



No. 90-6  
COUNTY COMMISSIONERS

To replace money budgeted for secretarial chair that was used for payment of sound system in Commissioners' Conference Room.

No. 90-7  
COUNTY ADMINISTRATOR

To provide funds for purchase of calculator for newly appointed Administrative Officer.

Commissioner Bailey moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Loffler to sign the budget amendments as presented. Motion carried.

4) MARCEY HOUSE

Mr. Wade presented the following documents relative to the Marcey House Grant for the Board's approval:

- ° Certificate of Non-Discrimination
- ° Condition of Grant Award Statement
- ° Request for Advance in the amount of \$31,671

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign the referenced documents. Motion carried.

5) ST. MARY'S COMMUNITY COLLEGE PROGRAM

Mr. Wade presented correspondence addressed to Secretary Brown of the Department of Natural Resources requesting assistance in the conveyance of approximately 150 acres at the St. Mary's River State Park near Chancellors Run Road.

During discussion Commissioners Jarboe and Bailey stated they were of the opinion that the Indian Bridge site was more preferable over the Chancellors run site, and that the Indian Bridge site should be pursued. the Commissioners agreed to hold the letter until next week's meeting.

6) LIVABILITY CODE IMPLEMENTATION PROGRAM GRANT AMENDMENT

Mr. Wade presented correspondence addressed to the Maryland Department of Housing and Community Development amending the referenced Program Grant by changing notice communications contact to Director of Office of Planning and Zoning Jon R. Grimm.

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

7) OFFICE ON AGING

Mr. Wade presented the following documents relative to Office on Aging programs:

- ° Senior Visitation Grant - Notification of Grant Award for Fiscal Year 1990 in the amount of \$8,000.

- Interagency Committee on Aging Services - Senior Coordinated Care System - Contract between Maryland Office on Aging St. Mary's County for the period from July 1, 1989 through June 30, 1990 in the amount of \$69,252.
- SMILE - Correspondence to Maryland State Department of Education documenting relationship between St. Mary's County Office on Aging and the programs under its sponsorship, specifically, the County SMILE Adult Day Care Centers.
- Child Care Food Program Agreement - Agreement Renewal effective October 1, 1989 through September 30, 1990.

Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve and authorize Commissioner Loffler to sign the referenced documents as presented. Motion carried.

8) STATE CLEARINGHOUSE PROJECT NO. MD890821-0682-300112  
ADASMIDONTA HETERODON PROTECTION

Mr. Wade presented the referenced clearinghouse project and recommended that it be forwarded to the State with the comment that it is consistent with our agency's plans, programs, and objectives.

The Commissioners concurred.

9) CRIME VICTIMS' SERVICE PROGRAM  
BATTERED SPOUSE/RAPE CRISIS PROGRAMS  
GRANT APPLICATION AND SERVICES CONTRACT

On behalf of Walden Counseling Center, Mr. Wade presented the referenced grant application in the amount of \$111,849 and Services Contract between Maryland State Department of Human Resources and St. Mary's County.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign the referenced documents. Motion carried.

10) RESOLUTION NO. 89-23  
ST. MARY'S COUNTY MEMBERSHIP  
IN LOCAL GOVERNMENT INSURANCE TRUST

Mr. Wade presented the referenced Resolution whereby St. Mary's County is a party to the Local Government Insurance Trust as of July 1, 1989 among the Local Governments and Trustees, which are parties to the Trust. He further presented the Second Amended and Restated Local Government Insurance Trust Agreement dated as of July 1, 1989.

After discussion Commissioner Jarboe moved, seconded by Commissioner Bailey, to approve and sign Resolution No. 89-23, and further to authorize Commissioner Loffler to sign the Second Amended and Restated Local Government Insurance Trust Agreement as presented. Motion carried.

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

1) ADDENDUM TO PUBLIC WORKS AGREEMENT  
LAUREL RIDGE SUBDIVISION

Mr. Ichniowski presented an Addendum to the Public Works Agreement between Swarey Builders, Inc. and St. Mary's County guaranteeing completion of roads in Laurel Ridge Subdivision, Section 2, reducing the Letter of Credit with Maryland Bank and Trust to \$69,000.

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

2) ROAD RESOLUTION NO. R89-15  
OLD BRETON BEACH ROAD

Mr. Ichniowski presented the referenced Resolution posting Old Breton Beach Road at 25 miles per hour.

Commissioner Thompson moved, seconded by Commissioner Bailey, to approve and authorize Commissioner Loffler to sign the Road Resolution as presented. Motion carried.

3) DEED OF DEDICATION  
ROAD RESOLUTION  
WHISKEY CREEK ROAD

Mr. Ichniowski presented a Deed of Dedication dated September 5, 1989 by and between Kenneth W. Sumner and St. Mary's County accepting the extension of Whiskey Creek Road into the County's Highway Maintenance System.

In addition Mr. Ichniowski presented Road Resolution No. R89-14 posting Whiskey Creek Road at 25 miles per hour.

Commissioner Thompson moved, seconded by Commissioner Bailey, to accept the Deed, approve the Road Resolution, and authorize Commissioner Loffler to sign the documents. Motion carried.

4) COMPREHENSIVE TRANSPORTATION ELEMENT

Also Present: Dave Gerdel, Supervisor, Engineering Services, DPW  
Jon Grimm, Director, Planning and Zoning  
Keith Fairfax, Transportation Committee

(Commissioner Lancaster did not participate in this item.)

Mr. Gerdel presented and reviewed the update of the Comprehensive Plan Transportation Element which identifies the County's road needs and focuses on the area bordered by Rt. 235, Willows Road, Rt. 5, and St. Andrews Church Road. Mr. Gerdel reviewed the objectives, background, elements of the plan, execution/support of the plan, past funding support, financial analysis, and recommendations. Included among the recommendations was a suggestion to transfer \$149,000 from the FDR Boulevard project to do the road mapping.

During discussion the Commissioners expressed concern regarding the FDR Boulevard Road project indicating that improving that road would not alleviate the road congestion problem. In addition Commissioner Jarboe offered alternatives to the Plan regarding Peggs Road improvements on the basis of concerns for wetlands.

In conclusion the Commissioners agreed to the following:

1. To eliminate FDR Boulevard as part of the plan at this time and use the budgeted \$149,000 towards other expenses.
2. To direct the County Administrator to prepare correspondence to Congressman Dyson assist the County in getting a commitment from the Navy with regard to the North and South entrances to the Naval Air Station.
3. To direct Department of Public Works to work with the Finance Office with regard to the \$149,000 in that Mr. Wade expressed concern regarding use of these funds, which are from bonds.
4. To direct that the Department of Public Works to move forward on this project and to maintain the Planning Commission's and Task Force's involvement.

ORDINANCE NO. 89-22  
MARYLAND TRANSPORTATION BONDS  
FIRST ISSUE, TWELFTH SERIES

The Commissioners having conducted a public hearing on September 5, 1989 on the adoption of an Ordinance authorizing St. Mary's County to enter into a Participation Agreement with the Department of Transportation of Maryland for the purpose of securing the payment of the principal and interest on the bonds to be issued by DOT; and further authorizing the County to participate in the proceeds of the Bonds, Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve and sign Ordinance No. 89-22 as and to authorize Commissioner Loffler to sign the Participation Agreement as presented. Motion carried.

CHESAPEAKE BAY CRITICAL AREA PROGRAM

Present: Ford L. Dean, Chairman, Critical Area Review Task Force  
Jeff Jackman, Office of Planning and Zoning

The referenced individuals appeared before the Commissioners to continue discussion of the draft Chesapeake Bay Critical Bay Critical Area Program and to submit pages that had been amended as a result of the Task Force's meeting of September 15.

- ° Page 4 - Remove "or succeeding bodies" which is not needed because the Charter did not pass during the September 12 Special Election.
- ° Page 4 - Item 6 which provides a procedure whereby mistakes may be remedied.
- ° Page 8 - Area Designations - Add: Pine Hill Wastewater Treatment Plant.
- ° Page 16 - Amends #4 by requiring environmental review when land is converted to new farm.

During discussion Commissioner Loffler offered amendments regarding Part 3 - Mineral Resources Element and the Resource Protection Point System.

After discussion Commissioner Loffler stepped down as Chairman of the Board and moved to accept the Chesapeake Bay Critical Area Plan including the amendments presented by the Task Force and further to amend the document as offered by Commissioner Loffler. The motion died for lack of a second.

Commissioner Jarboe moved, seconded by Commissioner Bailey, to approve the Chesapeake Bay Critical Area Plan with the amendments as presented by the Task Force. Motion carried four to one.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to sign and forward the letter to the State Critical Area Commission transmitting the Critical Area Program and Maps. Motion carried.

PROCLAMATION  
ADULT DAY CARE

Present: Gene Carter, Director, Office on Aging  
Jennie Page, Office on Aging  
Helene Hautzenroder, "

The Commissioners presented the referenced Proclamation designating September 17-23 as Adult Day Care Week in St. Mary's County.

COMMUNITY SERVICE DAY

Present: Becky Stevens  
Carolyn Billups  
Paul Chesser  
Mary Whetstine  
Juanita Nether  
Peggy Howard  
Julia Palmer

The referenced individuals appeared before the Commissioners to explain the details of Community Service Day which is scheduled for Saturday, October 21. The day is an opportunity for individuals and groups to volunteer to help the community and each other.

Ms. Stevens announced that 100 different projects have been registered, and there are over 600 volunteers. Projects include: recycling, trash pickup, nursing home volunteers, and medical evaluations.

In closing Ms. Stevens requested a Commissioner to volunteer as Master of Ceremonies or to submit a project.

EXECUTIVE SESSION

Present: Charles H. Wade, Director of Finance  
Joseph R. Densford, Acting County Attorney

Commissioner Bailey moved, seconded by Commissioner Thompson, to meet in Executive Session to discuss a matter of personnel. Motion carried. The Session was held from 12:05 p.m. to 12:20 p.m.

(COMMISSIONER LOFFLER LEFT MEETING 1:00 p.m.)

MARYLAND ASSOCIATION OF COUNTIES  
1990 LEGISLATIVE INITIATIVES

Mr. Wade presented correspondence addressed to Maryland Association of Counties in response to September 8 correspondence regarding 1990 Legislative Initiatives and submitting the following comments on the following issues: Education, Agriculture, Criminal Justice System, and Land Use Regulations.

Commissioner Bailey moved, seconded by Commissioner Jarboe, to endorse the initiatives and to sign and forward the letter as presented. Motion carried.

COUNTY ATTORNEY POSITION

Mr. Wade presented a memorandum from the Personnel Officer requesting approval to appoint Joseph R. Densford as Director of the County's Legal Department, Grade 28 - Step 4.

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

TRI-COUNTY COUNCIL  
REGIONAL ACTION ON DRUG ABUSE IN SOUTHERN MARYLAND

Mr. Wade presented correspondence dated August 23 from Tri-County Council requesting the Commissioners' review of the draft of recommendations for regional action on drug abuse in Southern Maryland.

Commissioner Jarboe moved, seconded by Commissioner Bailey to approve the draft recommendations as presented. Motion carried. The County Administrator was directed to prepare a response to Tri-County Council for presentation at next week's meeting.

ST. MARY'S PUBLIC SCHOOLS

Present: Dr. William Burroughs, Superintendent of Schools  
John McFadden, President, Board of Education

1) STUDENT ENROLLMENT

The referenced individuals appeared before the Commissioners to present student enrollment figures as of September 15, 1989. Mr. Burroughs stated that 12,208 are currently enrolled, which is 10 less than last year, and 341 less than what had been projected for this year. Dr. Burroughs noted that this figure could change in the next two weeks.

2) HEALTH INSURANCE COSTS

Mr. McFadden stated that because of enrollment and experience using retrospective application the Board of Education used a year ago, there is a net reduction of approximately \$300,000 to \$400,000. He stated that certain requests in the FY '90 budget had not been approved because of the insurance costs, and the Board of Education will come before the Board to request use of those funds.

3) DYNARD ELEMENTARY SCHOOL PROJECT

Mr. McFadden reported that the referenced project is not listed for construction under the Interagency for School Construction and stated that the County's support will be solicited in order to get St. Mary's County in line for these funds for next year.

BOATEL CALIFORNIA

Present: Cathy Church, Attorney, Patuxent Beach Community  
Oran Wilkerson, Patuxent Beach Community Citizens  
Bob Herndon, "  
Jack Witten, "  
Ernie Modlin, "  
James R. Smith, "  
Other interested citizens of Patuxent Beach  
Jon R. Grimm, Director, Planning and Zoning  
Joseph R. Densford, County Attorney

The referenced representatives of the Patuxent Beach Community appeared before the Commissioners to request that the Board not accept the Quit Claim Deeds from the developer of the referenced project, and to not grant him the 20-foot right-of-way easement between Patuxent Beach Road and the water.

Ms. Church, attorney for the citizens of Patuxent Beach, questioned the legitimacy of the quit claim deeds being offered to the Commissioners and raised the following questions and points:

1. Is the applicant the lawful owner of property for which he supplied quit claim deeds?
2. How can the developer offer property that he may not own?
3. What legal basis, if any, existed, to make the claim that "A" Street had been abandoned.
4. The County wants to obtain title to access to the Patuxent River, and the developer has offered a quit claim deed in exchange for a right-of-way to this area.
5. That in order to address the above issues, an out-of-the county firm should conduct a thorough title search of the parcels involved.

During discussion comments were made by the referenced citizens urging the County to reconsider accepting the developer's offer of quit claim deeds, citing traffic and safety concerns.

Mr. Witten pointed out that criteria of the Comprehensive Plan Neighborhood Conservation District, the change or mistake rules and adequate public facilities requirements have not been adhered to.

In closing the Commissioners thanked the citizens for their interest and comments.

#### DRUG FREE WORKPLACE POLICY

Present: Charles H. Wade, Director of Finance  
George Foster, Personnel Officer

The referenced individuals appeared before the Commissioners to present proposed changes to the County Manual of Personnel Policies regarding a Drug-Free Workplace Policy. The Drug-Free Workplace Act of 1988 requires agencies receiving Federal grants to certify that their workplaces are drug-free, and if they do not comply may lose their grants. The policy could be confined to only those employees working on grants, but is written to cover all county employees. Included among the proposal was an "Employee Drug-Free Workplace Statement" which is to be signed by new employees.

The Commissioners agreed to make a decision on this amendment at next week's meeting.

(Commissioner Loffler returned to the meeting - 3:00 p.m.)

#### LEONARDTOWN COUNCIL IMPACT FEES

Present: Maguire Mattingly, Mayor  
Charles Breck, Town Councilman  
Ed Long, "  
Dan Muchow, "  
Ruth Proffitt, Town Councilwoman  
Steve Raley, "

The referenced members of the Leonardtown Council appeared before the Commissioners to discuss the establishment of impact fees in Leonardtown. Mr. Wade distributed a handout setting forth County Resolution No. 89-21, Capital Financing for FY '91 through FT '95, and the following Statement of Understanding:

- ° Impact Fee Resolution is applicable to all residential units in the County, including those living in Leonardtown.
- ° County does not plan to build roads or parks in Leonardtown \$300 and \$200 not applicable to Leonardtown.
- ° \$1,500 for school construction applicable to each permit issued since August 9, 1989.
- ° Town will collect Impact Fee and remit to County Director of Finance monthly.
- ° Town will develop Impact Fee in addition to County's \$1,500 and will retain that amount.
- ° For those Impact Fees not collected by the Town since August 9, 1989 to the present, the County will notify and collect.



During discussion the following points were raised:

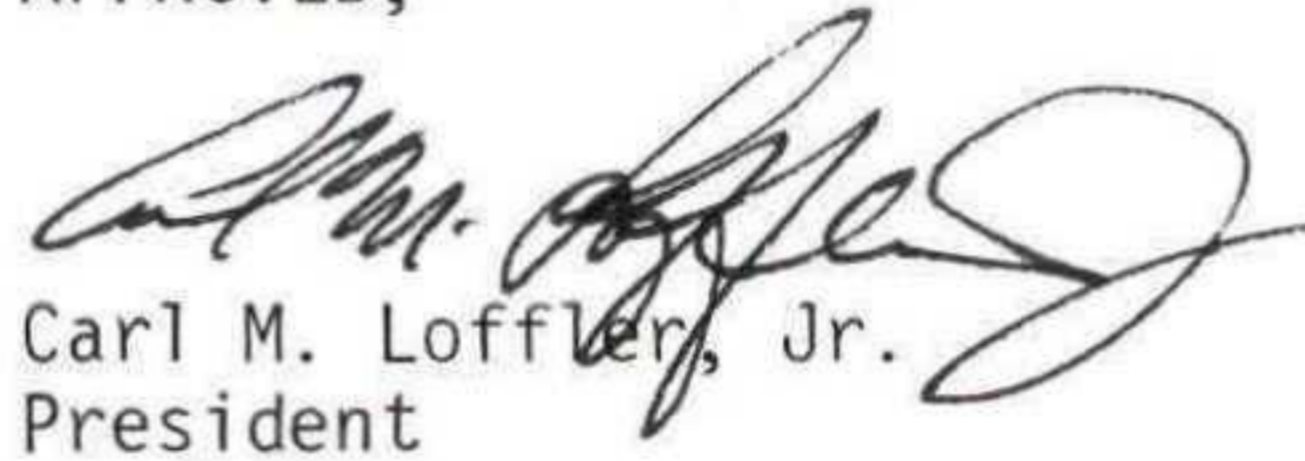
- ° Streets in Leonardtown will have to be identified as to which are state, county or town.
- ° St. Mary's County could turn over the park in Leonardtown over to Leonardtown.
- ° Mr. Mattingly stated that the Town may want to impose an impact fee for water and sewer improvements.
- ° Article 23 of the Annotated Code of Maryland allows for municipalities to charge reasonable fees.
- ° Leonardtown will need to establish its own Ordinance for the fees it will collect.

After discussion Commissioner Lancaster moved, seconded by Commissioner Jarboe, to direct the County Administrator to prepare correspondence requesting that the Town collect the county-imposed impact fee for school construction \$1500, which will be submitted to the County's Director of Finance; that since the County does not plan to construct roads or parks in the Town, the \$200 and \$300 portions of the County Impact Fee does not apply; and that information relative to any permits issued since the establishment of Resolution No. 89-21 on August 9, 1989, so that the \$1500 impact fee can be collected. Motion carried.

ADJOURNMENT

The meeting adjourned at 4:10 p.m.

APPROVED,

  
Carl M. Loffler, Jr.  
President