

ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS

January 14, 1992

Page 7

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 Thompson, to approve the minutes of the Commissioners' meeting of Tuesday, January 7, 1992. Motion carried.

APPROVAL OF BILLS

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

**RESPONSE TO ECONOMIC DEVELOPMENT COMMISSION MEETING
BEST VALUE CONTRACTING AND PREFERENCE LAWS FOR PURCHASING**

Present: James Haley, Procurement Officer

Mr. Haley appeared before the Commissioners in order to respond to comments made at the Economic Development Commission meeting held January 10 regarding purchasing locally. Mr. Haley pointed out that over the past four years, since the institution of the procurement procedures, there have been almost 7,000 purchases, and no protests or legal actions have been received. He stated comments have been received by one local vendor, Bell Motor Company, not because the County had not complied with procedures, but because the County had been fair and impartial to all businesses. Mr. Haley advised that EDC wants to promote local procurement preference laws. He indicated that the County uses best value purchasing procedures by awarding contracts to the most responsive and responsible bidder, and provides equal opportunity for the business community to bid county purchase requirements in a fully competitive environment. Mr. Haley pointed out that the EDC has appointed a sub-committee to look into the county's procurement policies and procedures as they relate to local business preference or best value contracting.

After discussion Mr. Haley suggested that he write to Bell Motor Company and to the Economic Development Commission explaining the County's procurement procedures.

The Commissioners gave their concurrence.

Board of Education Purchasing System

Mr. Haley offered his assistance to the Board of Education by looking into the possibility of having them use the County's procurement for their purchasing requirements, which he believed would save tax dollars.

**MACKALL AND MARTELL RICKETTS
ST. CLEMENTS SHORES WASTEWATER TREATMENT PLANT
EDU ALLOCATION POLICY**

Present: Mackall Ricketts, applicant
Martell Ricketts, "
John Norris (Norris Gass and Oker), representative

The referenced individuals appeared before the Commissioners to request assistance in trying to resolve a problem regarding the allocation of EDU's for the St. Clements Shores Wastewater Treatment Plant for property located on Rosebank Road, Third Election District. Mr. Mackall Ricketts stated that he and his brother had purchased the five-acre site in 1967 with the express intent

of building retirement homes. He advised that they would be retiring in April, and the land had been subdivided into 2.6 acre lots. Starting ten years ago, they have been looking to see what had to be done to build their homes. The Rickett brothers have been trying to get an on-site sewage disposal system that would be acceptable to the St. Mary's County Health Department and have been pursuing every avenue to get permission to build on these lots. In addition Mr. Martell Ricketts stated that according to EDU allocation list, the date for their application is noted as August 1989, and stated that he would challenge that date because they had been pursuing this since 1987.

Mr. Norris advised that when the Ricketts applied for the sewer category change in 1989, a report of alternative sewage disposal systems was done as well as on-site tests for innovative and alternative systems. Percolation tests were done using 30 minutes to the inch; however, they have an application with the Health Department of 60 minute testing. Because of the uncertainty as to the success of these tests, other avenues are being explored.

Mr. Norris stated he was of the opinion that the Ricketts situation is unique in that they are not developers and they have two lots of record that exist. He advised that the Ricketts would be willing to pay for the design and installation of the line if they could be guaranteed two EDU allocations at the St. Clements Shores WWTP.

Commissioner Loffler indicated that the Planning Commission is the body that allocates EDU's. Mr. Norris responded that this meeting was scheduled in anticipation of the Planning Commission addressing the issue of EDU allocations last night (January 12), but has been postponed until January 27.

During discussion Commissioner Jarboe indicated that if the Ricketts are willing to pay the cost for the line, perhaps the County could grant the two EDU's if the Health Department and Metropolitan Commission agree. He stated that the line could be restricted to those two EDU's until the St. Clements Shore WWTP's size is increased.

Commissioner Thompson pointed out that a policy has been established for the allocation of EDU's based on priority, and that granting the EDU's to the Ricketts ahead of others on the list would be a departure from that policy. She stated that there are many others in the same position. She indicated that she did not believe that the plant lends itself to expansion because it uses land application. She further advised that she felt there were problems with the policy because it excludes too many people who will find themselves in that position.

In conclusion Commissioner Loffler advised that it is more appropriate for the Planning Commission to address this issue and to give recommendations to the County Commissioners.

The Commissioners agreed to include this as an item of discussion at the joint meeting of the County Commissioners, Planning Commission, Boards of Appeals on Tuesday, January 21.

(Commissioner Jarboe left meeting - 10:00 a.m.)

INTERAGENCY COMMITTEE (SENIOR CARE PROGRAM)

Present: Gene Carter, Director, Office on Aging
Joe Mitchell, Director, Economic & Community Development

The referenced individuals appeared before the Commissioners to obtain approval of the expansion of the Interagency Committee for St. Mary's County. Mr. Carter advised that the committee was originated at the state level and its prime responsibility is the management of the Senior Care Program grant. The Committee consisting of the Director of Office on Aging, the Health Officer, Director of Social Services. The State expanded the membership of all IAC's last year by including the local directors for housing, transportation and economic development. St. Mary's County deferred expansion because the steering committee, which administered the Senior Care Program, had just been reappointed. He stated that the Committee is now prepared for expansion by adding the Director of Economic and Community Development, Joe Mitchell. Since Mr. Mitchell handles housing and economic development and Mr. Carter handles transportation, the addition of Mr. Mitchell is all that will be needed to satisfy the State's membership requirements.

After discussion Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve the appointment of Joe Mitchell to the IAC as requested and further to advise the Maryland Office on Aging that the expansion has been accomplished. Motion carried. Mr. Carter will draft the letter to the Maryland Office on Aging.

**PINEY POINT LIGHTHOUSE
HISTORIC PRESERVATION GRANT - NOTICE OF AWARD**

Present: Phil Rollins, Director, Recreation and Parks
Michael Humphries, Director, St. Clements Museum
Kim Cullins, St. Clements Museum Board

Mr. Rollins informed the Commissioners that the Maryland Historical Trust has awarded a \$20,000 Historical Preservation Grant for the restoration of the Piney Point Lighthouse. The county's match of \$34,000 is in-kind and the work that the County has done on the house.

After discussion Commissioner Lancaster moved, seconded by Commissioner Thompson, to accept and authorize Commissioner Loffler to sign the Notification of Grant Award as presented. Motion carried.

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) **BUDGET AMENDMENTS**

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

No. 92-23
Social Services

Burial expenses for an indigent - \$135

No. 92-24
Animal Control

Animal kill of miniature horse - \$3500

No. 92-25
Department of Public Works

Funds needed for Community College for property transfer costs - \$7500.

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

2) **RECORDATION TAX COLLECTION TRANSFER
TRANSFER TAX COLLECTION TRANSFER**

The County Administrator presented correspondence addressed to the County's legislative delegation requesting support of Senate Bill 78 providing for the transfer of collection of the Recordation Tax responsibility to the Treasurer for all jurisdictions. The letter further indicates that the County's legislative package included a transfer of collection responsibility for the County transfer tax to the Treasurer.

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

3) **INTERSECTION OF MARYLAND ROUTES 246 AND 5**

The County Administrator presented correspondence addressed to the Maryland Department of Transportation requesting acceleration of the Routes 246 and 5 intersection signalization project because of the numerous accidents at that location.

The Commissioners agreed to sign and forward the letter.

4) **RIGHT-OF-WAY EASEMENT - WALDEN-SIERRA HOUSE**

The County Administrator presented a Right-of-Way Easement Agreement dated January 14, 1992 between County Commissioners of St. Mary's County and Southern Maryland Electric Cooperative, Inc. granting a 10-foot easement for an electric line for the Walden-Sierra House on Md. Rt. 4.

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

5) **EASEMENT AGREEMENTS
GOVERNMENTAL CENTER -SIDEWALK AND LOOP ROAD CONSTRUCTION**

The County Administrator presented three Deeds of Easement relative to the construction of sidewalks in front of the Governmental Center and the loop road around the Governmental Center. Two of the Agreements are with the Department of Public Safety and Correctional Services for the sidewalk, stormwater management, and side-loop road and the other Agreement is with the Military Department (for the Armory) for the front sidewalk and stormwater management.

After discussion Commissioner Lancaster moved, seconded by Commissioner Bailey, to approve and authorize Commissioner Loffler to sign the three Easement Agreements as presented. Motion carried.

6) **PROGRESS '92 - THE ENTERPRISE NEWSPAPER**

The County Administrator presented correspondence for the Commissioners' signatures to be placed in the 1992 Progress issue of The Enterprise Newspaper expressing hopes to the citizens for a year filled with meaningful progress.

The Commissioners agreed to sign the letter.

7) **EMERGENCY SERVICES COMMITTEE**

The County Administrator presented correspondence addressed to Members of the Emergency Services Committee offering comments on the recommendations presented to the Commissioners on January 7.

The Commissioners agreed to sign the letter as presented.

8) **APPOINTMENTS**

Commissioner Lancaster moved, seconded by Commissioner Bailey, and motion carried, to make the following appointments:

| | |
|---|------------------------|
| <u>Electrical Examiners Board</u> | <u>Terms to Expire</u> |
| Arthur L. Goode, Jr. | 12/31/96 |
| <u>Extended Day Care Planning Committee</u> | |
| Carole Pinckney (Reappointment) | 12/31/94 |
| <u>Zoning Board of Appeals</u> | |
| Daniel H., Raley (Reappointment) | 12/31/95 |
| Sal Raspa (from Alternate to Regular) | 12/31/95 |
| E. Leslie Shaw (Alternate Member) | 12/31/95 |

FISCAL YEAR 1992 BUDGET REDUCTIONS

Present: Edward V. Cox, County Administrator
Martha Jones, Budget Analyst

The County Administrator reviewed with the Commissioners the January 13 memorandum from the Director of Finance recommending reductions in order to complete the county's budget reductions for Fiscal Year 1992. Recommendations included deleting the following amounts from the proposed \$1,000,000 reductions:

- | | | |
|------------------------------------|----------|----------------------------|
| 1. Sotterley | \$ 4,910 | |
| 2. Naval Air Test Museum | \$ 6,000 | |
| 3. Chamber of Commerce | \$ 5,000 | |
| 4. Historical Society | \$ 5,000 | |
| 5. Tri-County Council | \$10,000 | |
| 6. Economic Development Commission | \$25,000 | (EDC reduction - \$31,000) |

In addition the following areas were recommended to be excluded from the 1.8% reductions:

Health Department because of significant reductions made by the State and the County's match to the state funding.

Orphan's Court because of Maryland Code requirements.

Mr. Wade's memorandum indicated that these actions would result in reductions totaling \$1,923,935 and recommended that the remaining reductions to reach the \$2,000,000 goal be achieved through selective hiring, reductions in travel, training and energy reductions.

After discussion Commissioner Thompson moved, seconded by Commissioner Bailey, to accept the recommendations as contained in the Director of Finance's January 13 memorandum. Motion carried.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator
Dan Ichniowski, Director, Public Works
Dave Gerdel, Deputy Director, "
Joe Mitchell, Director, Economic & Community Development

Commissioner Bailey moved, seconded by Commissioner Thompson, to meet in Executive Session to discuss matters of Property Acquisition. Motion carried. The Session was held from 10:45 a.m. to 12:50 p.m.

COUNTY COMMISSIONERS/BOARD OF EDUCATION

Present: Al Lacer, President, Board of Education
Jean Campbell, "
Robert Kirkley, "
Jonathan Nelson, "
Fred Wallace, "
Joan Kozlovsky, Acting Superintendent
Frank Barnett, Asst. Superintendent of Administration
Jerry Himmelheber, Supervisor, School Facilities

1. Dynard Elementary School

Mr. Barnett presented information relative to the construction funds for the Dynard Elementary School construction project and discussed the funding availability from the state and pointed out that an additional \$63,233 is needed because the project will cost more than originally anticipated. Mr. Barnett presented a list of change orders showing the areas of increased costs and pointed out that a short term solution is a budget transfer. Long term solution includes: Applying to State for eligible cost share; going to architect for

reimbursement; applying to state for related contract for asbestos cost; and preparation of change order policy/procedures for future Board of Education action. This would provide a total of \$42,748.

Mr. Lacer requested authority to transfer \$65,000 from other Capital Project savings in order to meet the short-term cash flow needs. Because of the increased costs for asbestos removal in the Dynard project, Commissioner Loffler suggested that perhaps asbestos removal account from the Board of Education's general fund be used for this purpose.

Commissioner Loffler requested that the Board of Education determine if there are specified funds in the Capital Budget for asbestos removal projects and whether they are state reimbursable 65%-35%.

2) State Capital Improvement Program Requests
Appeal of Interagency Committee for School Construction Decisions

Mr. Lacer advised that he and Acting Superintendent of Schools Joan Kozlovsky will be going to the Maryland Board of Public Works on January 22 to appeal the decision of the IAC for School Construction decisions regarding the deferment of planning approval for an addition and renovation to the Park Hall Elementary School HVAC system, and construction funding reimbursement for the Lettie Dent and Green Holly Elementary School additions. He invited the President of the County Commissioners Loffler to join them in this effort.

Mr. Lacer requested the Commissioners sign a letter to the Board of Public Works agreeing that the reimbursed funds would be applied towards other county capital improvement projects to support the "Maryland Goes to Work" initiative and indicating that without this reimbursement, the projects would not be able to proceed.

During discussion Commissioner Loffler expressed concern that in agreeing to sign such a letter may jeopardize receipt of state funds.

The Commissioners agreed to take the request under advisement.

3) Fiscal Year 1993 Budget

The Commissioners advised the Board of Education that all spending units have been requested to develop Fiscal Year 1993 budgets at 96% of last year's budget. The Board of Education will present their proposed 1993 budget at a later date.

Commissioner Lancaster requested the Board of Education to provide the following information:

1. How the Board would spend less.
2. What it would take to maintain same level of service as Fiscal Year 1992.
3. What the Board would like to have to do the kind of things they need to do.

4) Naval Air Warfare Center Expansion

Rev. Kirkley inquired the County will be addressing the impact on schools from the Naval Air Warfare Center expansion.

Commissioner Loffler explained that the County has developed a planning document with the participation of the Board of Education. The document will be reviewed and updated as necessary.

PUBLIC/PRIVATE ALLIANCE
PROMOTION OF NESEA

Present: Joe Mitchell, Director, Economic & Community Development
F. Elliott Burch, Jr., Chairman, Economic Development Commission

The referenced individuals appeared before the Commissioners to explain the establishment of a public private partnership alliance for the promotion of NESEA and to request use of \$25,000 of marketing funds that had been budgeted for in Fiscal Year 1992. The \$25,000 will be coupled with significant private funds in this effort.

Mr. Burch advised that on Friday, January 10 the EDC voted to form a public/private partnership alliance to promote the interest of NESEA. Mr. Mitchell explained that Mr. Bob Waxman attended the 1/10 meeting and indicated that there was a possibility NESEA may be relocated to Portsmouth, Virginia. Mr. Waxman had suggested that the EDC initiate a local effort that would no way affect the Warminster/Naval Air Warfare transfer, but to assure NESEA remains in the County.

Mr. Mitchell advised that the Commissioners will host a tour of NESEA on Tuesday, January 28, and the Governor will be invited to attend.

Mr. Mitchell indicated that there are three major goals:

1. To promote NESEA
2. To assure a smooth transition to Naval Air Warfare Center at Patuxent River from Warminster, Pennsylvania.
3. To do whatever is necessary to privatize technology industry in the County.

After discussion Commissioner Bailey moved, seconded by Commissioner Lancaster, to allow the expenditure of up to \$25,000 to be coupled with private funds for the promotion of NESEA as requested. Motion carried.

ADJOURNMENT

The meeting adjourned at 3:00 p.m.

APPROVED,



Carl M. Loffler, Jr.,
President

