

**ST. MARY'S COUNTY  
BOARD OF COUNTY COMMISSIONERS' MEETING  
Governmental Center  
Tuesday, May 21, 2002**

**Present:** Commissioner President Julie B. Randall  
Commissioner Joseph F. Anderson  
Commissioner Shelby P. Guazzo  
Commissioner Thomas A. Mattingly, Sr.  
Commissioner Daniel H. Raley  
Alfred A. Lacer, County Administrator  
Judith A. Spalding, Administrative Assistant to BOCC (Recorder)

**CALL TO ORDER**

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

**ADDITIONS/DELETIONS TO AGENDA**

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

**APPROVAL OF CHECK REGISTER**

**Commissioner Raley moved, seconded by Commissioner Anderson, to authorize Commissioner President Randall to sign the Check Register. Motion carried.**

**APPROVAL OF MINUTES**

**Commissioner Anderson moved, seconded by Commissioner Guazzo, to approve the minutes of the Commissioners' meeting of Tuesday, May 7, 2002, as corrected. Motion carried.**

*Approval of the minutes of Tuesday, May 14, 2002, was deferred until next week.*

**COUNTY ADMINISTRATOR**

**Present:** Alfred A. Lacer, County Administrator

1. Draft Agendas – May 28, and June 4, 2002
2. Boards and Committees – Letter of Appointment

**Commissioner Anderson moved, seconded by Commissioner Raley, to sign the letters of appointment. Motion carried.**

The appointments are as follows:

<b><u>Commission for Women</u></b> Patricia Ann Friend	<b><u>Term to Expire</u></b> 6/30/2005
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<b><u>Housing Authority</u></b> Jan Barnes	6/30/2007
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3. Lexington Park Plan (*Robin Finnacom*)
  - Feasibility study of Lexington Park Focus Enterprise Zone  
(follow up to May 7, 2002 discussion)

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

*(Commissioner Randall recommended that the Board give consideration to restoring funds in the FY '03 budget to the Lexington Park Plan for temporary part time help.)*

4. Office on Aging (*Gene Carter, Jennie Page, Peggy Maio*)

- a. Senior Care/Subsidized Assistant Housing  
NGA (State: \$860)

**Commissioner Mattingly moved, seconded by Commissioner Guazzo, to approve and authorize Commissioner Randall to sign the NGA as presented. Motion carried.**

- b. Title III Grant Agreement (Federal: \$195,286)

**Commissioner Guazzo moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner Randall to sign the Grant Agreement as presented. Motion carried.**

- c. Medical Adult Day Services FY 02 Supplemental Funding  
(\$13,007)

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

5. Recreation and Parks - Waterway Improvement Fund Modification  
Bushwood Wharf Public Landing

Present: Phil Rollins, Director  
Bill Ball, R&P

For boat ramp and shore erosion improvements at Bushwood Wharf Public Landing. The increase is as follows: Project LG-9830 from \$32,000 to \$50,000 and Project LG-9925 from \$25,000 to \$50,000 -- total increase of \$44,000

**Commissioner Guazzo moved, seconded by Commissioner Anderson, to approve and authorize Commissioner Randall to sign the Bushwood Wharf Public Landing documents. Motion carried.**

6. Three Oaks Center  
Homeless Women-Crisis Shelter Home Program

Present: Tonja Jenkins, Housing

FY02 federal funding of \$67,241 which will allow Three Oaks Center to provide services to 125 homeless women and children.

**Commissioner Mattingly moved, seconded by Commissioner Anderson, to approve and authorize Commissioner Randall to sign the grant document. Motion carried.**

*(Commissioner Anderson commended Three Oaks for its annual Walk/Run the Extra Mile event held a couple of weeks ago.)*

7. Office of Community Services

Present: Cynthia Brown, Director, OCS  
Walter Biscoe, Alliance Coordinator

- a. St. Mary's County Alliance for Alcohol and Drug Abuse Prevention grant application in the amount of \$89,685 from the Alcohol and Drug Abuse Administration

**Commissioner Raley moved, seconded by Commissioner Anderson, to approve and authorize Commissioner Randall to sign the grant application. Motion carried.**

- b. Budget Amendment for Project US0226, HotSpot Community Mobilization decrease in grant award amount.

**Commissioner Anderson moved, seconded by Commissioner Raley, to approve and authorize Commissioner Randall to sign the budget amendment. Motion carried.**

- c. Grant Agreement for 32 summer associate VISTA assistant camp directors program to be held at six sites. County funds of \$64,000.

**Commissioner Anderson moved, seconded by Commissioner Guazzo, to approve and authorize Commissioner Randall to sign the Grant Agreement as presented. Motion carried.**

8. Department of Public Works and Transportation Grant Agreement funding evening and Saturday bus routes used by citizens of Job Access from Great Mills and Lexington Park. County funds required - \$30,000.

**Commissioner Guazzo moved, seconded by Commissioner Raley, to approve and authorize Commissioner Randall to sign the Grant Agreement as presented. Motion carried.**

9. Department of Human Resources - Budget Amendment (to pay for additional costs related to substance abuse testing to cover remainder of FY02.

Present: Dawn Drew, Deputy Director, DHR

**Commissioner Mattingly moved, seconded by Commissioner Raley, to approve and authorize Commissioner Randall to sign the Budget Amendment. Motion carried.**

#### **PROCLAMATION EMERGENCY MEDICAL SERVICES WEEK**

The Commissioners presented a Proclamation designating the week of May 19 – 25, 2002 as Emergency Medical Services Week.

*(Kaaren Burke recorded the following portion of the meeting.)*

#### **HISTORIC ST. MARY'S CITY COMMISSION UPDATE**

Present: Roger Hill, COO  
Marty Sullivan, CEO

The HSMC Commission presented an update on capital projects, initiatives with St. Mary's College, the school tours programs, and outreach activities within the community. Some of the major issues presented were:

##### **Completed Projects**

New City Pathways  
New State House Parking Lot  
New Interpretive Signs  
Cordea's Hope  
Smith's Ordinary  
The Shop at Farthing's Ordinary  
New Fence lines

##### **Upcoming Capital Projects**

St. John's Exhibit Building  
MD. Heritage Museum Center  
Nuthead Print House  
Waterfront Improvements  
Brick Chapel Reconstruction  
Exhibit Building on Religious Tolerance  
Leonard Calvert House Reconstruction

Community outreach includes the State House and Farthing's which are now open to the public without charge, Community Days, Farmer's Market on Fridays in conjunction with the River Concert Series, collaboration with the County for increased tourism with one Saturday per month free to SMC residents.

Ongoing fundraisers include sales of prints, Buy-a-Brick for \$25 for the Chapel Exhibit Center, and an annual Chapel Gala and auction. Volunteers are always needed.

The highest priority issue for County Commissioners to consider is maintaining the continued strong support for protecting the National Historic Landmark District from development.

**DEPARTMENT OF RECREATION AND PARKS  
(Three Notch Trail, Old Railroad Right-of-Way Presentation)**

Present: Phil Rollins, Director Recreation and Parks  
Dan Donohue, Chair, St. Mary's Recreational Trail's Committee  
Coleman Hillman, John Groeger, Bill Ball,  
Michelle Miller, Jim Swift, Carolyn Laray, Kathy Bailey

The purpose of this presentation is to formally propose beginning development of the trail, to make the public aware of it, and to request Commissioners' concurrence to proceed with the project.

The project has support from County Delegates, the Tri-County Council, SMC Land Preservation & Recreation Plan, the Recreation and Parks Advisory Board and interested citizens, PACE, PAXVELO, Patuxent Tidewater Land Trust, Town of Leonardtown, and County staff.

The trail runs the length of the former Railroad Right-of-Way (ROW) from Charlotte Hall to Lexington Park, a distance of 28 miles. The County owns the ROW and the length of Phase I for the trail is 3 ½ miles. The surface materials of the path (not yet determined) will be ADA acceptable. Many obstacles need to be overcome, i.e., easements, driveways, unauthorized dumping, neighbors, etc. Parking and restrooms will be at the renovated Laurel Grove Park. Phases II-V are planned for future development. Community needs will be considered so the trail will be multi-functional and ADA accessible.

There are funds in the capital budget for FY02 for park projects. Federal monies are available as well as grants. All funding opportunities will be investigated.

The Board concurred to begin development of the trail at this time. No formal vote was required.

*(Judith Spalding recorded the following portion of the meeting.)*

**DRAFT RESTORATION PLAN AND ENVIRONMENTAL ASSESSMENT  
FOR APRIL 7, 2000 OIL SPILL AT CHALK POINT**

Commissioner Guazzo advised that she attended the May 8 Patuxent River Commission meeting for the first presentation of the Patuxent River draft plan on the referenced Restoration Plan and that the natural resource Trustee agencies will be accepting written comments until July 8, 2002 .

During her presentation, Commissioner Guazzo provided a description of the areas of significant impact:

Wetlands – 76 acres of brackish marsh habitats; 376 muskrats

Shorelines – 10 acres of oiled shoreline

Diamondback terrapins -- 122 estimated dead and 10% loss of hatchlings in 2000

Fin fish and shellfish – 5432 pounds of lost biomass

Benthic communities -- 4974 pounds of lost biomass

Birds – 696 birds estimated dead

*(total restoration costs for water and wildlife - \$2,7257,000)*

Lost Recreation Use (lost trips; diminished value of trips)

- Recommendations for Recreation Restoration:
  - Canoe/Kayak Paddle in Overnight Campsites (north of Golden Beach and One north of Eagle Harbor)
  - Canoe/Kayak Launch – ADA Accessible at Greenwell State Park
  - Maxwell Hall – Mouth of Swanson Creek
  - Forest Landing Boat Ramp
  - King's Landing Boardwalk and River Education
  - Cedar Haven Fishing Pier

*(total recreation restoration costs: \$453,498)*

***(Total Restoration Costs - \$2,710,498)***

In conclusion Commissioner Guazzo requested the Board's concurrence for staff to draft a letter to the Trustees requesting copies of the written comments that they receive; and further to indicate the County Commissioners' acceptance of the proposed Restoration Plan. The Board gave concurrence to request staff to draft such a letter.

In addition the Commissioners suggested that Channel 12 run a notice advising that the Plan is available in the Library and in the Public Information Office and listing the address where citizens can send their comments.

**PUBLIC HEARING**

**SUPPLEMENTAL APPROPRIATION – BUSHWOOD WHARF**

Present: Elaine Kramer, Director of Finance  
Phil Rollins, Director, Recreation and Parks

The Commissioners conducted a public hearing to consider a Supplemental Appropriation in the amount of \$44,000 in State funds for the purpose of improving access to the Wicomico River for the boating public through a modification to Waterway Improvement Program grants for boat ramp improvements at Bushwood Wharf.

Hearing no comments, the public hearing was closed; the record will remain open for ten days to allow for written comment after which it will be placed back on the Commissioners' agenda for consideration.

**BOARD OF COUNTY COMMISSIONERS  
SITTING AS THE BOARD OF HEALTH**

Present: Dr. William Icenhower, Health Officer  
Mary Wood, Finance Officer, Health Department  
Mary Novotny, “  
Nancy Luginbill, “

**Commissioner Guazzo moved, seconded by Commissioner Raley, to recess as the Board of County Commissioners and convene as the Board of Health. Motion carried.**

Dr. Icenhower reviewed the following health-related topics with the Board of Health:

**Potassium Iodide Tablet Distribution**

Tablets have been distributed to all schools in the area of the nuclear power plant plume; three sessions for distribution to the public; distributed to the state and county police; question of whether fire departments/paramedics can distribute the pills to their volunteers.

### **Sewage Sludge Monitoring**

Health Department was originally to do supplemental sludge inspections for MDE; however, the Health Department will now be doing all the inspections. The Health Department does not have authority to issue warrants if the applicant does not have the correct papers; a notice must be sent to MDE regarding violations; tobacco by-products, which is also used as fertilizer does not have to be plowed under like sewage sludge.

The commissioners requested information as to how many sites there were and how many were actually being used for sewage sludge application.

### **West Nile Virus/Rabies**

The Virus has not yet been found in St. Mary's County. Testing is done on dead crows. To prevent the Virus requires getting rid of mosquitoes.

Rabies has been detected in one raccoon; the disease is cyclical and it is important to get dogs and cats immunized. The Commissioners requested staff to put on Channel 12 the availability of rabies shots at the Fairgrounds from 6 to 9 p.m. this evening.

### **Nuisance Abatement**

This refers to junk and piles of trash on properties, which attracts vermin and mosquitoes. There is a provision in Maryland that allows a county to clean up the site and add the cost to the property owner's tax bill.

The Commissioners requested that County Attorney, John Norris, research this provision and for him to work with the Health Department and Commissioners in determining how this would work in St. Mary's County.

### **Perc Tests**

There is no change in the moratorium on perc tests; however, the Health Department determined that 39 of the 503 applicants could have the test done during any time of the year and these should be completed by the end of May., Mr. Icenhower stated he would have to get with MDE should a drought occur again next year. He pointed out that the Health Department would have to have consultants lined up to handle the testing for next year.

### **School Nurses**

Stressed the need for school nurses in private and parochial schools; there is an increase in asthma and diabetes and auto accidents, and that these issues need to be addressed in every part of the community not just in the public schools. Dr. Icenhower requested the Commissioners' consideration to fund nurses in the private/parochial schools.

Discussion ensued regarding public health services in public and private/parochial schools, whether this program should be included in these schools; the possibility of using volunteers.

Commissioner Randall requested information as to how other counties in the State handle providing health services for private and parochial school children.

**Strategic Planning – Health and Medical Needs**

In response to an inquiry from Commissioner Randall, Dr. Icenhower indicated that the Health Department was working on demographics and should have a report on a comprehensive look at the health and medical needs of the community.

**Commissioner Anderson moved, seconded by Commissioner Raley, to adjourn as the Board of Health and reconvene as the Board of County Commissioners. Motion carried.**

*(Kaaren Burke recorded the following portion of the meeting.)*

**DRAFT LIVABILITY CODE REVIEW**

Present: John Norris, County Attorney  
Robin Guyther, Director Permits and Inspections

The purpose of this meeting is to discuss the draft code and reach a decision on changes prior to holding a public hearing.

- Defined “owner” in the Code closing existing loopholes
- All residential rental units are the focus of this Code
- Retaliatory evictions are addressed in the Code. Permits and Inspections can make a complaint, or any person can submit a written complaint to start the process. A complaint would no longer tenant initiated.
- Enforcement provisions are included (page 7); fines need to be developed

*Commissioner Randall requested that Mr. Guyther obtain information from the same Counties he solicited registration fees from to develop a fine schedule for violations.*

- The draft Code does not include an automatic inspection for all units that are registered at this time (no registration has begun). There is not enough information available on the number of units requiring registration/inspection to make a recommendation.
- Rooms rented out within a house occupied by the owner are excluded from this Code. Single family dwellings are to be occupied by family members. The rooming house concept is illegal in SMC.

**Recommendations**

- *Tenants are protected under a complaint-oriented process; no registration/inspection of rental units would be required. Inspections by P&I will be permitted.*
- *The definition for rubbish needs to include “old appliances”*
- *Enforce all regulations; give the landlord up to 30 days to fix or fine (tbd)*
- *Landlord violators will then be monitored/inspected for the following three years*

*The Board recommended P&I bring the Code back to the Board for final review when staff has revised the document keeping in mind that the Commissioners need to move forward as quickly as possible on this project.*

**PROPOSED REPORT AIRPORT DEVELOPMENT PROJECTS**

Present: George Erichsen, Director DPW&T  
John Savich, Director DECD

The purpose of this meeting is to update the Board on the progress of two proposed airport development projects based on the April 29, 2002 Executive Committee discussion. The Board’s concurrence is sought to move forward upon final approval by the FAA.

- Two proposal/projects:
  - St. Mary's Hangar, Inc. proposed two hangars holding 10 twin engine or 20 single engine airplanes or 19,682 sq ft.;
  - The offsite proposal from Airport Development LLC, proposes 9 separate buildings or 51,958 sq. ft.
- Benefits to the County:
  - Addresses customer waiting list (40+)
  - Provides corporate-type facilities
  - Capital investment by private entities
  - Conforms with the approved airport layout plan
  - Addresses wetlands/ROW issues
  - Increases ground rent and fuel flowage
  - Airport revenues have increased from \$20,000 in 1997 to \$100,000 in 2002. With more hangars comes more revenue.
  - Self-maintenance/fueling area can be built now
- An environmental assessment is underway which must be completed before a new master plan can be developed. This project will not deter progress on the assessment. Work can begin as soon as June 2002.

*The Board was in agreement to have DPW&T move forward in negotiating the final terms of the lease (in cooperation with legal and facilities management) on this project and to return to the Board with the negotiated leases.*

#### **DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION (SOLID WASTE ISSUES)**

Present: George Erichsen, Director DPW&T

The purpose of this presentation is to update the Board on solid waste activities and the progress of tire disposal/removal at the Oakville site and gas management at the St. Andrew's facility. Request the Board's approval of the "e-cycle flyer."

#### Items of Interest:

- Over 625,000 customers are now served at convenience centers which is a 10-15% increase.
- This year, a prior MOU with Pax River NAS is now in full effect with the base purchasing mulch at \$10/ton.
- Lexington Manor clean-up with Waste Management was completed.
- Heat buildup in mulch/composting was addressed with fire departments, the State Fire Marshall, and forest rangers.
- Recycling paper is being addressed with the Board of Education and others.
- Valley Lee illegal dumping was resolved in coordination with the Health Department.
- Gas monitoring is ongoing at St. Andrews. Gas monitoring includes the composition of the gas, the probability of combustion, temperature and pressure of the gas. A vacuum system is under consideration for the near future. Plan to use a "sniffer" probe to determine if gas has migrated offsite to adjacent properties.
- Tire cleanup at the Oakville property is being addressed. In the CIP '03 budget there is a line item under "Site Assessment Projects" with a good sum of money to cover the Oakville tire cleanup.
- An Electronics Recycling Event is scheduled for June 15, 2002 at the Fairgrounds.



**COMMISSIONERS' TIME**

Commissioner President Randall

- *Request Al Lacer, County Administrator, ensure that the subject of the Governmental Center Building expansion is placed on his agenda on May 28, 2002.*

Commissioner Guazzo

- *Requests the letter from the Monsignor from the Archdiocese concerning his housing concerns be answered as quickly as possible.*

Commissioner Anderson

- *Last week a letter to Senator Mikulski was sent regarding the problem with the Corps of Engineers in Tall Timbers. As a result of discussions with Scott Alexander, who is working this issue with George Erichsen, there is a problem. Request Scott and George draft another letter to Senator Mikulski, etal, outlining our interpretation of the Corps' responsibility in this matter.*

**FY 2003 BUDGET WORK SESSION**

Present: Elaine Kramer, Director of Finance  
Jeannett Cudmore, Deputy Director of Finance

1. Substance Abuse  
Randy Shultz, Director Human Resources  
Dawn Drew, Deputy Director Human Resources

The number of specimens collected have dropped off dramatically resulting in an inefficient use of personnel. Suggest the process be changed by eliminating lab testing and moving the staff person from the Health Department to the HR department. Clients can be referred to St. Mary's Hospital or another service. *There will be a loss of revenue of about \$4100 in the recommended 03 budget.*

2. The Sheriff's office desires to fill 10 of the 15 current vacancies in Corrections and then proceed with pursuing the U.S. Marshal's contract. *It is reasonable to assume implementation on the contract can occur before January 1, 2003.*
3. Circuit Court requests a conversion of the assignment clerk to FT effective 7/1/03. *Board agreed to this change.*

A consensus on Health Insurance resulted in no changes to the current program.

After discussion of funding alternatives and recommendations, it was the consensus of Commissioners Guazzo, Mattingly and Raley, to accept the following proposal offered by Commissioner Mattingly:

\$ 50,000	Senior Tax Relief, age 70
\$ 37,000	College of Southern Maryland
\$ 31,000	OOA – feeding our seniors
\$ 2,000	Optimists
\$ 5,000	Minority Business Alliance
\$ 15,000	SBDC
\$ 17,787	.5 FTE for BOCC office
<u>\$ 4,100</u>	Drug Testing – HR
\$161,887	
+ <u>\$982,705</u>	
Total \$1,144,592	\$1,000,000 to come from Pay Go \$ 144,589 to come from Rainy Day

**ADJOURNMENT**

The meeting adjourned at 7:05 p.m.

**Minutes Approved by the  
Board of County Commissioners on 5/28/02**

Judith A. Spalding  
**Judith A. Spalding, Administrative Assistant  
to the Board of County Commissioners**