

**ST. MARY'S COUNTY  
BOARD OF COUNTY COMMISSIONERS' MEETING  
AUGUST 5, 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 Eagan moved, seconded by Commissioner Jarboe, to approve the minutes of Tuesday, July 22, 1997 as corrected. Motion carried.**

**APPROVAL OF BILLS**

**Commissioner Eagan moved, seconded by Commissioner Chesser, to authorize payment of the bills for the week of July 29 and August 5. 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:

**Correspondence**

- a. To various individuals (20 letters) concerning the proposed expansion of the Lexington Park Development District Line from Hermanville Road to Park Hall Road during the Comprehensive Land Use Plan revision process.
- b. To George & Elizabeth Edmonds concerning shore erosion problems at Piney Point Shores.
- c. To John Hanson Colton concerning Colton Endowment Task Force and request for proposals.
- d. To various addressees (10 letters) extending appreciation for contribution in support of Fire/Rescue Appreciation Day.
- e. To Maryland Department of the Environment concerning Sewage Sludge Utilization Permit Application for J. F. Fenwick Site located on Cedar Hill Lane in Lexington Park.
- f. To Robert Ray concerning neighbor's pier extension at Scotch Point in Hollywood.
- g. To Melanie Cannon (Charles County resident) concerning request for waiver of tuition for her children's' attendance at St. Mary's County Public Schools.
- h. To Donald and Betty Tennyson concerning Comprehensive Land Use Plan revision.

- i. To William Buckler concerning county bus contract and prohibition related to letting of contract.
- j. To Chief of Mechanicsville Volunteer Fire Department concerning Opticom system in the northern end of the county.
- k. To Shawn Alvey and Richard Cleveland (2 letters) regarding tar and chip roadwork on county roads.
- l. To Chairs of the Human Relations Commission and Marcey House Board (2 letters) expressing appreciation for the presentation of Annual Reports.
- m. To Chairs recognizing the dedication and hard work of all volunteers serving on county's boards, committees and commissions.

**Commissioner Jarboe moved, seconded by Commissioner Brugman, to approve the Consent Agenda, with the exception of Letter (f.) to Robert Gray. Motion carried.**

#### **COUNTY ADMINISTRATOR ITEMS**

Present: John J. Kachmar Jr., County Administrator

#### **1. Boards, Committees, Commissions**

##### **a. Letters of Appointment**

**Commissioner Eagan moved, seconded by Commissioner Chesser, and motion carried, to sign and forward letters of appointment to the following individuals:**

<u><b>Airport Commission</b></u>	<u><b>Terms to Expire</b></u>
Kevin Barnes	6/30/98/2001
Lewis A. Schmidt	6/30/99/2002
<u><b>Commission on Aging</b></u>	
Kathryn Bautz	6/30/2000
<u><b>Commission for Women</b></u>	
Dana M. Stearns	6/30/99/2003
<u><b>Council on Children and Youth</b></u>	
Barbara L. Bershon	12/31/99/2002
<u><b>Economic Development Commission</b></u>	
William P. Higgs	6/30/2000
John McAllister	6/30/2000
<u><b>Human Relations Commission</b></u>	
Carol Montague	6/30/2001
<u><b>Nursing Center Advisory Board</b></u>	
Jacquelyn Anderson	6/30/99/2002
<u><b>Planning Commission</b></u>	
Cheryl Ahearn	12/31/2000/2005
Robert Parkinson	12/31/99/2004
<u><b>Solid Waste Advisory Committee</b></u>	
William Mattingly (Reappt.)	12/31/2000
<u><b>Tri-County Youth Services Bureau</b></u>	
Kathi D. Chesser	12/31/2000

b. **Letters of Appreciation for Serving**

**Commissioner Brugman moved, seconded by Commissioner Chesser, to sign and forward the letters of appreciation as presented. Motion carried.**

2. **Department of Public Works Items**

- a. Road Resolution No. 97-21 establishing 30/40 mph speed limits on Old Village Road, 5th Election District.

**Commissioner Chesser moved, seconded by Commissioner Eagan, to approve and authorize Commissioner Thompson to sign Road Resolution No. 97-21. Motion carried.**

- b. Road Resolution No. 97-22 establishing a 30 mph speed limit on Old Tall Timbers Road, 2nd Election District.

Commissioner Jarboe moved, seconded by Commissioner Eagan, to approve and authorize Commissioner Thompson to sign Road Resolution No. 97-22. Motion failed 0 to 5.

During discussion of the motion Commissioner Chesser questioned the 30 mph speed limit stating that he believed it was too high because it was a narrow road and there were a number of children who lived on that road.

After discussion the Commissioners agreed to defer approval of the Road Resolution until an explanation from DPW regarding the setting of the speed limit.

- c. Road Resolution No. 97-23 establishing a 30 mph speed limit on Tall Timbers Road, 2nd Election District.

Commissioner Chesser also questioned the 30 mph speed limit on this road, and the Commissioners agreed to defer this Resolution as well until an explanation from DPW is received.

- d. Road Resolution No. 97-24 establishing a 30 mph speed limit on Herring Creek Road, 2nd Election District.

**Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign Road Resolution No. 97-24. Motion carried.**

- e. Public Works Agreement Addendum extending completion date for **Chestnut Hills Subdivision, Section 4**, to July 1, 1998; backed by letter of credit with Crestar Bank in the amount of \$38,000.

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

- f. Public Works Agreement Addendum extending completion date for maintenance of **Quatman Road** to July 1, 1998; backed by letter of credit with Crestar Bank in the amount of \$10,000.

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

- g. Public Works Agreement Addendum extending completion date for **Bay Ridge Estates Subdivision**, to July 1, 1998; backed by letter of credit with First National Bank of St. Mary's in the amount of \$52,000.

**Commissioner Chesser moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign the Public Works Agreement as presented. Motion carried 4-0-1 with Commissioner Eagan abstaining because she is on the Board of Directors of the First National Bank of St. Mary's.**

3. **Department of Recreation and Parks  
State Highway Administration Property**

The County Administrator presented a memorandum dated July 21, 1997 from the Director of Recreation and Parks expressing interest in acquiring 3.1 acre former SHA Maintenance Facility located at intersection of MD 5 and MD 243, one mile west of Leonardtown for relocation of Park Maintenance Division.

County Administrator Kachmar pointed out that the Commissioners had previously considered this property and had indicated that the County did not have an interest in it. He further advised that he will be coming before the board later this month to present recommendations regarding implementation of decisions made during the budget process which will require some reorganization and a different approach for vehicle maintenance, county equipment and county property.

**After discussion Commissioner Brugman moved, seconded by Commissioner Chesser, to reject Recreation and Park's proposal to acquire the property. Motion carried four to one with Commissioner Thompson voting against.**

During discussion of the motion Commissioner Brugman stated that the property was in a flood plain and to the age of the building; Commissioner Jarboe expressed opposition to locating the R&P facility at that location; Commissioner Thompson pointed out that R&P has been seeking a storage area for a number of years and that this request is not for a commitment to purchase but requesting to be given an opportunity to consider acquiring the property.

4. **Grant Documents**

a. **Office on Aging**

Also Present: Gene Carter, Director, OOA

State Senior Grants totaling \$156,183 in state grant funding (Senior Nutrition - \$47,878; Senior Guardianship - \$6,600; Senior Information & Assistance - \$8,246; Senior Care - \$91,459; Group Senior Assisted Housing Program - \$2,000.

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

b. **Office of Community Services**

Maryland State Arts Council Grant (State Funding - \$1,875)

(Arts education activities and performances at Summer of Safety Arts Camp)

**Commissioner Chesser moved, seconded by Commissioner Eagan, to approve and authorize Commissioner Thompson to sign the Maryland State Arts Council Grant as presented. Motion carried**

5. **Housing Revenue Bond Program ("On Behalf of" Bond Authority)**

(Memorandum dated July 25, 1997 from Economic and Community Development forwarding letter to Secretary of Housing and Community Development in accordance with direction given by the Commissioners on 7/22/97)

**Commissioner Eagan moved, seconded by Commissioner Chesser, to approve and authorize Commissioner Thompson to sign the letter to Housing and Community Development as presented. Motion carried.**

6. **Personnel**

a. **Department of Planning and Zoning**

(Two-year Employment Contract Renewal for Director of Planning and Zoning Jon Grimm)

**Commissioner Eagan moved, seconded by Commissioner Chesser, to approve and authorize Commissioner Thompson to sign Mr. Grimm's employment contract as presented. Motion carried three to two with Commissioners Brugman and Jarboe voting against (stating that it was not a vote against Mr. Grimm, but that they preferred a one-year performance-based contract).**

During discussion of the motion Commissioner Jarboe indicated he would be voting against all employee contracts that do not have performance-based parameters.

b. **Office on Aging**

(1) Memorandum dated July 24, 1997 from Personnel Officer requesting :

- \* approval to advertise and hire Substitute Registered Nurses at a Grade 11 (Steps 1 through 4)
- \* approval to increase current pay of substitute RN's (on July 8 the Commissioners inadvertently approved the increase to a Step 3 and it was supposed to be Step 4).

**Commissioner Jarboe moved, seconded by Commissioner Brugman, to approve the advertisement and hiring of Substitute Registered Nurses at Grade 11 (Steps 1 through 4) and to approve the increase of substitute RN's pay to Step 4. Motion carried four to one with Commissioner Eagan voting against.**

(2) Memorandum dated July 24, 1997 from Personnel Officer requesting conversion of Regular Part Time Social Worker (Brenda D. Chaillou) from Regular Part Time to Full Time.

**Commissioner Chesser moved, seconded by Commissioner Eagan, to approve the conversion of the Regular Part Time Social Worker from Regular Part time to Full Time as presented. Motion carried.**

c. **Department of Social Services  
Annual Performance Evaluation for Director**

The County Administrator presented the 1996 Annual Performance Evaluation for Director of Social Services Ella May Russell stating the Social Services Board gave her an Overall Superior Rating.

**Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign the Performance Evaluation as recommended by the Social Services Board. Motion carried.**

Commissioner Eagan requested that a letter be prepared for the Commissioners' signatures indicating to the State the Board's endorsement of the Evaluation.

7. **Information Release  
Maryland Association of Counties Annual Summer Conference**

**Commissioner Eagan moved, seconded by Commissioner Chesser, to authorize the distribution of the Information Release as presented.**

8. **Pending List**

Commissioner Thompson noted that the Pending List is not on the Agenda and inquired whether the Commissioners would like to continue to have it presented on the first Tuesday of the month.

The Commissioners gave their concurrence to continue with the pending list, but requested that it be a separate agenda item.

**PROCLAMATION  
NATIONAL NIGHT OUT**

Present: Kathy Dassing, Sheriff's Department

The Commissioners presented as Proclamation designating Tuesday, August 5, 1997 as *National Night Out*.

**PUBLIC HEARING  
SUPPLEMENTAL APPROPRIATIONS**

Present: Steve Welkos, Director of Finance

The County Commissioners conducted public hearings on the following Supplemental Appropriations:

**Department of Economic & Community Development**

Also Present: Martin Fairclough, Director

Consideration for a supplemental appropriation of \$25,000 in State grant funds for the purpose of providing assistance to the Patuxent Partnership to retain and attract technology jobs to Southern Maryland.

**Office of Community Services**

Also Present: Cynthia Brown, Director  
Joe Donnick, Alliance Coordinator

Consideration for a supplemental appropriation of \$25,000 in State grant funds for the purpose of providing Summer Youth Achievement Programs for youth aged 18 years and younger who are at risk of entering or further penetrating the Juvenile Justice System.

**Department of Public Works**

Also Present: Dan Ichniowski, Director  
George Jarboe

Consideration for a supplemental appropriation of \$290,500 in order to accomplish the work on Abell's Wharf Road and a portion of Breton Beach Road as required by the Board of Appeals Conditional Use Application.

(Later in the hearing after Mr. Ichniowski left, Commissioner Thompson questioned why the funds had not been included in the budget. Mr. Welkos responded that the funds were received from Maryland Rock, and it had been an oversight that it was not in the budget. Mr. Welkos was directed to get clarification from the Director of DPW regarding the oversight.)

**Department of Recreation and Parks**

Also Present: Phil Rollins, Director

Consideration for a supplemental appropriation of \$20,000 in State grant funds for the purpose of updating the County's Land Preservation and Recreation Plan.

**Department of Recreation and Parks**

Also Present: Phil Rollins, Director

Consideration for a supplemental appropriation of \$5,000 in State grant funds for the purpose of providing county-wide maintenance repairs to various public boat ramps.

(Mr. Eberle inquired as to the number of public piers in the County and Mr. Rollins responded that there were approximately 12 - 15 public landings, eight of which are useable boat ramps.)

Hearing no further comments, the public hearings were closed; the record will remain open for ten days for written comments.

**COUNTY COMMISSIONERS' TIME**

**Wedding Anniversary Recognition**

Commissioner Chesser recognized Mr. Lou Eberle in the audience and announced that Mr. and Mrs. Eberle will be celebrating their 65th Wedding Anniversary.

**DEPARTMENT OF PLANNING AND ZONING  
HISTORIC PRESERVATION COMMISSION  
(CERTIFIED LOCAL GOVERNMENT APPLICATION)**

Present: Mary Hayden, Planner  
Roy Guyther, Chair, Historic Preservation Commission  
Leonard Kohl, "  
Audrey Pratt, "  
Kirk Ranzetta, Historic Site Surveyor  
Douglas Durkin, County Attorney

The referenced individuals appeared before the Commissioners to request the Board's approval for submission of the application for St. Mary's County to participate in Maryland's Certified Local Government (CLG) Program as provided for in the National Historic Preservation Amendment Act of 1980.

Ms. Hayden explained the CLG designation and program which provides financial and technical assistance in preserving historic properties, and reviewed the benefits of participating in CLG, which is administered by the Maryland Historic Trust. Benefits include special grants; local historic preservation expertise recognition; technical assistance and training from state; etc. During her presentation Ms. Hayden reviewed the responsibilities and requirements of a CLG (enforce state or local legislation; establish and maintain a qualified commission; maintain a survey and inventory system; etc.) and provided the Commissioners with comparison data (there are 38 historical preservation commissions in the state, 13 of which are CLG's).

In conclusion Ms. Hayden advised that the Historic Preservation Commission recommended approval of the Certified Local Government application, stating that the Commission believed CLG status would provide additional resources needed to increase historic preservation in the County. She pointed out that the Planning Commission recommended approval of the CLG application to the Commissioners.

Areas of discussion included: designation and nomination process of historic sites (whether voluntary or could be done by someone other than the property owner--County

Attorney Durkin pointed out that under federal law the property owner's consent is not required); federal, state and local regulations and requirements (local implementation is through the Zoning Ordinance as set forth in Article 66B of the Maryland Annotated Code); authority of the Historic Preservation Commission and State Historic Preservation Officer relative to designation of properties; powers and duties of the Commission (its charge was to advise Planning Commission and Board of County Commissioners); types of sites and structures that would qualify for designation (not only historic structures, but historic undeveloped open land); that the designation passes with the land and not the property owner; whether property can be withdrawn from designation (only through rezoning); restrictions on properties/structures within a Historic Preservation District; acquisition of easements; and interest versus conflict of interest on the Commission.

After discussion the Commissioners indicated they had concerns with the Historic Preservation section of the County's Zoning Ordinance and advised that they would not approve the CLG application until revisions had been made. The Board requested that the planning office and Planning Commission work with the Historic Preservation Commission to develop revisions that would address the Commissioners' concerns (including voluntary designation of property; reversion of designation if property changes hands; and designation authority by the Board of County Commissioners).

The Commissioners agreed to schedule a session with the Planning office staff and Historic Preservation Commission to discuss drafting of the revisions on Tuesday, September 2 at 3 p.m.

#### **EMERGENCY MEDICAL SERVICES PROGRAM**

Present: Douglas Durkin, County Attorney  
John Murphy, MIEMSS  
Craig Coleman, "  
Paul Wible, Director, EMA  
Phil Cooper, Deputy Director, EMA  
J. Patrick Jarboe, M.D. Medical Director, Emergency Services  
Dr. Page

The referenced individuals appeared before the Board to discuss options relative to emergency medical services care in St. Mary's County, specifically with regard to oversight, supervision, certification of emergency medical care.

County Attorney Durkin advised the Maryland Institute for Emergency Medical Services System is offering the Commissioners a "right of first refusal" with regarding the oversight, supervision and certification of emergency care, and pointed out that there was no law giving the County authority over emergency medical services. He stated that this can only be done through contract with the volunteers; however, some of the providers are county employees, and the Commissioners do have oversight of them.

Points made during discussion included:

- \* Regulatory authority given to MIEMSS in 1993 for the development of a system to ensure emergency medical direction and evaluation; subsequent bill (SB764) in 1997 expanding the legislation to define "prehospital services provider" (including emergency medical dispatcher).
- \* If the County chooses to participate in a certification program, funds would be made available for training; emergency medical dispatch is entirely voluntary; if individuals are to be certified, training must meet national standards; a medical director would be needed to make sure training is updated and certification current as well as oversight of the emergency medical dispatchers.



- \* Training is now available for AED (automated external defibrillator) EMT's.
- \* Two actions are needed: Recognition of the Emergency Medical Services Director as prehospital care provider; and whether the Commissioners want a local program for emergency medical dispatchers certified by the State.
- \* Another issue is the overall medical direction for basic life support people.
- \* The issue of liability and/or malpractice insurance coverage; Local Government Insurance Trust's clarification of health care services coverage; the fact that only volunteers of the Board of County Commissioners are covered by the County's insurance; the need for protection of the volunteers.
- \* Senate Bill 764 clarifies that "good Samaritan" immunity applies to each variety of emergency medical services providers.
- \* Emergency Management Agency 911 dispatchers wish to implement the program whereby they could give medical advice as instructed by a medical director and would become EMTD's.
- \* The County Attorney's outline of issues to be decided by the Board of County Commissioners (nine questions).

In closing the Commissioners requested representatives of MIEMSS to investigate the insurance coverage issue for non-County volunteers and to develop recommendations of the companies that would allow physicians to have riders for malpractice insurance. The Commissioners further agreed that a clarification as to the definition of "oversight of emergency medical services" was needed. Once that is defined EMA employees and medical service volunteers should be contacted to get their reaction to the program. Once all information is gathered, the Commissioners will continue discussion. Mr. Cooper agreed to be the County's contact person for MIEMSS.

#### **BALTIMORE GAS AND ELECTRIC (CALVERT CLIFFS UPDATE)**

Present: Charles Cruse, Vice President in Charge of Plant, BGE  
John Smith, Public Affairs, BGE

The referenced individuals appeared before the Commissioners to present the following:

- \* **A donation for Fire/Rescue Appreciation Day**
- \* **Status Report of the Calvert Cliffs Plant (three major goals)**
  - (1) Personal safety (individual safety and radiation safety)
  - (2) Nuclear Safety (based on grading system by NRC--BGE received an overall 2, with one being the highest)
  - (3) Production of electricity at a competitive price (both units are running and the plant is meeting projected generation goals)
- \* **Merger with PEPCO**  
A number of hurdles have been completed toward the merger, more still ahead; federal approvals received and approvals from Pennsylvania and Virginia; merger has been delayed because of court case regarding Public Service Commission approval; therefore, all major expenditures have been stopped and BGE and PEPCO are continuing to operate as two separate companies.

\* **Restructuring of Electrical Industry**

The restructuring should be in place by April 2, 2001; that it is a complicated process and that it be done correctly. BGE does not want to disadvantage Maryland utilities and that there should be a level playing field whether it is regulated or competitive.

**EXECUTIVE SESSIONS**

**Commissioner Chesser moved, seconded by Commissioner Eagan, to meet in Executive Session to discuss a matter of Property Disposition (Skipjack Property) as provided in Article 24, Section 4-210(a)11. Motion carried four to one with Commissioner Brugman voting against.**

**Property Disposition (Skipjack Property)**

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  
Linda Opdyke, Legal Assistant  
Judith A. Spalding, Recorder

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

Time Held: 5:00 p.m. - 6:00 p.m.

Action Taken: The County Attorney briefed the Commissioners regarding the sale of the Skipjack property and received direction from the Board.

**ADJOURNMENT**

The meeting adjourned at 6:00 p.m.

**Minutes Approved by Board of  
County Commissioners on 5/12/97**

*Judith A. Spalding*

**Judith A. Spalding  
Recording Secretary**