

**ST. MARY'S COUNTY  
BOARD OF COUNTY COMMISSIONERS' MEETING  
APRIL 22, 1997**

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 1:05 p.m.

**APPROVAL OF MINUTES**

**Commissioner Jarboe moved, seconded by Commissioner Eagan, to approve the minutes of Tuesday, April 15, 1997, and the Planning and Zoning portion of the Commissioners' meeting of April 8, 1997, as presented. Motion carried.**

**APPROVAL OF BILLS**

**Commissioner Jarboe moved, seconded by Commissioner Chesser, to authorize payment of the bills. Motion carried.**

**ADDITIONS/DELETIONS TO AGENDA**

**Commissioner Jarboe moved, seconded by Commissioner Eagan, to approve the Agenda as presented. Motion carried.**

**CONSENT AGENDA**

The Consent Agenda included the following:

1. **Correspondence**
  - a. To John Hanson Colton regarding the work of the Colton Point Task Force.
  - b. To President, Public School Bus Contractors Association, responding to concerns regarding allocation in Fiscal Year 1998 for School Bus Contractors.

**Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve the Consent Agenda as presented. Motion carried.**

**COUNTY ADMINISTRATOR ITEMS**

Present: John J. Kachmar Jr., County Administrator

1. **Budget Amendments**
  - a. No. 97-45 - Public Works  
(Funds needed to replace Millstone Landing Bridge - \$218,000)

**Commissioner Chesser moved, seconded by Commissioner Eagan, to approve Budget Amendment No. 97-45 as presented.**

During discussion of the motion Commissioner Jarboe indicated it was his understanding that the bridge only served five homes, and that he would like to have the history on this bridge before it is approved. Commissioner Thompson questioned the funding source (whether a separate account had been established for Millstone Landing Bridge using Bridge Replacement Funds).

Vote on the motion was 0 to 5. The budget amendment will be re-presented once the information is received.

- b. No. 97-46 - State's Attorney's Office  
(witness fees and expenses for upcoming trials - \$5,000)

**Commissioner Eagan moved, seconded by Commissioner Chesser, to approve and authorize Commissioner Thompson to sign Budget Amendment No. 97-45, as presented. Motion carried.**

2. **Grant Application**

State's Attorney's Office (continuance of Domestic Violence Intervention)  
(second-year funding - \$11,520 - state; \$3,840 - county match to fund one part-time employee)

**Commissioner Chesser moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign the Grant Application, as presented. Motion carried.**

3. **Resolution No. 97-16**

**Abandonment of a Private Right-of-Way:  
Construction of Dillon Court**

(follow up to April 8 public hearing)

**Commissioner Jarboe moved, seconded by Commissioner Brugman, to approve and sign the referenced Resolution No. 97-16 approving the abandonment of the private right-of-way and construction of Dillon Court, as presented. Motion carried.**

4. **Department of Public Works Items**

- a. Public Works Agreement for **Chestnut Hills Subdivision, Section 5 (Woodmont Drive and Laurel Court)**; backed by Letter of Credit in the amount of \$294,100 by **Crestar Bank**.

**Commissioner Chesser moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign the Public Works Agreement as presented. Motion carried.**

- b. Addendum to Public Works Agreement for **Summerwood Subdivision, Section 1**; backed by a Bond in the reduced amount of \$25,000 with International Fidelity Insurance Company.

**Commissioner Jarboe moved, seconded by Commissioner Eagan, to approve and authorize Commissioner Thompson to sign the Addendum to the Public Works Agreement as presented. Motion carried.**

- c. **Claim Letters Calling Letters of Credit**

- (1) To **Maryland Bank & Trust Company** in the amount of \$43,700 for Public Works Agreement for **Lexington Park Corporate Center**.

(2) To **Maryland Bank & Trust Company** in the amount of \$19,000 for Grading Permit No. 91-11 for **Essex South, Section 4B and C.**

(3) To **Maryland Bank & Trust Company** in the amount of \$500 for Entrance Permit No. 91-11 for **Maydell Manor, Lot 4.**

**Commissioner Jarboe moved, seconded by Commissioner Brugman, to approve and authorize Commissioner Thompson to sign the correspondence calling the Letter of Credit (1, 2, and 3), as presented. Motion carried.**

(4) To **First National Bank of St. Mary's** in the amount of \$43,100 for Grading Permit No. 96-13 for **Shannon Run Subdivision.**

**Commissioner Jarboe moved, seconded by Commissioner Brugman, to approve and authorize Commissioner Thompson to sign the correspondence calling the Letter of Credit as presented. Motion carried 4-0-1 with Commissioner Eagan abstaining in that she is on the Board of Directors of the First National Bank of St. Mary's.**

d. **Railroad Right-of-Way Agreement  
Dixon Subdivision**

(Between Ellen Carolyn Woodburn, Leonard T. Dixon, Daniel Floyd Dixon, Phyllis Martha Lynn Dixon, Cheryl Ann Dixon, Barbara Lisa Wood (Grantees), SMECO and St. Mary's County granting an easement across the railroad right-of-way (Oraville, Sixth Election District.)

**Commissioner Jarboe moved, seconded by Commissioner Eagan, to approve and to authorize Commissioner Thompson to sign the Easement Agreement as presented. Motion carried.**

5. **Old Hollywood School  
Transfer of Water/Sewer Service Account**

(St. Mary's Metropolitan Commission Request for Change in Billing from Public Schools to St. Mary's County)

**Commissioner Chesser moved, seconded by Commissioner Jarboe, to approve and to authorize Commissioner Thompson to sign the Request for Change in Billing as presented. Motion carried.**

During discussion Commissioner Eagan stated that she has heard concerns from citizens regarding the Board of Education School Redistricting and they wanted to present a proposal to the Board of Education for the possible use of the old Hollywood School to handle the overcrowding at the new Hollywood Elementary. She inquired whether there would be a problem to change the billing back to the school should the old school revert back to the Board of Education. Commissioner Thompson responded that it could be changed back should that occur.

6. **SMECO Easement - Fifth District Park**

(Easement between Board of County Commissioners and Southern Maryland Electric to provide electric service to the soccer fields at Fifth District Park.)

**Commissioner Jarboe moved, seconded by Commissioner Eagan, to approve and to authorize Commissioner Thompson to sign the SMECO Easement Agreement as presented. Motion carried.**

**7. Wicomico Shores Public Landing/Parking Lot Issue**

Also Present: Phil Rollins, Director, Recreation and Parks

As a follow up to the Commissioners' April 1, 1997 meeting, Mr. Rollins advised the Commissioners that the cost to remove all asphalt from the encroached area of the parking lot and return it to a vegetative state would be approximately \$11,500. Mr. Rollins requested direction whether to proceed with vacating the parking lot, and if so a source of funds would need to be identified.

During discussion Mr. Rollins advised that a \$120,000 grant application had been submitted to the State for acquisition of property at Wicomico Shores which included a lot adjacent to public landing the County was considering to purchase (and which was later removed from consideration by the owner). A decision on the application is scheduled for April 30.

**After discussion Commissioner Brugman moved, seconded by Commissioner Chesser, to offer \$25,000 to Wicomico, Inc. for the property in question at Wicomico Shores, contingent upon approval of Program Open Space Funds by the Board of Public Works. Motion carried.**

**Commissioner Eagan moved, seconded by Commissioner Chesser, to make it clear to Wicomico, Inc. that this is the last offer, and if not accepted, the Commissioners instruct staff to begin removal of the parking lot at Wicomico Shores and return it to a vegetative state. Motion carried.**

Later in the meeting County Administrator Kachmar advised that he had spoken with the attorney for Wicomico, Inc. and he rejected the offer of \$25,000.

**PROCLAMATIONS**

The Commissioners issued the following Proclamations:

- \* National Life Insurance Week
- \* Christmas in April National Rebuilding Day

**BOARD FOR THE COMMUNITY COLLEGE AT ST. MARY'S**

Present: Tom Mattingly, Chair  
Fred Wallace, Member  
Elaine Ryan, Vice-President, Community College  
Jayne Sypher, Dean Community College at St. Mary's

The referenced individuals appeared before the Commissioners to present the Board for the Community College at St. Mary's Annual Report. The Report included Significant Activities (meetings and presentations, enrollment statistics (by full-time enrollment, full-time/part-time enrollment, total enrollment Fall/Spring Semester, FTE by County Residence, by gender, new and continuing students, graduates, financial assistance statistics; and enrollment by curriculum); and problems and challenges (proposal to regionalize the college, need for secretarial support, higher than average enrollment growth, and additional space requirements).

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

**ST. MARY'S INTERAGENCY CHILDREN'S COMMITTEE  
GRANT APPLICATION**

Present: Becky Stevens, Community Services Coordinator

Ms. Stevens appeared before the Commissioners to present and request approval of the referenced St. Mary's Interagency Children's Community grant application entitled Community Incentive Grants/Governor's Council on Adolescent Pregnancy in the amount of \$61,460. She advised that this one-time grant is for the purpose of addressing pregnancy prevention among adolescents in the tri-county area and the project incorporates the "Baby Think it Over" dolls in public school based classes. Funds will be used to purchase the dolls, which are designed to simulate the experience of parenting an infant, for each county's use.

**Commissioner Eagan moved, seconded by Commissioner Chesser, to authorize Commissioner Thompson to sign the Grant Application as presented. Motion carried.**

**ALLIANCE FOR ALCOHOL DRUG ABUSE PREVENTION  
LASER SPEED GUN PRESENTATION**

Present: Joe Dick, Director, Alliance  
Judy Pedersen, Information Officer  
Sheriff Richard Voorhaar  
Capt. Jamie Raley  
Lt. Doug Slacum, Maryland State Police

The referenced representatives of the Alliance appeared before the Board to display the recently acquired Laser Speed Gun, which was purchased through a Highway Safety Grant. The gun, which is state-of-the art, will be shared between the Sheriff's Department and Maryland State Police. During the presentation Mr. Dick related statistics in St. Mary's County for traffic accidents (alcohol related, speed, and not paying attention).

In addition the Alliance presented six first aid kits that were also acquired with Highway Safety Grant funds to the Maryland State Police which are to be placed in police vehicles in that the police are usually the first respondent to an accident.

Commissioner Eagan recommended that the MSP contact doctors or pharmaceutical companies to see if they have an over supply of medical equipment (such as gloves).

In closing the Alliance invited the Commissioners to ride with an officer for a demonstration of the laser speed gun.

**COUNTY COMMISSIONERS' TIME**

**Old Hollywood Elementary School**

Commissioner Brugman advised that he has received a number of telephone calls regarding the proposed school redistricting and suggestions have been made for the use of the old Hollywood Elementary School to handle the overflow from the new Hollywood Elementary School. He inquired whether the Commissioners would entertain having staff draft a letter to the Board of Education indicating that the Commissioners would be receptive to a proposal to look at the possibility of remodeling the old school to handle the growth.

Commissioner Thompson pointed out that the Board of Education is not the controlling agency to approve use of the building, but it is the responsibility of the Interagency Committee on School Construction. She further addressed the issue of the major deficiencies of the building, the source of funding to correct these deficiencies, and the amount of time it would take to make the building usable.

Commissioner Brugman indicated that he would offer his support to the citizens for a proposal to use the school.

**Myrtle Point**

**Commissioner Brugman referred to untruths regarding the uses of the Myrtle Point property and therefore moved to direct staff to prepare a letter to the Planning Commission removing the reference to a marina and replace it with language for a public access to the Patuxent River, which could include a boat ramp and boat landing for the citizens of St. Mary's County; and further to remove the reference to public/private partnerships with adjoining owners, that this had been a recommendation of the Sierra Club and offered as a way to save taxpayers' dollars and not a prearranged "deal" with developers. Motion carried three to two with Commissioners Thompson and Chesser voting against.**

Commissioner Thompson stated she voted against the motion because she felt the County should let the process that is in place work itself out.

**EXECUTIVE SESSIONS**

**Commissioner Jarboe moved, seconded by Commissioner Brugman, to meet in Executive Session to discuss matters of Litigation (FERST and FLSA - Kramer vs. Board of County Commissioners), as provided for in Article 24, Section 4-210(a)8. Motion carried.**

**Litigation (FERST)**

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  
Douglas Durkin, County Attorney  
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)8  
Time Held: 11:00 a.m. - 11:03 a.m.

Action Taken: The County Attorney made a recommendation and the Commissioners agreed to take action in open session.

**Litigation (FLSA - Kramer vs. Board of County Commissioners)**

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  
Douglas Durkin, County Attorney  
George Foster, Personnel Officer (attended from 11:03 a.m. - 11:42 a.m.)  
Judith A. Spalding, Recorder

(Sheriff Voorhaar was in attendance from 11:06 a.m. - 11:32 a.m.;  
Captain Jamie Raley was in attendance from 11:34 a.m. to 11:42 a.m.  
and 5:42 p.m. - 7:05 p.m.)

Authority: Article 24, Section 4-210(a)8  
Time Held: 11:03 a.m. - 11:42 a.m.  
(continued 5:42 p.m. - 7:05 p.m.)

Action Taken: The County Attorney reviewed various aspects of the referenced litigation, and the Commissioners agreed to take action in open session.

## FOLLOW UP TO EXECUTIVE SESSIONS

**Commissioner Eagan moved, seconded by Commissioner Chesser, to direct the County to proceed as discussed in Executive Session on the FERST Litigation matter. Motion carried.**

**Commissioner Eagan moved, seconded by Commissioner Jarboe, to direct the County Attorney to proceed as discussed in Executive Session with regard to the FLSA litigation matter. Motion carried.**

## PUBLIC HEARING FISCAL YEAR 1998 RECOMMENDED BUDGET

The County Commissioners conducted a public hearing on the Fiscal Year 1998 Recommended Budget.

After presentations by County staff comments were received from the audience as follows:

**Sheriff Richard Voorhaar** - Expressed appreciation to the Commissioners for the Sheriff's Department's budget; that it was a unified effort between the Sheriff's Department and the Commissioners; and offer his continued support.

**Mary Wood (St. Mary's Public Library)** - Thanked the Commissioners for funding the libraries received in the budget; expressed appreciation for the Commissioners' recognition of the needs for library materials and equipment; indicated that two positions had not been recommended, but she was not appealing at this time; requested the Commissioners to fund the Lexington Park library expansion project and go forward with it.

**Margaret Cheseldine** - Referred to increased criminal activity and vandalism in the Seventh District and requested the Commissioners to consider alternative means for police protection and crime intervention (independent or private crime prevention organization).

**Doug Ritchie** - Commended the Commissioners, citizens and Finance Department for the FY '98 budget; referred to property tax rate and that because of assessments some property owners may not see a decrease in taxes; inquired whether the budget included transfer station fees. (Finance Director Welkos indicated that it is not currently incorporated into the revenues.)

## ADJOURNMENT

The meeting adjourned at 8:00 p.m.

**Minutes Approved by Board of  
County Commissioners on 4/29/97**

*Judith A. Spalding*

**Judith A. Spalding  
Recording Secretary**

