

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS**

October 8, 1991

Present: 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

(Commissioner Bailey was not present at beginning of meeting.)

CALL TO ORDER

The meeting was called to order at 9:05 A.M.

APPROVAL OF MINUTES

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve the minutes of the Commissioners' meeting of Tuesday, October 8, 1991. Motion carried.

APPROVAL OF BILLS

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

**PROCLAMATION
COMMUNITY SERVICES DAY**

Present: Becky Stevens, Community Services Coordinator

The Commissioners presented the referenced Proclamation designating Saturday, October 12, 1991 as Community Services Day.

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) ST. MARY'S COUNTY AIRPORT GRANT AGREEMENT

The County Administrator presented a Grant Agreement between the Maryland Aviation Administration and St. Mary's County Board of County Commissioners for obstruction removal, land acquisition and runway extension design. Maryland Aviation has agreed to fund 5% of the total project, an amount not to exceed \$18,350.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign the Grant Agreement as presented. Motion carried.

2) CORRESPONDENCE OF CONGRATULATIONS - SECRETARY WASSERMAN

The County Administrator presented correspondence congratulating Mark Wasserman, Secretary of Department of Economic and Employment Development on his appointment, pointing out the special relationship St. Mary's County has with DEED, and requesting his assistance regarding the anticipated growth at the Patuxent River Naval Air Station.

The Commissioners agreed to sign and forward the letter.

3) PUBLIC WORKS AGREEMENTS/ADDENDUM

On behalf of the Department of Public Works, the County Administrator presented the following documents for the Commissioners' review and consideration:

**Public Works Agreement
Avenmar, Section 2**

Dated July 29, 1991 between Avenmar Limited Partnership - Potomac Investment Associates and St. Mary's County guaranteeing completion of improvements by July 1, 1992. The Agreement is backed by a Letter of Credit with The Palmer National Bank in the amount of \$440,000.

**Public Works Agreement
Brooks Cluster Subdivision**

Dated October 3, 1991 between Walter Dorsey and St. Mary's County guaranteeing completion of Weatherby Drive and Remington Court by October 1, 1992. The Agreement is backed by a Letter of Credit in the amount of \$184,500.

**Addendum to Public Works Agreement
Breton Bay PUD**

Between Breton Bay Development Associates and Board of County Commissioners for St. Mary's County extending the deadline for completion of improvements to May 1, 1992. The Addendum is backed by a Letter of Credit with Signet Bank/Maryland in the amount of \$480,000.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Vice President Bailey to sign the referenced Agreements and Addendum. Motion carried. (Commissioner Loffler did not participate because of a conflict of interest regarding Avenmar.)

4) CHERRY COVE CREEK CHANNEL ENTRANCE

The County Administrator presented correspondence addressed to Dr. Paul Roxin indicating that the Department of Public Works has worked with the Cherry Cove community in the past to stabilize the channel and will coordinate with the Department of Natural Resources to identify the requirements for establishing a program for reopening the channel.

The Commissioners agreed to sign and forward the letter.

5) CORRESPONDENCE TO GOVERNOR SCHAEFER

The County Administrator presented correspondence addressed to Governor Schaefer requesting his positive consideration in proceeding with two important State Highway Administration projects: Maryland Route 246 (Great Mills Road) and Maryland Route 237 (Chancellors Run Road).

The Commissioners agreed to sign and forward the letter.

(Commissioner Bailey entered the meeting - 9:30 a.m.)

**LAND CLEARING DEBRIS LANDFILL
DEFINITION CLARIFICATION**

Present: Ron Pickett

Mr. Pickett appeared before the Commissioners to request clarification of the definition as to what materials may be transported and deposited in his

land clearing debris landfill. He stated that following his February 19 meeting with the County Commissioners, at which it was determined that stumps and land clearing debris would be allowable in his landfill, he went to finance the project and was told that the approval may be limited in scope. Mr. Pickett stated that his lawyer has requested clarification as to whether or not compost derived from municipal solid waste may be transported into St. Mary's County and deposited in his landfill.

Discussion ensued regarding the difference between sludge and compost and County Administrator Cox pointed out that the product in question does not come from a sanitary waste management system, but from a municipal solid waste system and emphasized that this product is not related to sludge. Mr. Pickett noted that the material cannot leave the source site until it is determined to be legally compost.

County Administrator Cox presented correspondence addressed to Mr. Pickett for the Commissioners' signatures indicating that the Commissioners approve the transportation into the county and deposit in his land clearing debris landfill of compost derived from municipal solid waste meeting state requirements and approval.

After discussion Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve and sign the letter clarifying the use of compost. Motion carried.

1991 BOND ISSUE

Present: Charles Wade, Director of Finance

Mr. Wade appeared before the Commissioners to present and request approval of a list of the projects for the 1991 Bond Issue. He stated that a major issue is the use of increases in tipping fees, which had been increased from \$18 to \$40 per ton. Mr. Wade recommended that the tipping fees be used to cover operating expenses of the landfill and that the remainder revenue be reserved for capital projects. The Commissioners gave their concurrence in the recommended use of tipping fees.

During review of the list of bond issue items, Mr. Wade recommended the deletion of Yowaiski Mill Road and Indian Bridge Road from the 1991 bond issue--Yowaiski Mill Road because \$89,100 had been appropriated in Fiscal Year 1990 which provides \$34,700 for planning and \$54,400 for land acquisition; Indian Bridge Road because the proposed Community College construction may not get approval by the State this year. He further recommended the deletion of St. Andrews Landfill and the Clements Landfill closeout in that funds will not be needed this year and can be funded in the future. He recommended that the bond issue for 1991 be in the amount of \$7,694,864.

Commissioner Bailey stated that Indian Bridge Road should remain in the bond issue because it needs to be improved whether or not there is a college. Commissioner Thompson pointed out that land acquisition is a time-consuming process and suggested that it remain on the list so that much would be taken care of when construction was ready to begin. Commissioner Jarboe also indicated that he was not in favor of eliminating Indian Bridge Road from the bond issue because it has been proposed for upgrading for a number of years.

Included in the list for the bond issue is the Sixth District Elementary School, and Commissioner Jarboe raised concerns that the transfer of that property may not be completed. Mr. Wade indicated that the transfer has been completed.

**After discussion Commissioner Jarboe moved, seconded by Commissioner Lancaster, to accept the 1991 Bond Issue list with the reinstatement of Indian Bridge Road project in the amount of \$307,300, for a total amount of \$8,010,000. Motion carried four to one with Commissioner Bailey voting against.

**clarified in October 15, 1991 minutes

Approved projects for the 1991 Bond Issue are as follows:

<u>Project</u>	<u>Budget</u>
Indian Bridge Road	\$ 307,300
Lettie Dent Addition	267,800
Green Holly Addition	289,100
Pegg's Road	2,000,000
Sixth District Elementary School	4,841,100
Multi-Use Center	\$ 296,864
TOTAL	\$ 8,010,000

**TRI-COUNTY COUNCIL FOR SOUTHERN MARYLAND
REGIONAL ISSUES**

Present: Gary Hodge, Executive Director

Mr. Hodge appeared before the Commissioners to discuss the following issues of regional concern:

1) **General Assembly's Special Joint Committee
on Growth Management - 2020**

Mr. Hodge presented a proposed Plan of Action for regional and local strategy or submission to the Joint Committee on Growth Management. He stated that Senator Fowler had requested him to develop a Plan that would follow four basic principles:

- a. To recognize the need for locally accountable growth management policies and the need for local government participation in developing and implementing those policies.
- b. To respect the fundamental right of the people to be heard on matters vital to their interests, including open meetings of the Joint Committee.
- c. To consider the rich diversity of the State, the regional factors influencing growth patterns and trends, and the wide variety of successful land use planning techniques, policies and programs that have been implemented at the local level;
- d. To acknowledge that a workable State growth management strategy must be developed from the bottom up rather from the top down.

Mr. Hodge stated that the plan includes for six regions with each county appointing a representative group of citizens to act as a sounding board and to develop recommendations on growth management issues. After these appointments are made, the Special Joint Committee would meet with each of the six regions. Each county would appoint a representative to serve on a 30-member state-wide coordinating council to present findings and recommendations.

Commissioner Loffler expressed concern that there are many local issues which are not regional and wanted assurance that the local issues would be presented. Mr. Hodge responded that was included in the Plan and noted that by working together, a regional plan could have a stronger impact on decisions by the State.

After discussion Commissioner Jarboe moved, seconded by Commissioner Lancaster, to accept the concept of the Strategy Plan as presented by Mr. Hodge, which will not negate St. Mary's County having individual input. Motion carried.

2. Military Consolidation Impact

Mr. Hodge offered the assistance of the Tri-County Council regarding planning for the impact of the expected transfer of large numbers of military and civilian personnel to the Patuxent River Naval Air Station and Dahlgren. He stated that this is not only a local issue but a regional issue as well and Charles and Calvert Counties are interested in being involved in the process. Mr. Hodge indicated that the Council could be of assistance to the Commissioners in helping to minimize the negative aspects and to maximize the positive ones. Mr. Hodge stated that before the Council developed initiatives on any issue, such as impact aid, he wanted to be sure there was an understanding as to what the Commissioners expected from the Council.

Discussion ensued regarding separation of local and regional issues, and the Commissioners suggested that Mr. Hodge work with the county's Director of Economic and Community Development to identify regional issues. It was further agreed that the Council would not do anything on the County's behalf without getting permission.

3) Patuxent Demonstration Project

Mr. Hodge advised that \$1.25 Million has been appropriated by Congress for the designation of the Patuxent River as a demonstration project. All state and federal agencies that play a role in water quality will pool resources to see what could be done regionally. The project has gone to the Governor's Chesapeake Bay Office which has formulated a policy which Mr. Hodge has forward to Jon Grimm, Director of Planning and Zoning for evaluation and comment. Mr. Hodge stated that he was concerned because there is a new set of requirements and also that the \$30,000 that has been allocated out of the \$1.25 Million will be inadequate to do what is expected in looking at some of the crucial Patuxent River issues and may be more of a burden rather than an asset to the County. He stated that the County should receive more than the \$30,000 and there should be more discretion for the county as to how to pursue the goals for the Patuxent River rather than handing the county a onerous work program.

HOMESTEAD TAX CREDIT

Present: Charles Wade, Director of Finance

As a follow up to last week's discussion, Mr. Wade represented a Resolution setting the Homestead Tax Credit at 10%. He stated that the Department of Assessments and Taxation has requested the rate be set by November 1 so that it can be on the assessment notices that will be mailed to the public.

During discussion of the tax credit Commissioner Loffler raised concern relative to the impact on households--how much of a savings they would receive--, how much revenue will be lost to the County, and the impact on the tax rate at the various percentages.

The Commissioners agreed to defer a decision for two weeks or until this information is received.

MARCEY HOUSE - STATE BUDGETARY REDUCTIONS

Present: Larry Harvey, Director
Edward J. Kerns, Chairman
Bill Butler, Member
Wayne Guy, "
Liesl Stark, "
Sharon Bradley, former member
Jim Williams. "

The referenced individuals appeared before the County Commissioners to inform the Commissioners of the budgetary reductions by the State, which has

put the Marcey House Program in jeopardy. The Board of Directors during an emergency meeting, developed three options for submittal to the County Commissioners, which would allow the Marcey House to continue its operation. Mr. Kerns pointed out that each option should be considered bridge funding in order for the Board and County to develop a long term funding strategy for Marcey House. Each of the options are dependent on county funding.

After discussion the Commissioners indicated that this was a State program--state funded, state controlled, and one of many that the Governor has proposed devastating cuts. Because of the uncertainty of reductions in other state programs, the Commissioners advised that they could not make a commitment to supplement any shortfalls at this time. Commissioner Loffler suggested that when final decisions are made in Annapolis regarding state funding and reductions, the Commissioners will look at the programs affecting St. Mary's County. He further suggested that the Marcey House Board inform the legislators of the problem.

**CORRECTIONAL CORPORATION OF AMERICA
PRIVATE PRISON PROPOSAL**

Present: Joseph Mitchell, Director, DECD
Joseph Densford, County Attorney

Commissioner Loffler advised that correspondence has been received from Correctional Corporation of America indicating their withdrawal of the process to locate a private prison in St. Mary's County.

Mr. Mitchell read into the record correspondence dated September 30 (and received October 4) from Johnson & Associates which states that they have not made a formal presentation to the County Commissioners nor has a proposed plan been submitted for review by the county-appointed task force and states that because of negative comments by some people, an unpleasant climate has been created for factual and rational discussions. Therefore, Johnson & Associates has withdrawn from the process.

Mr. Densford read into the records correspondence dated October 4 stating they have been unable to obtain a site and will pursue their efforts in other locations in Maryland.

Commissioner Loffler read into the records correspondence dated October 4 indicating that because of their inability to secure a site, CCA will not longer pursue a site to house District of Columbia inmates in St. Mary's County.

During discussion Commissioner Loffler stated that there is information that has not been presented to the Commissioners and should be made part of the record--the Sheriff's report on the impact on law enforcement officials, information on the impact on rescue squads, and petitions from citizens. He further suggested that the Task Force meet again to gather all the information.

Mr. Densford noted there is a question of the legality of a private prison in Maryland, and Delegate Bell is researching the answer to that question, which may take 30 days.

Commissioner Lancaster pointed out that the County did not have an opportunity to have a formal presentation by CCA to get evidence from the regarding the prison and as to how they would address the various concerns that had been raised in the community.

After discussion Commissioner Bailey moved, seconded by Commissioner Jarboe, to disband the Correctional Facility Task Force and say "No" to a private prison in St. Mary's County, and further to accept petitions and to include in the record all available information. Motion carried.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator

Commissioner Bailey 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 to 1:25 p.m.

MARYLAND YOU ARE BEAUTIFUL

Present: Cynthia Brown, Director, Community Services
Florene Applefeld, Maryland You Are Beautiful Program

The Commissioners presented Commendations to the following individuals for outstanding and praiseworthy accomplishments by being nominated in the "Maryland's Most Beautiful People" Contest sponsored by the Governor's "Maryland You Are Beautiful" Office: Peter "Rocky" Woodburn (St. Mary's County's winner), Michael Bell, David Bradshaw, Catherine Gibson, Douglas M. Harris, Mary Ruth Horton, Gerda Manson, Laverne Stewart, and Linda Weaver.

BOARD OF EDUCATION/COUNTY COMMISSIONERS JOINT MEETING

Present: William Burroughs, Superintendent
Al Lacer, President
Jean Campbell, Board Member
Robert Kirkley, "
Jonathan Nelson, "
Fred Wallace, "
Charles Wade, County Director of Finance

1) Categorical Transfers

As a follow up to the Board of Education's request for a categorical transfer in the amount of \$29,000 to cover shortfalls in the food service program, Mr. Lacer explained that if the transfer is not granted, there would have to be changes to the school lunch program, one of which would be to raise the price for school lunches.

Discussion ensued as to what was causing the shortfall to which Mr. Lacer indicated was lack of participation and increased costs. He pointed out that St. Mary's County's lunch program is the second most expensive in the State.

Dr. Burroughs stated that the Board of Education needs to look at the whole school lunch program to determine where the problems lies.

Commissioner Loffler pointed out that the school lunch program has always been 100% state/federal funded and did not think it should be handled by a categorical transfer at this time. He indicated that the Commissioners will look at during the Supplemental Budget process in December or January.

2) Restricted Program Revenues

Mr. Lacer stated that the Board of Education's Finance Department has provided the Commissioners with a detailed break down of the approximately 15 grants for Fiscal year 1991 administered by the Public Schools and additional information will be provided on those accounts. The Board of Education requested the Commissioners approval of end-of-year adjustments as had been done in the past.

Mr. Wade distributed a handout clarifying procedures and the law regarding categorical changes and the grant approval process which requires the Board of Education to submit monthly any adjustments in non-local funded grants. He suggested that if the Commissioners do not approve these adjustments, it could show as a deficit in the auditor's report.

Mr. Lacer requested retroactive approval and indicated that the Board would work with the Commissioners to present it to the Commissioners on an "as-it-happens" basis.

3) Great Mills High School Property Transfer

Also Present: Phil Rollins, Director, Recreation and Parks
Tim Brower, Maryland Department of Natural Resources

Mr. Rollins reported on the status of the referenced property transfer and stated that the Maryland Department of Natural Resources and the U. S. Department of Interior believe that in order to transfer the land back to the Board of Education it will have to go through a conversion process and that an obsolescence process would not be applicable in this case. Conversion will require replacement of the property, 22 acres, which could cost as much as \$300,000 to \$400,000 just to acquire the property. Mr. Rollins suggested working with the Board of Education in terms of short-term goals and perhaps a joint-use agreement for the improvement of the facilities until such time as a conversion could be done.

In response to an inquiry as to whether the Regional Park would qualify for conversion, Mr. Rollins stated that because the Regional Park pre-existed the request for conversion and would have to be retroactive, it would not qualify. Mr. Brower noted that according to the Land and Water Conservation Act and the Maryland Annotated Code the only property accepted as replacement property would be non-existent open space recreational areas and therefore, the Department of Interior has denied the request.

During discussion Mr. Rollins suggested that the Recreation and Parks Board work with a representative of the Board of Education to look at the existing 20-year Agreement to look at revising the Agreement and to accommodate the needs of the school. He stated it would require joint effort in upgrading the facilities to meet those needs.

In conclusion it was determined that there are possibly other sites to consider such as the environmental area at the proposed Sixth District school site. Requirements are that it would have to be open to the public, like property and of equal value to the Great Mills School property (Henderson Park).

4) STATE FUNDING ISSUES

Commissioner Loffler indicated that there is going to be budget cuts at the state level that would directly affect education in St. Mary's County even if there are no cuts in education. He suggested that a "game plan" be developed in order to not allow items of local concern to be controlled by Annapolis. He recommended that the county and public school staff look at the impact and, present it to the Boards before making any decisions. Mr. Lacer added that the Board of Education is also concern about the Fiscal Year 1993 Budget regarding salary caps and retirement contributions.

5) LEONARDTOWN ELEMENTARY SCHOOL HEATING SYSTEM

As a follow up to previous discussions, Dr. Burroughs stated that the Leonardtown Elementary School heating system has been paced in the capital projects program after classroom projects and Tech Center wall project. He requested the Commissioners reconsideration to approve the \$25,000 planning money to replace the heating system at Leonardtown. He stated that it was in the FY '92 budget request but had been deleted when late budgetary cuts had been made. Dr. Burroughs advised that it is now in the State Capital Improvement Program and the state's decision will be made in the fall or early winter and stated that if the County would provide the planning money, it would give the state more reason to funding the improvements.

The Commissioners will give reconsideration to the request.

6) GREAT MILLS HIGH SCHOOL - CAPITAL IMPROVEMENT PROGRAM

Rev. Kirkley inquired whether the Great Mills High School tennis courts would be handled through the Board of Education's capital projects or in the County's supplemental budget. Commissioner Loffler responded that both boards agreed on the quality of the facility and stated that the upgrading of the tennis courts would be supervised through the Board of Education's construction program and listed in their Capital Improvement Projects.

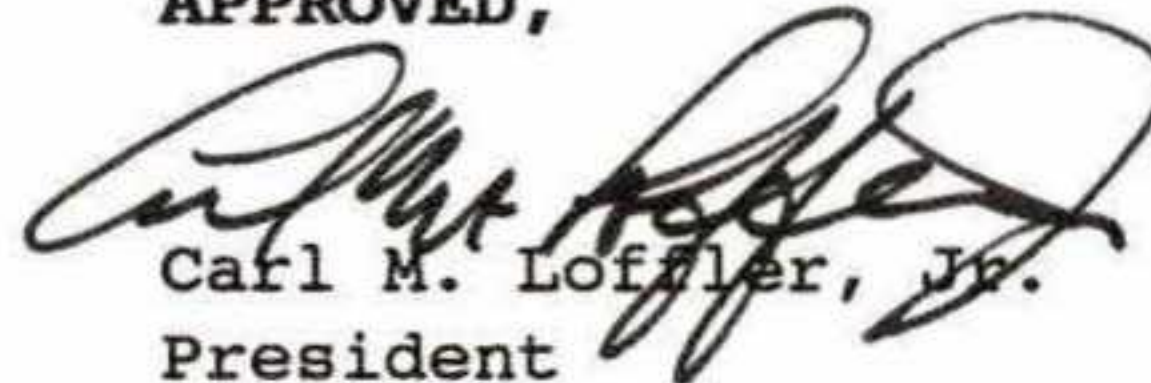
NAVAL AIR WARFARE CENTER BRIEFING

The Board of County Commissioners along with the County Department of Economic and Community Development and Chamber of Commerce conducted a briefing on the expansion of the Patuxent River Naval Air Station, which will be renamed the Naval Air Warfare Center, Aircraft Division.

ADJOURNMENT

The meeting adjourned at 4:45 p.m.

APPROVED,



Carl M. Loffler, Jr.
President