion carried 5-0.**

#### **COMMISSIONERS' TIME**

Commissioners' Time was waived.

The Board recessed at 9:50 AM.

The Commissioners attended the Special Olympics Spring Games, held at the Leonardtown High School, and then the Department of Aging's "Lunch With Your Commissioners", held at the Loffler Senior Center in Great Mills.

The Board reconvened at 2:00 PM for a FY2008 Budget Work Session.

#### **PUBLIC HEARING (DEPT. OF PUBLIC WORKS AND TRANSPORTATION): PROPOSED ORDINANCE TO REVISE THE DISTRICT BOUNDARY AND LEVY A BENEFIT ASSESSMENT CHARGE FOR THE KINGSTON CREEK TAXING DISTRICT, LOCATED IN THE 8<sup>TH</sup> ELECTION DISTRICT**

Present: George Erichsen, P.E., Director, DPW&T  
Allen M. Settle, Project Engineer, DPW&T

Mr. Erichsen read the Notice of public Hearing into the record and produced copies of the Certification of Publication, and the April 13, 2007, letter to all benefited properties.

The purpose of the public hearing is to consider an Ordinance to revise the District boundary and levy an annual benefit assessment charge to the benefiting properties within the Kingston Creek Waterway Improvement Taxing District. The annual assessment charge to the benefiting property owners will vary between \$34.14 and \$6.83 per year, per property, for a period of twenty years depending on whether or not a property was subdivided since the District was originally established. The District was established by Resolution #95-37 and construction to repair the eastern side jetty and dredging of the channel was completed in 1998. Total project expenditures were \$28,547.10, of which \$18,704.60 is a grant reimbursement from the Maryland Department of Natural Resources. Mr. Erichsen reviewed the history of the project, the work performed as part of the district, and the resolution of items of concern that needed to be addressed.

The public hearing was opened for public comment:

Ed Russell – 23720 West Patuxent Beach Rd., Kingston Creek (Lot 22)

Taxing District approved August 22, 1995, and the project completed in 1998. At that time, assessment was \$35.76. Question is: why did it take ten years to levy the assessment? If it had been done in a timely manner, I could have had it half paid for by now. Back when Mrs. Thompson was Commissioner President, I testified that signatures were obtained and the deed (dated 1968) was turned over to Public Works Department. The Commissioners turned us down. We decided to establish the district, which was approved in 8/95 and assessments were to be paid as real property taxes. Ten years later with McKay as President, the deed (which had been reported as lost) was found in a safe, but we were turned down again. Mr. Erichsen said a new deed would need to be drafted, but that there is no longer anything left to deed. At the time of the original deed, there was 3900 square feet of land. The stakes are still in the ground for the pilings. We still insist that the deed be recorded. Two Boards didn't do it right. The letters are on file. Let's get this current taxing district done, because there is work that needs to be done now and I hope that it doesn't take another ten years to do and be assessed. Dan Raley told me that we may be able to access some matching funds possible instead of taxing district. You said you were working on it. The new Commissioner President Russell should read my letter.

Sharon Owens, 45853 Emerald Lane, Kingston Creek

Very frustrated that it has taken so long to levy an assessment. This is not a fair system and I hope that you work out a better one for future projects.

The public hearing was closed, but the record will remain open ten days for additional, written comments.

**PUBLIC HEARING (DEPT. OF PUBLIC WORKS AND TRANSPORTATION):  
PROPOSED ORDINANCE TO FIX AND LEVY A BENEFIT ASSESSMENT  
CHARGE FOR THE HOLLY POINT SHORE EROSION CONTROL SPECIAL  
TAXING DISTRICT, LOCATED IN THE 1<sup>ST</sup> ELECTION DISTRICT**

Present: George Erichsen, P.E., Director, DPW&T  
Allen M. Settle, Project Engineer, DPW&T

Mr. Erichsen read the Notice of public Hearing into the record and produced copies of the Certification of Publication, and the April 13, 2007, letter to all benefited properties.

The purpose of the public hearing is to consider an Ordinance to fix and levy an annual benefit assessment charge to the benefiting properties within the Holly Point Shore Erosion Control Special Taxing District. The annual assessment charge to the benefiting properties will vary between \$2,160.20 and \$3,933.03 per year, per property, for a period of twenty-five years, depending on the length of frontage as previously determined by the Maryland Department of Natural Resources. The District was established by County Commissioner Ordinance #2004-10, amended by Ordinance #2005-07 (added Parcel 17 to the District boundary, but is not to be assessed), continuance of District by Resolution #2005-37, and construction of the stone revetment was completed in November of 2006. Total project expenditures were \$271,408.72, of which \$242,894.50 is a County loan with the Maryland Department of Natural Resources, interest fee, payable over a 25-year period. The remaining costs of \$28,514.22 are to be financed by the County at 3.8% over a 25-year period. Mr. Erichsen reviewed the history of the project.

The public hearing was opened for public comment. There was no one present wishing to speak. The public hearing was closed, but the record will remain open ten days for additional, written comments.

**PUBLIC HEARING (DEPT. OF PUBLIC WORKS AND TRANSPORTATION):  
PROPOSED ORDINANCE ADOPTING AN ANNUAL ENVIRONMENTAL AND  
SOLID WASTE SERVICE FEE**

Present: George Erichsen, P.E., Director, DPW&T

Commissioner Russell opened the Public Hearing at 6:30 PM. Mr. Erichsen stated for the record that the Public Hearing was advertised in the April 15, and April 22, 2007 editions of the St. Mary's Today newspaper, and in the April 20, and April 27, 2007 editions of the Enterprise newspaper. Mr. Erichsen read the Public Hearing Notice and submitted a copy and publication certifications into the record.

Public Comment:

Daphne McGuire, 26070 Laurel Grove Rd., Mechanicsville, MD 20659

Presented testimony opposing the proposal.

Ms. McGuire stated that she had served on the Solid Waste Advisory Committee several years ago. During that time, there were several proposals were brought to the committee to implement a solid waste fee. The committee felt that those that recycle religiously and take their trash to the community centers were not being rewarded. Ms. McGuire closed by stated that she could not support this proposal and feels the fee will be a burden on many of the County's citizens.

Linda Vallandingham, 21705 Indian Bridge Rd., California, MD

Presented testimony opposing the proposal.

On behalf of herself and Mr. Robert Jarboe, Ms. Vallandingham stated concern for citizens that own several parcels of agriculture land; i. e., a fee would be applied to each property tax bill. *It was clarified by Commissioner Raley and Mr. Erichsen during Ms. Vallandingham's testimony that the fee, as proposed, would apply to parcels with approved residences/dwellings.* After referencing an impact fee study that had been previously approved, Ms. Vallandingham presented actions that should be done before a new fee is imposed on property owners: i. e., stop the exemption of impact fees (and review them commensurate with new development cost levels), include water and sewer in the review and use as a way to direct growth to the planned growth areas as called for in the Comprehensive Land Use Plan and the Water & Sewer Plan, and consider using a sticker to identify County residents and a coupon book to use at the transfer station.

Robert Jarboe, 20040 Peak Hill Rd., Leonardtown, MD

Presented testimony opposing the proposal.

Mr. Jarboe stated that Ms. Vallandingham presented testimony that they prepared jointly and clarified that the proposed fee will apply only to property with an (approved) residence on it. Mr. Jarboe requested consideration for seniors (within a certain income, relative to the tax break) and hypothesized how the fee may apply to rented residences

*End of public comment.*

Commissioner Raley asked Mr. Erichsen about the appeals process. Mr. Erichsen responded that the Treasurers Office (via information provided by the Tax Assessors Office) will ultimately determine if the fee should or should not be imposed on a parcel of property; i.e., is an approved residential property).

Commissioner Mattingly stated that he feels the proposed fee will be "a bit unfair" for the residents of Leonardtown. Leonardtown residents already pay a required fee (\$212/year) for trash disposal. This would be a second fee for something they're already doing.

*Commissioner Mattingly requested staff review and reconsider exemptions. The proposed Ordinance exempts businesses. If the fee is applied, is should be applied uniformly for businesses as well as residences.*

There was discussion regarding the impact of exempting the 570 approved residences in Leonardtown. Commissioner Mattingly stated that the Leonardtown residents are taxpayers and are still paying a percentage of funds subsidizing the transfer station and landfills.

Commissioner Russell expressed some concern regarding beginning to allow exemptions; e. g., application to or precedence for others.

There was discussion about fee application for commercial use and solid waste fees in place at Calvert and Charles Counties.

Mr. Jarboe commented that he recently saw a vehicle with Florida tags and a sticker (St. Andrew's Landfill). Mr. Erichsen responded that it could be someone in the military.

It was clarified that the Environmental and Solid Waste Service Fee will go into an enterprise fund (and will not be used for anything else).

Commissioner Russell closed the Public Hearing and declared the record remain open for ten days. During the open record period, written comments may be submitted to the Department of Public Works or the Board of County Commissioners.

## **ADJOURNMENT**

**Commissioner Jarboe moved, seconded by Commissioner Dement, to adjourn.  
Motion carried 5-0.**

The meeting adjourned at approximately 7:00 p.m.

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

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Betty Jean Pasko, Senior Administrative Coordinator