

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, November 24, 1987

Present: Commissioner Carl M. Loffler, Jr., President
Commissioner W. Edward Bailey, Vice-President
Commissioner Robert Jarboe
Commissioner John G. Lancaster
Commissioner Rodney Thompson
Edward V. Cox, County Administrator
Judith A. Spalding, Recording Secretary

The meeting was called to order at 9:05 a.m.

APPROVAL OF MINUTES

Commissioner Bailey moved, seconded by Commissioner Jarboe, to approve the minutes of the Commissioners' meeting of Tuesday, November 17, 1987. Motion carried.

APPROVAL OF BILLS

Commissioner Thompson moved, seconded by Commissioner Jarboe, to approve payment of the bills as presented. Motion carried.

LEAGUE OF WOMEN VOTERS

Present: Patricia White, President
Charlotte Ashby
Betty Kostkowski
Grace Horton
Eileen Hislop
Mary Jansson

Representatives of the League of Women Voters appeared before the Commissioners to present reports on issues of interest and importance.

Dr. White began the presentation by review the issue of County Home Rule (with preferences for Charter). She stated that a study was initiated two years ago on local government by the League at the conclusion of which the consensus was reached that Home Rule with Charter Government would best serve the citizens of St. Mary's County. Dr. White indicated that it was the League's recommendation that the Board of County Commissioners establish a board to look into Charter-type government for St. Mary's County.

Charlotte Ashby spoke on the matter of Voter Registration and pointed out that the League encourages citizens to register to vote and conduct a candidates' night prior to elections.

Betty Kostkowski discussed the status of the teaching profession study and stated that a questionnaire was developed, the results of which will be provided to the Commissioners.

Grace Horton reviewed the League's interest in the Comprehensive Land Use Plan, which is still underway and further pointed out that the League is in support of the Critical Areas Legislation.

Eileen Hislop reported that the League will be doing a study on agricultural programs to look at policies and programs by the federal government.

Mary Jansson pointed out the League's concern for water quality and aquifers. In response to her concerns regarding Harry Lundeberg Schools groundwater penetration study, Commissioner Bailey stated that it was his understanding that the State was conducting the study, not the School.

In conclusion the Commissioners thanked the League members for their interest in these important issues and advised that the Board will make a decision after the first of the year on the request for a board to study Charter Government.

COUNTY ADMINISTRATOR ITEMS

1) CORRESPONDENCE TO PUBLIC SCHOOLS
COMPENSATION STUDY REPORT

The County Administrator presented correspondence addressed to the Superintendent of Schools relative to the invitation to attend the meeting regarding the Compensation Study. The correspondence indicates that the Commissioners prefer that the report be forwarded to the Board for review in order to be prepared for more meaningful discussion.

2) APPOINTMENTS
BOARDS, COMMITTEES AND COMMISSIONS

a) Marcey House Board of Directors

Commissioner Thompson moved, seconded by Commissioner Jarboe, and motion carried, to make the following appointments to the Marcey House Board:

<u>Name</u>	<u>Term to Expire</u>
Sharon K. Bradley	December 31, 1988
Berlin Cummings	December 31, 1988
Dorothy Guest	December 31, 1988
Robert E. Guest	December 31, 1988
Ken Henson	December 31, 1988
Russell Horton	December 31, 1989
Edward J. Kerns	December 31, 1989
John Maddox	December 31, 1989
Richard J. Martin	December 31, 1989
J. Maguire Mattingly, Jr.	December 31, 1989
Mary Agnes Plunkett	December 31, 1990
Melvin G. Reed	December 31, 1990
Walter W. Sawyer	December 31, 1990
James W. Williams	December 31, 1990
Raymond Williams	December 31, 1990

b) Building Authority Commission

Commissioner Bailey moved, seconded by Commissioner Jarboe, to officially appoint Charles W. Wade, Director of Finance, to the Building Authority Commission. Motion carried.

c) Wicomico-Zekiah Local Scenic River Advisory Committee

Commissioner Jarboe moved, seconded by Commissioner Bailey, to submit the following nominations to the referenced Board:

Residents Owning Land Contiguous to the Scenic/Wild River

Luther Wolfe
Robert E. Pogue, Sr.

Residents of County Who Do Not Own Land Contiguous to Scenic/Wild River

Howard Burch
John Cheseldine
Robert J. Arnold

Representative of Local Governing Body

Frank Gerred, Director, OPZ

Representatives of Soil Conservation District

James Beavan
Alexander Stewart

3) U.S. GEOLOGICAL SURVEY LEASE
(PINEY POINT)

The County Administrator presented the renewal lease for a facility in Piney Point used by U. S. Geological Survey for storage of equipment and requested authorization for the President of the Board to sign the document.

Commissioner Bailey moved, seconded by Commissioner Thompson, to authorize Commissioner Loffler to sign the Lease as presented. Motion carried.

4) RESOLUTION NO. 87-21
BOARD OF EDUCATION CAPITAL IMPROVEMENT PROGRAM (FY '89)

(Because of possible conflict of interest, Commissioner Loffler did not participate in this discussion.)

As a follow up to the presentation made by representatives of the St. Mary's Public Schools, the County Administrator presented Resolution No. 87-21 whereby the Board of County Commissioners approves the submission of th Program to the Interagency for School Construction.

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve and sign Resolution No. 87-21as presented. Motion carried.

5) PERSONNEL

The County Administrator presented the following items of personnel:

a) ECONOMIC DEVELOPMENT SPECIALIST
DEPARTMENT OF ECONOMIC & COMMUNITY DEVELOPMENT

Memorandum dated November 23, 1987 from Personnel Office recommending the appointment of Susan G. Wilkinson to the position of Economic Development Specialist, Grade 12, effective November 30, 1987.

Commissioner Bailey moved, seconded by Commissioner Thompson, to accept this recommendation. Motion carried.

b) PROCUREMENT OFFICER
PURCHASING & LOGISTICS DEPARTMENT

Memorandum dated November 13, 1987 from Personnel Office recommending the appointment of James P. Haley to the Procurement Officer position, Grade 14, effective November 30, 1987.

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to accept this recommendation. Motion carried.

6) CORRESPONDENCE TO STATE HIGHWAY ADMINISTRATION

The County Administrator presented two items of correspondence addressed to SHA (1. Re: Highway Needs/Inventory and 2. Re: DOT Annual Program) which had been previously submitted to the Board for review.

The Commissioners agreed to sign and forward said letters.

OFFICE OF PLANNING AND ZONING

Present: Frank Gerred, Director
Robin Guyther, Planner
Peggy Childs, Recording Secretary

Members of the audience included: Dick Myers, WPTX; Judy Landau, The Tide Newspaper; Viki Volk, The Enterprise; Vince DelGavio, WKIK; and Louis Eberle.

SPEC 87-0618: WILDEWOOD PUD

Requesting a change in the category designations of various parcels associated with the Wildewood community to allow for the design and installation of public water and sewer systems.

A change in the Water Plan designation from W4D to W2D and a change in the Sewer Plan designation from S3D to S2D is being requested for the following properties, containing approximately 297 acres, shown on Tax Map 34, Parcels 20, 196, 604, 594, 16, 145, and part of 79.

A change in the Water Plan Designation from W6 to W4D and a change in the Sewer Plan category from S6 to S4D is being requested for 306 acres adjoining Wildewood on the west, shown on Tax Map 33 as Parcel 166.

Deputy Director Robin Guyther advised the Commissioners that this public hearing had been advertised as required by law, notice having been published in The Enterprise on Nov. 6th and Nov. 13, 1987. The first part of this request, Mr. Guyther said, is to change the designation for approximately 297 acres from W4 and S4 (service in 3-6 years) to W2 and S2 (final planning stage). He explained that State Health Regulations required designation of these categories in order to take the next step, and Wildewood PUD is ready to take the next step. The Planning Commission recommended approval on November 9, 1987.

The second part of the request, he said, is for an additional 306 acres adjoining and purchased by Wildewood, requesting a change from W6 and S6 (no planned service) to the W4 and S4 category. However, the Planning Commission has not made a recommendation on this change, as they are waiting to see how this 306 acres will compare to Wildewood as far as roads, etc., and to see what will be there.

Commissioner Bailey made a motion to accept the Planning Commission's recommendation and approve the changes from W4D to W2D and S4D to S2D for approximately 297 acres, consisting of the parcels enumerated above. The motion was seconded by Commissioner Lancaster and unanimously carried.

PATUXENT RIVER COMMISSION

Present: The Honorable Constance Lieder, Secretary of Maryland Department of State Planning; Mr. Ray Puzio, DSP; Ms. Terri Garroty-Arnold, DSP; Dave Plott, DSP; and Frank Gerred, Director, St. Mary's County Office of Planning & Zoning.

Secretary Lieder explained that, since we have a new Board of County Commissioners since the formation of the Patuxent River Commission, she had wanted to come down and meet with them and make them aware of what the Commission is doing.

Ms. Lieder gave a slide presentation on the Patuxent River, explaining that the Patuxent River Watershed Act was passed in 1980 as a result of litigation by the southern counties of Maryland that the northern counties were polluting the Patuxent River. The Patuxent River Commission was formed, consisting of representatives from the seven counties of the watershed and four state agencies, the Dept. of the Environment, DNR, Dept. of Agriculture, and the Department of State Planning, with DSP having the responsibility for implementing the Act and preparing a plan for the Patuxent.

The Patuxent River Commission, Ms. Lieder said, is one of the most important things going on in the state. The river is an extraordinary resource for the State of Maryland, for its people, its economy, and its wildlife. It is the only river entirely in the State of Maryland, and we control its destiny - the control, the development, and the preservation of the river is entirely within the ability of the State of Maryland. Further, the Patuxent has become a model watershed for efforts to restore the productivity of the Chesapeake Bay. If we cannot clean up the Patuxent we will not be able to handle the Bay.

To accomplish this, two plans have been established: the 208 Water Quality Management Plan, under which the State is spending millions of dollars to update the Wayson's Corner and Western Branch Sewage Treatment Plants to remove nitrogen, phosphorous and other nutrients from discharge into the river, and outlined the ten recommendations of the Plan and presented a copy to the Commissioners, saying that St. Mary's has gone even further than was requested by implementing a 150 ft Primary Management Area (PM[]) buffer instead of the 100 ft. called for in the Plan.

Ms. Lieder stressed concern about urban growth. She said they have a study which shows that the demand for land is increasing 2-3 times as fast as our population growth. If we are going to look to the future, she said, urban growth is where we have to be most concerned. Forest cover is also very important, not only in preventing runoff, but it also protects the water by shading and cooling it and allowing species to develop. If we had to do one thing to protect this river and the entire Chesapeake Bay, it would be to optimize our forest cover - replant trees and prevent trees from being cut down. She said the state has adopted a law last year which requires all state agencies in a construction project to replace every tree that they cut down. If they cannot replace the tree on the site they contribute to a fund for DNR to plant trees elsewhere. This is particularly important with highway projects, which tend to cut through large amounts of forest.

Ms. Lieder also presented to the Commissioners a copy of the Patuxent River Commission Progress Report, 1980-1986.

PINEY POINT SHORES ALLOCATION POLICY RESOLUTION

Present: Frank Gerred, Director, OPZ; Joe Densford, Assistant County Attorney.

Mr. Gerred presented for the Board's signature a Resolution as previously discussed; however, Mr. Loffler expressed concern with the language of subparagraph (1), which stated that one EDU of sewage treatment capacity would be allocated for each lot of record as of the effective date of this policy, and said he thought it should read for each lot of record as of the date of the EPA Grant approval. The Commissioners concurred that they should use the plat they had been working with all along, dated 1978, and asked Mr. Gerred to ascertain how many lots had been recorded since that time and get back to them today with these figures.

Mr. Gerred returned with the requested information and a revised resolution allocating one EDU of sewage treatment capacity for each lot of record within the Piney Point Shores Subdivision prior to September 30, 1986, except that where two or more contiguous lots of record are in common ownership, such adjoining lots shall be considered a single lot entitled to one EDU. Further, where the total area of a lot of record, or two or more lots of record under common ownership exceeds 8,000 sq. ft., one EDU of capacity shall be allocated for each additional 8,000 sq. ft. of area. Commission Lancaster moved to approve and sign this Resolution No. 87-20. The motion was seconded by Commissioner Bailey and unanimously carried.

FSUB # 87-0213 FLINKER PROPERTY (CHERYL HEIGHTS)

Present: Tom Howard, D. H. Steffens Co., and Robin Guyther, Deputy Director, OPZ; Joe Densford, Assistant County Attorney.

Mr. Howard explained that this case had been before the Planning Commission, who had approved the project with the condition that a restriction be placed on the plat stating there could be no further subdivision of these lots until Golden Beach Road is upgraded to County standards. Mr. Howard said he did not know what that meant and he objected to putting a restriction on the plat that he did not understand. He said he went back to the Planning Commission a second time, but they had upheld their original decision.

Mr. Guyther explained that this is a subdivision of large lots which could possibly be further subdivided. One lot in particular is 4.3 acres, which could be resubdivided into 4 one acre lots. He said that Golden Beach Road is one of the worst roads in the County regarding the amount of traffic, and the Planning Commission, being aware of this, sensed an intuitive problem potential, and felt this property should be prohibited from further subdivision until Golden Beach Road is improved.

Attorney Joe Densford said he had discussed this with Mr. Howard and with Mr. Flinker and he did not remember Public Works having any real objection to this plan, and he is concerned that this restriction may be discriminatory against this project unless DPW can come up with some facts and figures to support it.

Further discussion resulted in Mr. Loffler's direction that this case go back before the Planning Commission at their meeting of December 14th to determine if they are proposing a policy for Golden Beach Road otherwise, they cannot make this restriction. Mr. Loffler stated to Mr. Howard that the Commissioners would not hold him up, but would make their decision immediately following the December 14th meeting, based on the Planning Commission's conclusion.

MARYLAND PUBLIC SCHOOLS CONSORTIUM FOR PARTNERSHIPS

Present: Sal Raspa, St. Mary's Public Schools
John Ryan, "

The referenced individuals appeared before the Commissioners to explain the referenced Program, the purpose of which is to promote partnerships for the purpose of enhancing public education throughout the State of Maryland. The goals of the Program are as follows: To share information about educational partnerships with business and community groups, to publicize partnership information, and to develop a resource directory.

Mr. Raspa pointed out that they will be approaching the Chamber of Commerce to introduce this program and work through them to develop partnerships in the school system.

In conclusion the Commissioners thanked the referenced individuals for their presentation and expressed support of the Program.

350TH ANNIVERSARY COMMITTEE/CHAMBER OF COMMERCE
"MARYLAND YOU ARE BEAUTIFUL" PROGRAM

Present: 350th Committee Members
Chamber of Commerce Representatives
"Maryland You Are Beautiful" Nominees

Commissioner Loffler explained that the purpose of the referenced Program, which was sponsored by the 350th Committee and the Chamber of Commerce, was to recognize people who gave unselfishly of themselves to neighbors and the community.

Receiving Certificates of Recognition were the following nominees for St. Mary's County's "Most Beautiful": William E. Arick, Lalon Bryant, Beth Gunning, Mary Lillian Hewitt, Peggy Howard, Sister Francis Miriam, Fred Nalley, Al Payton, Hope Swann.

Lucille Righter was the recipient for the "Maryland You are Beautiful" award for St. Mary's County. Ms. Righter was presented with a plaque, tee shirt and tote bag.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator

Commissioner Bailey moved, seconded by Commissioner Lancaster, to meet in Executive Session in order to discuss matters of Personnel and Litigation. Motion carried.

Litigation

Also Present: Frank Gerred, Director, OPZ

(12:40 p.m. to 1:18 p.m.)

Personnel

(1:18 to 1:30 p.m.)

ST. MARY'S PUBLIC SCHOOLS
BOARD OF EDUCATION BUDGET PROCESS

Present: Larry Lorton, Superintendent of Schools
Dennis Younkin, Director, Adm. and Fiscal Services

The referenced individuals appeared before the Commissioners to explain the background, history and procedures by which the school budget is annually developed.

Dr. Lorton explained that as a result of discussion of a few weeks ago regarding categorical changes, he felt that the Commissioners should have an opportunity to hear an explanation of the formation of the budget. He stated that there are three main factors: Enrollment projections, revenue projections and salary negotiations.

Dr. Lorton distributed a handout setting forth the budget calendar, enrollment projections, salary cost projections, revenue projections, PL 874 Funds, Major State Aid Programs, Wealth Per Pupil Summary, State aid Per Pupil Summary, Expenditure Per Pupil Summary, etc. (A copy is on file in the Commissioners' Office.

At the conclusion of the presentation, the Commissioners thanked Dr. Lorton and Mr. Younkin for the presentation and offered the Board's cooperation.

DEPARTMENT OF PUBLIC WORKS

Present: John Norris, Director

- 1) ADVANCED LIFE SUPPORT FACILITY
ALCOHOL HALFWAY HOUSE FACILITY

Mr. Norris reminded the Commissioners that the bids for the construction of the referenced facilities had come in too high and that he was to meet with the agencies to develop alternatives. He stated that this has been done and therefore presented site plans for the change of site location of the ALS and Halfway house facilities. ALS is to be located in the vicinity of the old nursing home and the Halfway House is to be located adjacent to and behind the Leonardtown Library. The purpose of the relocations and the separation of two facilities is to reduce site construction costs and to try to attract builders of upscale residential facilities.

In conclusion Mr. Norris requested the Board's approval of the concept plans for ALS and AHH and authorization for DPW to submit appropriate applications for permits for approvals by the Town and county agencies.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to grant approval as requested. Motion carried.

2) STSP 87-1126 - SHIP POINT MACHINE, INC.

Commissioners Loffler and Thompson inquired of Mr. Norris the status of the referenced site plan that had been discussed by the Commissioners on October 13 and 20 in that the applicant had not yet received his grading permit.

Mr. Norris responded that the construction drawings were in need of revision and that he would be looking at the project the following day (November 25).

Commissioner Thompson stated that a letter from the Department of Public Works did not reflect the decision of the Commissioners at their October 20 meeting regarding the right-of-way extending to the adjacent property for 250 feet. Mr. Norris responded that he would correspond again with the developer which would correct the County's understanding.

PUBLIC FACILITIES BONDS OF 1987

Present: Charles Wade, Director of Finance
Sam Ketterman, (Financial Advisor) Alex Brown & Sons

The referenced individuals appeared before the Commissioners to discuss the upcoming "County Commissioners of St. Mary's County Public Facilities Bonds of 1987" and to request the Board's approval of the Resolution authorizing the issuance and sale of the general obligation bonds in the amount of \$5,000,000.

Mr. Wade indicated that the sale will on a competitive bid basis on December 10 at Signet Bank in Baltimore.

Mr. Ketterman explained the process of how bids are received, reviewed and accepted or rejected, and the fact that the Commissioners will be contacted by telephone to vote on the bid.

After discussion Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve and sign Resolution No. 87-22 - County Commissioners of St. Mary's County Public Facilities Bonds of 1987. Motion carried.

RESOLUTION NO. 87-21
TAX ABATEMENT (ST. MARY'S GARDEN APARTMENTS)

Present: Charles H. Wade, Jr., Director of Finance

Mr. Wade presented the referenced Resolution abating the County Real Estate Taxes for the years 1983, 1984, 1985, 1986 and 1987 in the amount of \$218,154.91. Mr. Wade explained that St. Mary's Garden Apartments was transferred to the United States Government as of March 10, 1983 and became exempt property as defined in Article Tax-Property Section 7-210 of the Annotated Code of Maryland.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve and sign Resolution No. 87-21 as presented. Motion carried.

AREA AGENCY ON AGING

Present: Billye McGaharn, Director

1) SENIOR CENTER - REVISED BUDGET

Mrs. McGaharn presented the Revised Budget for the Senior Center for the grant year ending June 30, 1988 and stated that the grant provides funds for a portion of the Outreach position (the other portion is included in the SSTAP grant) at a cost of \$7,824.

Commissioner Lancaster moved, seconded by Commissioner Bailey, to approve and authorize Commissioner Loffler to sign the Revised Budget as presented. Motion carried.

2) SSTAP GRANT MODIFICATION

Mrs. McGaharn presented the Revised Budget for the SSTAP Grant in the amount of \$75,795, which includes funds for a portion of the Outreach position and the leasing of a bus.

During discussion of this Grant, Mrs. McGaharn presented the need for a new van for which she will be making an application to the State in the amount of \$40,375 (\$2,125 local share). She stated that in the meantime she would like the Commissioners to approve a lease for a bus for 6-8 months with Mr. Kessler.

The Commissioners deferred a decision until Mrs. McGaharn returns with information as to whether county funds are needed in the grant and also requested her to look into the possibility of acquiring the used van from the Nursing Center.

BOARD OF COUNTY COMMISSIONERS' TIME

ADVISORY COUNCIL ON PUBLIC EDUCATION

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve the appointment of an Advisory Council on Public Education as proposed by Commissioner Loffler. Commissioners Bailey and Jarboe voted against. Motion carried. three to two.

EXECUTIVE SESSION

Present: Edward V. Cox

Commissioner Bailey moved, seconded by Commissioner Lancaster, to meet in Executive Session in order to discuss matters of litigation, personnel and cost estimates for capital projects. Motion carried. The Session was held from 3:45 p.m. to

Litigation

Also Present: John Norris, Director, DPW

(3:45 p.m. to 4:20 p.m.)

Cost Estimates for Capital Projects

Also Present: John Norris, Director, DPW
Dr. William Marek, Deputy Health Officer

(4:20 to 4:45 p.m.)

Personnel

Present: Charles H. Wade, Jr., Director of Finance

(4:45 p.m. to 5:15 p.m.)

Personnel

(5:15 p.m. to 6:30 p.m.)

ADJOURNMENT

The meeting adjourned at 6:30 p.m.

Approved,


Carl M. Loffler, Jr.
President