

## BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, April 9, 1991

**Present:** Commissioner Carl M. Loffler, Jr., President  
 W. Edward Bailey, Commissioner  
 Robert T. Jarboe, Commissioner  
 John G. Lancaster, Commissioner  
 Barbara R. Thompson, Commissioner  
 Edward V. Cox, County Administrator  
 Judith A. Spalding, Recording Secretary

CALL TO ORDER

The meeting was called to order at 9:05 a.m.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve the minutes of the Commissioners' meeting of Tuesday, April 2, 1991. Motion carried.

APPROVAL OF BILLS

Commissioner Bailey moved, seconded by Commissioner Jarboe to authorize Commissioner Loffler to sign the Check Register as presented. Motion carried.

RFG&F PARTNERSHIPREQUEST FOR FAST TRACK

**Present:** Joseph Mitchell, Director, Economic & Community Development  
 Jon Grimm, Director, Planning and Zoning

Mr. Mitchell advised that the County received a request from Mr. Gabrelcik of RFG&F to fast track a project in Lexington Park. RFG&F received a tentative award to construction a 60,000 square foot warehouse storage for the U.S. Navy and a condition of that award was that RFG&F obtain a building permit 15 days after Notice to Proceed, which is projected to be April 15. Fast tracking would be the only way to obtain the building permit by April 30.

Mr. Grimm advised that he had indicated to Mr. Gabrelcik that this could only be done by direction of the Board of County Commissioners. He stated that the project is currently in review by the Office of Planning and Zoning, and the request is to bring this project into this month's technical review so that it could be accommodated in this month's Planning Commission meeting. Mr. Grimm further stated that fast tracking this project would mean that another project would be delayed unless overtime is authorized. Mr. Grimm indicated that this would be an acceptable compromise. Mr. Cox noted that the applicant would absorb any overtime costs or consultant costs.

After discussion Commissioner Bailey moved, seconded by Commissioner Lancaster, to authorize the "Fast Tracking" of the project submitted by RFG&F. Motion carried.

COUNTY ADMINISTRATOR'S ITEMS

**Present:** Edward V. Cox, County Administrator

- 1) **HOUSE BILL 1005**  
**PUBLIC BOND MARKETS**

For the Commissioners' information, the County Administrator presented referenced HB 1005 which subject to funds being appropriated provides for the Board of Education to acquire personal property through lease purchase arrangements.

2) **RESOLUTION NO. 91-09**  
**ADMISSIONS AND AMUSEMENT TAX**

The County Administrator presented the referenced Resolution for the Commissioners' review and consideration. He stated that this was necessitated because of the State's recodification of former Sections 401 through 411 of Article 81 of the Maryland Annotated Code into the Tax Property Article.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve and sign Resolution No. 91- as presented. Motion carried.

3) **BUDGET AMENDMENT NO. 91-55**  
**PLANNING AND ZONING**

The County Administrator presented the referenced Budget Amendment recommended for approval by the Director of Finance with the following justification: To transfer funds from County Commissioners in support of the historic preservation grant for St. Mary's County Master Plan for historic preservation.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign the Budget Amendment as presented. Motion carried.

4) **LEAVE WITHOUT PAY REQUEST**  
**DEPARTMENT OF PUBLIC WORKS**

The County Administrator presented a memorandum from the Personnel Officer requesting approval of extended Leave Without Pay for Charles F. Evans for 60 days until June 6, 1991.

Commissioner Bailey moved, seconded by Commissioner Thompson, to approve the LWOP request as presented. Motion carried.

5) **BOARD OF ELECTRICAL EXAMINERS**  
**RULES AND REGULATIONS**

The County Administrator reminded the Commissioners of the previously held public hearing on amendments to the Board of Electrical Examiners rules and regulations. He stated that as a result of that hearing the Board of Electrical Examiners has deleted the requirement for a journeyman's license and added a requirement for an electrician to carry personal identification cards.

During discussion Commissioner Thompson raised questions regarding other concerns expressed at the hearing. Therefore, decision on the rules and regulations was delayed until next week.

**OFFICE OF COMMUNITY SERVICES**  
**ALCOHOL DRUG ABUSE PREVENTION GRANT**

Present: Walter Biscoe, Alcohol/Drug Abuse Prevention Coordinator

Mr. Biscoe appeared before the Commissioners to present Fiscal Year 1992 Department of Health and Mental Hygiene Human Services Contract Proposal for Alcohol/Drug Abuse Prevention in the amount of \$81,332. Projects under this grant include: Parenting, Seniors, Community Empowerment, Latchkey, Fun Camps, Teen Moms, Workplace, and Evaluation.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign the grant application as presented. Motion carried.

**PUBLIC HEARING  
ABANDONMENT OF FISHER ROAD**

Present: Dan Ichniowski, Director, Public Works  
Mr. and Mrs. Stone, adjacent property owner  
John Underwood, St. Mary's College  
Joe Anderson, St. Mary's City

The Board of County Commissioners conducted a public hearing on the proposed abandonment of Fisher Road, St. Mary's City, from its intersection of Md. Rt. 5 and its intersection with Mattapany Road. Mr. Ichniowski indicated that St. Mary's College is in agreement with the abandonment and that it be turned over to the College.

The Commissioners opened the hearing for public comment.

Mr. and Mrs. Stone requested the Commissioners to allow Fisher Road to remain opened because it was used by the community. Mrs. Stone pointed out that if it were closed, Mattapany Road would have to be repaired, shoulders widened and the ravine area repaired.

Mr. Underwood displayed the Master Plan for the St. Mary's College campus, pointing out the proposed science center. He stated that ownership and closing of a part of Fisher Road is part of the plan in conjunction with the proposed science building.

During discussion of the reconstruction of Mattapany Road, Joe Anderson remarked that the entire area is a national historical district, and there should be an extensive archaeological survey before any work began.

In conclusion Commissioner Loffler requested Mr. Ichniowski to develop minimum requirements to make a road system out of Mattapany Road, and that since questions have been raised, the hearing would continue in two weeks.

**SOLID WASTE - TIPPING FEES**

Present: Dan Ichniowski, Director, Public Works  
Walter Wise, DPW  
Dave Gerdel, DPW

The referenced Department of Public Works representatives appeared before the Commissioners to review the County's Solid Waste Ordinance and to offer recommendations. Mr. Ichniowski discussed the history of the solid waste fees, the fees collections to date, current operational costs and capital costs. During discussion of operational concerns, Mr. Ichniowski pointed out that operational costs are covered, but capital costs and transfer stations costs are not recovered.

Mr. Gerdel presented spread sheets outlining solid waste management system costs from 1984 to 2005.

Mr. Ichniowski presented a list of recommendations which include:

1. Increase Tipping Fee to \$40 per ton.
2. Institute transfer station fees  
Using a decal/sticker system  
Setting the cost a \$70 per vehicle per year  
Setting the cost for self haulers at landfill at \$10 a load
3. Revise the Solid Waste Ordinance and Regulations  
Clarifying definitions  
Including Hauler Bonding  
Increasing penalties

4. Close on Sundays for a savings of \$221,600/year
5. Schedule a public hearing on May 7, adopt on May 21 and implement on July 1.

After discussion Commissioner Thompson moved, seconded by Commissioner Lancaster, to authorize Mr. Ichniowski to proceed with a public hearing as outlined. Motion carried.

**ARMY CORPS OF ENGINEERS PERMIT  
COLTON'S POINT**

Mr. Ichniowski presented the Army Corps of Engineers Permit for the construction of a 602-foot revetment in the Potomac River, Colton's Point. Contract for construction will be bid by the State and will begin in the summer.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign the COE Permit. Motion carried.

**SUBURBAN MARYLAND BUILDING INDUSTRY ASSOCIATION  
PAYMENT OF IMPACT FEES**

Present: Brooks Grady, President  
Pete Breck  
Hamer Campbell  
Ed Curley  
Joe Daley  
Other members of SMBIA

Representatives of the SMBIA appeared before the Commissioners to request consideration to change payment of the Impact Fees from the time of obtaining a Building Permit to the time of obtaining a Certificate of Occupancy. Mr. Grady pointed out that the building industry is currently experiencing a depression and a credit crunch, builders have been unable to obtain loans for building projects, and many workers have been laid off. Having to pay the Impact fee at the time of Building Permit places a financial burden on the builder.

Discussion ensued regarding staff's concerns relative to the request, and the staff does not appear to support the change.

During discussion Commissioner Loffler offered a compromise--that the fee be paid at the time of Certificate of Occupancy or one year from the issuance of the building permit, whichever should occur first. The Building Permit would be cancelled if the Impact Fee is not paid.

The Commissioners indicated that they would take the request under consideration.

**SOUTHERN MARYLAND DRUG TASK FORCE  
DRUG CONTROL AND SYSTEM IMPROVEMENT GRANT APPLICATIONS**

Present: Sheriff Wayne Pettit, St. Mary's County  
Sheriff Jim Gartland, Charles County  
Sheriff Lawrence C. Stinnett, Calvert County  
Barbara Dotson, Fiscal Specialist, St. Mary's  
Lt. Phil Cooper, St. Mary's  
Lt. Petrick, Charles County

The referenced individuals appeared before the Commissioners to present and request the St. Mary's County Commissioners' approval of (1) Two continuation Grants in Drug Diversion and Assets Forfeiture in accordance with the Drug Abuse Act of 1988 and Justice Assistance Improvements of 1988 (St. Mary's County's share - \$11,277); and (2) a new grant in Drug Law Enforcement - Street Operations Demand Reduction Program (St. Mary's County's share - \$18,024). The grants are to be signed by the Presidents of the County Commissioners and Sheriffs of each of the three counties.

A Southern Maryland Drug Task Force was established in 1989 among Calvert, Charles and St. Mary's Counties in order to combine efforts, manpower and resources for developing a regional program for enforcement of law regarding controlled dangerous substances.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign the grant applications as presented. Motion carried.

#### DAY CARE CENTER PROPOSAL

Present: Joe Mitchell, Director, Economic & Community Development  
Ella May Russell, Director, Department of Social Services  
Becky Stevens, Community Services Coordinator  
Claude Clarke, Recreation and Parks  
MacGuire Mattingly, Leonardtown Mayor  
Dave Culver, Leonardtown  
Rebecca Sothern, Leonardtown  
Nancy Hutson, DECD

The referenced individuals appeared before the Commissioners to request the Board's reconsideration of the construction of a day care center behind the Library in Leonardtown. The Commissioners had previously declined accepting the CDBG grant from Leonardtown for the center because there was no funding source identified for subsidy.

Mr. Mitchell explained that one of the HUD requirements is that 51% of the families served by the Center be low to moderate income. He stated that the regulations do not require a subsidy.

Mrs. Russell distributed a handout summarizing federal funding availability to low income families for child care.

Mrs. Stevens distributed a handout regarding childcare availability in St. Mary's County and the results of the survey for child care.

Mr. Clarke presented a memorandum from Director of Recreation and Parks John Baggett indicating that the day care center could be successful by eliminating infant care and by charging all participants the full amount. Mr. Clarke distributed a proposed budget for the operation of the day care center with a charge of \$65 a week.

Mr. Mattingly presented a letter from the Commissioners of Leonardtown in support of the day-care facility.

The Commissioners expressed concern that the Center would be in competition with private industry with Commissioner Loffler noting that there are currently vacancies in private day care centers. Commissioner Jarboe suggested that the grant money be given to private industry for child care.

#### EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator  
Joseph Densford, County Attorney  
George Foster, Personnel Officer

Commissioner Jarboe moved, seconded by Commissioner Thompson, to meet in Executive Session to discuss a matter of personnel. Motion carried. The Session was held from 12:30 p.m. to 1:15 p.m.

**COUNTY COMMISSIONERS/BOARD OF EDUCATION**

Present: William Burroughs, Superintendent  
Joan Marsh, President, Bd/Ed  
Jean Campbell, "  
Robert Kirkley "  
Al Lacer, "  
Jonathan Nelson "

**1) FY '92 Budget Analysis**

Also Present: Robert Pellicoro, R.J. Pellicoro Assoc.  
John Cox, Cox, Long & Colvin  
Don O'Neal, Board of Education

Mr. Pellicoro, consultant for the Board of Education, presented a report entitled Analysis of Fund Availability for Fiscal Years 1991 and 1992 in which he presented data supporting the contention that the County has available to appropriate more funds than thus far reported.

After Mr. Pellicoro's presentation, the County Administrator requested Mr. John Cox of the firm of Cox, Long and Colvin, the county's auditor, to present a response to the report based upon audited financial data. Mr. Cox's report concluded that the Pellicoro report contains a significant amount of data not factual, and, therefore, should not be the basis for financial decisions by the County.

The Commissioners and the members of the Board of Education agreed that by mutual efforts to provide the best data available will be to the benefit of both boards in negotiating Fiscal Year 1992 budget decisions.

Don O'Neal presented information relative to costs per pupil in St. Mary's, Calvert and Charles Counties as well as information relative to county contributions.

**2) Sixth District Elementary School**

Also Present: Jerry Himmelheber

Dr. Burroughs advised that the State has given planning approval for the new Sixth District Elementary School. Mr. Himmelheber advised that the Board is currently in the design development stage and reviewed the plans for the school site and school.

Mrs. Marsh pointed out that the Board of Education is still in the process of evaluating the property as to its adequacy for a school site, will be keeping the Commissioners informed of the Board's progress, and will be participating with the Commissioners in making a decision.

During discussion of the area and its surroundings, Kathy Glaser, principal of Hollywood Elementary pointed out that the staff and students are very active in an environmental program.

Discussion ensued as to whether the area would be suitable for the location of both the elementary and middle schools, and the fact that the schools would be separate buildings rather than joined by a wing.

In conclusion Commissioner Loffler suggested that the Board of Education move quickly in making a decision on this site.

**ANNUAL REPORTS**

The following 1990 Annual Reports were presented to the Commissioners:

**ANNUAL REPORTS (continued)**

**Commission on Aging**

Present: Rona Harding  
Norman Breslauer  
Ralph Butler  
Viola Gardner  
William Marek  
Bernice Smith

The referenced individuals appeared before the Commissioners to present the 1990 Annual Report for the Commission on Aging. Rev. Harding addressed the reduction in funding from the State for programs for the elderly and the serious need for low cost housing for the elderly. She suggested that the Commissioners take a more active role in getting the state to move on the Shipping Point site.

In conclusion Rev. Harding advised that the Commission on Aging and the Office on Aging would like to name the new building on Chancellors Run Road after the late Grace Loffler, who was a strong advocate for the elderly.

The Commissioners agreed to take this under consideration next week.

**S.M.I.L.E.**

Present: Norman Breslauer  
Cuthbert Fenwick  
Father Paul Gozaloff  
Elizabeth Lockwood

The referenced representatives of the S.M.I.L.E. Advisory Board appeared before the Commissioners to present the 1990 Annual Report. Dr. Breslauer reviewed the Board's goals, significant accomplishments for the past year, and problems and new goals.

At the completion of the report, Commissioner Loffler suggested that there be an open house for the adult day care centers whereby the County could give it publicity to encourage people to participate.

**St. Clements Island Potomac River Museum**

Present: Mary Lillian Hewitt  
Kim Cullins  
Viola Gardner  
Michael Humphries

The referenced individuals appeared before the Commissioners to present the 1990 Annual Report for the St. Clements Island Potomac River Museum. Mrs. Hewitt reported on the Board's purpose, significant activities of 1990, problems and challenges, and plans for the current year.

During discussion members of the Board stressed the need for a boat to transport tourists to St. Clements Island, which had previously been eliminated because of loss of state funding.

(Copies of the referenced reports are on file in the Commissioners' Office.)

**OFFICE OF PLANNING AND ZONING**

All Commissioners were present;  
Also present: Ed Cox, County Administrator  
Jon Grimm, Director, OPZ;  
Peggy Childs, Recording Secretary

**Growth Allocation Projects**

Mr. Grimm distributed a summary of the Planning Commission's motion of 4/8/91, which recommends generally that:

- (1) Under the "Development Envelope" approach, the 20 acres restricted from development shall be deducted from the RCA for purposes of calculating density.
- (2) The 20 acres can include anything except tidal wetlands, per Section 49.00 of the Zoning Ordinance.
- (3) Under the "Development Envelope" approach, several development envelopes, or phases, can be used on a large parcel with ONLY ONE 20-ACRE PARCEL SET ASIDE, providing an overall concept plan or master plan is shown for the entire parcel.

**Design Competition**

Specifically the Commission reconsidered its recommendations on AVENMAR, CALVERT ESTATES, and BASHFORD CREEK ESTATES, and recommends the following, based on the additional information submitted by staff at the County Commissioners' public hearing:

**(1) AVENMAR**

Recommend Option 1 of the MARCH 19, 1991 Staff Report, as proffered by applicant, using Development Envelope approach. This results in subtracting 16 acres from growth allocation rather than 13.5) in order to meet the developer's overall requested density, providing the 20 acres is set aside, restricted, and deducted from RCA density calculation.

**(2) CALVERT ESTATES**

Recommend subtracting 9.25 acres from growth allocation and setting aside the remaining 15 acres, restricting from development. (If the Commissioners do not approve this, the Commission would support a Variance request to the Board of Appeals under the LDA classification.

**(3) BASHFORD CREEK ESTATES**

Recommend that this project be dropped from the Design Competition category and approved under the Minor Subdivision category. The Commission also recommends that approval be granted to exceed the maximum acreage for minor subdivisions, as allowed by the Critical Area Program, and 7.5 acres growth allocation for five lots be granted.

With this recommendation the applicant would be unable to pursue a second minor subdivision under Critical Area Growth Allocation but would, however, have a single lot and design competition growth allocation available in subsequent years.

In addition the Planning Commission has made three (3) significant recommendations for program revisions under Design Competition that staff will incorporate immediately into review and recommendations for County



Commissioners' consideration. The Planning Commission will review that proposed series of modifications shortly and pass recommendations on to the Board of County Commissioners.

Commissioner Loffler questioned whether the new recommendations should generate a new public hearing for applicants' input; however, as a representative was present for these projects, they were asked to comment at this meeting.

John Norris, of NG&O, stated his concurrence with the recommendations for Avenmar and Calvert Estates. However, Alan Schmitt, Bashford Creek Estates Applicant, present with Herd Redmond of D. H. Steffens, stated they were shocked when they learned of the new recommendation. Mr. Redmond stated they would certainly like to sit down and look at this situation because it is a complete turnaround from staff's original position.

Mr. Schmitt stated they were told in December that they would have to set aside 3 20-acre parcel set-asides, and they would like to go back to their second iteration using the development envelope approach. He said they would only need a couple of days to bring the proposal back and talk with Mr. Kudlas.

Commissioner Loffler left the meeting at this time in order not to participate in the vote on Avenmar, and turned the Chair over to Vice President Commissioner Bailey.

Commissioner Lancaster moved to approve Avenmar and Calvert Estates as recommended. Commissioner Thompson seconded for discussion purposes.

During discussion, Commissioner Thompson asked how the 15-acre set-aside was arrived at for Calvert Estates. Mr. Grimm replied that, following the County Commissioners' discussion of March 19, 1991, the Planning Commission held a work session with Ren Serey of the Critical Area Staff, and Mike Whitson and Ford Dean, of the County Task Force, and adopted a stance to favor the landowners' interests as much as possible. Calvert Estates does not have 20 acres to restrict, so the Planning Commission's recommendation is to restrict the 15 acres and sent it on to the Critical Area Commission for approval. Adding extra land to the project would require a complete amendment to the Critical Area maps, Mr. Grimm said, and the Commission's desire was to forward the proposal and not raise the issue unless the State does. Should the growth allocation not be approved, the Commission would support a second variance request from the 20 acres.

The Chair called for the vote, which was three in favor with one abstention; Commissioner Thompson abstained. Commissioner Bailey stated the Bashford Creek Estates project would be brought back in two weeks.

Commissioner Loffler returned and resumed the Chair.

#### Minor Subdivisions

- CSUB #88-0775 - Eppard Property
- CSUB #90-1724 - Maydel Manor
- CSUB #90-1725 - Lore's Landing

These Planning Commission recommendations remain unchanged - the Commission recommends approval as does staff.

Commissioner Bailey moved for approval of the three projects in accordance with the staff and Planning Commission recommendations. The motion was seconded by Commissioner Jarboe and passed by unanimous vote.

#### CONSTRUCTION AND DEVELOPMENT USER FEES

Present: Mary Pat Pope, Administrative Officer  
Jon Grimm, Director, Planning and Zoning

As a follow up to the March public hearing and subsequent discussion, Ms. Pope appeared before the Board to present a chart showing comparison of costs with projected revenues based on current fees and proposed fees. The chart set for cost allocations, average volumes for FY 1988, 1989, and 1990, and the FY 1991 estimated volume.

The County Administrator recommended that the Commissioners adopt the schedule of fees as proposed, and that a status report be presented in six months to determine if adjustments are necessary.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve the revised schedule of fees as presented with the understanding that it be reviewed in six months. Commissioner Jarboe voted against the motion. Motion carried four to one.

Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve and sign Resolution No. 91-08 User Fees. Commissioner Jarboe voted against the motion. Motion carried four to one.

#### FOREST HALL COMMUNITY DEVELOPMENT ADMINISTRATION FUNDING

Present: Joe Mitchell, Director, DECD

Mr. Mitchell appeared before the Commissioners regarding Mr. Tom Waring's request on March 26 for consideration of a local contribution relative to CDA funding requirements for a 120-unit low to moderate income housing project.

Mr. Mitchell indicated that the Community Development Administration and Mr. Waring would be satisfied if the Commissioners:

- o waive development review fees
- o delay payment of impact fee until obtaining Certificate of Occupancy.

During discussion Mr. Mitchell pointed out that using tax credits for this project would allow Mr. Waring to keep the rentals in the \$425-\$450 range for at least 15 years.

After discussion Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve the county's local contribution as referenced for the Forest Hall CDA project. Motion carried.

#### PAYMENT OF IMPACT FEES

As a result of the request by Mr. Waring for delay of impact fees and as a result of the request made by Suburban Maryland Building Industry earlier in the meeting to delay the fees, Commissioner Bailey moved, seconded by Commissioner Lancaster, to delay the payment of the Economic Impact Fees to the time of obtaining Certificate of Occupancy or one year from the date of issuance of the building permit, whichever should first occur; and further that the building permit would be cancelled if the fee has not been paid at that time. Motion carried.

#### EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator  
Joseph Densford, County Attorney

Commissioner Lancaster moved, seconded by Commissioner Thompson, to meet in Executive Session to discuss a matter of litigation. Motion carried. The Session was held from 5:20 p.m. to 5:55 p.m.

7:00 P.M.

**SOUTHERN MARYLAND WOOD TREATMENT PLANT - SUPERFUND SITE**

Present: Leanne Nurse, Environmental Protection Agency  
Lesley Brunker, "  
Karen Ruth, Maryland Department of Environment  
Sesh Lal, "  
Dr. William Marek, St. Mary's County Health Officer  
Tom Russell, Director, Environmental Hygiene  
Interested citizens

The Board of County Commissioners conducted a public meeting in which the Environmental Protection Agency and Maryland Department of Environment participated in order to give citizens an opportunity to express concerns relative to the Southern Maryland Wood Treatment Plant Superfund Site.

Ms. Nurse opened the meeting by explaining the Superfund site identification process that EPA has the authority to investigate sites where there is a suspected threat to public health and safety and to the environment.

Comments and questions were received as follows:

**Tom Russell** - Indicated that the local health department has received questions that need to be address: Portability of the incinerator;; will it become a regional site for clean up; concern about well on the site and the casings in the well. He pointed out that health department samplings of water over the years have been acceptable. What is the air quality threat on human health; what will happen to the ash residue.

**Dr. William Marek** - Presented the history of the wood treatment plant.

**Kyle Rambo (Morgan Road)** - Referenced technical paper from 1990 Superfund Conference. Questioned the safety of toxic metals when materials are thermally treated. What will EPA do to avoid emission problems? Requested that citizens be allowed to participate in the decision for the type of treatment.

**Mr. Rambo** later in the meeting questioned how long the burning will take place? According to research it takes at least five years.

**Jean Torgensen (Allston Lane)** - Member of friends of the Chesapeake. Read statement from Board that since there seems to be conflicting evidence about dioxins being released into the air, recommended that there be further studies about the treatment plant. She went on record to request that the Record of Decision be rolled back and start at the beginning.

**Marianne Chasen** - Concerned about the health issue and that she was afraid that if something is started before we are ready, it could mean problems later not only for Hollywood residents, but throughout the County. Requested that there be regular updates on how studies are progressing.

**John A. Combs** - Stated that there have been three other sites in the area, and one of those was at the St. Mary's Industrial Park. Questioned how sites had gotten approval by Health Department Referenced St. Mary's Salvage burning on site. Stated Department of Environment was responsive, but county Health Department was not. (Mr. Russell stated that the sites referenced by Mr. Combs were established prior to Planning and Zoning and Health Department being involved. He pointed out that today a wood treatment plant would have to go through the health department. He further stated that the Health Department records are open and available.)

Questioned how high the stacks are going to be. When will burning take place--during down pressure or up pressure? Who owns the plant?

**Stan Taulbee** (near MacIntosh Road) - Stated that EPA should go ahead with the burning, but questioned who will be trained in doing the burning.

**Andrea Carbonaro** - (1) What will the power source of the incineration be? (2) Expressed concerns about health risks - she would like to see studies from EPA that show this has worked in other areas; (3) How will heavy metals emissions be controlled? (4) When were the other technologies to handle the materials looked at. There were originally eight alternatives--who saw those eight alternatives? (5) How long will incineration process take? (6) What is being done at the site now? (7) Questioned the fact that the announcement of the meeting did not use the word "incinerator", but the words "clean-up" were used. Citizens need to be told what is going on. (8) Has not been able to see transcripts of a June 15, 1988 meeting. (9) What makes this a "temporary" site--would like to see "temporary" in writing. (10) Who did the RI/FS (Remedial Investigation/Feasibility Study), and was it Weston, who has been charged with fraudulently altering engineering documents. There would be a lack of creditability. (11) What is EPA Message 625?

**Jim Riedel, California** - (1) Referring to public meeting in 1988, noted that there is a clear population change in that area, which is a factor that must be considered in the decision-making process. (2) Hazardous waste treatment is a new technology and all inputs and factors be known. The attempts and failures noted by Dr. Marek should not go unnoticed with regard to what has been tried and failed. These concerns exist today. (3) Concerned about toxicity and the fact that amounts are unknown. A standard of measure is needed. (4) As early as last year no procedures were available to EPA. Important to know level of emissions in determining burn temperature. Citizens need to know what is in the soils now; what happens when they are mixed together; after it burns, what happens? If it is burned to small particles, these can easily be absorbed into the body. What is the long-term exposure? What is going to be the effect on our children? The site is relatively stabilized, EPA should proceed with discretion, take their time, and explore other alternatives. The burning process is a new technology and a complex one.

**Eleanor Sweeney** (volunteer parent at Hollywood Elementary - (1) The proposed elementary and middle school at a site within two miles of the treatment plant, and questioned whether an incinerator had ever been located near a populated site similar to this; (2) questioned whether people should be getting bottled water now, and whether contamination will get into shallow wells.

**David Kelsey** - Went to Library to see what EPA was doing at the site--what kind of tests have been done? what kind of tests will be done? He found no information in this regard. Problem with incineration will be: (1) heavy metals that will be released in the process; water contamination, what comes out of the stacks will be a problem; (2) What legal assurances are there that this will not be a permanent site. He was pleased that this meeting gave citizens an opportunity to express concerns, but hoped that it was not futile--what will happen when EPA leaves this meeting?

**Joe Carbonaro (Town Creek)** - (1) Referenced document entitled "Hazardous Waste Incineration - Questions and Answers" published by EPA April 1988 which stated that incineration was the best technology available for the treatment of many organic wastes even though there were some technological and scientific uncertainty concerning emissions, and that it was preferable over land disposal because it reduces waste toxicity and volume. (2) At the February Commissioners' meeting, Commissioner Lancaster questioned what other sites had been cleaned up in the same manner in a residential area, and to date this has not been answered. (3) Referenced a booklet that listed sites that had failures (safety, emissions in the air, electrical power problems, equipment breakdown). (4) A lot of companies are going after Superfunds in that it is a lucrative business, and referred to the Weston Company that he

believed had been involved in the RI/FS. He pointed out the fraud charges against this company, and further that the company provides incinerators--a potential conflict of interest? (5) Referred to TAG funds (Technical Assistance Grants) provided to community groups, and invited people in the audience to sign up if they were interested in forming a corporation in order to take advantage of these funds.

**Judy Cady** - Expressed the need for the citizens to stay together in getting EPA to keep them informed and to get answers to questions from EPA, Department of Environment, and County Commissioners in order to know what is happening in the community.

**Don Asher** - Concerned about toxicity in the air. EPA has said dioxins are not at this site, but according to EPA records it is there. He believed that the public has not been kept informed as to the magnitude of it in the County. (1) Does technology for incineration of dirt exist? (2) Has it be done and where? (3) Is it efficient? (4) Is it dangerous to the environment? Expressed concern about the effects on stream beds.

**Joe Weible - Joy Chapel Road** - (1) Questioned whether the soils could be hauled away to another area; (2) Would the incinerator be used for another use?

**Steve King** - The Record of Decision (ROD) did not stated that thermal treatment was the only technology that was viable, and had narrowed it down to two alternatives (thermal treatment and soil wash extraction). Soil wash extraction was the most cost effective. Has EPA done analysis of other alternatives. Was cost in reduction of property values factored in? How hot is the incinerator going to be?

**Jill Cicierski (Environmental Specialist)** - Stated there is very little knowledge regarding disposal of hazardous waste, and there will be a tremendous increase in cost the longer it takes. Questioned (1) whether cost factor for human health had been figured in? (2) Have alternatives been considered? (3) Are there any remote areas in Maryland that this could be taken to (4) Perhaps a facility could be set up once research has shown that it is not hazardous and then hall the County's contaminated soils to that facility. Use the money for EPA research until better information is provided.

**Jenifer Riedel (Student from Margaret Brent)** - Researched dioxins from contaminated soils and found that it is hazardous to young children and babies before adults. Concerned about toxins in the air and concerned about her generation.

**Marion Pettit** - Doesn't know what is going on at the site. She thought it had been taken care of and would like to know what has been done.

**Barbara Mielcarek** - Moved here eight years ago from Utah to get away from smoke stacks, and if there is a problem in St. Mary's her family will be leaving the area.

**Jack Witten** - Referenced the endless amount of talent among county employees and among the citizens. Suggested that a joint body be established as a task force to produce recommendations and guidance for the Board of County Commissioners and the people of the County.

**Don Schlosser** - Is the incinerator going to create acoustic problem?

After the question and comment period, Ms. Nurse explained that the health and safety issues answers will be provided later and that every question will be addressed. Written responses will be developed within six weeks. Ms. Nurse make the following points:

- that the mailing list will be expanded to include all those requesting responses on the sign-up sheets.
- that at least one additional public repository will be established
- That copies of documents will be made available upon request (Remedial Investigation/Feasibility Study) RI/FS, the Record of Decision (ROD)
- That adjustments will be made in order to provide accurate and timely information.

Lesley Brunker indicated that most of the questions cannot be answered at this time because they deserve more detailed responses. Ms. Brunker did respond to the following questions:

Will this be a permanent facility?

There will be an Agreement with the Corps of Engineers who will get contract to bring incinerator. When the work is completed the incinerator will be removed from the site and taken to another site. EPA will not be buying an incinerator and will not be building one.

How to check up on the ROD process? An attorney would probably have to answer that.

What is going on now?

Containment of the site has been completed. Currently underway is the pre-design study and laboratory testing of incineration to determine optimum burning temperatures. More detailed answers will be provided in the Fall.

What about bottled water?

If there was a need EPA would have residents on bottled water. Contaminated water has not left the site.

What is Method 625?

That is a test method for water, which looks for types of contaminants on site, and is a very sensitive method.

Karen Ruth advised the audience that if any one has any health questions, they can call her and she could refer them to one of the doctors or nurses available within the Department of Environment.

Ms. Ruth offered her assistance in looking at the Technical Assistance Grant process.

Mr. Lal noted that he had been working closely with EPA in this process.

Ms. Nurse referred to other questions which will need more research: Ownership of the property; Change of demographics of area.

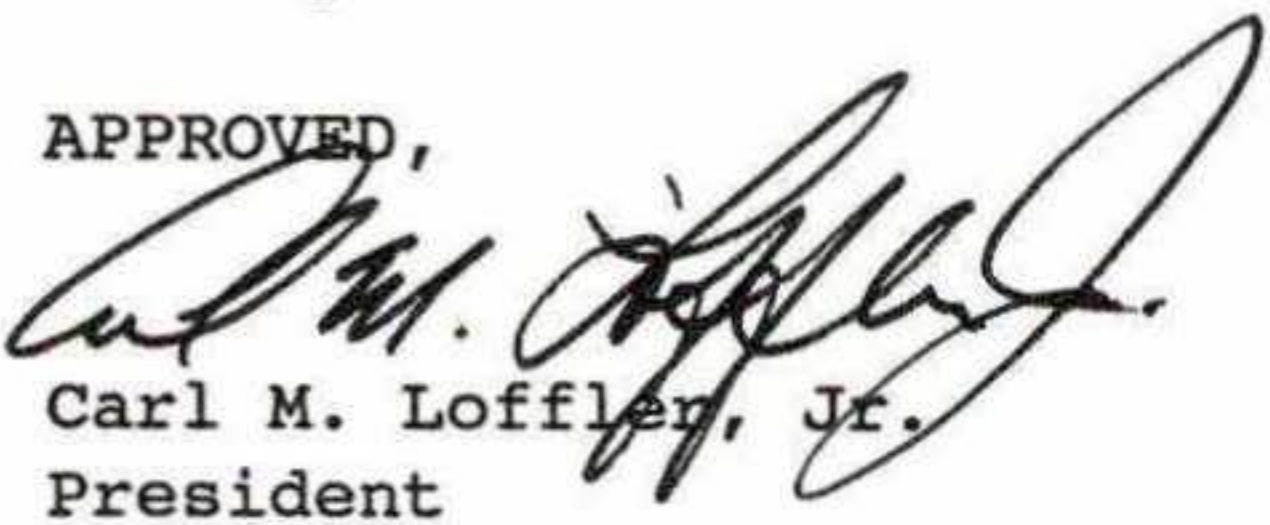
In closing Tom Russell pointed out that the Health Department has ten years of data regarding the area's water supply. He stated that the water is sampled regularly and has not demonstrated any problems.

The public meeting was closed.

#### ADJOURNMENT

The meeting adjourned at 9:40 p.m.

APPROVED,

  
Carl M. Loffler, Jr.  
President