

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
TUESDAY, JULY 23, 1996**

Present: Commissioner Barbara R. Thompson, President
Commissioner D. Christian Brugman
Commissioner Paul W. Chesser
Commissioner Frances P. Eagan
Commissioner Lawrence D. Jarboe
John J. Kachmar, Jr., County Administrator
Judith A. Spalding, Recorder

CALL TO ORDER

The meeting was called to order at 11:05 a.m.

**PUBLIC HEARING
DISPOSITION OF PROPERTY (INDUSTRIAL PARK)**

Present: Doug Durkin County Attorney
Glen Gardiner, Chair, Airport Commission
Michael Paone, Department of Planning and Zoning
Martin Fairclough, Director, DED
Larry Schadegg, PRB Associates
Al Lacer, Attorney for PRB

The Commissioners conducted a public hearing to obtain comment on the proposed disposition of real property located at the St. Mary's Industrial Park, Sixth Election District, Hollywood, Maryland, via private sale to Southern Maryland Property Management Associates, and/or PRB Associates, Inc. or any other entity to be determined, on terms and conditions to be decided by the Board of County Commissioners.

The County Attorney read the Notice of Public Hearing which was published in The Enterprise on July 12 and July 17.

County Attorney reviewed the background and the facts surrounding the property and pointed out that the purpose of the hearing was to legitimize an unauthorized real estate transaction. He stated that the County in 1990 granted an easement to PRB which covers 2.40 acres of the 4.23 acres, which allowed PRB to construct a stormwater management pond and additional parking on county-owned land without legislative authority or compensation paid to the county. Mr. Durkin pointed out that after review of the documents, he concluded that this was an unauthorized transaction, and that the easement was null and void.

During his presentation County Attorney Durkin presented four options to the Commissioners: (1) sell all or a portion to PRB; (2) do nothing; (3) Direct County Attorney to file a Declaratory Judgment action and have court determine validity of easement; or (4) offer a ground lease. He pointed out that prior to developing the options he had consulted with the Airport Commission, the Airport Manager and Consultant, FAA, Public Works, Planning and Zoning, and Economic Development.

Mr. Gardiner on behalf of the Airport Commission stated that the Commission was opposed to the sale of any land that adjoining the airport, but if sold that the proceeds should go to the airport for development.

Mr. Paone discussed the zoning issues and pointed out that the property is not currently zoned for emergency service use, but could be rezoned, access issues and that it could be considered a minor subdivision.

Mr. Fairclough stated that DED has been working with PRB in order to be responsive to

its needs.

Larry Schadeegg presented a packet of information relative to PRB, explained the growth of PRB since its establishment in 1977, and pointed out the need for the property in order to accommodate future expansion.

Mr. Lacer discussed the need for the property, the significant economic impact the growth of PRB would have on the County, and that PRB was looking to a long-term solution.

Mr. John Cummings questioned PRB about its product, market, and impact on PRB if Navy Base was downsized. Mr. Schadeegg responded that PRB was a manufacturing business, that majority of income was from outside the County, and that there would be no impact on PRB is Base downsized.

Areas of discussion included:

- * Criteria for authorized sale of property (selling property for purpose of economic development is a valid public purpose)
- * Planning Commission on 7/22/96 granted a waiver of the Zoning Ordinance to PRB to allow for additional off-site parking
- * Advantages and disadvantages of a ground lease
- * No FAA funds were used for the original purchase of the property by the County
- * 1989 Easement for height limitation (7:1 slope)
- * Staff obtaining appraisal of the property
- * Staff researching other similar transactions (there may be three others)
- * DECD investigating possible solutions other than sale of property.

After discussion Commissioner Brugman moved, seconded by Commissioner Chesser, to direct staff to develop proposals for two options: ground lease and sale of property to PRB. Motion carried four to one with Commissioner Eagan voting against stating that she believed a ground lease could impede PRB's long-term plans and the 60-day waiting period would prevent PRB from moving forward.

During discussion County Attorney Durkin requested, because of his current workload, 60 days to develop and present the requested information. The Commissioners gave their concurrence.

After discussion the Public Hearing was closed at 12:50 p.m.; the record will remain open for ten days for written comment.

PATUXENT RIVER COMMUNICATIONS VAN DEMONSTRATION

The Commissioners attended the demonstration of the Patuxent River Communications Van at the Governmental Center parking lot.

APPROVAL OF MINUTES/APPROVAL OF BILLS

Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve the minutes of Tuesday, July 16, 1996, as presented and to authorize Commissioner President Thompson to sign the Check Register. Motion carried.

ADDITIONS/DELETIONS TO AGENDA

Commissioner Eagan moved, seconded by Commissioner Chesser, to add an Executive Session on Personnel/Potential Litigation to the agenda. Motion carried.

Commissioner Eagan moved, seconded by Commissioner Chesser to approve the agenda as amended. Motion carried.

FOLLOW UP TO JULY 16 EXECUTIVE SESSIONS

Recreation and Parks

Commissioner Jarboe moved, seconded by Commissioner Chesser, to direct staff to proceed as discussed in executive session regarding the reorganizational proposal. Motion carried.

County Attorney

Commissioner Jarboe moved, seconded by Commissioner Eagan, to proceed as directed in executive session regarding recognition to certain employees for their assistance during The Skydiving legal matter. Motion carried.

Classification Appeals

Commissioner Jarboe moved, seconded by Commissioner Brugman, to direct the personnel officer to proceed as discussion in executive session and to continue discussion on July 23. Motion carried.

COUNTY ADMINISTRATOR ITEMS

Present: John J. Kachmar Jr., County Administrator

1) Presentation to Deborah O'Donnell

The Commissioners presented a letter of commendation/recommendation to Deborah O'Donnell, who worked as a Manpower Temp in the County Attorney's Office, recognizing her for her dedication and outstanding performance.

2) Correspondence

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

- a) To U. S. Department of Agriculture regarding USDA Rural Development Agency Services and the consolidation of the Southern Maryland Offices.

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

- b) To the Commission for Women indicating the Commissioners' support of the legislative topics identified by the Commission in the Maryland Commission for Women's Survey Questionnaire.

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

- c) To Commission on the Environment regarding Update of Aquia and Piney Point Ground Water Flow Model

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

- d) To William McCarthy regarding 911 Uniform Addressing System.

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

- e) To Governor Glendening stressing the urgency of the FDR Boulevard master planning project.

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

3) **Boards, Committees, Commissions**

The County Administrator presented the following relative to Boards, Committees, Commissions:

a) **Letters of Appointment**

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

<u>Community Health Advisory Committee</u>	<u>Terms to Expire</u>
Gene Carter	12/31/99
Jennifer S. Cochran	12/31/99
Bruce D. Remick	12/31/99
John T. Rhodes	12/31/99
<u>Development Review Forum</u>	
Wayne M. Davis	6/30/97
<u>Economic Development Commission</u>	
Lisa Baity	6/30/99
Daniel W. Muchow	6/30/99
Tony L. Porter	6/30/99
Ranjiv Saini	6/30/99
Gene Townsend	6/30/99
<u>Ethics Commission</u>	
John V. Baggett - <i>Reappointment</i>	6/30/99
S. Arthur Casale	6/30/99
<u>Private Industry Council</u>	
David E. Miller	6/30/2000
Christine R. Wray	6/30/2000
<u>Standing Committee for Wicomico Shores Golf Course</u>	
H. Harold Bishop	NO TERM
James P. Haley	NO TERM
Bob Harper	NO TERM
John J. Kachmar	NO TERM
Steve Welkos	NO TERM
<u>Standing Committee for Contracting of Planning & Zoning Inspection Services</u>	
James P. Haley	NO TERM
Bob Harper	NO TERM
George Jarboe	NO TERM
Patrick J. Mudd, Jr.	NO TERM
Steve Welkos	NO TERM
<u>Southern Maryland Navy Alliance</u>	
Martin Fairclough	NO TERM

b) **Letters of Appreciation**

The County Administrator presented letters of appreciation to those individuals no longer able to serve.

Commissioner Jarboe moved, seconded by Commissioner Eagan, to sign and forward the letters as presented.

4) **Grant Documents**

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

Walden/Sierra

Application for federal funding to the Administration for Children and Families up to, but not more than \$100,000 to provide Education and Prevention Services to Reduce Sexual Abuse of Runaway, Homeless and Street Youth.

Commissioner Eagan moved, seconded by Commissioner Chesser, to approve and authorize Commissioner Thompson to sign the grant application as presented. Motion carried.

Alliance for Alcohol/Drug Abuse Prevention

Notification of Grant Award from the Governor's Office of Crime Control and Prevention (Federal - \$40,000; County - \$14,000) for St. Mary's County Youth Services Corps for the period 9/1/96 - 8/31/97.

Commissioner Eagan moved, seconded by Commissioner Chesser, to approve and authorize Commissioner Thompson to sign Amendment to the referenced NGA, as presented. Motion carried.

5) **Budget Amendment No. 97-2
Department of Public Works**

The County Administrator presented the referenced budget amendment recommended for approval by the Director of Finance with the following justification: To place new FY '97 funds into new account numbers (Community College Phase II - \$450,000; St. Mary's River Mitigation Site - \$367,000/\$7,400).

Commissioner Brugman moved, seconded by Commissioner Chesser, to approve and authorize Commissioner Thompson to sign Budget Amendment No. 97-2, as presented. Motion carried.

6) **Local Government Investment Report**

The County Administrator presented the Local Government Investment Report for the reporting period ending June 30, 1996.

Commissioner Chesser moved, seconded by Commissioner Eagan, to approve and authorize Commissioner Thompson to sign the Report, as presented. Motion carried.

7) **Cable Advisory Committee Recommendations**

The County Administrator presented the April 25 memorandum from the Cable Advisory Committee requesting authorization to proceed to negotiate with the two cable companies in the County (American and Jones) by developing specifications for compliance with these

recommendations in the following areas: channel space, personnel, production space, production equipment, access users handbook, emergency broadcast plan, semi-annual report.

Commissioner Brugman moved, seconded by Commissioner Chesser, to authorize the Cable Advisory Committee to proceed as requested. Motion carried.

**PUBLIC HEARING
SUPPLEMENTAL APPROPRIATIONS**

The Commissioners conducted a public hearing on the following supplemental appropriations:

Circuit Court

Also Present: Master F. Michael Harris

(To consider a supplemental appropriation of \$29,839 in State grant funds to the Circuit Court for St. Mary's County for the purpose of providing contractual master service in fiscal year 1997 to relieve the heavy case load of paternity and child support work.)

Master Harris explained that the funds will be used to hire a paralegal to assist him and the Circuit Court.

State's Attorney's Office

Also Present: Florence Ballangee, State's Attorney's Office

(To consider a supplemental appropriation of \$15,000 in State grant funds for the purpose of creating a prosecution-based program that serves victims of domestic violence.)

Ms. Ballangee advised that the funds will be used to provide part-time support (salary, mileage and training) to the Domestic Violence counsel which will formalize what is currently being done by the State's Attorney's Office.

The record will remain open for ten days for written comment.

**INDIAN BRIDGE ROAD
DISCUSSION/DECISION**

Present: Dan Ichniowski, Director, Public Works

As a follow up to the July 9 public hearing, Mr. Ichniowski presented a Resolution approving the realignment/upgrade of Indian Bridge Road. Indian Bridge Road will be realigned for a length of approximately 1,400 feet and upgraded for a length of approximately 3.7 miles.

In response to an inquiry from the Commissioners, Mr. Ichniowski advised that the paving of the shoulders will be included in next fiscal years' budget for the Commissioners' consideration. In addition he stated that he visited the site discussed at the public hearing relative to flooding during the Tropical Storm Bertha and noted that there was not problem at the upstream area; however, there was flooding at the downstream location. He pointed out, however, that the road construction will not add to the problem.

After discussion Commissioner Chesser moved, seconded by Commissioner Eagan, to sign Resolution No. 96-18 as presented. Motion carried.

ROAD NAME CHANGE - GRAVES ROAD

Present: Michael Paone, Planning and Zoning

As a follow up to the public hearing held July 2, 1996, the Commissioners discussed the proposed renaming of a portion of Graves Road to Glebe Road, Sixth Election District.

Commissioner Jarboe referred to a letter from Mrs. Blanton requesting the Commissioners to consider renaming the road to "Mrs. Graves Road" which was its original name. He stated he visited the site and recommended that for historical purposes the Commissioners consider the request.

Discussion ensued relative to the Zoning Ordinance/Road Naming Manual requirements for "T" intersections, similarity of road names (Graves Road/Mrs. Graves Road), whether EMA would have a problem with the similar names, and if a public hearing would be required if the road was named other than "Glebe Road."

County Attorney Durkin entered the meeting and advised that since the public hearing was to consider changing the name a public hearing would not be required.

Commissioner Jarboe moved, seconded by Commissioner Brugman, to rename the portion that was to be named "Glebe Road" to "Mrs. Graves Road." Motion failed two to three with Commissioners Thompson, Chesser, and Eagan voting against.

The Commissioners requested Mr. Paone to get comments from Director of EMA Paul Wible regarding the renaming of a portion of the road to "Mrs. Graves Road."

Later in the meeting prior to the public hearing on the Solid Waste Fee Schedule, and after receiving comments from the Director of EMA, Commissioner Jarboe moved, seconded by Commissioner Brugman, to rename the current "Graves Road" from the "T" intersection to the end of the road to "Mrs. Graves Road." Motion carried.

COUNTY COMMISSIONERS' TIME

Signing of Bills - Week of January 30

Since the Commissioners will not be meeting on July 30, Commissioner Chesser moved, seconded by Commissioner Brugman, to authorize Commissioner Thompson to sign the Check Register for that week. Motion carried.

(Commissioner Thompson suggested that the Commissioners give consideration to whether it was necessary for the Commissioners to approve the signing of the bills each week in that the expenditures have been approved in the budget.)

Consent Agenda

Commissioner Thompson stated that she has been discussing with staff the possibility of having a Consent Agenda each week which would contain the letters presented by the County Administrator rather than having each of the letters presented. The Commissioners would give concurrence to the Consent Agenda and would have the opportunity to discuss any letter if there were questions or concerns. The Commissioners gave their concurrence and agreed to start the Consent Agenda process at the August 6 meeting.

Visit to Calvert County Solid Waste Facilities

Commissioner Brugman referred to the Commissioners' visit on July 18 to the Calvert County's solid waste facility and landfill capping project and requested that correspondence be prepared thanking Mr. Williams, the Bureau Chief of DPW of Calvert County for the tour and for the County's hospitality.

EXECUTIVE SESSIONS

Commissioner Eagan moved, seconded by Commissioner Chessser, to meet in Executive Session to discuss a matter of Personnel (Director of Social Services Performance Evaluation) as provided for in Article 24, Section 4-210(a)1. Motion carried.

Commissioner Eagan moved, seconded by Commissioner Jarboe, to meet in Executive Session to discuss a matter of Personnel (Classification Appeals) as provided for in Article 24, Section 4-210(a)1. Motion carried.

Commissioner Eagan moved, seconded by Commissioner Chessser, to meet in Executive Session to discuss a matter of Property Disposition/Potential Litigation, as provided for in Article 24, Section 4-210(a)8 and 11). Motion carried

Commissioner Eagan moved, seconded by Commissioner Chessser, to meet in Executive Session to discuss a matter of Personnel/Potential Litigation, as provided for in Article 24, Section 4-210(a)1/8. Motion carried

Personnel (Director, Department of Social Services - Performance Evaluation)

Present: Commissioner Barbara R. Thompson, President
Commissioner D. Christian Brugman
Commissioner Paul W. Chessser
Commissioner Frances P. Eagan
Commissioner Lawrence D. Jarboe
John J. Kachmar, Jr., County Administrator
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)1
Time Held: 3:30 p.m. - 3:37 p.m.

Action Taken: The Commissioners reviewed the performance evaluation of the Director of Social Services and agreed to take action in open session.

Personnel (Classification Appeals)

Present: Commissioner Barbara R. Thompson, President
Commissioner D. Christian Brugman
Commissioner Paul W. Chessser
Commissioner Frances P. Eagan
Commissioner Lawrence D. Jarboe
John J. Kachmar, Jr., County Administrator
George Foster, Personnel Officer

Authority: Article 24, Section 4-210(a)1
Time Held: 3:27 p.m. - 4:45 p.m.

Action Taken: The Commissioners continued review of classification appeals, gave direction to the Personnel Officer, and agreed to take action in Open Session.

Personnel/Potential Litigation

Present: Commissioner Barbara R. Thompson, President
Commissioner D. Christian Brugman
Commissioner Paul W. Chesser
Commissioner Frances P. Eagan
Commissioner Lawrence D. Jarboe
John J. Kachmar, Jr., County Administrator
Doug Durkin, County Attorney
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)1 and 8

Time Held: 4:45 p.m. - 6:07 p.m.

Action Taken: The Commissioners and County Attorney discussed a personnel matter which could result in potential litigation, and the Commissioners gave direction to staff.

Property Disposition/Potential Litigation

Present: Commissioner Barbara R. Thompson, President
Commissioner D. Christian Brugman
Commissioner Paul W. Chesser
Commissioner Frances P. Eagan
Commissioner Lawrence D. Jarboe
John J. Kachmar, Jr., County Administrator
Doug Durkin, County Attorney
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)11 and 8

Time Held: 6:07 p.m. - 6:55 p.m.

Action Taken: The County Attorney reviewed various issues of potential litigation with the Commissioners and received direction from the Board.

7:00 P. M

FOLLOW UP TO EXECUTIVE SESSIONS

County Administrator Kachmar reviewed for those present a summary of the four referenced executive sessions after which the following motions were made:

Personnel (Director of Social Services)

Commissioner Jarboe moved, seconded by Commissioner Eagan, to authorize Commissioner Thompson to sign the Annual Performance Evaluation for the Director of Social Services and the letter of transmittal to the Department of Human Services. Motion carried.

Personnel (Classification Appeals)

Commissioner Jarboe moved, seconded by Commissioner Chesser, to direct the Personnel Officer to implement the personnel classifications as discussed in executive session. Motion carried.

Personnel/Potential Litigation

Commissioner Jarboe moved, seconded by Commissioner Chesser, to direct staff to proceed and further to authorize Commissioner Thompson to sign the letter as discussed in Executive Session. Motion carried.

Property Disposition/Potential Litigation

Commissioner Eagan moved, seconded by Commissioner Jarboe, to direct staff to investigate other properties conveyed without authority and without compensation to the County and report back to the Board of County Commissioners. Motion carried.

7:00 P.M.

**PUBLIC HEARING
SOLID WASTE DISPOSAL FEES**

Present: Daniel F. Ichniowski, P.E., Director, DPW
George A. Erichsen, P.E., Supervisor of Engineering Services, DPW
Melanie Johnston, Recording Secretary, DPW
Melva Abell, Acting Chair, Solid Waste Advisory Committee
Donald Hammett, Member, Solid Waste Advisory Committee
Ken Hastings, Member, Solid Waste Advisory Committee
Kevin Rose, Member, Solid Waste Advisory Committee
A.H. Richardson, Member, Solid Waste Advisory Committee

The Board of County Commissioners conducted a public hearing to receive comments regarding the proposed increase in tire disposal fees from \$40/ton to \$150/ton, and to review a variety of solid waste issues and their related costs.

Commissioner Thompson stated that although the Notice of Public Hearing alluded to tipping fees, there is no specific proposal at this time, but the Commissioners are seeking input and gathering information, and if a determination is made to change the tipping fees or institute other fees, there would be a subsequent hearing advertised. Commissioner Thompson stated that the purpose of the meeting is to deal with the issue of the proposed increase in the tire disposal fee; the remainder of the discussion will be for input on the tipping fee/solid waste issues.

Mr. Ichniowski read the Notice of Public Hearing, published in The Enterprise on July 12 and 19, 1996 and stated that the main reason for the hearing is to look at an increase to the tire disposal fees. He explained that in December, 1994 the State of Maryland enacted House Bill 1202, which prohibits Counties from disposing of tires in their landfills. For two years, St. Mary's County has contracted for the removal and disposal of tires brought to the landfill; the previous year's contract was for approximately \$185/ton and the current contract price is \$139/ton. With the additional costs for the County to store and handle the tires, the County feels that a tipping fee of \$150 per ton is reasonable. Mr. Ichniowski advised that the \$1.00 fee per tire collected by the dealers is submitted to the State for their tire disposal fund; that money can be used by various groups to dispose of stockpiled tires or can be obtained by people in the industry as an incentive to come up with different mechanisms of tire disposal.

Mr. Ichniowski advised that the second part of the hearing is to consider changing the existing \$40 per ton tipping fee. Calvert County has contracted out to have a transfer station construction to haul their waste out of the County and has recently lowered their tipping fee from \$63 per ton to \$39 per ton, which has resulted in St. Mary's seeing a decrease in waste coming to our landfill that could amount to a revenue loss of \$720,00 this fiscal year, so the Commissioners are looking for input in order to recoup those revenues. Mr. Ichniowski advised that he and Mr. Kachmar have discussed the issue and would suggest that the tipping fee in St. Mary's County be

lowered to \$39 per ton as a good faith effort to show that the County is interested in keeping our revenue fund intact in order to fund solid waste. Mr. Ichniowski stated that the paramount issue is what to do about solid waste, i.e., continue to landfill, waste-to-energy, composting, gasification, transport the waste out with another contract by the County, etc. Once that issue is addressed, the County needs to decide how to recover the costs that the solution will bring. Mr. Ichniowski then addressed questions from the Commissioners, as follows:

Commissioner Thompson - Asked whether the current \$40 per ton fee recovers the cost of landfill operations. Mr. Ichniowski replied that revenues generated for the past two years were approximately \$1.8 million per year; operating costs, including the transfer stations, were a little less than \$1 million; recycling costs were about \$250,000; so the revenue covered that and the payback of previous bonds for monies that have been borrowed by the County for various solid waste items such as capping of Clements Landfill, equipment, transfer station wall construction, etc. Mr. Ichniowski stated that because of new EPA requirements of October, 1991, there are different standards for capping and constructing landfills, which increases the costs of new construction and capping, and also requires 30 years of post-closure monitoring.

Commissioner Jarboe - Asked whether the \$1.8 million covers the cost of capping the existing landfill. Mr. Ichniowski stated that it did not.

Commissioner Brugman - Asked Mr. Ichniowski to explain why Public Works is proposing to raise the tire fees from \$40 per ton to \$150 per ton. Mr. Ichniowski responded that \$150 per ton represents the County's actual cost for tire disposal; the landfill receives about 250 tons of tires every six months, so the difference between \$40 and \$150 per ton will amount to about \$25,000 every six months.

Commissioner Chesser - Asked about the costs to open a new cell, the limit of time left in the existing cell and the cost of capping the existing cells. Mr. Ichniowski explained that the St. Andrews Landfill is a 52 acre site, opened around 1983, designed to last 15 years. In 1991, EPA adopted new regulations that would not allow our type of landfill to continue. Those requirements included requiring a leachate collection system, requiring the leachate to be pre-treated and taken to a sewage treatment plant. Because of the new regulations, the State did not renew the County's permit to continue filling in the existing landfill and directed the County to close that site as soon as possible. The County bought 55 acres of adjacent land to construct a new landfill at an approximate cost of \$12 million - \$6.5 million for landfill construction; \$5.5 million for the leachate pre-treatment facility. Once the new landfill is built, the existing landfill must be capped at an estimated cost of \$7 million. In 1991, a consultant's study indicated that the County needed to raise tipping fees and impose self-haul fees and implement a transfer station sticker fee to cover existing and future costs, however, the sticker fee was not implemented. The County has recently been looking at these costs again.

Commissioner Brugman - Stated that Charles County has recently built a landfill and incurred no debt, and asked staff to explain. Mr. Ichniowski responded that Charles County had a large planned community called St. Charles and, through the development process, the County was able to have the developer agree to donate property and construct a landfill; Charles may still have some debt because they have to cap their old landfills.

Commissioner Chesser - Asked how much the County owes on the bond issue to construct the existing cell. Mr. Ichniowski replied that the current bonding debt of the County in FY96 was \$323,000; FY97 will be \$314,000; FY98 will be \$306,000 and it will decrease by those increments until about 2002, when it will be \$275,000, and will continue to decrease until it is paid off in 2010; the total owed being a little less than \$3 million.

Commissioner Jarboe - Asked how big the new landfill site is. Mr. Ichniowski responded that the entire St. Andrews site is 210 acres; the new cell areas are 55 acres with the first two cells being less than 36 acres. Commissioner Jarboe asked what the final capping costs will be. Mr. Ichniowski responded that the estimate is \$5 million.

Commissioner Thompson - Asked why the tipping fee was not set so that by the time the landfill was expected to be used up, the debt service was paid off. Mr. Ichniowski explained that the debt service also includes the Clements capping. The 15-year bond was incurred in 1984, and it was expected that the landfill would last until 1999. It was noted that part of the landfill is only being used for rubble because it does not have an adequate liner. Mr. Kachmar noted that in addition to the debt service that was obligated, there is approximately \$4.9 million unallocated in the FY97 budget, which is a combination of a 1993 and 1995 issue not yet allocated.

Mr. Kachmar - Stated that there is an anticipation that because the Notice did not list what the official tipping fee recommendation was that it could not be discussed or established. Mr. Kachmar stated that Attorney Durkin indicated that the \$39 recommended tipping fee could be publicly stated and discussed. Mr. Kachmar said that the County wants to begin regular meetings with the municipal waste and construction/demolition haulers to discuss problems and keep things smooth and operational.

Mr. Durkin - Explained that two statutes authorize St. Mary's County to generate funds to pay for solid waste, and the Notice deals with one of those statutes. Mr. Durkin stated that his opinion is that an impact or environmental fee could be discussed this evening, but no action could be taken on those fees, however, the tipping fee is adequately covered by the Notice and action can be taken on any fees covered under that statute following the close of the public record in two weeks. Mr. Durkin noted that the Notice was broadly worded based on his recommendation in order to give the Commissioners the greatest amount of flexibility.

Commissioner Thompson - Stated she raised the issue because the Notice did not specifically state what is being proposed in regard to the \$39 tipping fee, and the public has the right to know what the proposed change is.

The Public Hearing was opened for questions and comments from the public regarding the increase in the tire fee.

Al Schmitt, Chaptico - Said that when he gets new tires, the tire dealer keeps his tires, so how do used tires get to the landfill. Mr. Ichniowski responded that the dealers and citizens bring the tires to the landfill.

Al Moore, Mechanicsville - Why haven't the fees for tire disposal been raised before?
Commissioner Jarboe replied that it had to be brought to a public hearing and it was put off, knowing that there may be other changes to the various fee structures. Mr. Ichniowski stated that in addition, the Legislative Bill only went into effect in 1994.

Daphne McGuire, Mechanicsville - Asked what happened to the scrap tire recycling program that was supposed to be set up by January 1, 1994 by Maryland Department of the Environment. Mr. Ichniowski stated that this year the Legislature had transferred several million dollars from that fund to the Boating Program, however, he could not find out what they are doing with the remainder of the money.

Ken Hastings, SWAC, Mechanicsville - In response to Mr. Moore, stated that one year ago the disparity between what the County charges for solid waste disposal and actual costs first came up; at that time the delta was about \$186 per ton. Mr. Hastings said that some dealers charge \$2.00 per tire, which works out to over \$300/ton, so the citizens are subsidizing the tire recycling program, paying the retailer the price to get rid of them, then paying the recycling contractor to get rid of them.

Doug Ritchie - Does not understand how the County has gotten into this financial fix; feels the County should be making money on solid waste. Asked if there will be a fee for transfer station use. Asked Mr. Ichniowski if he is aware of the dump across the street from Hills Club and noted that it has no liner. Mr. Ichniowski stated that those facilities are 20-25 years old; whatever is going to leach out and should theoretically have already done so.

There being no more comments regarding the tire fee, the floor was opened to discussion on other solid waste issues.

Daphne McGuire - Feels that St. Mary's County is too environmentally sensitive to have its own landfill; we should close the landfill and export our solid waste.

Wayne Abernathy, Mechanicsville - Stated that if the tipping fee is lowered, there would probably be no objection; however, if a transfer station fee is initiated, it should be considered a tax. Stated that he expects the County to fund solid waste out of the general fund and if need be, taxes should be adjusted to fund solid waste, instead of holding the constant yield and introducing other fees. Questioned why County Government cannot handle solid waste cheaper than a commercial operation can. Does not understand why it would cost less to haul trash elsewhere and let someone else make a profit on it. Mr. Ichniowski explained that with the mega-fills being built, some are being built by large corporation with cash so they avoid the interest costs on bonds. The mega-fills also enjoy economy of scale due to the large volume of waste, and they do not regulate where their trash comes from. Megafills accept thousands of tons a day, which brings in millions of dollars a day, whereas St. Mary's County only allows disposal of solid waste that is generated within the County. Mr. Ichniowski stated that based on the County's numbers, it appears that to build and operate a landfill would cost about \$30 per ton; some of the megafills have gone to \$20 a ton.

Melva Abell, California - Said that St. Mary's has a disadvantage because of the topography and standards in Maryland are higher than other areas; did not feel the public notice was clear enough and requested that no decisions be made regarding tipping fees. Stated that it is wrong to discuss tipping fees and not talk about transfer station fees. Ms. Eagan asked how Ms. Abell felt about the tipping fee. Ms. Abell replied that she thinks \$39 per ton is an attempt to keep our trash from going to Calvert County and she does not think that will guarantee anything.

Mr. Kachmar stated that over the past two weeks, the County has lost \$45,000 - \$50,000 (approximately 100 tons a day). The County has budgeted between \$720,000 - \$840,000 in terms of revenue accumulation this year, so the County has a situation where every ten day period, we are losing a minimum of \$40,000 and the only way to make up for that is through the reserve fund, which would be a severe drain to the County. Mr. Kachmar said that 14,000 tons of a total of 54,000 tons comes from the transfer stations, and that translates into a loss of \$560,000 in revenue per year the County is not receiving. In addition, it is inequitable that some pay for the trash disposal of all residents. Commissioner Thompson stated that St. Mary's County is the only County that does not charge for transfer station use; Calvert County has a \$62.00 yearly environmental fee.

Tom Tudor, Clements - Mr. Tudor stated that residents have a choice between hiring a hauler or hauling their trash themselves, so it is not an inequity to those that pay a hauler, it is a personal choice. Mr. Tudor said that the County needs to look at solid waste from a business standpoint; if exportation is a viable option to get the County out of debt, then the County should export. He felt the County should defer a capital expenditure and consider privatization of the County landfill.

Charlie Stambaugh, Lexington Park - Said it seems the County is saving money by having less solid waste because you will not have to build a landfill as soon. Would like the Commissioners to look ten years down the line and consider not building a new landfill, capping the existing landfill when it is time, and exporting the trash in the meantime.

Commissioner Chesser - Troubled that if the private sector is responsible for our waste and we incur a strike, how long trash can accumulate with no back-up capability. Mr. Stambaugh stated that the back-up is the competition.

Tom Tudor - Stated that Maryland Department of the Environment and Maryland Environmental Services mentioned that the State favors regional approaches; one County could be the back-up to another, or all three could back each other up.

Vernon Gray - Asked if the County has received any assurances from St. Mary's Disposal that they will return to dumping if the fee is lowered. It was his understanding that the County was invited to co-op with Calvert, and asked what the County's reaction is to that? Commissioner Thompson responded that the County has received no assurances from St. Mary's Disposal, and the County is considering going in with Calvert, however, until the end of June, there was no way to evaluate what the cost would be. There are still costs associated with solid waste removal whether the County landfills or transports.

Mr. Kachmar stated that if the landfill closed tomorrow, there is still \$2.8 million in existing debt and \$7 million in closure costs; the debt service on \$9.8 million, using the present rate on bond issues, is approximately \$960,000 per year, and there has to be a revenue source to support that. Mr. Kachmar added that it is not a question of how you capture the trash, it is the problem of how do you pay for the existing bond, because if you default on a bond, it could dramatically hurt the County. Mr. Kachmar said that one of the things that affects whether you will get bonds is if you have lost any of your solid waste flow in the past five years and, if you have, you will pay a premium. Also, you cannot buy insurance on landfill bonds. Commissioner Eagan asked what the operating costs of the landfill are per year. Mr. Ichniowski responded that they are \$1.1 million. Commissioner Eagan asked how much the County would save by not operating a landfill. Mr. Ichniowski stated that you will save \$1.1 million, but you will lose \$1.8 million in revenue, so you will lose \$700,000, but you still have the debt service and the \$7 million in closure costs. Mr. Kachmar stated that if the County builds a new landfill, they will incur \$1.2 million a year more in debt service. The landfill is not funded by general funds at this time and is technically enterprise funded.

Vernon Gray, California - Asked if the Commissioners would authorize setting up an Enterprise Fund so that solid waste revenue would be earmarked for solid waste. Mr. Kachmar responded the surplus in landfill revenue has only occurred twice in the last 12 years.

Keith McGuire, Mechanicsville - Stated that if St. Mary's just found out about Calvert lowering their rates, it seems like a knee-jerk reaction to we drop our rate to correspond with Calvert. Asked how long Calvert had been at \$39/ton and how long the County trash has been going to Calvert. Mr. Ichniowski responded that it has been since the beginning of July.

Wayne Abernathy - If Calvert was charging \$63/ton before July 1, he assumes St. Mary's had a large amount of out-of-County trash coming into the County landfill, but when Calvert lowered their fee, it started flowing back to Calvert. If St. Mary's drops their fee only a dollar, how will we get the trash back? Also, how do we monitor the influx of out-of-County trash?

Commissioner Jarboe responded that St. Mary's has a law that prohibits out-of-County trash, along with staff at the landfill checking the loads. Commissioner Jarboe stated there are other issues besides the dollar a ton difference that have caused St. Mary's Disposal to go across the bridge, including the relationship St. Mary's Disposal has with the County.

Ken Hastings, Mechanicsville - Said he is disappointed to hear County staff has recommended a \$39/ton fee without including SWAC. The Notice was not stated clearly and it should have been appropriately advertised and should have addressed a lot of things besides the \$39/ton. Explained he had spent a lot of time going through the figures over the past year. Mr. Hastings said that if you charge \$30/ton, a \$63 sticker fee and \$30 environmental fee to be paid by all property owners, the revenue would be \$2.9 million; adding the businesses would bring in \$3.3 million. He stated that it is time to make a decision; there is no way the County can survive unless they

change their way of doing business and the only way to insure revenue is through taxes. If the Commissioners don't want to pick up the next debt, they should quit landfilling. The cost to the people who use a hauler will not change, self-haul will have to go to Appeal and pay about \$9.75 per load for a quarter ton. Mr. Hastings envisions the transfer stations remaining open, but if the sticker price is set to cover actual costs of the transfer stations, that price would be \$75 a year per household. Mr. Hastings stated that to get out of debt, the County would have to raise taxes, adding that the policy is the issue, not the numbers.

Commissioner Eagan asked if Mr. Hastings is talking about a \$75 fee for everybody or just those that use the transfer station. Mr. Hastings replied it would just be the users, and he has figured out that it will cost about \$1 million to operate the transfer stations and the recycling program. In addition, he suggested getting a memorandum of understanding with Calvert and/or Charles County for a back-up facility, i.e., a regional solution, sharing facilities.

Al Schmidt, Chaptico - Does not understand why the County wants to lower its tipping fee to attract more trash, while there is a law saying the County does not accept out-of-County trash. Seems to him that if you don't want to attract more trash, the County should increase its tipping fee. Also, what if you build a new landfill which is good for 20 years and the EPA changes the rules again after the new landfill is operating for a few years and it has to be closed? He stated that according to his figures, the capping costs \$2.50 a square foot.

Regarding sticker fees, he has a farm with 3,000' of road frontage and feels that if a sticker fee is imposed, there will be much more trash dumped along his road. Feels that a service the Government needs to provide is an easy way for people to dispose of trash.

Asked about stump dumps and what is wrong with having stumps and limbs dumped on a piece of property. Commissioner Jarboe explained that the FERST facility permits were requesting the facility be allowed to accept up to 50 tractor trailers of municipal solid waste compost from Baltimore per day, adding that stump dumps are regulated by the Maryland Department of the Environment and they have problems associated with them such as catching fire, etc.

Melva Abell - Explained that the County is not trying to attract more trash, but trying to keep the trash that is generated in this County so we don't lose the revenue. Added that the adjustment of the tipping fee to \$39/ton is an effort to tempt the hauler to continue operating in the County, not to attract more trash.

Commissioner Thompson stated that the County has just begun a new budget year and the revenue from St. Mary's Disposal was included in that budget. She stated that there are smaller haulers that depend on St. Mary's County to continue landfilling. In order to cover the \$900,000 a year bond issue, the County would have to raise property taxes at least five cents.

Coleman Hillman - Suggested having a crew at the landfill to create something out of the trash (i.e., floor mats and sculptures) and sell it, thereby turning the trash into a profit.

The Public Hearing concluded at 9:25 p.m. The record will remain open for ten days.

ADJOURNMENT

The meeting adjourned at 9:25.

Minutes Approved by Board of
County Commissioners on 8/6/96

Judith G. Spalding
Recording Secretary