

ST. MARY'S COUNTY  
BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, August 27, 1991

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

CALL TO ORDER

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

APPROVAL OF MINUTES

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve the minutes of the Commissioners' meeting of Tuesday, August 13, 1991, including the Planning and Zoning portion of that meeting. Motion carried.

APPROVAL OF BILLS

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

COUNTY ADMINISTRATOR'S ITEMS

Present: Edward V. Cox, County Administrator

1) PRIVATE INDUSTRY COUNCIL  
JOB TRAINING PLAN MODIFICATION

The County Administrator presented Southern Maryland Private Industry Council Job Training Plan modification which incorporates the Fiscal Year 1990 Incentive Award for superior performance in addition to the Fiscal Year 1992 Older Workers Grant.

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

2) CORRESPONDENCE - RESPONSES

The County Administrator presented the following correspondence in response to letters that have been received:

- To Julia Webb regarding her concern about solid waste disposal explaining there is no charge at the transfer station.
- To Potomac River Association regarding Zoning Ordinance enforcement indicating that the County is making consistent effort to enforce the Ordinance.
- To Maryland Society of Surveyors of Southern Maryland welcoming their participation on our Boards relative to assisting updates to development plans and forwarding Personal Profile Sheets.
- To J. Frank Raley, Jr. relative to the Correctional Corporation of America's proposal to locate a private prison in St. Mary's County.

The Commissioners agreed to sign and forward the letters.



3) **PAYMENT IN LIEU OF TAXES PROGRAM (HR 1495)**

The County Administrator presented correspondence addressed to Congressman Gilchrest requesting his co-sponsorship of HR 1495, a bill to increase the authorization for the Payments-In-Lieu-Of-Taxes (PILT) Program.

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

4) **APPOINTMENT  
ST. MARY'S COUNTY ARTS COUNCIL**

Commissioner Bailey moved, seconded by Commissioner Lancaster, to appoint Philip D. Rollins, Director of Recreation and Parks, to the St. Mary's Arts Council. Motion carried.

5) **BUDGET AMENDMENTS**

The County Administrator presented the following Budget Amendments recommended for approval by the Director of Finance:

No. 92-11  
St. Mary's County Public Schools

To complete fencing at Greenview Knolls Elementary based on a cost overrun of a past project. To provide safety from entrance drive and road for children occupying paved play area (\$610)

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

No. 92-12  
St. Mary's County Public Schools

Carver Elementary School Project enhancement - clean-out drainage swale - positive drainage. Replace deteriorated concrete walk - safe walking surface. (\$8,000)

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

6) **PROPOSED PRIVATE PRISON**

The County Administrator presented correspondence addressed to Mr. Ray Runco thanking him for his offer of assistance relative to the Correctional Corporation of America's proposal for a private prison in St. Mary's County, advising him that the Commissioners are not aware of any site selection, and indicating that the County is not interested at this time in his representation of county government property.

Commissioner Lancaster moved, seconded by Commissioner Thompson, to sign and forward the letter as presented. Motion carried.

7) **RESOLUTION NO. 91-26  
LEGAL ADVERTISING**

As a follow up to previous discussion, the County Administrator presented the referenced Resolution setting forth guidelines for the placement of all legal advertising in only eligible mediums.

After discussion Commissioner Thompson moved, seconded by Commissioner Lancaster, to approval and sign Resolution No. 91-26 - Legal Advertising, as presented. Motion carried.



8) **ACTION - NOTIFICATION OF GRANT AWARD  
ALLIANCE FOR ALCOHOL AND DRUG ABUSE PREVENTION**

The County Administrator presented the revised Notification of Grant Award for the Alliance for Alcohol and Drug Abuse Prevention Fun Camp Program for the period July 1, 1991 through June 30, 1992. The award is in the amount of \$74,098.

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

9) **RESOLUTION NO. 91-27  
TIN TOP HILL SEWER LINE ALLOCATION POLICIES**

As a follow up to the July 30, 1991 presentation by county staff, the County Administrator presented the referenced Resolution setting forth the allocation policy for the Tin Top Hill Sewer Line extension project.

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve and sign Resolution No. 91-27. Motion carried.

10) **WATERWAY IMPROVEMENT GRANT APPLICATIONS  
REFUSE COLLECTION AND SANITARY FACILITIES**

The County Administrator requested affirmation of approval by three Commissioners of the Waterway Improvement Grant Applications for refuse collection at state wharves and Blessing of the Fleet and sanitary facilities at Piney Point, Wharf, Smith Creek, Bushwood Wharf, Forest Landing Boat Ramp and the annual Blessing of the Fleet. He stated that because of timing action was needed on the applications prior to today's meeting.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to affirm the action taken as requested. Motion carried.

11) **SEWAGE SLUDGE UTILIZATION PERMIT APPLICATIONS**

The County Administrator presented correspondence dated August 14, 1991 from the Department of Environment forwarding sewage sludge utilization permit applications for the allocation of sewage sludge on agricultural land. The sludge would come from the Pine Hill Treatment Plant and applied to properties south of Lexington Park, off of Route 235 - Stone Farm and the Earl Dean Farm. County Administrator Cox recommended that the County forego a public hearing on these applications.

The Commissioners agreed to waive the public hearing.

12) **CITIZEN ADVISORS' APPRECIATION NIGHT**

The County Administrator presented a memorandum setting forth a proposal for the Annual Citizen Advisors' Appreciation Night to be held October 24 at Hollywood Volunteer Fire Department at a cost of approximately \$5,000.

Commissioner Lancaster moved, seconded by Commissioner Bailey, to accept the proposal as presented. Motion carried.

13) **CONDEMNATION RESOLUTIONS  
(HEWITT'S ROAD AND PEGG'S ROAD PROPERTY ACQUISITIONS)**

As a follow up to previous discussion, the County Administrator presented the following Resolutions directing the County Attorney to bring condemnation lawsuit on on behalf of the County Commissioners to acquire certain real property in fee simple and in easement for the Pegg's Road reconstruction project:

Resolution No. 91-30  
Hewitt's Road Property Acquisition

Resolution No. 91-31  
Pegg's Road Property



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Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve and sign the Resolutions as presented. Motion carried. (Commissioner Jarboe voted in favor of the Hewitt's Road Resolution, but voted against the Pegg's Road Resolution.

**DEPARTMENT OF PUBLIC WORKS**

Present: Dan Ichniowski, Director

**1. ORDINANCE NO. 91-29  
SCOTT CIRCLE SPECIAL TAXING DISTRICT**

The County Commissioners having conducted a public hearing on August 13, Mr. Ichniowski presented the referenced Ordinance establishing a Special Taxing District for the improvement of Scott Circle, from the intersection with County Oak Road to the intersection of Sky View Drive, Golden Beach Subdivision.

Commissioner Bailey moved, seconded by Commissioner Thompson, to approve and sign Ordinance No. 91-29 as presented. Motion carried.

**2. RESOLUTION NO. 91-28  
HOLLYWOOD SHORES SHORE EROSION TAXING DISTRICT**

Mr. Ichniowski presented the referenced Resolution establishing a Shore Erosion Control Taxing District for Hollywood Shores. He stated that a written petition from the owners of more than 75% percent of the property owners has been received. The project will go to the Department of Natural Resources for design after which there will be a public hearing on the design and a final public hearing on the Taxing District.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve and sign Resolution No. 91-28 as presented. Motion carried.

**3. CORRESPONDENCE CALLING LETTERS OF CREDIT**

Mr. Ichniowski presented the following correspondence calling letters of credit:

**St. Mary's County Airport Proposed Hangars**  
Construction Permit #CP 07/91 ROW-01  
To Maryland National Bank  
Letter of Credit dated June 13, 1991 in the amount of \$2,900

**Chestnut Ridge, Section 1**  
Public Works Agreement  
To Citizens and Farmers Bank  
Letter of Credit #90.23 in the amount of \$88,000

**Summitt Hill, Section 1**  
Public Works Agreement  
To Old Line National Bank  
Letter of Credit #104 in the amount of \$70,000

**Tosca Townhouses, Parcel "B"**  
Grading Permit #89-29  
To Maryland National Bank  
Letter of Credit #672488 in the amount of \$46,500

**Wilderness Cluster, SWM**  
Grading Permit #88-04  
To International Fidelity Insurance Company  
Bond No. 828341 in the amount of \$22,000

**Mulberry South Subdivision, SWM**  
Grading Permit #86-32  
To First National Bank of St. Mary's  
Letter of Credit No. A1-10-1-1987 in the amount of \$14,500



(CORRESPONDENCE CALLING LETTERS OF CREDIT CONTINUED)

Hollywood Plaza Shopping Center, SWM  
Grading Permit #88-33  
To First National Bank of St. Mary's  
Letter of Credit No. A1-11-8-1988 in the amount of \$11,250

Breton Bay PUD (Bunker Court)  
Public Works Agreement  
To First National Bank of St. Mary's  
Letter of Credit #A1-3-8-1991

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign the correspondence as presented, to be forwarded if necessary. Motion carried.

4) RUSTIC HILLS, SECTION 3  
PUBLIC WORKS AGREEMENT

Mr. Ichniowski presented a Public Works Agreement dated June 24, 1991 between Jon C. Flinker and St. Mary's County guaranteeing completion of improvements to Donna Drive, Rustic Hills Subdivision, Section 3 (formerly Victoria Subdivision), Fifth Election District) by June 1, 1992.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign the Public Works Agreement as presented. Motion carried.

5) ACCEPTANCE OF DEEDS  
ROAD RESOLUTIONS

Mr. Ichniowski presented the following Deed and related Road Ordinances as follows:

**Swan's Rest Subdivision**

Deed dated October 10, 1990 between James D. Cryer, Sr. and the Board of County Commissioners of St. Mary's County accepting Swan's Court into the County Highway Maintenance System.

Road Resolution No. R91-14 - Designating Swan's Court as a Stop Street at its intersection with Md. Rt. 244.

Road Resolution No. R91-15 - Posting Swan's Court at 25 miles per hour.

**Wildewood Subdivision**

Deed dated July 12, 1989 between Paragon Builders, Inc. and St. Mary's County accepting Hickory Nut Drive into the County Highway Maintenance System.

Road Resolution No. R91-16 - Designating Hickory Nut Drive as a Stop Street at its intersection with Poplar Wood Drive.

Road Resolution No. R91-17 posting Hickory Nut Drive at 25 miles per our.

Commissioner Bailey moved, seconded by Commissioner Thompson, to approve and authorize Commissioner Loffler to sign the referenced Deeds and Road Resolutions. Motion carried.



6) PEGG'S ROAD

Relative to the reconstruction of Pegg's Road, Mr. Ichniowski presented the following documents for the Commissioners' consideration:

**Robert Butterfield Property**

Partial Release of Deed of Trust dated July 24, 1992 between Joseph M. Gough, Jr. and Robert Martin Butterfield

Easement Agreement between Robert Martin Butterfield and the Board of County Commissioners of St. Mary's County

Deed dated July 19, 1991 between Robert Martin Butterfield and Board of County Commissioners of St. Mary's County.

**SMPI, Inc. Property**

Deed dated August 15, 1991 between S.M.P.I., Inc. and Board of County Commissioners of St. Mary's County

**Reid Property**

Deed between Michael J. Reid and Board of County Commissioners of St. Mary's County.

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

**FIRE/RESCUE APPRECIATION DAY**

Present: Judy Landau Pedersen, Public Information Specialist  
Mary Pat Pope, Administrative Officer

The referenced individuals appeared before the Commissioners to present a final report on the first annual Fire/Rescue Appreciation Day held Saturday, August 10 at the Governmental Center. The day, at which approximately 400 to 500 people attended, was an opportunity for the community to recognize volunteers of all the fire and rescue units, auxiliaries and the Advanced Life Support. Feedback from the event was very positive.

The Commissioners expressed appreciation for the efforts of all those involved in the event and indicated an interest in making this Appreciation Day an annual event.

Commissioner Bailey moved, seconded by Commissioner Jarboe, to establish the Fire/Rescue Appreciation Day as an annual event. Motion carried.

**EXECUTIVE SESSIONS**

Present: Edward V. Cox, County Administrator

Commissioner Bailey moved, seconded by Commissioner Thompson, to meet in Executive Session to discuss matters of Property Acquisition and Personnel. Motion carried. Sessions were held as follows:

**Property Acquisition**

Also Present: Joseph Densford, County Attorney  
Dan Ichniowski, Director, Public Works  
Wayne Swann SMECO  
Louis Jenkins, Attorney, "  
Al Gough, "  
Francis Hewitt "

(Held from 10:15 a.m. to 10:35 a.m.)



**Property Acquisition**

Also Present: Joseph Densford, County Attorney  
Dan Ichniowski, Director, Public Works  
Wayne Swann SMECO  
Louis Jenkins, Attorney, "  
Al Gough, "  
Francis Hewitt "  
Wayne Mills, Maryland Natural Gas  
Ralph Fisher, "  
David Fogo, "

(Held from 10:35 to 11:00 a.m.)

**OFFICE ON AGING  
STATE FUNDING REDUCTIONS - FISCAL YEARS 1991 - 1992**

Present: Gene Carter, Director

Mr. Carter appeared before the Commissioners to present the reductions of state funding in the various Office on Aging programs and the Office's proposal to absorb these reductions. Mr. Carter indicated that reductions in the Life Enrichment Grant, Adult Day Care Grants, Homesharing Grant, and other supporting grants total \$10,242 for Fiscal Year 1991. Reductions in Fiscal Year 1992 in the Senior Programs, Homesharing Grant and Special Transportation Assistance (SSTAP) total \$13,142. Total Budget Reductions - \$35,093; Total Effective Reductions - \$45,335.

Mr. Carter reviewed a chart depicting that as state funds decrease the County has had to pay a larger proportion, which over a two year period has risen from 33% to 35%. He stated that with increased reductions by the state, there are fewer dollars available for the purchase of direct services; i.e., meals, activities, supplies, fuel, oil, vehicle maintenance.

In presenting his proposal for absorbing state funding reductions, Mr. Carter pointed out that positions have been eliminated with the possibility of the elimination and reassignment of other positions as well as other budgetary shifts. Mr. Carter stated that the proposal is a strategy that will not reduce services to the senior community and will not adversely impact on existing staff. Total budgetary reductions will be approximately \$28,137. One of the steps in absorbing reductions is to request the County to maintain approved funding for the current fiscal year.

Mr. Carter indicated that he will be submitting these requests for actions in greater detail with regard to this proposal.

**EXECUTIVE SESSION**

(Approved by previous motion.)

**Personnel**

(Held from 1:25 p.m. to 1:55 p.m.)

**GRIEVANCE APPEAL**

Present: George Foster, Personnel Officer

Mr. Foster appeared before the Commissioners to request the Commissioners' decision on a grievance appeal by a county employee.

Commissioner Bailey moved, seconded by Commissioner Jarboe, that the Board of County Commissioners uphold the decision of the Grievance Board on this matter and that the identity of the employee be withheld at the employee's request. Motion carried.



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**DIRECTOR OF FINANCE**

Present: Charles Wade, Director

**1) ASSOCIATION FOR RETARDED CITIZENS**

Mr. Wade advised that correspondence had been received from the St. Mary's Association for Retarded Citizens requesting a written statement from the County Commissioners guaranteeing FY 1991's level of funding for FY 1992. He stated that the ARC receives funding from the federal government for its Congregate Housing Program and there is now a requirement for this statement. Therefore, Mr. Wade presented correspondence addressed to the ARC setting forth the County's approved funding for FY '92, which includes funding for the Congregate Housing Program.

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

**2) BOARD OF EDUCATION  
ADDITIONAL FY '91 REVENUE AND EXPENDITURES AUTHORIZATION REQUEST**

Mr. Wade advised that a request had been received from the Board of Education to increase revenues and expenditure authorization for Fiscal Year 1991 for the Special Education Program, and he recommended approval of this request.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve and sign the letter to the Board of Education approval the request as presented. Motion carried.

**3) BOARD OF EDUCATION  
CATEGORICAL CHANGE REQUEST**

Mr. Wade advised that the Board of Education has submitted a request to transfer \$180,00 to Fixed Charges from Instructional Salaries (02), Student Transportation (05), and Operation of Plant (06) to Fixed Charges (08) for health insurance premiums, the amount of which has not yet been billed. Mr. Wade recommended that the Commissioners not approve this request and inform the Board that when the amount is known the Commissioners will consider a supplemental appropriation from unexpended FY '91 Board of Education funds.

After discussion Commissioner Bailey moved, seconded by Commissioner Jarboe, to deny the Categorical Change request out of Fiscal Year 1991 categories and to work with the Board for funding to come from either FY '92 categorical changes or from a supplemental budget in December or later. Motion carried.

**EXECUTIVE SESSION**

Present: Edward V. Cox, County Administrator

(Approved by previous motion.)

**Property Acquisition**

(Held from 2:30 p.m. to 2:50 p.m.)

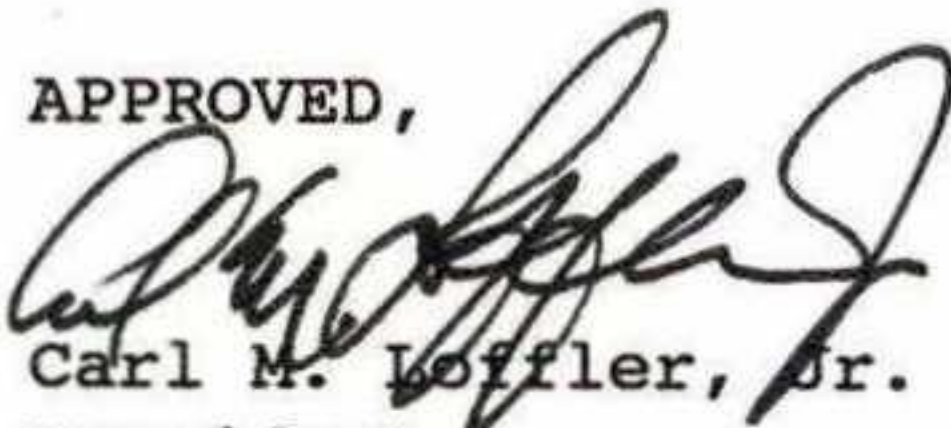
**Personnel**

(Held from 2:50 p.m. to 3:30 p.m.)

**ADJOURNMENT**

The meeting adjourned at 3:30 p.m.

APPROVED,

  
Carl M. Loeffler, Jr.  
President