

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

April 7, 1992

**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

**CALL TO ORDER**

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

**APPROVAL OF MINUTES**

Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve the minutes of the Commissioners' meeting of Tuesday, March 31, 1992. Motion carried.

**APPROVAL OF BILLS**

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

**COUNTY ADMINISTRATOR ITEMS**

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

**1) Mental Health Authority Board By-Laws**

As a follow up to previous discussions the County Administrator inquired whether the Commissioners had any comments on the proposed by-laws for the Mental Health Authority Board.

Commissioner Thompson questioned the appointment of interim directors filling vacancies and whether they would complete the term or would the Board request a replacement from the Commissioners. She further pointed out that the by-laws should indicate that the Commissioners are the appointing authority.

Commissioner Loffler expressed concern regarding the linkage between other agencies such as Marcey House and the Mental Health Authority Board. He stated that he did not want to jeopardize state funding for Marcey House.

Mr. Cox will resubmit the by-laws for consideration by the Board at next week's meeting.

**2) Piney Point Lighthouse - Purchase Option**

The County Administrator advised that the Commissioners had entered into an Agreement to obtain certain parcels of land at Piney Point for a water front park. Therefore, Mr. Cox presented the Purchase Option for the third and final parcel of this project.

After discussion Commissioner Jarboe moved, seconded by Commissioner Lancaster, to authorize Commissioner Loffler to sign the Purchase Option as presented. Motion carried.

**3) Resolution No. W/S 92-02  
 Water and Sewer Plan Amendment  
 Town Creek Professional Building (CWSP #90-0040)**

The Commissioners having conducted a public hearing on February 25 and held subsequent decision discussion, the County Administrator presented the referenced Resolution.

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve and sign Resolution No. W/S 92-02 amending the Comprehensive Water and Sewer Plan to reclassify the subject property from W-5 to W-3D and S-4D to S-3D. Motion carried.

**4) Request to Bid Out County Benefits**

The County Administrator presented a memorandum dated March 27 from the Personnel Officer requesting approval to bid out the county's benefit services (health, life, dental, vision, prescription services, etc.). Mr. Cox stated that the benefit package has not gone out on bids since 1980, and there is a possibility the County could get the same coverage for less. He emphasized that staff would be looking at preserving the package but cutting costs.

Commissioner Thompson moved, seconded by Commissioner Bailey, to authorize Procurement and Personnel to bid out the county's benefits. Motion carried.

5) Appointment of County Auditor, Bond Counsel,  
and Financial Advisor

The County Administrator presented a memorandum dated April 2, 1992 from Director of Finance Charles Wade requesting the Commissioners to appointment the following firms as specified:

County Auditor : Cox, Long & Askey  
Bond Counsel : Piper & Marbury  
Financial Advisor: Alex Brown & Sons

Commissioner Bailey moved, seconded by Commissioner Lancaster, to make the referenced appointments as requested. Motion carried.

6) Expanded Use of Charlotte Hall Water System

The County Administrator presented correspondence addressing issues raised in a December 24, 1991 letter from the Maryland Office of Planning regarding the County's request for a joint project for sewerage capacity and water service within Charlotte Hall/New Market Town Centers as designated in the Comprehensive Plan.

Commissioner Lancaster moved, seconded by Commissioner Thompson, to sign and forward the letter as presented. Motion carried.

7) Sewage Sludge Utilization Permit Application

The County Administrator presented correspondence dated March 31 from Maryland Department of Environment forwarding a Sewage Sludge Utilization Permit Application for Samuel T. Swarey for land application of sludge in Charles County (within one mile of St. Mary's County). Therefore, County Administrator Cox presented a response to MDE indicating that the Commissioners will not exercise its option for a public hearing/meeting, but reiterating the County's concerns over environmental safety and land record notification.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to sign and forward the letter as presented. Motion carried.

8) Friends of St. Clement's Island Museum, Inc.  
Memorandum of Understanding

The County Administrator advised that the Commissioners had entered into a Memorandum of Understanding with the Friends of the Museum for the purchase of certain property adjacent to the museum with the understanding that the property would be purchased by the State. The State has not yet purchased the property and the Memorandum of Understanding expires in June. County Administrator Cox recommended that in order to keep the project alive, the Commissioners renew the Memorandum of Understanding for two years.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to renew and authorize Commissioner Loffler to sign the Memorandum of Understanding as requested. Motion carried.

9) Request for Refund - Robert Steele Pogue  
Processing of Board of Appeals Case

The County Administrator presented correspondence responding to a request from Robert Steele Pogue for a refund of the \$340 fee incurred for the processing of his case before the Board of Appeals. The correspondence explains that the fee was appropriate and cannot be refunded.

Commissioner Lancaster moved, seconded by Commissioner Thompson, to sign and forward the letter as presented. Commissioner Bailey voted against the motion. Motion carried four to one.

10) Response Letter to John T. Daugherty

The County Administrator presented correspondence responding to Mr. Daugherty's of March 11 and 12 regarding his concerns over the processing of commercial development plans. The letter explains the efforts the County has made to improve the process and suggests that he provide specific examples so that they can be addressed.

The Commissioners agreed to sign and forward the letter.

11) **Criminal Justice Meeting Summary**

The County Administrator presented correspondence thanking the participants of the Criminal Justice Meeting held March 31 and summarizing the proceedings of that meeting.

The Commissioners agreed to sign and forward the letter.

12) **Budget Amendments**

The County Administrator presented the following Budget Amendments recommended for approval by the Director of Finance with justifications as indicated:

No. 92-39  
Public Works

Justification: Adjust salaries for Stormwater Management Grant not received.

No. 92-40  
Public Works

Justification: Additional funds for building maintenance personnel through end of Fiscal Year 1992

No. 92-41  
Public Works

Justification: Additional funds for construction and inspection personnel through end of Fiscal Year 1992.

No. 92-42  
Public Works

Justification: Additional funds for vehicle maintenance shop personnel through end of Fiscal Year 1992.

Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve and authorize Commissioner Loffler to sign Budget Amendments No. 92-39 through 92-42 as presented. Motion carried.

No. 92-38  
Recreation and Parks

Justification: Program Open Space approval of lighting for four regional park fields (\$215,000)

Commissioner Loffler questioned the source of funding from a state grant and requested County Administrator Cox to get clarification.

13) **Community Services Day Coordinator**

The County Administrator advised that the Commissioners at their February 25 meeting appointed Becky Stevens, Community Services Coordinator, as Community Services Day Coordinator. Therefore, Mr. Cox presented correspondence addressed to the Secretary of State submitting Mrs. Stevens' name as Community Services Day Coordinator.

Commissioner Lancaster moved, seconded by Commissioner Thompson, to sign and forward the letter as presented. Motion carried.

14) **Utility Corridor (Former Railroad Right-of-Way)  
Ebenezer A.M.E. Church**

On behalf of the Department of Public Works, the County Administrator presented a letter of agreement allowing Ebenezer Church to place a sign in the utility corridor on a portion of old Route 5 in Charlotte Hall.

Commissioner Lancaster moved, seconded by Commissioner Bailey, to approve and sign the Agreement as presented. Motion carried.

15) **1992 Awards for Excellence in Environmental Education  
Southern Maryland Wood Treatment Plant Task Force**

The County Administrator presented correspondence addressed to the Environmental Protection Agency nominating the Southern Maryland Wood Treatment Task Force for the 1992 Awards for Excellence in Environmental Education.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to sign and forward the letter as presented. Motion carried.

16) Appointments - Boards, Committees, Commissions

Commissioner Bailey moved, seconded by Commissioner Lancaster, and motion carried, to make the following appointments with terms as indicated:

<u>Commission for Disabled</u>	<u>Terms to Expire</u>
Judith B. Rock	12/31/95
<u>Council on Children and Youth</u>	
Mary Anne Wood	6/30/93
<u>Family Assistance Center Advisory Committee</u>	
Sharon K. Bradley	12/31/92
Juanita Nether	12/31/93

**ANSWERS TO INTERROGATORIES  
POTOMAC RIVER ASSOCIATION VS. BOARD OF COUNTY COMMISSIONERS**

Present: Joseph Densford, County Attorney

Mr. Densford advised that a law suit had been filed against the County by the Potomac River Association who has challenged the definition of "parcel of record" as contained in the St. Mary's County Zoning Ordinance and Subdivision Regulations. He advised that the suit is in the discovery process, which means that both parties are learning each other's view of the facts in the case. Mr. Densford indicated that PRA has submitted ten questions they would like answered, and he has worked with Planning and Zoning to ensure the answers are accurately reflected from a legal and planning and zoning standpoint.

Mr. Densford requested the Commissioners to approve the Answer to Interrogatories as prepared so that the document can be filed this date.

Commissioner Loffler expressed disagreement with the Answers to Interrogatories stating he believed the County should indicate how the decisions were made and how the vote was taken in developing the "parcel of record" definition.

Mr. Densford explained that the reasons the Interrogatories were not replied substantially were because: (1) The questions requested legal opinion responses rather than factual responses and (2) it asked for St. Mary's County to research its records for the past 18 years and the County does not have the time nor resources to do that.

After discussion Commissioner Bailey moved, seconded by Commissioner Lancaster, to authorize Vice-President Jarboe to sign and Answers to Interrogatories as presented. Commissioners Loffler and Thompson voted against. Motion carried.

**COMMISSION ON AGING/S.M.I.L.E. - ANNUAL REPORTS**

Present: Norman Breslauer  
Bernice Smith  
Gene Carter

The referenced individuals appeared before the Commissioners to present the 1991 Annual Reports for the Commission on Aging and S.M.I.L.E Adult Day Care Advisory Board.

Dr. Breslauer reviewed the activities and programs of the Commission on Aging including the Garvey Senior Center, transportation, Cedar Lane, Medical Adult Day Care Program, and the building program.

Discussion ensued regarding the status of the Shipping Point property located in the Seventh District, which had been designated in a will for use by the State as a housing development for the elderly. The Commissioners requested Mr. Carter to return to the Board at a later date to present a status report.

During the presentation of the S.M.I.L.E. Adult Day Care Advisory Board's Annual Report, Dr. Breslauer reviewed its goals, significant accomplishments of the past year, and problems and new goals. In discussing the problems encountered, Dr. Breslauer expressed concern regarding the location of the Ripple Center in Oakville because of undesirable activities in that area.

A copy of the reports are on file in the Commissioners' Office.

**PROCLAMATION  
NATIONAL AUCTIONEER'S WEEK**

Present: Rodney Thompson  
Billy Fitzgerald

The Commissioners presented the referenced Proclamation designating the week of April 5 -11, 1992 as National Auctioneer's Week in St. Mary's County.

**REDISTRICTING BOARD  
PRESENTATION OF FINAL PLAN**

Present: Don O'Neal, Chairman  
Donald Brown  
Joe Slater  
Joe Stone  
Joseph Densford, County Attorney

The referenced members of the St. Mary's County Redistricting Board appeared before the Commissioners to present the final Redistricting Plan. Mr. O'Neal explained that four public hearings were held, one in each Commissioner District. The Redistricting Board at its March 25 meeting adopted the final plan for submission to the Board of County Commissioners. The Plan includes the following: Third and Second Commissioner Districts remain the same; precincts 8-3 and 8-4 were added to the First Commission District; the Fourth District contains precincts 8-1, 8-2, 8-5, and 8-6.

A copy of the final Redistricting map is on file in the Commissioners' Office.

**ST. MARY'S COUNTY HEALTH DEPARTMENT**

Present: Dr. William Marek, Health Officer  
Frank Sullivan, Dir., Mental Health and Rehabilitation

1) Core Service Agency Agreement

Mr. Sullivan presented the Core Service Agency Agreement between St. Mary's County and the Department of Health and Mental Hygiene for the Commissioners' review and signatures. He explained that the document was the same that had been presented in the Fall with the addition of auditing requirements for sub-vendors.

Commissioner Loffler raised concerns he had expressed earlier in the meeting regarding jeopardizing Marcey House funding. Mr. Sullivan explained that the agreement relates strictly to mental health; however the Alcohol and Drug Abuse Administration and the Commission on Disabilities were contacted to determine their interest in participating, and there was no response. Commissioner Loffler indicated that the Commissioners would like to be consulted should the issue arise to include Marcey House. Dr. Marek advised that any changes to the Agreement would be a revised contract that would have to come before the Commissioners.

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to authorize Commissioner Loffler to sign the Core Service Agency Agreement as presented. Motion carried.

2) Children and Youth Services

Also Present: Ella May Russell, Director, Social Services  
Bill Combs, Juvenile Services  
Sam Bauman, Tri-County Youth Services Bureau

Dr. Marek requested the Commissioners' to endorse a concept of a proposal being developed by several appropriate agencies to provide services for children with serious mental behavior problems. He stated that a number of these children have been placed in out-of-state institutions. Initiatives the group is trying to implement include: to prevent further out-of-state placements; and (2) to bring individuals who are in out-of-state institutions back to the community and provide them with adequate treatment resources.

Mrs. Russell advised that state money is available for this program and no local money will be requested. The process is starting with the formulation of an agreement which will be brought before the Commissioners. Planning money is available for the first year and the group intends to develop a program that is the best for St. Mary's County and meets the needs of the community.

After discussion commissioner Bailey moved, seconded by Commissioner Jarboe, to endorse the concept of providing services to seriously handicapped children in St. Mary's County. Motion carried.

**PUBLIC HEARING  
PERMITS - MOBILE HOME INSTALLATION**

Present: Jon Grimm, Director, Planning and Zoning  
Tom Russell, Director, Environmental Hygiene

The Commissioners conducted a public hearing on the deletion of Section 273-6(B) General Regulations contained in Article III of the St. Mary's County code (Ordinance No. 78-03) which requires the inspection and approval by the St. Mary's County Health Department of the individual water supply system and the individual disposal system prior to the issuance of any building permits for residential mobile homes.

The Notice of Public Hearing was advertised in the March 18 and 25 editions of The Enterprise Newspaper.

Mr. Grimm explained that the requirement for permits relating to mobile home installation was done at a time when proper installation of septic system facilities for mobile homes was a problem. Because of new zoning, building codes, and health regulations, the provision is no longer necessary and are an impediment to the placement of a mobile home.

Mr. Grimm indicated that he had presented the proposed change to the Planning Commission on March 23 and the Commission recommended approval of the change.

The Public Hearing was open to comments from the audience; hearing none the public hearing was closed. The record will remain open for 10 days and will be brought back to the Commissioners in two weeks for decision.

**AIRPORT COMMISSION  
THE SKYDIVING CENTER**

Present: George Haliscak, Chairman, Airport Commission  
Glen Gardiner, Member  
Richard Wilson, "  
Joe Densford, County Attorney  
Dan Ichniowski, Director, Public Works

Mr. Densford advised that because of certain developments, the meeting should be held in Executive Session under the heading of litigation.

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to meet in Executive Session to discuss a matter of litigation. Motion carried. The Session was held from 11:45 a.m. to 12:20 p.m.

After the Executive Session Commissioner Loffler indicated that a request was before the Board to rescind the decision taken by the Airport Commission at its March 10 meeting and inquired whether any Commissioner wished to put forth a motion. Receiving no response Commissioner Loffler indicated that the matter would be left in the hands of the Airport Commission.

**RECREATION AND PARKS BOARD - ANNUAL REPORT**

Present: Phil Rollins, Director  
John Harden, Chairman  
James Banagen  
Hal Bishop

The referenced individuals appeared before the Commissioners to present the 1991 Annual Report for the Recreation and Parks Board. Mr. Harden presented its purpose, achievements accomplished in 1991 and the focus for 1992 - 1992. During review of concerns, Mr. Harden highlighted the areas of fiscal difficulties, keeping programs affordable, and indicated the need for a parks superintendent.

During discussion the following points were raised:

1. Commissioner Thompson requested that the Recreation and Parks Board look into the possibility of opening some of the parks in the winter time on weekends.
2. Commissioner Jarboe suggested that the use of fields for softball tournament practices be coordinated through Recreation and Parks.

A copy of the report is on file in the Commissioners' Office.

**WICOMICO MUNICIPAL GOLF COURSE - ANNUAL REPORT**

Present: James Banagen, Chairman  
Hal Bishop

The referenced individuals presented the 1991 Annual Report for the Wicomico Municipal Golf Course. The report included a financial statement of revenues and expenses; revenue and expenses comparisons for FY '90, '91 and '92; 1991 achievements, and a list of future capital improvements.

A copy of the report is on file in the Commissioners' Office.

**ST. CLEMENTS MUSEUM BOARD - ANNUAL REPORT**

Present: James Banagen, Chairman  
Kim Cullins  
Cindy Woodburn, Tourism Specialist

The referenced individuals appeared before the Commissioners to present the 1991 Annual Report for the St. Clements Museum Board. Mr. Banagen reviewed the Board's purpose, significant activities of 1991, problems and challenges, and plans for the current year.

During discussion Ms. Woodburn announced that a boat has been made available, at no cost to the County, for trips to the Island by Otis Ray Tyler. Maryland Department of Economic and Employment Development assisted the County DECD with the loan for this project. She explained that the boat will take people to the island and then go to Maddox Creek, Harbor View Marina in Virginia where a tour bus will go to Stratford Hall and Wakefield. The Maryland Office of Tourism and the Virginia Office of Tourism are working to develop a brochure promoting tourism in St. Mary's County, Maryland and Westmoreland County, Virginia.

A copy of the report is on file in the Commissioners' Office.

**ETHICS COMMISSION - ANNUAL REPORT**

Present: Charles Mander, Chairman  
Janice Briscoe-Baldwin  
Richard Portee  
Virginia Sapp  
George Smith

The referenced individuals appeared before the Commissioners to present the 1991 Annual Report of the Ethics Commission. Mr. Mander explained that the Commission was appointed by the County Commissioners as mandated by state law.

During discussion of the activities of the Commission, Mr. Mander reviewed proposed amendments to the Ethics Ordinance that the Commission is current reviewing, including possible exemption of volunteers with regard to outside employment.

Commissioner Loffler requested that prior to the draft Ordinance being submitted to the State, that the Ethics Commission present the document to the Commissioners for review and discussion.

A copy of the report is on file in the Commissioners' Office.

**EXECUTIVE SESSION**

Commissioner Lancaster moved, seconded by Commissioner Thompson, to meet in Executive Session to discuss a matter of Personnel. Motion carried. The Session was held from 4:35 p.m. to 4:45 p.m.

7:00 P. M.

**SOCIAL SERVICES BOARD - ANNUAL REPORT**

Present: Ella May Russell, Director  
Carletta Cyrus-Parmes, Chairperson

The referenced individuals appeared before the Commissioners to present the 1991 Annual Report for the Social Services Board. Mrs. Russell reviewed the Board's purpose, programs and services provided, significant activities, income maintenance, and trends in applications and caseloads. Included in the report were overviews of Child Support Enforcement, Adult Protective Services, Child Protective Services Program, Foster Care, and Family Services.

A copy of the report is on file in the Commissioners' Office.

#### PUBLIC FORUM

The Commissioners conducted the regular monthly Public Forum accepting comments and questions from the audience.

**John Sothern (Esperanza Farms)** - Expressed concern about county's removal of basketball hoops from the County's right-of-way. His has been in place for four years with no complaints. He advised that Anne Arundel County makes them a temporary fixture.

**Tom Appel (San Souci)** - Expressed opposition to removal of basketball hoops because it provides a safe recreational activity for his and his neighbors' children. He, too, stated he has had no complaints from neighbors. He suggested that a decision for removal should be judged on its own circumstances.

Commissioner Jarboe suggested that the County establish how far from the black top where the County right-of-way is.

**Valerie von Allmen (League of Women Voters)** - Suggested that the Commissioners take advantage of the opportunity to capitalize on the efforts of the Charter Board by implementing some of the policies and procedures contained in Charter such as legislative process and financial reporting.

Commissioner Loffler indicated that the County would have to have legislative power to do the legislative items and some of the other suggestions regarding financial reporting were being done. Commissioner Thompson pointed out that in order to ensure some of the items continued from one board to the next, the County would have to have a charter form of government.

**Leonard Greess** - Stated that one of the objectives of the Charter was to improve administration of government and suggested that the Commissioners use the public forum to report on the progress of what is being done.

**Jean Torgerson (Environmental Awareness Coalition)** - Inquired whether the Commissioners had seen the START (Superfund Technological Assistance Response Team) report which addressed alternative treatments for remediation of the Southern Maryland Wood Treatment Plant site. She stated that the report indicates that alternative treatments to incineration are feasible.

The Commissioners indicated that they have not received a copy of the report, but would request an official copy from EPA.

Ms. Torgerson also presented an announcement of a conference being held on hazardous waste and stated that the County should send a representative to attend.

**Andrea Carbanaro (Environmental Awareness Coalition)** - Indicated that there have been reports that other alternatives are feasible and that EPA does not appear to be addressing them. She advised that EPA's advertisement for taking of soil samples addressed only thermal treatment. She suggested that the County work with the Coalition in getting the Record of Decision reversed. Ms. Carbanaro also questioned whether the Task Force was interested in looking at alternatives.

Commissioner Thompson indicated that she believed the Task Force does not have the same problem with incineration that the Coalition does, and they are doing what they think should be done.

**Leonard Greess** - Questioned what it would take for the Commissioners to let top level EPA officials know of their concerns--about the way the manager is conducting herself--and the lack of good faith and good communication.

Commissioner Loffler responded that the County has written EPA and Senator Mikulski expressing the Commissioners' and the community's concerns.

**Minnie Russell** - Questioned Commissioner Loffler about his comments on the radio about the county having insurance if sued and if it also pertained to the basketball hoop issue.

Commissioner Loffler responded that the County is part of an insurance pool with other jurisdictions which provides help with a liability suit.


County Administrator Cox indicated that the issue is not just fear of a law suit but respect for liability and safety of children. It would encourage children to play in the street because the basketball hoops are there. Mrs. Russell, who has previously addressed concerns regarding the county's pier at her property, indicated that the Commissioners should not only be concerned about basketball hoops, but about her.

**Paul Chesser** - Pointed out the liability of having the hoops in the county right-of-way.

#### ADJOURNMENT

The meeting adjourned at 9:30 p.m.

APPROVED

  
Carl M. Loffler, Jr.  
President