

Tuesday, August 30, 2005

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

Kate Mauck, Senior Administrative Coordinator (Recorder)

CALL TO ORDER

The meeting was called to order at 9:10 a.m.

APPROVAL OF CHECK REGISTER

Commissioner Raley moved, seconded by Commissioner Jarboe, to authorize the Commissioner President to sign the Check Register. Motion carried, 5-0.

APPROVAL OF MINUTES

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve the minutes of the Commissioners' meeting of Tuesday, August 23, 2005, as corrected. Motion carried, 5-0.

COMMENDATIONS AND PROCLAMATIONS

The Board of County Commissioners issued the following Commendations and Proclamations:

- Lieutenant Commander Gavin Duff – for services to Patuxent Habitat for Humanity
- Jean Valentine – Retirement from the Department of Recreation, Parks, and Community Services
- Disabled American Veterans "Forget-Me-Not" Month
- Knights of Columbus Charity Ball Drive
- Life Insurance Awareness Month

COUNTY ADMINISTRATOR

1. Draft Agenda for September 13, 2005

2. Maryland Tri-County Community Action Committee

Present: Norma Webber, Emergency Food Assistance Program Coordinator

Cynthia Brown, Manager, Community Services

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the Emergency Food Assistance Program Agreement with Maryland Department of Human Resources and the related Certification Regarding Lobbying form for the contract period October 1, 2005 through September 30, 2008, as well as the Agreement between the County and Southern Maryland Tri-County Community Action Committee. Motion carried, 5-0.

3. Department of Aging

Present: Jennie Page, Acting Director

Peggy Maio, Fiscal Supervisor

Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign St. Mary's County Department of Aging Area Plan update for Fiscal Year 2006 for the Maryland Department on Aging. Motion carried, 5-0.

4. Department of Public Works and Transportation

Present: George Erichsen, Director

a. Claim Letter in the amount of \$22,500 to the National Fire Insurance Company of Hartford for Tires Plus, Grading Permit No. 02-21. *Located in the Eighth (8th) Election District and based on the Department's January 28, 2005 correspondence, prior 6-month extension request dated March 10, 2005, and Inspection Report dated August 17, 2005. The Grading Agreement and Bond in the amount of \$22,500 were originally issued on January 25, 2002 to the Osprey Group, LLC.*

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign Claim Letter in the amount of \$22,500 to the National Fire Insurance Company of Hartford for Tires Plus, Grading Permit No. 02-21, located in the 8th Election District. Motion carried, 5-0.

b. Claim Letter in the amount of \$66,000 to the Bank of America for the Cedar Cove Subdivision, Section 9 (Kedges Strait). *Located in the Eighth (8th) Election District and based on the Department's July 30, 2004 correspondence, meeting with the owner and contractor on June 1, 2005, and Inspection Report dated August 5, 2005. The Public Works Agreement and Letter of Credit in the amount of \$517,300 were originally issued on October 2, 1996 to Heritage Manor Homes of Lexington Park. The roads includes in this agreement are: Kedges Boulevard (300'), Oxford Drive (965'), Choptank Place (170'), Easton Court (270'), Bellevue Court (700'), Tred Avon Court (430'), and Tilghman Place (130')*

Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign Claim Letter in the amount of \$66,000 to the Bank of America for the Cedar Cove Subdivision, Section 9 (Kedges Strait), located in the 8th Election District. Motion carried, 5-0.

Also Present for items c, d, e, f, and g: George Jarboe, Transportation Manager

Jackie Fornier, Supervisor, STS

c. Commissioner Jarboe moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign the Fiscal Year 2006 Rural and Community Based Transportation Assistance Program Grant for the period from July 1, 2005 through June 30, 2006. Motion carried, 5-0.

d. Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the Fiscal Year 2006 Statewide Special Transportation Assistance Program Grant for the period from July 1, 2005 through June 30, 2006. Motion carried, 5-0.

e. Commissioner Dement moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the Fiscal Year 2006 Americans with Disabilities Act Grant. Motion carried, 5-0.

f & g. Commissioner Dement moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the Fiscal Year 2006 Memorandum of Agreement Job Access I and II documents. Motion carried, 5-0.

Also Present for item h: Susan Sabo, Human Resources Director

h. Commissioner Jarboe moved, seconded by Commissioner Raley, to approve the hiring of new St. Mary's Transit System grant-funded employees to allow for health benefits at the same match ratio as County merit system employees when the grant provides funding for the County's share of cost. Motion carried, 5-0.

Ms. Sabo was directed to research all departments within County Government, and determine if there are any other exceptions to the policy involving health benefits being provided by grant funding, and to report back to the Commissioners on this matter. She was asked to outline recommendation(s) that would ensure equity to all employees.

PUBLIC SAFETY DEPARTMENT UPDATE AND PROPOSED RESOLUTION FOR ADOPTION FOR THE PURPOSE OF IMPLEMENTING THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS)

Present: Bob Kelly, Interim Director

Mr. Kelly provided an update on the Public Safety Department including rip & run printers, mapping, text paging, the upcoming CALVEX drill, 911 consoles to be brought online, rebanding at 800 megahertz & pager analysis, and the National Incident Management System (NIMS). Mr. Kelly was recently appointed as the Interim Director of the Public Safety Department, after the departure of Mr. Patrick Walsh. Mr. Forrest reported on the recent reorganization of the department, as well as the interview process for a new director, which is scheduled to begin this Friday.

The NIMS system provides a framework for public safety entities and municipalities that respond to any type of incident. It is mandated by federal as well as state regulations. Mr. Kelly reported that he is working with the Maryland Emergency Management Agency in order to have them provide a one or two-hour in-depth briefing for the Commissioners.

Mr. Kelly was directed to move the 911-pager system forward more quickly than was originally planned.

Commissioner Mattingly moved, seconded by Commissioner Raley, to approve and sign the Resolution for the purpose of implementing the National Incident Management System. Motion carried, 5-0.

THE DEVELOPMENT GUARANTY GROUP OF SOUTHERN MARYLAND & COUNTY ATTORNEY'S OFFICE: UPDATE TO PRESENTATION TO THE BOARD OF COUNTY COMMISSIONERS ON NOVEMBER 9, 2004

Present: Don Spence, Esq., Greenburg, Spence & Taylor, LLC

C. R. Rick Bailey, Marrick Properties, Inc.

John B. Norris, III, County Attorney

Mr. Spence and Mr. Bailey provided an update from The Development Guaranty Group of Southern Maryland as a follow-up to their presentation to the Board of County Commissioners on November 9, 2004. A draft Resolution was presented by the County Attorney for the purpose of granting authority to accept Certificates of Guarantee in lieu of surety bonds or letters of credit in certain circumstances. Adoption of a Resolution on the matter in all three Southern Maryland counties is a goal of the Development Guaranty Group of Southern Maryland.

The Development Guaranty Group of Southern Maryland asked the County Commissioners to accept its Certificates of Guarantee in lieu of conventional irrevocable letters of credit or surety or cash bond. The membership of the Development Guaranty Group consists primarily of local businesses that have an interest and investment in the local community, in contrast to many of the out-of-state bonding companies being used by developers in St. Mary's County. As a self-insured program, all members of the organization have joint liability for the obligations that may arise from issued Certificates of Guarantee.

The Board of County Commissioners directed Mr. Norris to draft a final version of the Resolution for the purpose of granting authority to accept Certificates of Guarantee in lieu of surety bonds or letters of credit in certain circumstances and to bring the matter back to the Commissioners for final discussion and a decision.

REVISIONS TO THE 2004 TAX CREDIT FOR SENIOR CITIZENS

Present: John B. Norris, III, County Attorney

Discussion took place regarding necessary revisions to Resolution 2004-03 that amended chapter 267 of the Code of Public Local Laws of St. Mary's County to allow a property tax credit for senior citizens. County Treasurer Jan Norris recently sent a letter to the Commissioners asking for clarification on the legislative determination on what "of limited income" means, and outlining her interpretation that the base year for implementation would be the current year.

Discussion ensued regarding the following matters:

- Determination on what year is the correct base year;
- Changing the deadline for application;
- Interpretation of the statement "of limited income"; and
- Whether the matter should be taken up administratively or legislatively.

Commissioners agreed that their intention for the base year at the time of the vote on Resolution 2004-03 was the year 2004. In addition, Commissioner Raley suggested using the figure of \$80,000 adjusted gross household income to define "limited income" due to research provided by the Department of Economic and Community Development, which listed \$74,900 as the HUD 2005 median family income. That amount was the highest found in any median family income listing available. Rounding the amount to \$80,000 seemed to make sense, given the amount typically increasing for median family income over the next couple of years. The current deadline for application would need to be changed to allow the Treasurer's Office time to adjust, and to allow senior citizens additional time to apply, considering that tax bills have already been mailed.

The following determinations were made by the Board of County Commissioners:

- *The base year for applications received for a Senior Citizen property tax credit in Fiscal Year 2006 shall be set as Fiscal Year 2005;*
- *The deadline for application for the Fiscal Year 2006 property tax credit by senior citizens will be changed from September 1st to December 31st;*

- *The statement, "of limited income" was determined to be \$80,000, after deductions;*
- *Mr. Norris to research and make a recommendation within the public hearing draft whether to use State or federally adjusted income;*
- *The County will rebate or refund amounts that should be credited to those eligible senior citizens that have already paid their bills; and*
- *A public hearing is to be scheduled on September 13th regarding the matter, with a final decision to be scheduled prior to the end of September, in a special session, if necessary.*

COMMISSIONERS' TIME

Commissioner Mattingly

Stated that many and/or all of the Commissioners attended several of the events that he is reporting on.

Reported on Project Lifesaver equipment training event, which was recently held at Greenwell State Park. The program is sponsored by the Sheriff's Department, and trained personnel will provide assistance to individuals that deal with dementia, Alzheimer's, and other diseases. The event went very well, and they are successfully preparing to help the senior citizens or others in our community that have a disability.

Attended the convocation ceremony at Leonardtown High School last week, with the new Superintendent of Schools presiding. The ceremony had a good turnout, the speakers were full of enthusiasm, and it proved to be a great event. The Commissioners visited many school sites yesterday, which was the opening day for schools, and the teachers and students proved to be very enthusiastic as well. It should be a great school year.

Attended the Maryland National Capital Building Industry Association Annual Crab Feast, which was held at Breton Bay, and expressed congratulations to them for a very successful program.

Attended the 20th Annual Chaptico Classic event in Chaptico, with a great turnout of people, including many families. Several individuals from County Government ran in the race, including Arthur Shepherd. Commissioner Mattingly expressed his congratulations to everyone that participated in the event.

Reported that he and Commissioner Raley attended the Cedar Point Federal Credit Union 60th Anniversary Celebration yesterday. Expressed congratulations to them for a very nice event.

Reported that the Maryland State Police Trooper Tour 2005 will host an open house tonight, and invited all citizens to attend.

Recalled how citizens in the County helped during the disaster by Hurricane Hugo, and asked citizens and other organizations to contact the local American Red Cross Association or another relief organization to find out how best to provide assistance with relief efforts for the individuals affected by Hurricane Katrina. The recovery efforts will prove to be long and very complicated, and it would be a great gesture for our local American Red Cross and the citizens of St. Mary's County to provide assistance.

Commissioner Jarboe

Announced a yard sale that will take place on Labor Day at the Charlotte Hall Farmer's Market by the Nagel family to help sponsor "Jerry's Kids, and will start at 8:00 a.m. and run all day long, until about 2:00 or 3:00 p.m. Asked citizens to turn out to help support this important effort.

Commissioner Raley

Along with Commissioner Mattingly, attended the Cedar Point Federal Credit Union 60th Anniversary event. Reported that the Credit Union has 27,500 members, which proves that they really have grown a great deal.

Reported that the annual SMECO event is scheduled to be held tomorrow night, and urged citizens to attend and vote for the Board of Directors of SMECO.

Reported that the Air Expo event will take place this weekend at the Patuxent River Naval Air Station, and urged drivers to divert their route away from the base, if they were not planning on attending the event.

Stated that the Board of Education has lately been successful in acquiring school sites; however, he publicly urged them to continue looking for the next high school site, so there is no delay. Although he knows they are already looking, he urged them to continue to look enthusiastically for the site.

Reported that he has listened to the anguish experienced by citizens in other localities that are losing bases due to the BRAC process, and he is glad that the Patuxent River Naval Air Station is not on the list. Stated that this has been a result of a tremendous amount of foresight and work by many people and organizations, with many groups coming together in this endeavor. Expressed his appreciation for the hard work and the cooperation that has helped to make this effort a success.

Reported that Commissioners recently received an e-mail from George Erichsen stating that Mr. Jimmy Owens of the State Highway Administration, in charge of the Loveville office, has retired, and is being replaced by Mr. James Morgan.

Commissioner Dement

Reported that the Convocation Ceremony at Leonardtown High School was a very nice event, and the speech given by the new Superintendent of Schools was quite enjoyable.

Reported that he greeted students yesterday who were arriving at schools on their first day, and that he really enjoyed it. Visited schools starting in Leonardtown and ending up at Dynard Elementary School, and also greeted each of the bus drivers at the schools. Reported his intention to meet each bus driver throughout the school system this year.

Expressed congratulations to Ms. Rose Pinky-Dement upon the event of her 60th birthday celebration, which was recently held at The Roost restaurant.

Reported that there was an Elvis fundraising event, which was held in honor of a five-year-old child. The event was sold out, with a large turnout. There was a lot of work done for the event, especially by Carol Ann Hall. Reported that the Elvis impersonator was one of the best he has seen.

Commissioner President McKay

Expressed his thanks to the many citizens, as well as the Commissioners, for their concern and prayers for his father. He received good care at St. Mary's Hospital, and recently entered Washington Hospital Center, where he is also receiving good care.

Reported that Ms. Adela Acosta, the new Director of Intergovernmental Relations, toured the County last Thursday. Reported on the sites she visited, as well as individuals that she met while in the County. Reported that Commissioner Mattingly joined them for part of the tour, and many issues were discussed with Ms. Acosta. She is now aware of many funding issues, and toured some important sites throughout the area.

Announced the County Government closings that will take place on Monday, September 5th in honor of Labor Day.

Reported that each of the Commissioners received an invitation to visit the Harry Lundeberg School of Seamanship on Monday, September 5th for a morning event, with President Bush in attendance. The Commissioners need to respond today to the invitation.

Announced that there would be no meeting of the Board of County Commissioners on Tuesday, September 6th. The next meeting will take place on Tuesday, September 13th. Reported that a public forum will take place on September 13th at 6:30 p.m. at the Hollywood Recreation Center, and invited the public to attend and to express any concerns they might have.

Announced the Third Annual Remembrance Ceremony for victims of September 11th that will take place at the flagpoles in front of the Governmental Center at noon on Friday, September 9th. Invited the public as well as all County Governmental staff to attend the ceremony.

ADJOURNMENT

The meeting adjourned at 12:46 p.m.

Minutes Approved by the Board of County Commissioners on _____

Kate Mauck, Senior Administrative Coordinator