

ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS

April 28, 1992

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 9:05 a.m.

APPROVAL OF MINUTES

Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve the minutes of the Commissioners' meeting of Tuesday, April 21, 1992. Motion carried.

APPROVAL OF BILLS

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

**SOUTHERN MARYLAND WOOD TREATMENT PLANT TASK FORCE
STATUS REPORT**

Present: Dr. Garner Morgan, Chairman

Dr. Morgan appeared before the Commissioners to present a status report on the progress of the Task Force. He emphasized that the top priority of the Task Force is a safe clean up of the site, and stated that the site is still in the design stage. The design was to be completed by June or July and has now been moved to September by EPA. Dr. Morgan made the following points:

- The Task Force will continue to look at alternatives as contained in the STAR report as well as any others brought to the Task Force's attention. The alternatives will be discussed at the April 30 meeting.
- The Task Force will continue to be in contact with EPA.
- The Task Force will contact Federal Laboratories to see if they can offer expertise.
- The Task Force will work with the Environmental Awareness Coalition.
- The Task Force will not take a position on incineration until all the facts are in.
- The Task Force's meetings are open to the public and there is public input at all meetings.

In response to Commissioner Thompson's inquiry regarding soil samples taken, Dr. Morgan indicated that a report was only received from Victor Reynolds, however, the Task Force will try to get information from the others that had taken samples. Because Mr. Reynolds indicated that the soil samples were not what EPA described, Dr. Morgan stated that this will be brought to EPA's attention.

During discussion Dr. Morgan stated that the clean up may entail several technologies rather than just one, and this has been brought to EPA's attention for consideration, but there has been no response. Bids will go out in September by EPA for the clean up which will revolve around the Record of Decision and is based on incineration. A decision will have to be made by September whether the ROD would need to be overturned.

Commissioner Thompson suggested that the Task Force present an interim report regarding the START report and findings by the professor at MIT in two or three weeks.

Commissioner Loffler suggested that a conference be held with all parties, including Senator Mikulski's office, at a time when the Task Force is ready to present a conclusive report on the alternatives. Dr. Morgan will advise the Commissioners as to the appropriate time for such a conference.

The Commissioners thanked the Task Force for its efforts in gathering information on the Southern Maryland Wood Treatment Plant site.

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:

No. 92-44
State's Attorney's Office

Justification: Budget shortage due to personnel changes in the State's Attorney's Office.

No. 92-45
County Commissioners

Justification: Fiscal Year 1992 budget reduction of Fire/Rescue implementation (Increase Reserve - \$25,000)

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign Budget Amendment Nos. 92-44 and 92-45 as presented. Motion carried.

No. 92-46
State's Attorney's Office

Justification: To provide funds to cover pending extraditions to Florida and Louisiana.

Commissioner Bailey moved, seconded by Commissioner Thompson, to approve and authorize Commissioner Loffler to sign Budget Amendment No. 92-46 as presented. Motion carried.

2) **Eagle Scout**

The County Administrator presented correspondence addressed to Jason Matthew Keen congratulating him on achieving the rank of Eagle Scout.

The Commissioners agreed to sign and forward the letter.

3) **"Conducting Effective Meetings" Workshop**

The County Administrator presented correspondence to be forwarded to the chairpersons of the county's boards, committees and commissions inviting them to attend a workshop on "Conducting Effective Meetings" on June 23 from 1:00 to 3:00 p.m. A presentation will be made by Richard Hillman with the Office of Local Government Technical Assistance. He further presented correspondence addressed to Secretary Rogers of the Department of Housing and Community Development requesting authorization for Mr. Hillman to make the June 23 presentation.

Commissioner Jarboe questioned whether there was a need for the chairpersons to attend the meetings and if the time chosen was the best time for volunteers. Therefore, Commissioner Jarboe moved, seconded by Commissioner Bailey, to contact the chairpersons of boards, committees, and commissions to see if they feel there is a need to the workshop, and if so to determine the best time that would accommodate their schedules. Commissioners Loffler, Lancaster and Thompson voted against the motion. Motion defeated three to two.

County Administrator Cox pointed out that attendance at workshop was not mandatory, that the county was providing the service and inviting them to attend.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to conduct the workshop on June 23 and to sign and forward the letters as presented. Commissioners Bailey and Jarboe voted against. Motion carried three to two.

4) **Community College Meeting**

The County Administrator presented a memorandum dated April 27 in which he advised that a reporter from WPTX/WMDM was informed by the Public Information Officer of Higher Education Commission and the Public Information Officer of General Services that the community college project is indefinitely on hold and, therefore, there will not be a land transfer.

County Administrator Cox proposed that there still be a meeting on May 20 in order to try to salvage the land transfer. The Commissioners agreed to conduct the May 20 meeting.

5) **Leonard Hall Junior Naval Academy**

The County Administrator presented a memorandum listing the correspondence exchanged between the County Commissioners and Leonard Hall Junior Naval Academy Board of Trustees regarding the Board of Trustees' failure to comply with the lease and failure to pay the outstanding debt to the County. Mr. Cox presented correspondence addressed to the Board of Trustees acknowledging receipt of six \$500 payments to the outstanding account and advising that upon receipt of payment in full the Commissioners will discuss the status and viability of the lease.

Commissioner Lancaster moved, seconded by Commissioner Thompson, to sign and forward the letter to Leonard Hall Junior Naval Academy as presented. Commissioners Bailey and Jarboe voted against. Motion carried three to two.

6) **Southern Maryland Regional Farmers Market**

In response to correspondence from the president of Southern Maryland Regional Farmers Market, the County Administrator presented a letter for the Commissioners' signatures indicating that St. Mary's County will be unable to continue financially contributing to the farmers market because of current budget restraints. The County has provided \$15,000 to support the market during its start-up phase on the basis that it would become self-supporting.

Commissioner Jarboe stated that he believed the County should give some financial support, perhaps in the amount of \$3,000.

After discussion Commissioner Thompson moved, seconded by Commissioner Lancaster, to sign and forward the letter as presented. Commissioner Jarboe voted against the motion. Motion carried four to one.

7) **Appointments
Boards, Committees, Commissions**

Commissioner Bailey moved, seconded by Commissioner Thompson, and motion carried to make the following appointments with terms as indicated:

<u>Airport Commission</u>	<u>Terms to Expire</u>
David B. Seeman	6/30/93/96
<u>Commission on Aging</u>	
Vivian A. Betton	6/30/93/96
Elizabeth T. Lockwood	6/30/95
<u>Community Development Corporation</u>	
W. McGordon Ferguson	6/30/95/2000
Robert Gant	6/30/95
Nancy Hutson	6/30/94
Joseph F. Mitchell	6/30/96
Dennis Nicholson	6/30/97
<u>Community Service Coordination Committee</u>	
Marilyn Beach	No Term
Benjamin Bryan	No Term
<u>Library Board of Trustees</u>	
Fred Powledge	12/31/96/2001
<u>Mental Health Authority Board</u>	
Kristin A. VanReken	12/31/95
<u>Tri-County Youth Services Bureau</u>	
Anne P. Emery	12/31/92/94

8) **Response to Employees Association**

The County Administrator presented correspondence responding to the Employees' Association of April 21 stating the Commissioners are in the process of development the final budget and will give consideration to the request for merit and/or cost-of-living increases.

The Commissioners agreed to sign and forward the letter.

PROCLAMATIONS

The Commissioners presented the following Proclamations:

Older Americans Month

Designating May as Older Americans Month

National Crime Victims' Rights Week

Designating the week of April 26 - May 2 as National Crime Victims' Rights Week.

Big Brothers/Big Sisters Week

Designating the week of April 26 - May 2 as Big Brothers/Big Sisters Week.

Maryland Science Week

Designating the week of April 26 - May 3 as Maryland Science Week.

(The Commissioners departed at 10:20 a.m. to attend the Special Olympics at Leonardtown High School and to attend the Office on Aging Luncheon at the Elks Lodge.)

**FUNDS AVAILABLE
FISCAL YEAR 1993**

Present: Charles Wade, Director of Finance

Mr. Wade distributed a handout outlining available funds as follows:

- Increase in Fiscal Year 1992 revenues	\$ 386,000
- Anticipated state reductions that did not occur	505,000
- Funds not used in Recommended Budget	<u>422,000</u>
	\$1,313,000
- Increased estimate of FY '93 revenues	<u>584,000</u>
- Available to Use	\$1,897,000

He further made the following suggestions for use of these funds:

- Board of Education Step Increase	\$ 635,000
- Board of Education - 17 teachers	550,000
- County Employees step increase	356,000
- Capital Budget-Park Hall Addition	232,000
- Commissioners' reserve	<u>124,000</u>
	\$1,897,000

Later in the meeting Commissioner Bailey moved, seconded by Commissioner Lancaster to sign and forward a letter to the Board of Education advising of the increased revenue to the Board of Education in the amount of \$1,185,000, pointing out that the County is unable to fund the Board's total request and forwarding a copy of the referenced handout showing revenues and recommended uses. Motion carried.

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

Mr. Ichniowski presented the following documents for review and consideration:

Public Works Agreement
Head of the Bay Estates

Dated April 23, 1992 between Bruce Ledford and St. Mary's County, Maryland guaranteeing completion of Ledford Way by March 1, 1993. The Agreement is backed by a Letter of Credit in the amount of \$77,000 with The First National Bank of St. Mary's.

Addendum to Public Works Agreement
Richneck Subdivision

Between Amos Ripple and Board of County Commissioners of St. Mary's County extending the deadline for completion of improvements to May 1, 1993. The Addendum is backed by a Letter of Credit in the amount of \$55,6000 with First National Bank of St. Mary's.

Correspondence Calling Letters of Credit

Patuxent Park West, Section 2, Parcel 3 - To Maryland Bank and Trust Company for Grading Permit #91-26; Letter of Credit #429 in the amount of \$18,500.

Route 235 Spoil Site, Lexington Park - To Maryland National Bank for Grading Permit #88-43; Letter of Credit #615588 in the amount of \$18,000.

Southgate Center - To Maryland Bank & Trust Company for Grading Permit #91-10; Letter of Credit #412-B in the amount of \$52,000.

Cedar Cove Subdivision, Section 5 - To Maryland National Bank for Grading Permit #90-35; Letter of Credit No. 290427 in the amount of \$35,000.

Whaler's Creek Runn, Section 1 - To Maryland National Bank for Public Works Agreement; Letter of Credit #290428 in the amount of \$204,300.

Cedar Cove, Section 5 (Swash Bay) - To Maryland National Bank for Public Works Agreement; Letter of Credit #290429 in the amount of \$353,000.

Wilderness Cluster Subdivision, Section 3 - To Potomac Savings Bank for Public Works Agreement; Letter of Credit #91-326-05 in the amount of \$138,600.

Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve and authorize Commissioner Loffler to sign the Public Works Agreement, Addendum to Public Works Agreement, and correspondence calling Letters of Credit to be forwarded if necessary. Motion carried.

CAPITAL IMPROVEMENT PROGRAM REVIEW (Continuation)

Present: Charles Wade, Director of Finance
Dan Ichniowski, Director, Public Works

The Commissioners continued their review from last week of the Department of Public Works Capital Improvement Programs for roads, marinas and solid waste.

The Board will review the CIP for the Board of Education and Recreation and Parks on Thursday 9:00 a.m. This Session will also include the Department of Planning and Zoning for the Comprehensive Plan.

During discussion of the Budget, Commissioner Thompson suggested that the Budget Message include information that tipping fee revenues are being used for the operation of the St. Andrews Landfill.

PUBLIC HEARING
TRANSFER OF SIMMONS CABLE FRANCHISE AGREEMENT

Present: Susan Sloan, Chairperson, Cable Advisory Committee
Harry Geiske, "
Ray Hanson, "
John Ragland, "
Chris Fenger, Regional Manager, Simmons
Rich Angerman, ACTV

The Commissioners conducted a public hearing on an application to transfer the franchise for St. Mary's County from Simmons Communications Company, L.P.

to American Cable TV Investors 5, Ltd. (ACTV). Simmons has entered into a sales agreement with ACTV for the St. Mary's County cable system; and as a part of this sale and transfer respective franchises, contracts, leases and other agreements will be assumed by ACTV.

Ms. Sloan distributed a letter addressed to the Commissioners indicating that the Cable Advisory Committee reviewed the transfer and application documents and found them to be in order. She stated that the Committee recommends the Commissioners' approval of the transfer from Simmons to ACT.

The Commissioners opened the hearing for comments from the audience. No comments were offered.

Ms. Sloan presented a Resolution wherein the Commissioners consent and approve the assignment and transfer of the franchise to ACTV, and authorize Commissioner President Loffler to execute the Consent Agreement.

Discussion ensued as to whether the Commissioners had to wait ten days prior to making a decision and agreed to get a ruling from the County Attorney.

After discussion Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve and sign Resolution No. 92-06 pending a ruling from the County Attorney as to the waiting period. Motion carried.

Later in the meeting County Attorney Densford advised that the Commissioners can act on the Resolution today and recommended that a fair summary be published in the newspaper in order to inform the community.

OFFICE ON AGING

Present: Gene Carter, Director

1) Revised Fiscal Year 1992 Notification of Grant Awards

Mr. Carter presented the following revised Notification of Grant Awards for Fiscal Year 1992 from the Maryland Office on Aging:

Title III, Senior Information and Assistance, Senior Nutrition, and Senior Center Operating funds programs. The NGA's reflect the reductions in state general funds over the past year.

After discussion Commissioner Bailey moved, seconded by Commissioner Lancaster, to authorize Commissioner Loffler to sign the Notification of Grant Awards as presented. Motion carried.

2) Medical Adult Day Care Program

Mr. Carter presented the Adult Day Care Program for Fiscal Year 1993 and requested the Commissioners' approval for submission to the Department of Health and Mental Hygiene. He distributed a handout which included charts showing: estimated revenues and expenditures - FY '92 - '93; total program enrollment by center - FY '89 - '92; average daily attendance by center - FY '89 - '92; average enrollment by payment sources - FY '90 - '92; total days by payment sources - FY '90 - '92. Mr. Carter pointed out that both centers are experiencing increased enrollment.

After discussion Commissioner Lancaster moved, seconded by Commissioner Jarboe, to authorize Commissioner Loffler to sign the Medical Adult Day Care Program Budget for submission to DHMH. Motion carried.

RESOLUTION NO. 92-06

MARYLAND SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION

Present: Joe Mitchell, Director, DECD
Nancy Hutson, Loan Officer, DECD

Mr. Mitchell presented the Maryland Small Cities Community Development Block Grant Application in the amount of \$493,000 to be used for the Sewer Connections Revolving Loan Fund for residents of Ridge, Tall Timbers, St. George Island and Forrest Heights. He also presented a Resolution authorizing the submission of the Application and authorizing the president of the board to sign the grant application and other related documents. The grant includes several programs including administrative management plan and anti-displacement plan.

Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve and sign Resolution No. 92-06 and further to authorize Commissioner Loffler to sign the grant documents. Motion carried.

PROPOSED TOW-AWAY ZONE ORDINANCE

Present: Joseph Densford, County Attorney

Mr. Densford appeared before the Commissioners to discuss the possible enactment of a tow-away zone ordinance. He distributed a copy of the Maryland Transportation Article authorizing jurisdictions to enact an ordinance for the impoundment of motor vehicles. An ordinance would be required to designate impoundment or towing areas as well as no parking areas.

Mr. Densford advised that there is a situation in the Town Creek Marina area where the County has a "No Parking" Resolution and "No Parking" signs are in effect. He stated that a tow-away zone would give the law enforcement officials another avenue to keep people from parking in the area. Mr. Densford pointed out that there are no physical barriers to prevent parking, and posting a sign that vehicles would be towed away may prevent illegal parking.

Commissioner Loffler indicated that he believed the "No Parking" tow-away zone would be more effective than just "No Parking."

Commissioners Bailey Jarboe and Lancaster suggested that the County enforce the "No Parking" laws before taking this action. Commissioner Thompson agreed that the County should try to enact the "No Parking" first, but if it became a problem, the County should take more stringent enforcement measures.

Because a majority of the Board was not in favor of enacting an Ordinance for the impoundment of vehicles parked in violation, the ordinance will not be presented at this time.

**TRI-COUNTY RESIDENTIAL ALTERNATIVES FOR YOUTH
FISCAL YEAR 1992 FUNDING**

As a follow up to the request by Michael Whitson, President, Tri-County Residential Alternatives for Youth, for reinstatement of the balance of Fiscal Year 1992 funding in the amount of \$15,000, Commissioner Bailey moved, seconded by Commissioner Lancaster, to provide the funding as requested. Motion carried.


COMMUNITY COLLEGE LAND TRANSFER

Commissioner Jarboe stated that he had spoken to Delegate Slade regarding the land transfer with the state for the Community College site on Indian Bridge Road. He advised that Delegate Slade has indicated that the land transfer is not a dead issue. He reported that Secretary Harris has indicated that the state's priority is the higher education facility, but that there would be space that could be used for the community college courses.

ADJOURNMENT

The meeting adjourned at 5:20 p.m.

APPROVED,


Carl M. Loffler, Jr.
President

