

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
June 22, 1999**

Present: Commissioner President Julie B. Randall
Commissioner Joseph F. Anderson
Commissioner Shelby P. Guazzo
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
Mortimer L. Smedley, County Administrator
Judith A. Spalding, Recorder

CALL TO ORDER

The meeting was called to order at 10:05 a.m.

ADDITIONS/DELETIONS TO AGENDA

Commissioner Mattingly moved, seconded by Commissioner Raley, to accept the agenda as presented. Motion carried.

APPROVAL OF CHECK REGISTER

(Questions included bill for mulch since the County has a mulching machine; Western Shore Cable (cable line for computers); SMECo for Chief Road in Wicomico Shore.)

Commissioner Guazzo moved, seconded by Commissioner Mattingly, to authorize Commissioner Randall to sign the check register, as presented. Motion carried.

APPROVAL OF MINUTES

Commissioner Mattingly moved, seconded by Commissioner Guazzo, to approve the minutes of the Commissioners' meeting of Tuesday, June 15, 1999 as corrected. Motion carried.

COUNTY ADMINISTRATOR

Present: Mortimer L. Smedley, County Administrator

- Draft Agendas for June 29, 1999 and July 6, 1999

1. Budget Amendments

Also present: Steve Welkos, Director of Finance
Marty Jones, Budget Analyst

- a. No. 99-45 – Office of Community Services (\$10,000)
(adjustment to cover salaries for Assistant Camp Directors in Summer of Safety, Arts and Reading Camps)
Also Present: Cynthia Brown, Director, OCS

During discussion Ms. Brown explained that the shortfall was due to additional costs to run the camp (transportation, facility use, additional camps) She discussed the expansion of the program, and that she is working with Public Schools in this regard. The Commissioners suggested that she return in the September/October time frame to discuss the expansion of the program.

Commissioner Mattingly moved, seconded by Commissioner Raley, to approve and authorize Commissioner Randall to sign Budget Amendment No. 99-45. Motion carried.

- b. No. 99-46 – Director of Finance (\$50,225)
(additional funds for Retirees Health Insurance through June 1999)

Mr. Welkos explained the reason for the transfer was that there have been eleven retirees since January and 80 retirees now participating in the insurance program.

Commissioner Raley moved, seconded by Commissioner Anderson, to approve and authorize Commissioner Randall to sign Budget Amendment No. 99-46. Motion carried.

- c. No. 99-47 – County Administrator (\$8,870)
(to adjust Public Information Officer salary and fringe due to employee turnover)

Commissioner Guazzo moved, seconded by Commissioner Raley, to approve and authorize Commissioner Randall to sign Budget Amendment No. 99-47. Motion carried.

2. **Department of Economic and Community Development
(Southern Maryland Heritage Area Plan – Final Draft)**

Also present: Jean Goodman, Tourism Coordinator

During discussion of the draft plan, the Commissioners pointed out that it did not reflect the fact that the County had adopted the Comprehensive Plan, the attractions, museums, major employers and target investment areas and that these concerns should be conveyed to Mr. Fairclough, Director, DECD. The Commissioners requested that staff develop an addendum to the plan for the Commissioners' review at next week's meeting. Ms. Goodman indicated that Plan has to receive the approval of all three boards. She explained that once the draft plan is approved, then the Committee will apply for certification and then apply for grants. She further advised that if the Commissioners did not approve the grant and the County does not receive recognition status in the Heritage Program, and it could preclude the County from applying for grants.

Since July 6 is the deadline for submission of the Heritage Plan, the Commissioners requested Ms. Goodman to try to get an extension.

3. **St. Mary's Public Schools**
FY 2000 Board of Education Budget

Also present: Elaine Kramer, Director, Budget and Finance

After clarifications given by Ms. Kramer regarding personnel (including Occupational Therapist and teachers), textbooks, workers' compensation fund, the lacrosse program, and computer technology positions and programs, Commissioner Anderson moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner Randall to sign the letter to the President of the Board of Education approving Budget for Fiscal Year 2000. Motion carried.

During discussion Commissioner Randall requested that the Board of Education's budget document be amended to reflect the County's additional appropriation to the Board of Education.

4. **Department of Recreation and Parks**
(FY 2000 Waterway Improvement Fund Grant Applications (Piney Point Public Landing (\$50,000); Abell's Wharf (\$25,000); and Wicomico Shores Public Landing (\$25,000))

Also present: Phil Rollins, Director, Recreation and Parks
Bill Ball, Supervisor, R&P

During discussion Mr. Rollins pointed out that a supplemental appropriation public hearing will be required for Piney Point and Abell's Wharf because receipt and expenditure of those grants funds were not included in the budget. He pointed out; however, that they are in the Capital Improvement Program.

Commissioner Mattingly moved, seconded by Commissioner Raley, to approve and authorize Commissioner Randall to sign Grant Applications. Motion carried.

5. Department of Public Works Items

- a) Public Works Agreement Addendum for Laurel Glen PUD, Eighth Election District; backed by Letter of Credit issued by First National Bank of St. Mary's in the amount of \$55,000

Commissioner Guazzo moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner Randall to sign Addendum. Motion carried.

- b) Public Works Agreement Addendum for Greenview West PUD, Eighth Election District; backed by Letter of Credit issued by First National Bank of St. Mary's in the amount of \$363,300

Commissioner Mattingly moved, seconded by Commissioner Raley to approve and authorize Commissioner Randall to sign Addendum. Motion carried.

- c) Public Works Agreement for First Colony PUD, Eighth Election District; backed by Letter of Credit issued in the amount of \$1,245,500

(Mr. Erichsen advised that two easement agreements will be discussed later in the meeting and that approval of the Public Works Agreement should be contingent upon approval of the easement agreements.)

Because this is the first time this Board has had an occasion to discuss the First Colony project and because of being behind schedule, the Commissioners agreed to defer discussion on the Public Works Agreement until later in the meeting during discussion of the easement agreements.

**6. Boards, Committees, Commissions
Letters of Appointment**

Commission for Women

Lori M. Gleason

Terms To Expire

6/30/2003

Southern Maryland Travel and Tourism Committee

Janet E. Cook

James W. Grusholt, Sr.

Carolyn Laray

Cynthia W. Salvo

NO TERM

NO TERM

NO TERM

NO TERM

Commissioner Raley moved, seconded by Commissioner Anderson to approve and sign letters of appointment. Motion carried.

Southern Maryland Travel and Tourism Committee

Later in the meeting, Commissioner Anderson moved, seconded by Commissioner Mattingly, to approve and sign the letter appointing Kim Cullins to the Southern Maryland Travel and Tourism Committee. Motion carried.

7. Resolution No. 99-12

St. Mary's County Health Department – Infants and Toddlers Program

(Reappointing Health Department as Local Lead Agency for Infants and Toddlers Program)

Commissioner Anderson moved, seconded by Commissioner Raley, to approve and sign Resolution. Motion carried.

8. **Walden/Sierra, Inc.**

Grant Documents

Also present: Kathy Slaigle, Walden

- a. Transitional Living Program (Federal - \$214,841; State - \$503,550)
- b. Basic Center - Runaway and Homeless Youth (Federal - \$119,215; State - \$112,515; Applicant - \$11,922)

Commissioner Guazzo moved, seconded by Commissioner Raley to approve and authorize Commissioner Randall to sign Application. Motion carried.

INTRODUCTION OF COUNTY EMPLOYEES' ASSOCIATION MEMBERS

Present: Carol Gallagher, President
Melanie Johnston, 1st Vice President
Robert Hall, 2nd Vice President
Rose Thompson, Treasurer
Mindy Carter, Corresponding Secretary
Tracey Summerday, Recording Secretary

Ms. Gallagher introduced the referenced officers of the St. Mary's County Employees' Association, explained the purpose, function, and activities of the Employees' Association. During the presentation Ms. Johnston referred to an April letter from the Employees' Association requesting consideration regarding the overtime policy (as was recently adopted for the Sheriff's Department) and a status report on the Compensation Study. The Commissioners responded that the study was funded in the FY 2000 Budget and overtime issues will be addressed in that study.

ST. CLEMENTS ISLAND POTOMAC RIVER AND PINEY POINT MUSEUMS BRIEFING

Present: Michael Humphries, Museum Director
Roy Dyson, Chair
Board Members and Staff (Mary Lillian Hewitt, Viola Gardner, Bob Arnold, Kim Cullins, Millie Huseman, Louanne Bailey, Lydia Wood)

Mr. Humphries and Mr. Dyson appeared before the Board to present a briefing on the programs and services of the Museums.

Information provided in the presentation included:

St. Clements Island Potomac River Museum

- State Highway Administration has provided signs for locating St. Clements Island;
- History of the Museum building;
- Activities: Children's Day, Seniors Day; Concerts, Blessing of the Fleet;
- Plans to move old school house adjacent to the museum and make it a children's museum;
- Parking problems (working with legal department on property acquisition issues);
- Plans to taken down Pearl Bailey house and a tolerance museum put in its place (working with Planning and Zoning on this);
- Working with schools to have a school play at the museum.

Piney Point Lighthouse Museum

- Renovations and Improvements (lighthouse, museum and gift shop);
- Plans for an environmental education boardwalk and walkway;
- Discussions with adjacent property owner about acquiring adjacent property;
- Plans to move the Potomac River section of the St. Clements Museum to the Piney Point Museum.

**OFFICE OF CENTRAL SERVICES
PROCUREMENT POLICY BRIEFING**

Present: Jim Haley, Manager, Office of Central Services
Carol Gallagher, Procurement Supervisor
(Other Procurement Staff Members)

Representatives of the Office of Central Services appeared before the Board to provide a briefing on Procurement Policies and Procedures. The presentation included:

- Adoption of Procurement Policy November 1987 and implementation March 1988;
- Purpose of Procurement Manual;
- Division Organizational Chart;
- Procurement's mission statement, objectives, job, and cycles;
- Flow charts for purchases \$500 or less (noncompetitive); \$500 - \$5,000; and for purchases over \$5,000 (which is set by the General Assembly and can only be increased through legislation);
- Department's/Procurement's Responsibilities regarding purchasing;
- Types of Awards (sealed bids, negotiated)
- Special procurement situations (emergencies, sole source, non-competitive)
- Types of contracts (firm fixed price, time and material, definite quantity, indefinite quantity);
- Term and Cooperative Contracts;
- Privatized Services
- Accomplishments (including automated procurement process, Southern Maryland Cooperative purchasing, assisting other agencies, minimal litigation through professional procurement)

Areas of Discussion included:

- Whether there was a requirement for minority/small business contracts (Mr. Haley to check with County Attorney to see if there is a legal requirement);
- Process for getting contracts with local vendors (advantages and disadvantages);
- Different classes of procurement (small business, disadvantaged business, high unemployment areas, and government);
- Request for process of setting of procurement goals used by other agencies;

In conclusion the Commissioners requested a list of the previous procurement task force members; suggested that since it's been 11 years since the Procurement Policy had been adopted, to look at establishing another committee to look at updating the Policy and to make recommendations about changing the \$5,000 threshold; and to look at contracts awarded by areas (local, tri-county, cooperative, and state) and develop percentages. Mr. Haley is to draft a charge for the task force and submit to the Commissioners for review. In addition the Commissioners suggested that he look at the Transition Team Report.

**FIRST COLONY PUD
RAILROAD RIGHT-OF-WAY EASEMENT AGREEMENTS
PUBLIC WORKS AGREEMENT**

Present: George Erichsen, Director, DPW
Al Lacer, County Attorney
Patrick Mudd, Mudd Engineering
Pat Coggins, Trammel Crow Company

Mr. Mudd and Mr. Coggins appeared before the Board to request approval of the Railroad Right-of-Way Easement Agreements as well as the Public Works Agreement for First Colony PUD. Mr. Mudd explained that the site plans have been approved and they have obtained a grading permit, and they need the easement agreements and public works agreement in order to get the plat recorded.

Areas of discussion included:

- The various parties and companies involved in the First Colony, the selling off of various parcels within the project, and the fact that Casmir Szlendak was the “master developer.”
- The requested easements crossing the railroad right of way—one at the proposed First Colony Boulevard *with full traffic signals* (which would keep traffic off of Route 4); the other (the southern most access) approximately 900 feet of Old Rolling Road (right in/ right out only).
- Commissioner Randall pointed out that there will be a third request for a crossing, which will come to Board at a later date. The Commissioners questioned the need for a third access, because of the philosophy of limiting the number of entrances onto Route 235.
- Questions of whether there was an advantage to having the southern access. Mr. Coggins explained that an agreement had been reached with the *Settlers Lane* neighborhood off of Old Rolling Road that there would not be traffic going through the neighborhood from this project. The Commissioners suggested that developer’s representatives contact the *Hall family (owners of the parcels south of First Colony on Route 235s)* and see if another arrangement could be agreed upon. *The Commissioners expressed hope that an agreement could be reached to coordinate entrances and that the right-in/right-out would serve First Colony as well as the Hall property.*
- Responsibility of the developer and timing for the construction of the portion of FDR Boulevard within the First Colony project and whether the Commissioners should required an additional public works agreement and bonding for that road project.
- The developer’s request that the Easement Agreements and Public Works Agreement be approved because of final closings of contracts on June 30, and if not approved, the contracts would have to be renegotiated.

After lengthy discussion Commissioner Mattingly moved to approve and authorize Commissioner Randall to sign the two railroad right-of-way agreement allowing access across the railroad right-of-way. Motion died for lack of a second.

Commissioner Mattingly moved, seconded by Commissioner Raley, to approve the northern most railroad right-of-way easement agreement (connected to First Colony Boulevard). Motion carried four to one with Commissioner Guazzo voting against.

During discussion of the motion Commissioner Guazzo noted that she has in the past voted to restrict railroad right-of-way access, and while on the Planning Commission voted against First Colony because of the access roads.

Commissioner Anderson stated that the project is a reality and that it was incumbent upon the Board to have safe and efficient access and egress, and that the Commissioners should be able to rely of the traffic experts who participated in the development of the plans for Route 235 and the internal road system for First Colony.

Commissioner Randall stated she was in favor of the First Colony Boulevard access, but on the other access she would like to give the developer an opportunity to negotiate with the property owners in giving up an entrance onto Route 235 and give them access to the First Colony entrance.

After further discussion Commissioner Mattingly moved, seconded by Commissioner Raley, to approve the public works agreement as corrected (to correct the name of one of the signatories). After discussion regarding whether there was a guarantee that the developer would construct a portion of FDR Boulevard, the motion failed zero to five.

In conclusion the Commissioners requested Mr. Erichsen and Mr. Lacer to meet with Mr. Szlendak to explain the desire of the Board regarding an alternative to the southern access, and to convey the Commissioners' request for a guarantee that the developer will construct a portion of FDR Boulevard and provide a time table.

DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT

Present: Al Lacer, County Attorney
Tom Watts, President CDC

Subrecipient Agreement

Community Development Block Grant Revolving Loan Fund

The referenced individuals appeared before the Board to present the subrecipient agreement between the Board of County Commissioners and the St. Mary's County Community Development Corporation for the purpose of providing CDC with funds to operate a revolving loan fund with preference given to the Lexington Park revitalization district (Mr. Lacer pointed out that the Agreement will be amended to reflect this preference). The funds, from the proceeds of the sale of the Skipjack property in the amount of \$550,000, are to be administered in accordance with the Reuse Plan approved by the Maryland Department of Business and Economic Development.

After discussion Commissioner Anderson moved, seconded by Commissioner Mattingly to approve the Subrecipient Agreement with change as referenced by the County Attorney. Motion carried.

Maryland Industrial Loan Act (MILA)

Mr. Lacer advised that the other aspect of this project is the MILA grant funds from the State to the CDC, and therefore presented a proposed grant agreement for the Commissioners' review and for consideration at next week's meeting. The State would make available \$250,000 for development purposes. He pointed out that the County has six months from March 1999 to execute the Agreement; however, the State is anxious to transfer these funds this month. This will be an agenda item for Tuesday, June 29.

COUNTY COMMISSIONERS' TIME

Solid Waste Facilities Approval Process

Commissioner Randall referred to the number of e-mails the Commissioners have been receiving with regard to the solid waste facilities approval process in that there appears to be a number of different opinions among staff and citizen boards. She suggested that the County Administrator arrange a meeting with the Director of Planning and Zoning, the Director of Public Works, Chair of the Solid Waste Advisory Committee and the County Attorney to "iron out the differences; develop a process, and document the process.

Historic Preservation Commission Community Meetings

Commissioner Guazzo referred to the series of community meetings the Historic Preservation Commission is holding and which is being coordinated with the Department of Planning and Zoning. She indicated that the three meetings (June 23, June 30, and July 14) be scrolled on Channel 12.

Regional Strategic Plan Public Hearing

Commissioner Anderson advised that he attended the Tri-County Council's public hearing on the Regional Strategic Plan and stated that the meeting was very productive with good input from attendees.

State Firemen's Convention

Commissioner Mattingly advised that he attended the State Firemen's Convention in Ocean City and that "Jenks" Mattingly was elected as Second Vice-President of the State Firemen's Association and Barbara McWilliams as Corresponding Secretary to the Ladies Auxiliary.

Breton Bay Water Issue

Commissioner Mattingly expressed appreciation to Tom Russell, Director, Environmental Health, and Steve King, Director, Metropolitan Commission, for attending the community meeting regarding the Breton Bay water problems. He advised that they are still working on the situation, and future meetings to discuss solutions will be scheduled once surveys are distributed to residents.

Persimmon Hills

Commissioner Mattingly requested that Persimmon Hills be placed back on a near future for the Board's consideration.

ABC/Channel 7 – Celebrate the Bay Program

Commissioner Raley requested an update of the referenced "Celebrate the Bay" program by ABC (Channel 7).

ADJOURNMENT

The meeting adjourned at 5:35 p.m.

**Minutes Approved by the
Board of County Commissioners on 6/29/99**
Judith A. Spalding
Judith A. Spalding, Recorder