

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

January 12, 1993

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 Loffler was not present at the beginning of the meeting.)

CALL TO ORDER

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

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Thompson, to approve the minutes of the Commissioners' meeting of Tuesday, January 5, 1993 as corrected, and the December 15, 1992 and December 22, 1992 minutes of the Planning and Zoning portion of the Commissioners' meeting. 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.

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

**1) Ferst of St. Mary's Landfill
Site Plan Appeal**

Also Present: Joe Densford, County Attorney

The County Administrator referred to December 4 correspondence from the Community Preservation Coalition requesting an appeal of the Planning Commission's action regarding the Ferst of St. Mary's Landfill Site Plan.

Mr. Densford advised that the Planning Commission made its decision on November 9 to approve the site plan. On November 10 the County Commissioners adopted amendments to the Zoning Ordinance, which included a provision for the right to appeal a decision of the Planning Commission on a site plan. The effective date of the amendment was November 30. On December 4 the Coalition filed an appeal of that November 9 decision within the 30-day period. Mr. Densford stated that there are two issues to be addressed:

- o Whether or not the amendment to the Zoning Ordinance which grants the right of appeal from site plan approval is retro-active. Mr. Densford indicated that based on research of previous court cases, he believed it would be retroactive.
- o Whether or not the Coalition, which has been incorporated, has standing to take an appeal. He stated that research indicated that because as a corporation, the Coalition is a separate entity, does not own property or pay taxes, it, therefore may not have standing. It may require an individual taxpayer who lives in the area to bring an appeal, because they would be particularly aggrieved by the decision. Mr. Densford advised that this is a matter that needs to be resolved and the amendment to the Zoning Ordinance does not address how it should be handled.

Relative to the appeal, Mr. Densford stated he had to determine whether it was an appeal of the record or whether to start the hearing process all over again. He indicated that he determined that the appeal should be on the record that the Planning Commission had in front of it, and no new evidence would be accepted.

During discussion of Mr. Densford's opinion that the issue of standing needs to be resolved. County Administrator Cox suggested that a fact-finding panel be established consisting of the County Administrator, County Attorney, and Director of Planning and Zoning, which would meet with representatives of the corporation to put forth the criteria for having a legal standing. The fact-finding panel would then return to the Commissioners with recommendations and the Commissioners would either accept or reject. If the Commissioners determine the corporation does have standing, then the Board would proceed with the public hearing process.

Discussion ensued regarding the issue of "standing," and Commissioner Thompson pointed out that within the corporation there were people with standing. She further expressed concern that individuals wanting to appeal a decision would not know about the requirement for standing and suggested that the Zoning Ordinance be revised as soon as possible to include that information.

After discussion Commissioner Jarboe moved, seconded by Commissioner Bailey to establish a fact-finding panel and return to the Commissioners for a decision by January 26 as to whether there is standing for an appeal. Motion carried.

Later in the meeting the County Administrator returned with correspondence addressed to the Community Preservation Coalition indicating that the Commissioners have determined the appeal right is retroactive and that the Coalition has met the required time period. The letter further advises of the establishment of a Fact-Finding Committee to review the legal criteria for "standing" and to make determinations relative to the Coalition's meeting the legal criteria for "standing."

Commissioner Thompson moved, seconded by Commissioner Jarboe, to sign and forward the letter as presented. Motion carried. (Commissioner Loffler was not present.)

**3) Resolution No. 92-32 (Re-signing)
Pegg Road Property Acquisition**

The County Administrator advised that the Commissioners had approved and signed the referenced Resolution on December 22, 1992; however, the document has been misplaced and needs to be re-signed.

Commissioner Jarboe moved, seconded by Commissioner Bailey, to re-sign Resolution No. 92-32. Motion carried.

4) Response Correspondence - Herbert W. Howe

The County Administrator presented correspondence addressed to Herbert W. Howe advising that his December 22, 1992 letter regarding permission to install a second mobile home on his property was being forwarded to the Department of Planning and Zoning for handling.

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

**5) Information Release
Southern Maryland Wood Treatment Plant**

The County Administrator presented an Information Release announcing that a conference call with EPA, MDE, Wood Treatment Plant Task Force, Coalition members, media and others will be held January 27 at 1 p.m.

The Commissioners agreed to distribute the Information Release as presented. Motion carried.

**6) Hill-Burton Obligation
Health Department Building**

The County Administrator advised that the County received federal Hill-Burton Act funds for the construction of the St. Mary's Nursing Home, now occupied by the Health Department. The County has been trying to get approval by the Federal Government that the public health program being operated at the Health Department building complies with the Act. Correspondence dated December 29 from the Department of Health and Human Services indicated that the facility is eligible; however, DHHS indicates that the 20-year eligible use period must be extended by the period equal to the time that the facility was closed (415 days until May 19, 1996).

After discussion Commissioner Bailey moved, seconded by Commissioner Thompson, to authorize Vice-President Lancaster, to sign the agreement outlining the details of the findings. Motion carried.

**7) Fiscal Year 1993 Notification of Grant Award
Office on Aging Programs**

The County Administrator presented the following revised NGA's for the Senior Center Program (\$6,333) and the Senior Information and Assistance Program (\$15,025). The grants are lower than those originally presented to the Commissioners as a result of state grant funding reductions.

Commissioner Jarboe moved, seconded by Commissioner Bailey, to authorize Commissioner Vice-President Lancaster, to sign the NGA's as presented. Motion carried.

**8) Senate Bill 1 - Reductions of State Assistance
Schedule of Payments**

The County Administrator advised that Senate Bill 1, the Second Budget Reconciliation Act for Fiscal Year 1993, reduced state assistance for the Board of Education, Library, and Community College for a total of \$566,427,177.25. The County is required to provide a schedule of payments to the State; therefore, Mr. Cox presented correspondence to the Department of Budget and Fiscal Planning proposing four equal payments of \$566,177.25 on March 31, April 30, May 31, and June 30.

Commissioner Jarboe moved, seconded by Commissioner Bailey, to accept the payment schedule and sign and forward the letter as presented. Motion carried.

9) Appointment - Agriculture Commission

Commissioner Bailey moved, seconded by Commissioner Thompson, to reappoint Luther Wolf to the Agriculture Commissioner for a term to expire December 31, 1995. Motion carried.

10) Budget Amendments

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

**No. 93-25
County Attorney**

To fund anticipated self-insurance expenses (\$39,462)

No. 93-26
Department of Public Works

Survey necessary for land transfer of Frank Knox School to the Navy (\$8,469)

Commissioner Bailey moved, seconded by Commissioner Thompson, to approve and authorize Commissioner Vice-President Lancaster, to sign the Budget Amendments as presented. Motion carried.

11) **Agreement - St. Mary's Hangar Association, Inc.**

The County Administrator advised that the Hangar Association has a loan with Calvert Bank and Trust and, therefore, presented an Agreement between Board of County Commissioners of St. Mary's County and the St. Mary's Hangar Association, Inc. and Calvert Bank and Trust Company of Prince Frederick which gives Calvert Bank and Trust the same rights and privileges as the Hangar Association for as long as the loan exists.

Commissioner Jarboe moved, seconded by Commissioner Bailey, to authorize Commissioner Vice-President Lancaster to sign the Agreement as presented. Motion carried.

12) **Clearinghouse Project No. MD92108-1093**
Draft Environmental Impact Statement
Base Realignment Naval Air Warfare Center

The County Administrator presented the referenced clearinghouse project stating that it has been reviewed by various departments and agencies and a number of comments have been received. Mr. Cox recommended that it be forwarded to the State indicating that the project is consistent with the county's plans, programs, and objectives and with the various corrections to the information contained in the Draft EIS.

Commissioner Jarboe moved, seconded by Commissioner Thompson, to sign and forward the correspondence containing the comments as recommended. Motion carried.

1992 BOND ISSUE - CAPITAL PROJECTS

Present: Charles Wade, Director of Finance

Mr. Wade distributed a handout listing projects for the 1992 Bond Issue. During review of the projects, Mr. Wade recommended that the Indian Bridge Road and Yowaiski Mill Road projects be deferred and that the Charlotte Hall Water project (\$300,000) and the Community College project (amount undetermined) be funded.

After discussion the Commissioners requested Mr. Wade to return with the Director of Public Works to discuss the status of the Indian Bridge Road and Yowaiski Mill Road projects prior to making a decision.

DEPARTMENT OF RECREATION AND PARKS

Present: Phil Rollins, Director

1) **Grant Application**
"Mallow's Bay Ghost Fleet"

Mr. Rollins presented a grant application entitled "Mallow's Bay Ghost Fleet" for funding from the Maryland Historic Trust for a research project on the Potomac River. The project would be sponsored by the St. Clements Island-Potomac River Museum and would be managed by Museum Director Michael Humphries. The total grant request is in the amount of \$16,862 with half being a local match (most of which is through in-kind contributions). There is no county money involved. The project will involve exploration and survey of the "ghost fleet," a supplemental fleet of wooden ships built by the U.S. during WWI.

After discussion Commissioner Thompson moved, seconded by Commissioner Jarboe, to authorize Commissioner Vice-President Lancaster, to sign the grant application as presented. Motion carried.

2) **Public Meeting**
Land Preservation and Recreation Plan

Mr. Rollins advised that his department has developed a proposed schedule for presentation and adoption of the Land Preservation and Recreation Plan, a six-year master plan. The schedule includes the presentation of the plan to the Recreation and Parks Board and public on January 21 and to the Planning Commission and public on January 25 with a presentation to the Commissioners in February. The R&P Board's and Planning Commission's recommendations will be forwarded to the Commissioners for action on February 23.

The Commissioners requested Mr. Rollins to work with staff to set up a meeting in February for presentation of the Plan to the Commissioners. (February 9 at 7:00 p.m. was set as the date and time.)

After discussion Commissioner Bailey moved, seconded by Commissioner Thompson, to authorize the Director of Recreation and Parks to proceed with the Plan. Motion carried.

EXTENDED DAY CARE COMMITTEE BY-LAWS

Present: Becky Stevens, Community Services Coordinator

The Commissioners had previously requested an explanation of the Extended Day Care Committee by-law amendments, particularly the name change from Extended Day Care Planning Committee to St. Mary's Interagency Children's Committee. Mrs. Stevens appeared before the Commissioners to review the changes and to request the Commissioners' approval of the by-law amendments. She presented the history of the requested name change explaining the passage of Senate Bill 258 which created the Interagency Advisory Committee for Early Childhood Development and Education. Local jurisdictions were encouraged to appoint a new panel or designate an existing committee as the Local Advisory Council.

The local committee was originally a subcommittee of the Council on Children and Youth and because of the composition of the Extended Day Care Planning Committee, it was decided to designate that committee as the local council. New members will need to be added to the Extended Day Care Planning Committee in order to give it the appropriate composition for the Interagency Advisory Committee. The name change amendment better reflects that purpose of the committee.

After discussion Commissioner Jarboe moved, seconded by Commissioner Thompson, to approve the amended by-laws as presented. Motion carried.

Later in the meeting the County Administrator presented correspondence addressed to the Chair of the Extended Day Care Planning Committee and to Mrs. Stevens formally approving the by-laws as amended. The Commissioners agreed to sign and forward the letters as presented.

DEPARTMENT OF PLANNING AND ZONING

Present: Jon Grimm, Director
Jeffrey Jackman, Principal Planner
Peggy Childs, Recording Secretary.

DISCUSSION
COMPREHENSIVE WATER/SEWERAGE PLAN

Review of the CWSP as required by Sections 9-511 thru 9-513 of the Annotated Code of Maryland, and substantial plan amendments resulting from the review. The CWSP establishes policies and procedures for the planning, financing and construction of water and sewerage facilities within the County and the town of Leonardtown.

Mr. Grimm distributed summaries of comments received following the December 15th public hearing, which were as follows:

- (1) Maps 3-16/4-16 - Amend boundaries of Wicomico Shores service area
- (2) Replacement pages distributed for table and text changes, Chapter 3
- (3) Correct sanitary district boundaries on pages 71 and 155
- (4) Designate Szlendak PUD within sewer service area and map.

The EDU count for St. George's Island has been corrected as well as the removal of Johnson Farm Estates from the community water system category with attendant map correction, as requested by the applicant.

The Plan also reflects the Charlotte Hall Water System which service area runs along the east side of Route 5 to the County line. The line is being sized to accommodate zoned density with a surplus capacity of approximately 216,000 gallons per day. However, although funding of the sewer line is addressed on pages 114 and 115, funding of the water line is not addressed. Mr. Grimm suggested the statement that, "All of these financing scenarios are based upon the principle that financing will be by the users who benefit from the facility" be stricken, thus allowing the County participation in financing, either as a customer or a partner of MetCom, or as the implementer of water/sewer service.

Staff was directed to amend the funding statement on pages 114 and 115 and bring the Plan back for approval the following week.

EXECUTIVE SESSIONS

Commissioner Bailey moved, seconded by Commissioner Lancaster, to meet in Executive Session to discuss matters of Property Acquisition (community college site) as provided under Article 24, Section 4-210(a)11 and Personnel (State's Attorney's Office and Employment Contract Review) as provided under Article 24, Section 4-210(a)1. Motion carried.

Property Acquisition

Present: Commissioner John G. Lancaster, Vice-President
Commissioner W. Edward Bailey
Commissioner Robert T. Jarboe
Commissioner Barbara R. Thompson
Edward V. Cox, County Administrator
Charles Wade, Director of Finance
Judith A. Spalding, Recording Secretary

Authority: Article 24, Section 4-210(a)11, Md. Annotated Code
Topic: Property Acquisition: Community College Site
Time Held: 11:15 a.m. to 11:45 a.m.

Action Taken: Commissioners reviewed confidential correspondence from the Leonardtown Commissioners. The County Administrator was requested to arrange a with meeting the Town Commissioners.

Personnel

Present: Commissioner Carl M. Loffler, Jr., President
Commissioner John G. Lancaster
Commissioner W. Edward Bailey
Commissioner Robert T. Jarboe
Commissioner Barbara R. Thompson
Edward V. Cox, County Administrator
Charles Wade, Director of Finance
George Foster, Personnel Officer
Judith A. Spalding, Recording Secretary

(Commissioner Loffler entered the meeting at 11:50 a.m.)

Authority: Article 24, Section 4-210(a)1, Md. Annotated Code
Topic: Personnel: State's Attorney's Office Classification Review
Time Held: 11:45 a.m. to 12:20 p.m.

Action Taken: Commissioners reviewed the State's Attorney's reclassification requests. The County Administrator was requested to prepare correspondence indicating the Commissioners' actions on the requests.

(Broke for Lunch - 12:20 p.m. - 12:35 p.m.)

Personnel

Present: Commissioner John G. Lancaster, Vice-President
 Commissioner W. Edward Bailey
 Commissioner Robert T. Jarboe
 Commissioner Barbara R. Thompson
 Edward V. Cox, County Administrator
 Judith A. Spalding, Recording Secretary

(Commissioner Loffler entered the meeting at 11:50 a.m.)

Authority: Article 24, Section 4-210(a)1, Md. Annotated Code
Topic: Personnel: Employment Contract Review
Time Held: 12:35 a.m. to 12:55 p.m.

Action Taken: Commissioners reviewed the list of employment contracts and gave the County Administrator direction on the handling of the contracts.

JOINT MEETING COUNTY COMMISSIONERS/BOARD OF EDUCATION

Present: Jonathan Nelson, President, Board of Education
 Jean Campbell, "
 Al Lacer, "
 Fred Wallace, "
 Chris Servello (student) "
 Joan Kozlovsky, Superintendent of Schools

1) Board of Education - Awards Presentations

The Board of Education presented several awards to students and teachers for: Student Page Program, Student Historian and Teacher Historian, Model United Nations Program, Chopticon High School Santa Program/Community Projects, and School Nurse Day.

2) Capital Improvement Program - Policy Changes

Also Present: Ed Fitzgerald, Asst. Superintendent, Adm.
 Jerry Himmelheber, Dir., School Construction

The County Administrator advised that the Commissioners are requesting from the Board of Education those capital project changes that would represent changes in policies, e.g., air conditioning of schools, year-round school use, class size, that would represent changes in the school construction program.

Areas of discussion included:

- o State funding formula and how various additional items may affect the formula
- o Whether air conditioning is included in the state's share of funding (Mr. Himmelheber indicated that it was an eligible item).
- o Square footage per student allowed by the state vs. actual square footage constructed as it relates to class size.

- o The County will be reviewing the adequacy of current impact fees and there is need to know how certain items affect the state funding formula.

After discussion Commissioner Loffler requested the Board of Education to provide the Commissioners within 30 days a listing of those items that would affect the state funding formula and could then be considered during the impact fee study.

3) 1994 Budget

Also Present: Elaine Kramer, Dir., Budget & Finance

Dr. Kozlovsky advised that during development of the proposed 1994 Budget, the Board of Education established the goal of involving the community, parents, teachers and site specific people in the process, which began in the Fall.

The proposed budget which was approved by the Board of Education last week, was presented to the Commissioners. Mrs. Kramer, by way of charts, summarized the seven major components of the budget requests: salary increments, salary increases, growth, materials of instruction, mandated effort, continuation of effort, and improvements. The proposed Operating Budget for Fiscal Year 1994 for the Board of Education totals \$68,832,040 (an increase of \$7,883,174 above the FY '93 approved budget).

Dr. Kozlovsky suggested that time be set aside for both staffs to go through the budget to look at details and the Board of Education would provide any additional information the Commissioners would need. She advised that as part of the process the Board of Education will be using its Budget Advisory Committee and is planning to hold several town meetings.

4) Use of Bethune and Hollywood Schools

Dr. Kozlovsky advised that the Board of Education has developed information as to the use of Bethune and Hollywood School sites and distributed a handout to the Commissioners with this information.

On June 30 the Board of Education approved the use of Bethune Elementary School as an educational center and will be utilized as a central location for audio-visual equipment, media support services, and to serve as a support facility for instructional programs.

Relative to the Hollywood Elementary School, the Board of Education has indicated it would like the building to be used as a site for a comprehensive alternative school learning center including an all-day alternative class for middle and high school students, day activity center for senior citizens and daycare for Recreation and Parks, special education and teen parenting program, and community use.

Discussion ensued regarding the need for alternative classes, the opportunity it provides those students, and the reasons why there are students in this situation. Dr. Kozlovsky pointed out that the Board of Education will not only be looking at handling of the students, but also preventative measures as well.

5) School Debt List

Commissioner Jarboe questioned the Board of Education about a parent reporting to him that their child had received a bill from the school (perhaps for a book or other instructional materials) with a note that if it is not paid the student will be placed on the "student debt list."

Dr. Kozlovsky advised that she would get the details on this and report back to the Commissioners.

**POWER TRANSMISSION LINE
ALTERNATE ROUTE**

Present: Bill Davitt, Utility Engineer, State Highway Adm.
Wayne Swann, SMECO
Ray Becmer, "
Frank Gerred, "

Commissioner Loffler opened the meeting by stating that there have been concerns expressed in the community regarding the proposed 66KV power line to be constructed in Town Creek. The concerns are relative to the electromagnetic fields and their relationship to potential health hazards. One of the suggestion was the possibility of using the avoidance method by re-routing the line along State Route 4.

Mr. Davitt, representing State Highway Administration, stated that it was not within the powers of the district office to allow a change in the placement of poles in the state's right-of-way. Changes can only be made by the Baltimore Office, but only with substantial justification. He pointed out that the State does not allow use of the right-of-way on a controlled access highway unless it could prove there was not a feasible alternative, and the route through Town Creek was a feasible alternative. He further pointed out that the right-of-way cannot be used as a utility corridor because there are plans for Route 4 to be widened to a four-lane highway.

Representatives of SMECO explained the history of the selection of the power line route advising that the process began in 1978 and the site selected about four or five years later.

In response to an inquiry as to whether the line could be buried, Mr. Becmer advised that EMF is very distance related. The lines are buried four feet underground, whereas overhead lines are 60 feet high. He also stated that underground lines are more expensive to install.

Discussion ensued as to the potential health hazards caused by EMF's, whether there is proof that they are harmful, and the studies that are being conducted. SMECO representatives pointed out that the studies that have been conducted have been based on 220KV and 440KV and not 66KV. Mr. Gerred advised that SMECO has requested a report from an expert on the health impact of EMF's and will let the Commissioners know when it is received. Mr. Swann further advised that the SMECO Board discussed the possibility of getting someone from Johns Hopkins to look at information relative to EMF's and the proposed power line.

During discussion Commissioner Loffler suggested the establishment of a committee consisting of Dr. Marek, SMECO representative and citizens to provide information to the County on EMF'and to assist in the review of the monitoring to ensure that exposure rates are what have been anticipated.

In conclusion the Commissioners thanked the representatives of SHA and SMECO for coming before the Board and requested that they be kept informed.

ADJOURNMENT

The meeting adjourned at 4:15 p.m.

Minutes Approved by Board of
County Commissioners on January 19, 1993

Judith G. Spalding
Recording Secretary

The following table shows the results of the experiment conducted on the 15th of June 1954. The data was collected from the field plots and is presented in the following table.

| Plot No. | Area (sq. ft.) | Yield (lb./acre) | Quality (No. 1) | Quality (No. 2) |
|----------|----------------|------------------|-----------------|-----------------|
| 1 | 100 | 120 | 85 | 15 |
| 2 | 100 | 110 | 80 | 30 |
| 3 | 100 | 130 | 90 | 10 |
| 4 | 100 | 140 | 95 | 5 |
| 5 | 100 | 150 | 100 | 0 |
| 6 | 100 | 160 | 105 | 0 |
| 7 | 100 | 170 | 110 | 0 |
| 8 | 100 | 180 | 115 | 0 |
| 9 | 100 | 190 | 120 | 0 |
| 10 | 100 | 200 | 125 | 0 |
| 11 | 100 | 210 | 130 | 0 |
| 12 | 100 | 220 | 135 | 0 |
| 13 | 100 | 230 | 140 | 0 |
| 14 | 100 | 240 | 145 | 0 |
| 15 | 100 | 250 | 150 | 0 |

The results of the experiment show that the yield of the crop increases with the area of the plot. The quality of the crop also improves as the area of the plot increases. The data indicates that the crop is most productive when the area of the plot is 250 square feet.