

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

May 19, 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 Thompson moved, seconded by Commissioner Lancaster, to approve the minutes of the Commissioners' meeting of Tuesday, May 12, 1992. 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 ITEMS

Present: Edward V. Cox, County Administrator

1) **Correspondence - Leonard Hall School**

As a follow up to last week's discussion, the County Administrator presented correspondence addressed to Leonard Hall Junior Naval Academy giving formal notice that the Commissioners had rescinded their intention to terminate the lease as stated in February 11 correspondence. The rescission is contingent on the payment in full on or before June 6 of the past due amount owed by the Board of Trustees, currently \$9,734.83.

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

2) **Shift Differential Pay**

As a follow up to last week's discussion, the County Administrator re-presented the May 5 memorandum from the Personnel Officer requesting the Commissioners' approval to implement a clarification to the county's current shift differential pay policy.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve the clarification of the shift differential policy to be included in the Manual of Personnel Policies and Procedures. Motion carried.

3) **Correspondence - Commuter Parking**

The County Administrator reminded the Commissioners of the request by citizens at the May 5 public forum for commuter parking space. Therefore, County Administrator Cox presented correspondence addressed to Mary Woodland advising that the Commissioners will make parking available to the commuters at the Felix Johnson Center in Lexington Park. The letter further indicates that should the county need this property in the future, adequate notice would be given in advance in order to make other arrangements.

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

4) **Correspondence - Miss St. Mary's County**

The County Administrator presented correspondence addressed to Kathleen Cullins endorsing her community service project entitled Maryland Mentor Program.

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

5) **Board of Education - Categorical Changes**

In response to the Superintendent of School's May 15 letter, the County Administrator presented correspondence approving the categorical transfers as presented.

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

6) Board of Education - Approval of Grant Awards

In response to the Superintendent of School's May 13 letter, the County Administrator presented correspondence approving the new grant awards.

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

7) Easement Agreements
Public Water Line - St. Andrews Church Road

The County Administrator presented the following Easement Agreements in conjunction with the installation of a public water line along St. Andrews Church Road to serve Walden-Sierra and the Department of Public Works and extended to Wildewood Boulevard.

Temporary Utility Easement Agreement among Canoeneck, Inc., St. Mary's County Metropolitan Commission and St. Mary's County Commissioners.

Utility Easement Agreement among Casimir Szlendak, Metropolitan Commission and County Commissioners.

Easement Agreement among Larry D. Berg and James A. Mills, Metropolitan Commission and County Commissioners.

Easement Agreement among Sarkis Sarkissian and Kathleen Dorothy Sarkissian, Metropolitan Commission and County Commissioners.

Easement Agreement among Joseph H. Weiland and Rose M. Weiland, Metropolitan Commission, and County Commissioners.

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

8) Christmas in April - Storage Facility

The County Administrator advised that representatives of the non-profit Christmas in April organization have requested the Commissioners' approval for use of county-owned land for the construction of a warehouse facility to store materials and equipment. County Administrator Cox suggested the use of a two-acre site adjacent to land leased to the Fair Board with a five-year renewable lease. If the Commissioners concur, Mr. Cox advised that he would have a formal lease agreement prepared for their consideration.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to authorize the use of the fairgrounds property as referenced above, and further to direct the County Administrator to have a formal agreement prepared. Motion carried.

9) "Welcome" Sign

The County Administrator advised that a request was received from the Chamber of Commerce for approval of a cooperative effort to place a "Welcome to St. Mary's County" sign at the north end of the county on property owned by Mr. and Mrs. Lawrence Edwards. The County would obtain the land, and the Chamber would provide the sign. The Chamber would submit the design of the sign for the Commissioners' approval.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to give conceptual approval for the placement of the "Welcome" sign as outlined above. Motion carried.

10) Proposed Impact Fee Study

The County Administrator presented a memorandum dated May 18 from the Director of Finance outlining a proposal to review and update the Impact Fee Study for St. Mary's County. The proposal was submitted by Edward J. Donahue of Reznick, Fedder & Silverman, the firm that did the original impact fee study, at a cost of \$10,000 for the update.

The Commissioners will discuss this proposal at next week's meeting.

ST. MARY'S UNITED WAY

Present: Christine Cihlar, President
Kathy Rodman

The referenced representatives of the St. Mary's United Way appeared before the Commissioners to discuss the United Way Program. Ms. Cihlar made the following points:

- That the people and businesses of St. Mary's County are generous in their donations to United Way and in other areas.
- That the 28 agencies of United Way of St. Mary's have benefited by this generosity; that donations are expected to reach the \$200,000 level.
- That there is a top ten list of organizations that donate to the United Way.
- That all agencies of the United Way are 501(c)(3) charitable organizations and are certified each year.
- That St. Mary's United Way joined the United Way of America late last year, and that the problems of United Way of America are non-existent in St. Mary's. The priorities of United Way of America are being reorganized, and St. Mary's is holding its dues (\$600) until such time it is satisfied with the operation of United Way of America.

Ms. Cihlar closed by stating that the St. Mary's United Way program is healthy and effective in the County.

SOFTBALL HALL OF FAME

Present: Phil Rollins, Director, Recreation and Parks
Kenny Dement, Softball Hall of Fame
Laurence Gardner, "
Jim McFadden, "
Sonny Melvin, "
Felton Rothwell, "

The referenced individuals appeared before the Commissioners to request the Commissioners' approval of a grant application to Program Open Space for materials and further request a loan from the County for the construction of the Hall of Fame at the St. Mary's Regional Park.

Mr. Rollins explained that the facility is a joint county/volunteer effort--county will purchase materials and Hall of Fame will provide the labor. The bidding process for materials will be completed by August. Recreation and Parks has allocated \$100,000 for materials and an additional \$145,000 is being funded through the Program Open Space grant. The Hall of Fame Inc. is requesting a \$85,000 loan from the County to be repaid as contained in a loan agreement. The loan would be repaid in two installments with interest.

Mr. Rollins advised that the Director of Finance has reviewed the loan agreement and is supportive of the financing plan. He further reported that the plan for the building has been reviewed by the Department of Public Works.

Mr. Rothwell explained the various plans for fund raising activities including a Conway Twitty Concert, raffle tickets, league fees, and golf tournament.

After discussion Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve the grant application to Program Open Space and further to approve and authorize Commissioner Loffler to sign the Loan Agreement. Motion carried.

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director, Public Works

- 1) Lease Agreement
Clements Landfill Closure

Mr. Ichniowski presented a Lease Agreement between Board of County Commissioners of St. Mary's County and James B. Beavan and George B. Beavan for the rental of approximately 15 acres located at the Clements Landfill by the Beavans, who shall maintain the landfill cap as outlined in the lease. The Lease is for the period May 1, 1992 to May 1, 1995.

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

2) **Shore Erosion Control Project Agreement
Point Breeze Revetment Project**

Mr. Ichniowski presented the Shore Erosion Control Project Agreement between the Department of Natural Resources and St. Mary's County for a non-interest loan from DNR for the Point Breeze Revetment Shore Erosion Control Project.

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

3) **Addenda to Public Works Agreements**

Mr. Ichniowski presented the following Addenda to Public Works Agreements for the Commissioners' consideration:

Twin Ponds

By and between Franklin W. Dean and County Commissioners extending the deadline for completion of improvements to April 1, 1993. Addendum is backed by a Letter of Credit with First National Bank of St. Mary's in the reduced amount of \$38,000.

Breton Bay PUD

By and between Breton Bay Development Associates and County Commissioners extending the deadline for completion of improvements to May 1, 1993. Addendum is backed by a Letter of Credit with Signet Bank/Maryland in the reduced amount of \$340,000.

Wilderness Subdivision, Section 3

By and between Potomac Savings Bank and County Commissioners extending the deadline for completion of improvements to May 1, 1993. Addendum is backed by a Letter of Credit with Potomac Savings Bank in the amount of \$138,600.

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

4) **Acceptance of Deeds
Road Resolutions.**

Mr. Ichniowski presented the following Deeds and appropriate Road Resolutions for the Commissioners' review and approval:

Laurel Ridge Subdivision, Sections A and B

Deed dated February 5, 1991 by and between Israel Z. Swarey and Board of County Commissioners accepting Overlook Court into the County Highway Maintenance System.

Road Resolution No. R92-10 - Designating Overlook Court as a Stop Street at its intersection with Laurel Ridge Drive.

Road Resolution No. R92-11 - posting Overlook Court at 25 miles per hour.

Chestnut Ridge Subdivision, Section II

Deed dated July 19, 1990 by and between Delmarva Properties, Inc. and County Commissioners of St. Mary's County accepting Chestnut Ridge Drive, Prince Pine Court, and Cedarwood Court into the County Highway Maintenance System.

Road Resolution No. 92-12 designating the following streets as Stop Streets: Prince Pine Court as it intersects with Chestnut Ridge Drive; Cedarwood Court as it intersects with Chestnut Ridge Drive.

Road Resolution No. 92-13 posting Chestnut Ridge Drive, Prince Pine Court, and Cedarwood Court into the County Highway Maintenance System.

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

5) **Wicomico Shores Taxing District**

Also Present: Larry Petty, Director, Metropolitan Commission

Mr. Ichniowski and Mr. Petty briefed the Commissioners on the progress of the Wicomico Shores Special Taxing District. Mr. Ichniowski described the original Ordinance regarding the construction of roads and indicated that one of the conditions in the Ordinance was that prior to the road being constructed that all appropriate permits be obtained for the construction of the wastewater treatment plant. He stated that the Metropolitan Commission has received the discharge permit from the state. He further pointed out that in order to take advantage of the asphalt contract he would like the Commissioners' approval to proceed with the road work in the areas of Wicomico Shores.

Mr. Petty advised that the state is currently reviewing the construction plans for the wastewater treatment plant and sewer line design, and approval is expected in 30 days.

Discussion ensued regarding the feasibility of moving forward with the roads, and Commissioner Loffler inquired whether the County had title to the private water company, to which Mr. Petty advised that has not yet occurred, but that the owner was anxious to transfer the title to the County.

The Commissioners discussed the intent of the original ordinance, and Commissioner Loffler indicated that changing the process for the road construction would require a resolution to change the Ordinance.

After discussion the Commissioners requested Mr. Ichniowski to return in approximately 30 days with the appropriate permits, the transfer of the property, or a recommendation for a revision to the Ordinance by a Resolution.

**PROCLAMATION
BUCKLE UP AMERICA WEEK**

Present: Sgt. James K. Raley
Lt. Voorhaar

The Commissioners presented a Proclamation designating the week of May 15 - 20, 1992 as Buckle Up America Week.

PATUXENT RIVER DEMONSTRATION PROJECT

Present: Jon Grimm, Director, Planning and Zoning

Mr. Grimm appeared before the Commissioners to request direction from the Commissioners relative to the Patuxent River Demonstration Project. He advised that the Maryland Department of Planning has requested a Memorandum of Understanding and a Scope of Work for the project and would provide a \$30,000 grant to the county to be matched by \$15,000 from the County (in-kind or cash). The second year of the grant provides a \$50,000 grant to the County.

Mr. Grimm indicated that the project would burden an already overbooked staff, which is currently working on updates of the Comprehensive Plan, Zoning Ordinance, and Water/Sewer Plan, as well as implementation of requirements for the new Forest Conservation Act.

Mr. Grimm proposed two options:

- 1) That funding be allocated to defray costs associated with the Environmental Technician position, which has been in the DPZ's budget request for two years.
- 2) That Tri-County Council be requested to participate in this project with a pass-through of funds to have their Environmental Planner do the required work under the project. Tri-County Council has agreed to this proposal.

Mr. Grimm pointed out that if the County uses the pass-through option, he would draw up a contract with specifications, timetable and deliverables.

After discussion Commissioner Lancaster moved, seconded by Commissioner Thompson, to sign and forward a letter to Tri-County Council indicating that the Commissioners have approved a 25% pass through of project grant funds in the amount of \$7500 plus \$3750 for the required match to Tri-County Council contingent upon the same funding percentage being committed by Charles and Calvert Counties. Motion carried.

EXECUTIVE SESSION

Commissioner Bailey moved, seconded by Commissioner Thompson, to meet in Executive Session to discuss matters of personnel and litigation. Motion carried.

The Sessions were held as follows:

Personnel

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

(Held from 11:55 a.m. to 12:45 p.m.)

Litigation

(Held from 12:45 p.m. to 1:15 p.m.)

TRI-COUNTY YOUTH SERVICES BUREAU ANNUAL REPORT

Present: Sam Bauman, Director
Fred Haller, President

The referenced individuals appeared before the Commissioners to present the 1992 Annual Report for Tri-County Youth Services Bureau. Mr. Haller reviewed the highlights of 1991, and Mr. Bauman discussed funding sources and client comparisons for 1989, 1990 and 1991.

A copy of the report is on file in the Commissioners' Office.

THIOKOL CORPORATION (STATUS REPORT OF SITE CLEAN UP)

Present: David Burroughs

Mr. Burroughs appeared before the Commissioners to present a status report on the site clean up at the property owned by Thiokol Corporation on Friendship School Road and Md. Rt. 235 in Mechanicsville, which had been used as a ordnance manufacturing site in 1959, and has remained inactive since Thiokol's possession.

Mr. Burroughs advised that the clean up project is proceeding as planned and is on schedule. Activities of Thiokol include:

1. Participation in Earth Day with an adjacent church
2. Discovery of an artifact on the property (identified as a Mark 25 smoke flare).
3. Removal of surface debris has been completed.
4. Boundary survey 93% complete.
5. Geophysical Survey underway.
6. Chemical contamination study underway. Existing data from previous assessments being evaluated to determine whether additional studies of potential chemical contamination is needed.
7. Development of a formal public involvement and response plan to be available in approximately two weeks.

In conclusion Mr. Burroughs advised that he would keep the Commissioners apprised of Thiokol's activities at the site.

BUDGETARY DISCUSSIONS

Present: Charles Wade, Director of Finance
Marty Jones, Budget Analyst

Fiscal Year 1993 Capital Budget

As a follow up to previous discussions, Mr. Wade presented the list of Capital Projects for Fiscal Year 1993, which included the revision for Park Hall Elementary School.

After discussion Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve the Fiscal Year 1993 Capital Projects as presented. Motion carried three to two with Commissioners Loffler and Thompson voting against the motion stating they did not agree with including Indian Bridge Road and Park Hall School in the FY '93 budget because funds for those projects may not be needed for FY '93.

Resolution No. 92-11
Supplement to December 10, 1991 Resolution
General Obligation Bonds

Resolution No. 92-12
Supplement to December 13, 1990 Resolution
General Obligation Bonds

Mr. Wade distributed the following Resolutions for the Commissioners' consideration and approval:

Resolution No. 92-11 supplementing the December 10, 1991 Resolution for the purpose of revising the list of projects to be financed with the proceeds of the sale of the General Obligation Bonds and replacing with the following projects: Leonardtown Elementary School Heating System (\$187,146) and Sixth District Elementary School \$137,900.

Resolution No. No. 92-12 supplementing the December 13, 1990 Resolution for the purpose of revising the list of General Obligation Bonds and replacing with the following projects: Wildewood Elementary School (\$5,532) and Dynard Elementary School (\$18,759).

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

Budget Amendments
St. Mary's Public Schools

In order to finalize the Commissioners' actions on St. Mary's Public School projects, Mr. Wade distributed the following Budget Amendments for the Commissioners' approval:

No. 92-52 - Green Holly School - Remove the relocatable classroom in order to complete the addition. Adjustment is essentially an addition to the scope of the construction project to be handled as a related contract or change order (\$8,000).

No. 92-51 - Wildewood School Site - Required test borings for state approval of site (\$8,202).

No. 92-52 - Leonardtown Elementary School Heating System - Utilize a portion of the existing capital projects surplus balance to fund an FY '93 CIP systemic renovation project request in FY '92, to allow adequate construction time during the non-heating season of 1992 without inter-ruption to the school when the heating season resumes in the fall (\$216,002)

No. 92-53 - Dynard Elementary School Addition and Renovation - To balance project account (\$20,258).

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

Income Tax

Mr. Wade distributed a handout out showing receipt of income tax for fiscal years 1988 through 1993 and indicating percentage of increase. Mr. Wade advised that it appears that receipts for Fiscal Year 1992 are greater than anticipated, however, the County would know actuals by August.

Funds Available

Mr. Wade distributed a handout indicating funds available and recommended uses.

The Commissioners agreed that the Commissioners' Reserve would be approximately \$500,000 to provide for unforeseen expenditures during Fiscal Year 1993 since the budget is so restrictive.

Deletions and Items Above 4% By Department

Mr. Wade distributed a handout listing items deleted from each department for the Commissioners' review.

Planning and Zoning

Also Present: Jon Grimm, Director

The Commissioners reviewed with Mr. Grimm the items deleted from Budget the Department of Planning and Zoning setting forth the functions and activities of his department including review and permit activity and workload measures.

Department of Public Works

Also Present: Dan Ichniowski, Director

The Commissioners reviewed the items deleted from the Department of Public Works Budget, and Mr. Ichniowski pointed out the items he would like to have reinstated.

The Recycling Coordinator position will be considered during the Supplemental Budget later in the year.

Sheriff's Department

The Commissioners discussed the items deleted from the Sheriff's Department budget and suggested that replacement vehicles would be considered during the supplemental budget later in the year.

After discussion Commissioner Bailey moved, seconded by Commissioner Jarboe to add an additional deputy to replace the deputy used for the DARE Program, and further to provide for the promotion of lieutenant in order to have a lieutenant for each division. Motion carried three to two with Commissioners Loffler and Thompson voting against stating there were other needs that should be considered.

Residential Alternatives for Youth

The Commissioners will review this program during the supplemental budget process later in the year.

Board of Education

Also Present: Elaine Kramer, Director, Budget/Finance

Mrs. Kramer reviewed with the Commissioners the list of items to which the available \$1,962,500 could be applied. In addition the Commissioners discussed the letter received by Public Schools from the Department of Navy regarding the transfer of personnel from VQ4 and VXN8 from the Patuxent River and its impact on public schools. The letter indicates that 637 will be affected by the transfer.

Later in the meeting Mr. Wade presented correspondence addressed to the Board of Education indicating the Commissioners have finalized the budget and that the appropriation to the Board of Education will be \$30,511,036.

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

Naval Air Test and Evaluation Museum

The Commissioners discussed the level of funding for the museum and Commissioner Bailey suggested that the museum demonstrate to the Commissioners that they are making an effort to raise funds, and the Commissioners could then consider providing funds during the supplemental budget.

After discussion Commissioner Thompson moved, seconded by Commissioner Bailey, to reinstate funding to the Naval Air Test and Evaluation Museum for an additional amount of \$520. Motion carried.

Additional Changes to Recommended Budget

Commissioner Jarboe distributed a list of items for consideration in the FY '93 budget including deletions and additions.

After discussion Commissioner Thompson moved, seconded by Commissioner Bailey to allocate \$1,440 to the Watermen's Association and \$480 to the Forest Conservation Board. Motion carried.

Commissioner Jarboe moved, seconded by Commissioner Bailey, that the Commissioners not fill the Code Coordinator and Planner II Permit Coordinator positions in order to free up funding for other purposes. Motion failed three to one with Commissioners Loffler, Lancaster and Thompson voting against and Commissioner Bailey abstaining.

Commissioner Jarboe moved to add an additional \$15,000 for a Management Study and that it be added to the \$25,000 in Public Works for the Vehicle Maintenance Study. Motion carried four to one with Commissioner Loffler voting against.

Tri-County Council (Step Increases)

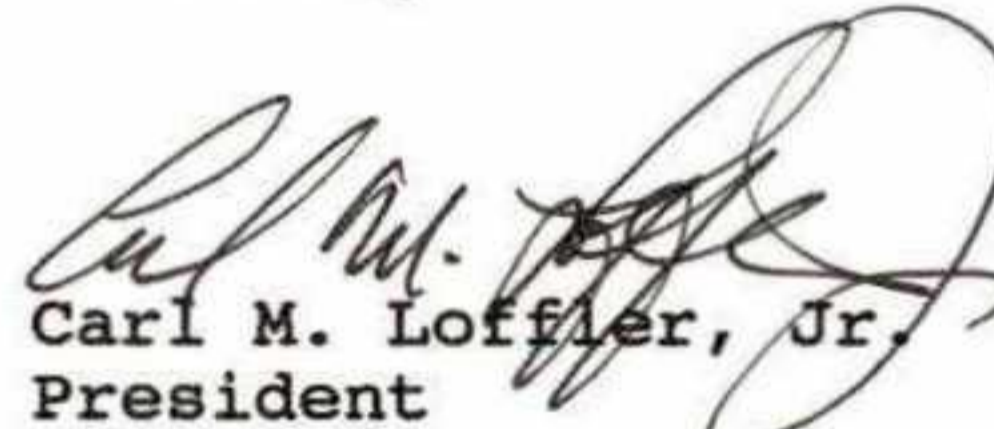
The Commissioners reviewed the request by the Tri-County Council for consideration of step increases for council employees. Mr. Cox advised that the majority of the Council's funding is from the State, and that other state agencies are not receiving step increases.

The Commissioners agreed to hold a decision on this request until later.

ADJOURNMENT

The meeting adjourned at 6:20 p.m.

APPROVED,


Carl M. Loffler, Jr.
President

