

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

**Tuesday, September 17, 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 Bailey moved, seconded by Commissioner Lancaster, to approve the minutes of the Commissioners' meeting of Tuesday, September 10, 1991, including the Office of Planning and Zoning portion. 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.

**RESOLUTION NO. 91-34  
SUPPLEMENTAL ORDINANCE**

**Present:** Charles Wade, Director of Finance

The Commissioners had conducted a public hearing on September 3, 1991 to amend the Fiscal Year 1992 budget with a Supplemental Ordinance in the amount of \$920,828 in order to increase the Board of Education appropriation. Mr. Wade presented a letter to the Commissioners certifying that \$920,828 is available for appropriation from undesignated fund balances, and therefore, presented the referenced Resolution approving the Supplemental Budget as indicated.

Commissioner Jarboe moved, seconded by Commissioner Bailey, to transfer \$20,000 of these funds to the General Fund to finance a management study and not fund the \$920,828 to the Board of Education until after the FY 1991 audit to see what funds are available. Commissioners Loffler, Lancaster and Thompson voted against the motion. Motion defeated two to three.

Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve and sign Resolution approving the Supplemental Appropriation for the Board of Education in the amount of \$920,828. Commissioners Bailey and Jarboe voted against the motion stating that they were not in favor of spending these funds at this time and that the Commissioners should wait until it is determined what funds are available. Motion carried three to two.

**LEONARDTOWN COMMISSIONERS  
TIPPING FEE**

**Present:** McGuire Mattingly, President  
Norman Norris, Commissioner  
Tom Shea, Town Manager

The referenced individuals appeared before the Commissioners to request an exemption for the Town of Leonardtown for the increase of tipping fees for the St. Mary's landfill.



Mr. Ichniowski explained the history of the fee, stating that in 1988 the County implemented an \$18 tipping fee for commercial vehicles, which was not full recovery of costs, but a 40% subsidy by the County. A study was done by Kidde Consultants after which the Commissioners approved a \$40 tipping fee for commercial haulers. The model prepared by Kidde Consultants indicate that the cost per household for use of the transfer station is \$70 a year; however, the Commissioners reviewed alternatives and enacted a sticker system at no cost. Another aspect of the fees was the vehicles with loads not appropriate for the transfer station and the Commissioners adopted a \$5 per load fee. He stated that the Commissioners are moving to full funding of the landfill costs through tipping fees and user fees. Mr. Ichniowski advised that the new fees have only been in effect one month and it was too early to determine the extent of cost recovery.

During discussion Mr. Mattingly indicated that the request is generated by the fact that Leonardtown does haul a great deal of trash in Leonardtown that is generated beyond the Town limits. He stated that if Leonardtown did not have a trash collection system, the citizens would be able to use the landfill and transfer stations at reduced cost.

Commissioner Loffler indicated that it would be difficult to differentiate Leonardtown trash from other trash in granting an exemption and suggested that a formula be developed to determine the differential to be returned to Leonardtown.

Mr. Cox and Mr. Ichniowski will work with Leonardtown in developing such a formula. Meanwhile Leonardtown will pay the increased fee.

**OFFICE OF PLANNING AND ZONING**

Present: Jon Grimm, Director  
Peggy Childs, Recording Secretary.

**1) APPEAL OF PLANNING COMMISSION DECISION  
PSUB #89-0675 - NEWTON MANOR SUBDIVISION**

Also Present: Peter Griffin  
Billy Mehaffey, McCrone, Inc.  
Mike Harris, Attorney  
Ross Pickford Environmental Science and Assessment Services  
Al Picardi, "  
Tom Russell, Director, Environmental Health

**Appeal from Planning Commission Decision of July 8, 1991, disapproving a preliminary plan for a 48 lot subdivision on 200.61 acres, zoned RPD, located on the southwest side of Maryland Route 235, north of Joy Chapel Lane; Tax Map 20, Block 21, Part of Parcel 103.**

Owner: Peter Griffin  
Agent: McCrone, Inc.

Mr. Grimm advised that the Planning Commission, based upon concerns with contamination of the site adjoining the Southern Maryland Wood Treatment Plant property, disapproved the request for preliminary plan approval at its July 8 meeting. This appeal is a review of that decision.

Attorney Mike Harris distributed to the Commissioners an Addendum to the Risk Assessment already provided in this case, stating that he had spoken to a Planning Commission member after the July 8 meeting, and the member was surprised that their experts had not done any actual testing of the property themselves. Although the property has been repeatedly tested by EPA as well as the MDOE, Mr. Harris said, they did go out and take their own samples for today's presentation.



Where they feel aggrieved, Mr. Harris said, is that there was no evidence submitted by any agency before the Planning Commission that there is any contamination on the Newton Manor property itself. There is no evidence in the case file that there will be any health risk associated with the wood treatment site as it affects the Newton Manor property; yet the Planning Commission disapproved the request because of the "health risk", or "environmental hazard." There is just no evidence of it, he said, and their experts will explain why there is none associated with this property as well as their evaluation of the EPA Report as it affects this property; after the Commissioners have heard that, Mr. Harris said, it is hoped that they will reverse the Planning Commission's decision.

Billy Mehaffey, of McCrone, Inc., located the Newton Manor site, stating they have been working with Mr. Griffin since 1989 on development of the property. There have been some changes to the plan, which now consists of 48 lots with an average lot size of better than 4 acres per lot, the wood treatment plant being located slightly south of this project. He said the subdivision is ready to be approved under normal requirements and the groundwater appropriation permit has been issued; the only remaining issue is the association with the wood treatment plant.

Mr. Mehaffey showed the pond located just off the Newton Manor property and the stream, which meanders along the property line, crossing over into the property slightly, then back off the property, going back toward the south. In response to a condition made by the Planning staff in their report to the Planning Commission, applicant has resubdivided that portion out of the property and no lots are proposed there, the lots in the area have been "shortened up", and do not come back as far as the stream bed.

In addition, the chain link fence presently around the pond on the wood treatment plant site would be extended across the rear of those lot lines for further protection.

Ross Pickford, of Environmental Science & Assessment Services, gave his educational background and work history, stating he is an environmental scientist, with a Bachelors Degree in Environmental Health from Old Dominion University and work toward a Masters Degree in Environmental Science & Engineering from Virginia Tech. Mr. Pickford stated he is part owner of the environmental assessment group hired to perform a risk assessment regarding the wood treatment site as it affects this property and has been employed in the environmental science field since 1978.

Mr. Pickford stated in doing a risk assessment you try to identify pathways and where the contamination will reach a target population; i.e., the residents of Newton Manor. The pathways identified were through groundwater, surface water or surface water runoff, or airborne particles contamination. This property, Mr. Pickford said, lies hydrologically upgradient from the wood treatment site both by groundwater and surface water, and is also upgradient due to wind conditions, the vast majority of predominant winds in the area being west to northeast.

Mr. Pickford said there are no EPA, State or Federal risk standards for the contaminants involved, but, based upon EPA samplings and monitoring they found the levels of contamination from the fresh water pond, or tributaries of the pond which flow through a small portion of this property, to be above a health-based risk level which they had identified. This level was recommended by a toxicologist, based upon protocol and methodology used by the EPA and other organizations, and is based upon an initial exposure to children for an entire lifetime through ingestion, not through contact or inhalation. For this reason, it was their recommendation that applicant partition the property off with a chain link fence and warning signs; applicant has gone a step further and created an outparcel, totally excluding that portion from the lots.

The question arose at the Planning Commission as to why they did not take their own samples, and, for that reason, Mr. Pickford said, they took samples not only within the stream but along the boundary of the property, and found the levels to be 2-3 times less than the levels reported by EPA except that one



parameter that exceeded the action level they had found, but the samples do indicate that the levels in the stream are attenuating over time, they are becoming less and less. The contaminants in question are a group of polynuclear aromatic hydrocarbons, a by-product of wood treatment operations as well as numerous other things, including the barbecuing or frying of foods.

Commissioner Loffler stated the Commissioners are at an unfair advantage today because of an extensive briefing held by EPA yesterday which answered a majority of questions the Commissioners have been asking. At that briefing, EPA stated that the containment is temporary and gave the Commissioners information contradictory to what Mr. Pickford presented today, part of which is that the air flow is northern. Part of the EPA cleanup process will be excavation of the earth, and part of their concern was the toxic absorption level when contacted by humans (workers).

Commissioner Loffler said EPA still states very strongly that this is a Superfund site of most definitely hazardous material which must be processed and cleaned up, and they are moving forward to the cleanup. The evaluation phase for any process which will take place will not be completed until sometime early next Summer, and, depending on the analysis of the equipment and how it functions, they estimate a cleanup time of 1-1/2 years. They did say, however, that, after the process is completed, as far as they are concerned, houses can be built on it, as there will be no contamination of concern anywhere around the site, much less on it.

Mr. Pickford replied he would be interested to see what action level, or cleanup level, EPA has determined, because he feels the level his firm has set is much more conservative. He said EPA's comments are very appropriate, because the areas where the wood treatment was going on are much more contaminated; the material itself is a moderately mobile material and has a tendency to tightly adhere to soil particles - thus the contamination in those locations where the industrial operation was going on is very high.

Regarding wind direction, Mr. Pickford said they got their information from the EPA Report and it did indicate the vast majority of winds were predominantly from the western side; that doesn't mean, he said, that the highest or the one particular direction of wind where it seems to come from the very most might not be in a more easterly direction, but predominantly, through the entire range, the wind basically is from west or southwest to east or northeast.

Regarding cleanup operations, Mr. Pickford said EPA will be required to meet all Federal and State air emission requirements and to monitor all around the site, collecting samples during the operation and running analyses to determine whether the contamination will be leaving the site. There are techniques available that can drastically reduce and contain any kind of particulate emissions from the site, Mr. Pickford said, and referred to problems in western Fairfax County from naturally occurring asbestos deposits in construction activities and highway fill. He said he imagines the methods used there to reduce the risks would be the same sort of methods used by EPA or its contractors on this sort of site, but he cannot comment on that because he doesn't know what EPA means to do.

The only odor from the cleanup process, Mr. Pickford said, will come from turning the dirt over and heavy machinery; the polynuclear aromatic hydrocarbons (PAHs) themselves will not cause odor problems, he said, the concern there will be from particulates leaving the site. One of the driving forces behind making the site a Superfund site, Mr. Pickford said, is that there is groundwater contamination documented there; according to information provided to them, the groundwater contamination is located within the near-surface water table, there is no contamination to the aquifers below. The near-surface water table is also contributing to the contamination of the pond and the stream.

The wells proposed for this project will access an aquifer 300 ft. deep and there are a number of confining layers between the surface zone and the aquifer proposed as the drinking water source. Looking at the depth of the confining layers only and assuming that only water passes through, not the contaminants themselves, Mr. Pickford said they came up with a conservative estimate of over 600 years before water could pass through the confining layers and enter the drinking water aquifer.



Commissioner Loffler stated a concern of the Health Department was the penetration of the layers by the existing well and the potential for the surface contaminates to be fed to the Aquia Aquifer, and asked whether the well has been filled. Mr. Russell responded they are talking about it, but it has not been filled as yet.

Mr. Pickford reiterated that the Newton Manor site is hydrologically upgradient from the Superfund site; i.e., the groundwater in this area flows off in a southeastern direction toward the Chesapeake Bay. A large production well or a number of wells producing a lot of water at a location can effectively change the direction of groundwater flow for a distance, he said, but even based on that, the spread of the wells proposed for this site will create a much larger and wider zone, and unless somebody makes horrible mistakes on that piece of property, the wells on the Newton Manor property will not transport contamination into the Aquia Aquifer.

In response to Commissioner Loffler's question, Mr. Russell verified that the well models EPA is using so far show anywhere from 50-200 gallons per minute of processed water, which would be equivalent to the well at Country Lakes. Mr. Pickford reiterated that none of the wells on Newton Manor are that large. He said he is not sure where EPA proposes to put their well, but if they draw from the existing well it will essentially create its own cone of depression and if contamination does pass into that aquifer it will be picked up.

Al Picardi, also of Environmental Science & Assessment Services, stated EPA is proposing to clean the surficial aquifer, the only place where contamination is found; the drinking water source is not in question here. Commissioner Loffler stated the County's concern is that the casing the water goes through penetrates those layers, and, if the casing were to break, the chemicals would have direct access to the Aquia Aquifer. Mr. Russell added the point Commissioner Loffler is making is that the red flag has been raised that we are concerned about the efficacy of the steel casing, as steel casings which contact the County's high-iron content soils will fail and rust through, and they are no longer used; that is the issue.

Mr. Picardi offered for the record that he is an environmental scientist with a degree from MIT, and has worked with the EPA Office of Toxic Substance, Virginia State Water Control Board, and various consultant firms, having had his own private consultant practice since 1986. He is experienced in risk assessments and site contamination assessments, he said, and has done this work throughout the United States and some areas abroad, having done multi-disciplinary risk assessments in well over 100 industrial facilities.

Mr. Picardi related they have concluded there is virtually no credible health risk on Newton Manor, based upon their assessment of EPA data developed as well as their own samplings. He reiterated Mr. Pickford's statement that they assess the risk of contamination by looking at the environmental pathways for the contamination to reach potential receptors; i.e., Newton Manor; they look and evaluate and make potentials for groundwater contamination, air contamination and surface water contamination, and in this case have found that soil and sediment contamination is the only plausible expulsion route and that site contamination on the wood treatment site is contained; they make an evaluation of the toxicology of the contaminants, what the health risk is from toxicology and exposure.

Mr. Picardi repeated Mr. Pickford's statement that the nature of the contamination is polycyclic aromatic hydrocarbons, or polynuclear aromatic hydrocarbons, but these are not found in the Newton Manor area; there are a greater contamination of contaminates in the process area of the Superfund site. They make no contention with EPA that the site should be cleaned up, he said, they are concerned with Newton Manor, and have found levels of examination two to three-quarters magnitude less, which indicates to them that weathering plus the units of microbial activity has attenuated the levels of contamination; this will continue to take place, and the levels of contamination they found this Summer will continue to attenuate; they found no health risk due to contamination on the Newton Manor site.



Mr. Picardi reiterated that polycyclic aromatic hydrocarbons (PAH) are also found on your barbecue grill, and offered to provide an ultraviolet lamp so the Commissioners can demonstrate that to themselves; he said he thinks that is needed to get an idea of what the risk assessment means - the numbers are very small, were talking about milligrams per kilograms of soil - a kilogram is about 2 pounds and a milligram fits on the head of a pin. If you look at your barbecue grill at home under an ultraviolet light you will see that it glows back at you green, and this is complete PAHs. Newton Manor will have less than a milligram per a kilogram of soil, which you would have to ingest a certain amount of over a period of a lifetime to increase a cancer risk of 1 in 1,000,000.

Commissioner Loffler asked Mr. Picardi if he is saying there is a greater concentration of chemicals on a barbecue grill than there is on the contaminated site or in this test site. Mr. Picardi replied in the samples they took on Newton Manor; on the Superfund site he has no idea, but he thinks your barbecue grill would be running neck-in-neck in some areas.

Mr. Pickford, in explaining the tables, stated that no one has yet developed a standard or health base level officially for these types of compounds, and the toxicologist they found suggested .6 per liter for lifetime exposure. Commissioner Loffler remarked that EPA had some information yesterday about what was considered an acceptable cancer risk by EPA standards and what was unacceptable, and they had determined there was a very high risk on the Superfund site and any flow of that concentration, including what the exposure levels would be for 1/4 mile area from the incineration, and, although they were very minor level, they showed a pattern to the north, with the site being the least contaminated by the process and those further downwind having increasing exposure to the process itself.

Mr. Pickford pointed out also that the whole nature of the operations at this site and the chemical used were for treating and preserving wood, a lot of which is the type of wood that people use to build decks on the backs of their homes, and perhaps telephone poles were also treated. Commissioner Loffler asked if there is any certification or guarantee for anybody who became exposed to this that Mr. Pickford's firm would hold harmless the owners or County Government. Mr. Harris replied he thought that would probably be Mr. Griffin's responsibility as the seller of the property. Responding to Commissioner Thompson's further concern that liability to the County was part of the reason for the Planning Commission's denial, Mr. Harris said he would agree except for one thing: there's no evidence of any contamination on the Newton Manor property.

Mr. Harris stated he has been trained to present cases based on the evidence and the facts, and the point is there is no evidence of contamination, and it is not fair to deny Mr. Griffin his subdivision approval with no evidence to do that. If there is still a concern by this Board and the Planning Commission he suggested they require as part of the subdivision process a statement on the record plat and deeds of conveyance that "this property adjoins a Superfund cleanup site." "What more could anybody ask for," he asked, pointing out the property will also be chained off by a 6 ft. chain link fence.

Just so it is abundantly clear to the Board, Mr. Harris said, they felt that their task, as requested by the Planning Commission, was to evaluate the process and the EPA Report as it affects the Newton Manor site; i.e., is there contamination coming off the wood treatment site onto their property that would affect people's health, and they did that, and the answer was, resoundingly, "no," and he thinks that has been borne out in the Commissioners' hearings as well. But the Commission then focused on whether there was any contamination associated with the Newton Manor site itself, and that's why they went one step further, concluding there is no risk assessment associated with the wood treatment site coming onto their property, more importantly there is no contamination associated with Newton Manor to start with, and any concerns that people need to be made aware of the adjacent Superfund site can be easily done through a note on the record plat and in the Deeds.



Commissioner Bailey raised a question regarding sheet pilings, and Mr. Pickford replied they surround the fresh water pond, carrying off to the east and coming back up onto the Newton Manor property, the purpose being to contain the contaminated groundwater. Commissioner Loffler replied EPA says the reason for the sheet pilings is so that when excavation starts in the process of materials there is a barrier for actual liquid containment. Mr. Russell added the pilings do not go down to the green clay layer, which is the first true confining layer and the top of your own confined aquifer. There will some confinement of groundwater movement, he said, but that is not specifically the purpose of the sheet pilings and it is not guaranteed as such, it really was more of a construction measure.

Speaking as a member of the Task Force, Mr. Russell said they specifically asked Mr. Voltaggio, the EPA head of Superfund sites for Region 3, about the risk to the Newton Manor subdivision, and he said two things: (1) As an EPA official, he would not presume to tell the County how to establish land use policy; but (2) In his opinion, it certainly was prudent not to approve a subdivision at this time. Mr. Russell said Mr. Voltaggio did not say what his reason was, except he did say it was a Superfund site. Mr. Russell agreed, though, that Mr. Voltaggio did say on three different occasions that, if the site is remediated as proposed, it should be suitable for housing.

Mr. Pickford said it seems to him that Mr. Voltaggio seems to be saying that their processing may cause contamination to adjoining properties, and Commissioner Loffler suggested that the hearing be continued until we get more definitive information from EPA, as they will be down here holding meetings during the next 3 days. Commissioner Bailey stated if Mr. Voltaggio feels the cleanup of the Superfund site will contaminate somebody else's land that's a question that definitely should be answered. Furthermore he said EPA has made contradictory statements, what they do is all right but yet they say they wouldn't approve the subdivision; he said he thought EPA would have taken samples of all the surrounding property, not only the Superfund site, and he hasn't heard of any property off that site that EPA says is contaminated.

Mr. Russell said he thinks Mr. Voltaggio's concern is for the site to the point where remediation begins, because EPA has it contained but is not convinced the contamination will not move. Commissioner Loffler stated, unless the risk assessment is clarified, the Board's position will be to protect, and directed Mr. Russell to specifically ask these questions of EPA and provide a response for the continuation of this hearing in two weeks.

Commissioner Loffler stated EPA says the Superfund site must be cleaned up; if not it will revert to the serious hazard it was before the contained the soil. Even then, Mr. Pickford said, the contamination was not passing onto the Newton Manor site.

Commissioner Loffler opened the hearing to public comment, adding that he would also reopen public comment at the continuation of the hearing in two weeks.

Dick Myers, of the St. Mary's Countian, asked Mr. Pickford what parameter exceeded the level set in their risk assessment; he replied it is Chryseng, and Mr. Picardi added we are only talking about tenth of a milligram in a kilogram; even so, the level was lower than the EPA Report indicated.

The hearing was continued to two weeks hence. If EPA does not respond in writing, Mr. Russell will provide written comment in advance of the hearing, and Mr. Harris will be provided with a copy.

2) **NONCONFORMING USES - ILLEGAL LAND USES POLICY**

Also Present: Present: Laura Clarke, Planner II, OPZ

Mr. Grimm reported that he had taken this back to the Planning Commission for a "revisit" as requested by the Commissioners, but had recommended that it



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be held for the Annual Update of the Zoning Ordinance currently underway. The Planning Commission, at their meeting on September 9, had voted to remand it back to the Land Use Committee for discussion and recommendation at that time; however, Mr. Grimm said, the Commission did not appear to have a difference of opinion from their original recommendation.

Commissioners Bailey and Jarboe were concerned that something be done now to help people caught in the situation of an illegal use. Commissioner Loffler reminded that the Commissioners had taken action, the action being not carte blanche approval but that the uses be reviewed on a case-by-case basis.

Mr. Grimm and Mr. Clarke explained that there is a process for these uses to be recognized, including application for Board of Appeals approval or rezoning, but many property owners have, for whatever reason, not utilized the process.

**3) CRITICAL AREA BUFFER POLICY #91-CA RESOLUTION**

Mr. Grimm offered the final Resolution for the Commissioners' signature, noting two changes from the draft document; i.e., the words "Planning Director" have been added in the first paragraph and "impervious surfaces" in a subsequent paragraph. Commissioner Thompson asked whether the language means that the requests will be published by name; Mr. Grimm replied by name, case number, and location.

Commissioner Bailey moved and Commissioner Lancaster seconded that the Resolution be approved and signed by the Commissioners; motion carried.

**3) IMPERVIOUS LIMITS RESOLUTION**

Commissioner Lancaster moved and Commissioner Thompson seconded the motion that the Commissioners sign the Resolution with the changes referenced by Mr. Grimm; motion carried.

Also signed by the Commissioners was a letter of transmittal forwarding both Resolutions to the State.

**ST. MARY'S COUNTY FAIR**

Present: John Richards, President, Fair Board  
Elwood Cusic, Fair Board

The referenced members of the St. Mary's County Fair Board appeared before the Commissioners to to announce that the St. Mary's County Fair will be held September 19-22 and presented each Commissioner with hats and Tee Shirts (Commissioner Bailey received an apron.)

(Commissioner Jarboe left the meeting to attend a meeting in Annapolis.)

**OFFICE ON AGING  
ADULT DAY CARE WEEK**

The Commissioners left to attend the Office on Aging's Adult Day Care Week celebration at St. Andrews Hall at St. Andrew's Episcopal Church.

**PROCLAMATION  
TOOTSIE ROLL MONTH**

The Commissioners presented a Proclamation designating the Month of October 1991 as Knights of Columbus Tootsie Roll Month.



**COMMUNITY COLLEGE AT ST. MARY'S**

Present: Elaine Ryan, Dean  
 William Delaney, Dean, St. Mary's Campus  
 Charlotte Young, Chairperson, Community College Adv. Board  
 George Bailey, "  
 William Burroughs, "  
 William Curtis "  
 Elizabeth Dufresne "  
 Ed Fitzgerald "  
 Michael Humphries "  
 Fred Wallace "  
 Donald Wright "  
 Dan Ichniowski, Director, Department of Public Works

County Administrator Ed Cox explained that the purpose of this meeting was to discuss the Community College at St. Mary's and to develop a plan to plot its future.

Capt. Wright, NAS, indicated that a number of people from the Naval Air Station attend the Community College and stated that he believed it was a wise move for the County to continue the acquisition of the land for the building of a campus for the expansion of the community college effort. He stated that he would not like to see the project not go forward because of state budgetary problems and pointed out that education is the future and investment in the community college is a strong investment in our future.

Mr. Ichniowski presented an update on the negotiations for the land transfer with the State for the new community college site on Indian Bridge Road. He stated that the Commissioners funded a feasibility study which showed that the site was feasible from a regulatory standpoint. A public meeting was held January 22, 1991 regarding the site and a few residents of Maple Run expressed concern about the impact of the college on Indian Bridge Road. Funding for improvements to Indian Bridge Road are included in the Fiscal Year 1992 Budget. Mr. Ichniowski advised that the acquisition process with the State consists of title search and appraisals of both parcels that the County would be obtaining and the sites that would be traded and stated that the process is on going with the Department of General Services. He pointed out that the process may take another two to three months to complete. Once approved by the Department of General Services, it will have to go before the Board of Public Works and suggested that the County legislators, Commissioners, Advisory Board and college staff attend to show support of the project.

Mr. Ichniowski stated that the next step would be a Master Plan process which should indicate how much will be built at this time, funding, design and construction.

Ms. Ryan explained the process for state funding and stated that the Commissioners had signed a Letter of Intent indicating support of this project and the Capital Program had been submitted to the State Board of Community Colleges. The State Board has indicated that the project is eligible for state funding and is approximately in the middle of the State's priority list. Estimated value of the first phase of construction is \$6,504,000 which does not include the value of the land. She pointed out that \$20,000 for the required Education Specifications will be in the Fiscal Year 1993 Budget.

In conclusion it was agreed that the following be accomplished:

1. That the Community College Advisory Board do an analysis spelling out the fiscal impacts of a new Community College (construction and operating costs);
2. That County Government complete the land transfer negotiations with the State;
3. That the Community College include \$20,000 in the Fiscal Year 1993 Budget for the Educational Specifications.

After discussion Commissioner Thompson pointed out from a taxpayers' point of view that if there is such a demand for space she believed the high schools should



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be used in the evenings for evening classes because the facilities are already in place. Mrs. Ryan explained that Great Mills is being used extensively, but there are problems with students taking back-to-back classes and having to go to different facilities. There is also a problem with use of equipment and availability of equipment.

The Commissioners will conduct a meeting in 60 days with the referenced individuals in order to get a status report on the Community College project.

#### **LEONARDTOWN ELEMENTARY SCHOOL HEATING PROJECT**

Present: Charles Wade, Director of Finance  
Jerry Himmelheber, Supervisor of School Facilities

As a follow up to last week's discussion with the Board of Education, the Commissioners discussed the funding of \$25,000 for planning money for the Leonardtown Elementary School Heating Project.

Mr. Himmelheber indicated that the Board of Education wanted to get the planning done in time to have the project bid by early Spring and contract award so that the project could start in May.

The Commissioners and Mr. Wade questioned the fact that this project was in the Fiscal year 1994 capital program and there has been no justification presented to move this project up in priority. Mr. Himmelheber indicated that the Board of Education wanted to move the project forward after they had inspected the building.

After discussion Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve the \$25,000 for planning and designing money for the Leonardtown Elementary School heating project with funds to come from balance remaining from other projects. Commissioners Bailey and Thompson voted against. Commissioner Loffler abstained. Motion defeated two to one.

#### **COMMUNITY SERVICES DAY**

Present: Becky Stevens, Community Services Coordinator

Mrs. Stevens appeared before the Commissioners to discuss the Third Annual Community Services Day to be held Saturday, October 12. The Day is set aside for organizations and individuals to give volunteer time to the community through food drive programs, beautification programs, nursing home visits, recycling drives, tutoring, etc.

The Commissioners agreed to support Community Service Day in whatever way they could.

#### **MEMORANDUM OF UNDERSTANDING ST. MARY'S DISPOSAL**

Present: Joseph Densford, County Attorney  
Dan Ichniowski, Director, Public Works

Regarding the disposal of solid waste by St. Mary's Disposal generated from outside the County, which was in violation of the County's Solid Waste Ordinance, Mr. Densford advised that St. Mary's Disposal had agreed to sign the Memorandum of Understanding, had signed a Stipulation of Dismissal and had submitted a check in the amount of \$500 for payment of the fine. He stated that there is no longer a need for the appeal hearing which had been scheduled for this time.

Mr. Densford noted that the Memorandum of Understanding puts St. Mary's Disposal on notice that if the violation should occur again during the calendar year of 1991, all permits would be revoked.

After discussion Commissioner Bailey moved, seconded by Commissioner Thompson, to approve and authorize Commissioner Loffler to sign the Memorandum of Understanding as presented. Motion carried.



**COUNTY ADMINISTRATOR'S ITEMS**

Present: Edward V. Cox, County Administrator

**1) COUNTIES ENERGY COUNCIL**

The County Administrator presented correspondence to the Maryland Association of Counties designating Daniel Ichniowski, Director, Department of Public Works as St. Mary's County's representative to serve on the Counties Energy Council.

Commissioner Bailey moved, seconded by Commissioner Thompson, to appoint Mr. Ichniowski as recommended and to sign and forward the correspondence as presented. Motion carried.

**2) CORRESPONDENCE TO MARYLAND ENVIRONMENTAL SERVICE  
CHARLOTTE HALL VETERANS HOME**

The County Administrator presented correspondence addressed to the Maryland Environmental Service requesting concurrence for two joint County-State initiatives in the Charlotte Hall area relative to expansion of the sewer and water systems.

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

**3) FAREWELL LETTER TO J. RANDALL EVANS**

The County Administrator presented correspondence addressed to J. Randall Evans former secretary of the Maryland Department of Economic & Employment Development expressing best wishes in his future endeavors upon his leaving DEED. The letter will be included in a farewell scrapbook to be presented to him.

The Commissioners agreed to sign and forward the letter.

**4) ST. MARY'S COLLEGE - RECORDS RETENTION**

The County Administrator presented correspondence addressed to St. Mary's College expressing support of the College's grant proposal to the National Historical Publications and Records Commission for participation in the County's archives system. The grant would provide \$10,000 to the County for use of our archives and our archivist and would be charged on a per-box basis.

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

**5) CORRESPONDENCE TO COMMUNITY LEADERS  
ALLIANCE FOR ALCOHOL AND DRUG ABUSE PREVENTION**

The County Administrator presented correspondence addressed to Community Leaders inviting them to attend the next Alliance Policy Council Meeting on Tuesday, October 15 from 2:00 p.m. to 4:30 p.m. at the Carter State Office Building.

**6) STATEWIDE SPECIALIZED TRANSPORTATION ASSISTANCE PROGRAM  
GRANT AGREEMENT**

The County Administrator presented the referenced SSTAP Grant Agreement for Fiscal Year 1992 which reflects a reduction of state funding of more than \$13,000 as previously discussed with the Commissioners on August 27.

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

**7) OFFICE ON AGING - REORGANIZATION**

The County Administrator presented a memorandum dated September 17, 1991 from the Personnel Officer indicating that the Director of the Office on Aging has requested approval of certain reorganizational changes because of reductions in state grant funding.



- a. Establishment of a new full time grant-funded position for an Activity Coordinator (Grade 15) for the adult day care program.
- b. Lateral assignment of Helen Thompson to the new position
- c. Deletion of the permanent part-time Senior I&A Case Worker position currently occupied by Ms. Thompson.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve the referenced actions as requested. Motion carried.

8) **CORRESPONDENCE TO VICTOR REYNOLDS - SOIL SAMPLE REQUEST**

The County Administrator presented correspondence addressed to Victor Reynolds, President, ADTEC indicating that EPA has expressed willingness to provide the requested soil sample form the Southern Maryland Wood Treatment Plant.

The Commissioners agreed to sign and forward the letter as presented.

9) **GRANTS**

The County Administrator presented the following grants for the Commissioners' review and consideration:

**St. Mary's County Alcohol and Drug Abuse Prevention Program**

Statement of Grant Award in the amount of \$81,331 for Fiscal Year 1992.

**Development of St. Mary's Regional Park**

Capital Project Grant Application

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

10) **TRI-COUNTY RESIDENTIAL ALTERNATIVES FOR YOUTH, INC. MENTOR PROGRAM**

The County Administrator presented correspondence addressed to the Governor's Juvenile Justice Advisory Council endorsing the concept of the proposed Mentor Program to be operated by Tri-County Residential Alternatives for Youth, Inc. The endorsement is conditioned on the Commissioners' understanding that there is no county financial participation.

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

11) **NOTIFICATION OF GRANT AWARD - MARCEY HOUSE**

The County Administrator presented correspondence dated September 4 from the Alcohol and Drug Abuse Administration notifying that the Marcey House Program has been award \$151,890 for Fiscal Year 1992 (100% federal funding)

Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve and authorize Commissioner Loffler to sign the Grant Award for Marcey House as presented. Motion carried.

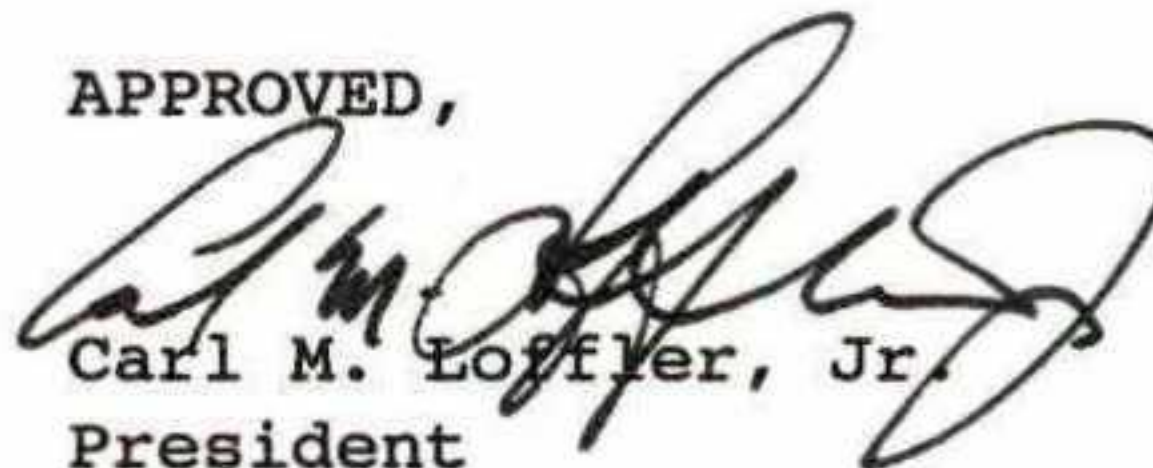
12) **JOINT COUNTY COMMISSIONER/PLANNING COMMISSION/BOARD OF APPEALS MEETING**

The County Administrator presented a memorandum recommending a follow up meeting to the January 22, 1991 joint meeting with the Planning Commission and Board of Appeals to look at planning and enforcement efforts.

The Commissioners gave their concurrence to proceed with setting up the meeting.

**ADJOURNMENT**

APPROVED,



Carl M. Loffler, Jr.  
President