

**ST. MARY'S COUNTY**  
**BOARD OF COUNTY COMMISSIONERS**  
**MARCH 28, 1995**

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Present: Commissioner Barbara R. Thompson, President  
Commissioner D. Christian Brugman  
Commissioner Paul W. Chesser  
Commissioner Frances P. Eagan  
Commissioner Lawrence D. Jarboe  
Edward V. Cox, County Administrator  
Judith A. Spalding, Recording Secretary

**CALL TO ORDER**

The meeting was called to order at 9:00 a.m.

**APPROVAL OF MINUTES**

Commissioner Eagan moved, seconded by Commissioner Brugman, to approve the minutes of Tuesday, March 21, 1995, Road Naming Public Hearing of March 22, and Thursday, March 23, 1995. Motion carried.

**APPROVAL OF BILLS**

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

**COUNTY ADMINISTRATOR ITEMS**

Present: Edward V. Cox, County Administrator

1) **Response Letters**  
**Hanover Run (Myrtle Point) Property**

In response to letters and petitions from various individuals and groups regarding the Hanover Run Property, the County Administrator presented return correspondence advising that the Recreation and Parks Board task force has presented a thorough examination of the issues relative to the site and its possible acquisition for park land. The letters indicate that the Commissioners will consider the comments during review of the Task Force's report.

**Commissioner Jarboe moved, seconded by Commissioner Brugman, to sign and forward the letters as presented. Motion carried.**

2) **Correspondence - Tri-County Commissioners' Meeting**

The County Administrator presented correspondence addressed to the Boards of Commissioners of Calvert and Charles Counties expressing appreciation to Charles County for hosting the March 14 tri-county Commissioners' meeting. In the spirit of cooperation the Commissioners pledge to chair the next meeting in June or July.

**Commissioner Eagan moved, seconded by Commissioner Brugman, to sign and forward the letters as presented. Motion carried.**

3) **Potomac River Fisheries Commission**

Relative to recent legislation to provide an increase in the membership of the Potomac River Fisheries Commission, the County Administrator presented correspondence addressed to Governor Glendening endorsing the appointment of Paul Kellam to the Commission.

**Commissioner Eagan moved, seconded by Commissioner Chesser, to sign and forward the letter as presented. Motion carried.**



4) **Drug Free School Zones**

The County Administrator advised that in December 1989 the Commissioners adopted Ordinance No. 89-33 establishing the Drug Free School Zones in the County. Since that time there have been various changes in the inventory of school properties that need to be incorporated into the Drug Free School Zone Ordinance. Therefore, County Administrator Cox requested the Board's concurrence that he schedule a public hearing on the proposed amendment to the Ordinance to incorporate the changes.

**Commissioner Eagan moved, seconded by Commissioner Jarboe, to proceed with the scheduling of a public hearing as recommended. Motion carried.**

5) **Employment Contract  
Director, Office on Aging**

As a follow up to previous Executive Sessions, the County Administrator presented an Employment Contract for the Director of Office on Aging and requested approval of the contract as presented.

**Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve the Employment Contract for the Director of the Office on Aging as presented. Motion carried.**

6) **Farmers' Market - Governmental Center**

The County Administrator presented a request from the Agriculture/Seafood Development Specialist requesting the establishment of a farmers' market at the Governmental Center from July 13 through October 26. He stated that there was a one-day market at the Governmental Center last year on a trial basis and was determined to be very successful. Mr. Cox referred to his memorandum dated March 22 recommending approval with certain conditions.

**Commissioner Brugman moved, seconded by Commissioner Jarboe, to approve the Farmers' Market to be located at the Governmental Center from July 13 through October 26. Motion carried.**

7) **Resolution No. 95-12  
Metropolitan Commission  
Water Quality Financing Administration Bond Series 1991 B**

The County Administrator advised in 1991 the Commissioners endorsed a loan by the Metropolitan Commission by Resolution No. 91-37 for certain capital improvements. In that loan proceeds exceeded the project cost of the wastewater treatment plant upgrade, MetComm has been able to transfer the proceeds to a new project and therefore prepared a supplemental Resolution to amend the project description. The proceeds will be used toward the design phase of the current Pine Hill Run Wastewater Treatment Plant upgrade.

**Commissioner Eagan moved, seconded by Commissioner Chesser, to approve and sign Resolution No. 95-12 as presented. Motion carried.**

8) **Federal Grant Relocation Requirement  
Holland Forest Project**

The County Administrator presented correspondence addressed to the Maryland Department of Housing and Community Development indicating that in accordance with federal regulations the Commissioners acknowledge that seven of the 32 units of the Housing Authority's Holland Forest Project on McIntosh Road are designated as replacement units for the seven demolished units at the Skipjack site.

**Commissioner Eagan moved, seconded by Commissioner Jarboe, to sign the letter as presented. Motion carried.**



9) **Emergency Shelter Grant Program  
Homeless Services Agreement**

The County Administrator presented correspondence dated January 30 from the Maryland Department of Housing and Community Development requesting a copy of the subgrantee agreement for the Emergency Shelter Grant Program. He stated that the County entered into an Agreement with Walden/Sierra for the Homeless Services in the county and it requires the President of the Board's signature.

**Commissioner Eagan moved, seconded by Commissioner Jarboe, to authorize Commissioner Thompson to sign the Subgrantee Agreement as presented. Motion carried.**

10) **Blue Cross/Blue Shield Policy Change**

The County Administrator presented a memorandum dated March 28 from the Personnel Officer advising that Blue Cross/Blue Shield has advised the County that effective July 1, 1995 they will no longer pay the medical costs for a reversal of a voluntary sterilization. Voluntary sterilization will continue to be a covered service; however, reversal will only be covered if the county purchased an additional cost endorsement to its policy. Mr. Foster requested that the Commissioners accept the BC/BS policy change as submitted and not add the extra cost benefit for reversal of sterilization and further, to authorize the Personnel Officer to sign the Change in Medical Policy acknowledge form.

**Commissioner Brugman moved, seconded by Commissioner Jarboe, to accept the change as presented and to authorize Mr. Foster to sign the form as requested. Motion carried.**

11) **Appointment  
Agriculture/Seafood Commission**

Commissioner Brugman moved, seconded by Commissioner Chesser, to appoint Francis Russell to the Agriculture/Seafood Commission for a term to expire December 31, 1997. Motion carried.

12) **Letters of Appreciation**

The County Administrator presented letters of appreciation to those individuals no longer able to serve on boards, committees, or commissions and to the chairs of those committees that have presented their annual reports.

**Commissioner Eagan moved, seconded by Commissioner Jarboe, to sign and forward the letters as presented. Motion carried.**

13) **Response Letter  
Licensed Master Electrician Requirement**

The County Administrator presented a response letter to John W. Owens relative to the requirement for a Licensed Master Electricians to retain liability insurance. Mr. Owens had indicated in his March 14 letter that he had been a Master Electrician, but had left the field and did not opt to change to a state license during the one-time offer a few years ago. Insurance was required to keep a license in active status and he chose to "shelf" his license. He states that he intends to build a new house and would like to do his own electrical work. He is not interested in obtaining a homeowners permit because of the limited inspection certification. Therefore, in order to do his own electrical work he will have to either activate his Master Electrician License and therefore purchase general liability insurance or work under a Master Electrician, who has an active license. As a Master Electrician he would like to do his own work without having to obtain the required insurance and requested the Commissioners' consideration. The return letter advises that the Board of Electrical Examiners has been requested to review his proposal and submit a recommendations to the Commissioners.

**After discussion Commissioner Jarboe moved, seconded by Commission Eagan, to sign and forward the letter as presented. Motion carried.**



**14) Emergency Services Committee Response**

The County Administrator presented correspondence addressed to Emergency Services Committee in response to March 17 correspondence relative to the Fiscal Year 1996 budget request of the Committee and their support of a Computer Aided Dispatch System. The return letter advises that the requests will be considered during the FY '96 budget deliberations.

**Commissioner Eagan moved, seconded by Commissioner Jarboe, to sign and forward the letter as presented. Motion carried.**

**15) Response Letter  
HB 1289 and SB 831**

The County Administrator presented correspondence addressed to American Cable Company in response to its March 6 letter requesting the County to oppose HB 1289 and SB 831 concerning a video programming excise tax. The return letter advises that Maryland Association of Counties has reviewed the bills and has voted to support them. Congress has ruled that telecommunications companies are not cable companies and therefore are not covered under cable franchise agreements.

The Commissioners agreed to defer a decision until they had an opportunity to review MACo's position.

**16) School Visits**

The County Administrator presented a memorandum to the Board dated March 14 advising that the Commissioners had been invited to a variety of public school facilities and activities. Mr. Cox recommended that he schedule visits by the Commissioners on two Thursdays in April after the budget deliberations.

The Commissioners gave their concurrence.

**PROCLAMATION  
FAIR HOUSING MONTH**

The Commissioners presented a Proclamation designating the month of April as Fair Housing Month.

**SOUTHERN MARYLAND REGIONAL TECHNOLOGY COUNCIL**

Present: Ed Forsman, Chair  
Scott Rowan  
Aurelio Azpiazu, Chair SMARTCO

The referenced individuals appeared before the Commissioners to provide an update on the Southern Maryland Regional Technology Council's and Southern Maryland Applied Research and Technology Consortium, Inc.'s (SMARTCO) activities and to request support of the computer transfer project.

Mr. Forsman advised that the Regional Council is a resource network for accelerating technology applications to improve business and education in the area. Activities include support of business, government and educational organizations, participation in the development of the educational technology plan for the public school system.

Mr. Azpiazu explained the activities of SMARTCO, a community based 501(c)3 organization, which was formed to provide consulting to business and to support education and technology transfer activities. SMARTCO has agreed to transfer, test, and distribute excess Navy computer equipment to the school systems in the area. More than 250 working computers have been transferred to the schools of Southern Maryland to date.



In closing the representatives of the Council/SMARTCO requested the Commissioners' support for the upgrade of the computers from 286's to 386's pointing out the cost for each upgrade is \$65.

The Commissioners agreed to give consideration of the request.

**OFFICE ON AGING  
AMERICANS WITH DISABILITIES ACT GRANT AGREEMENT (FISCAL YEAR '95)**

Present: Gene Carter, Director

Mr. Carter appeared before the Commissioners to present a Supplemental Grant Agreement for Fiscal Year 1995 Americans with Disabilities Act for the Commissioners' approval. Mr. Carter explained the original budget request to the Mass Transit Administration which included funds for two part time positions (driver and dispatcher), operating expenses, and for the purchase of a small bus with lift equipment. Because of late approval by MTA of the grant award, the County would not be able to expend most of the monies requested for personal services and operating expenses. MTA has indicated that approximately \$91,000 could be used for vehicle purchase. In addition MTA is providing an additional \$20,000 which can be used toward the purchase of a second vehicle.

Mr. Carter referred to the two part time positions included in the grant request. The driver position is a Grade 10 at a cost of \$3,477 for the remainder of the fiscal year and the dispatcher would be a Grade 11 at as cost of \$3,032.

The Commissioners discussed various issues relative to the position including continuation of the grant in later years (Mr. Carter indicated that he believed the grant would continue), and whether to establish the positions as county employees or grant positions. In response to an inquiry of the grant was not continued, Mr. Carter pointed out that the public transportation program would be terminated as well as the positions. Commissioner Chesser requested Mr. Carter to determine the number of disabled veterans that use the transportation service.

**After discussion Commissioner Jarboe moved, seconded by Commissioner Chesser to approve and authorize Commissioner Thompson to sign the \$100,000 ADA Grant Agreement as presented. Motion carried.**

The Commissioners agreed to discuss at a later date the two part time positions (whether county employees or grant positions).

**MOBILE DREDGING AND PUMPING  
SEWAGE SLUDGE APPLICATION ON FARM LAND**

Present: Mike Realo, Senior Agronomist

Mr. Realo appeared before the Commissioners to present a briefing to the Board relative to the application of sewage sludge on farm land in St. Mary's County. He stated that the State of Maryland has used the process for approximately 15 years and St. Mary's County has used it for eight years. Mr. Realo indicated that he has a permit from Maryland Department of Environment for the application of sludge on 2,000 acres in the County. During his presentation Mr. Realo pointed out Mobile Dredging and Pumping conducts soil samplings, analysis and monitoring of nutrients, and trace metals on a regular basis. In addition he referred to federal EPA regulations and state MDE regulations relative to the application of sludge which his company strictly adheres to. He further pointed out the restrictions on the application of sludge stating that it is not applied to land on which tobacco or certain vegetables are grown, that it is mainly used on land that will grow corn, soybeans or hay crops.

In conclusion the Commissioners thanked Mr. Realo for his presentation.



**AIRCRAFT REFINISHING TECHNOLOGY, INC.  
ST. MARY'S COUNTY AIRPORT**

Present: Joe Densford, County Attorney  
Anthony Schaefer, President, Aircraft Refinishing Technology, Inc.  
Dave Seeman, Chair, Airport Commission

The referenced individuals appeared before the Commissioners to present various documents relative to the Lease for the location of Aircraft Refinishing Technology, Inc. at the St. Mary's County Airport.

Mr. Densford pointed out that during the period of time Mr. Schaefer and the Airport Commission were working on the lease, the County adopted new Minimum Standards which governs all leases at the Airport, and Mr. Schaefer's lease is the first to come under these new standards. Mr. Densford reviewed the various sections of the lease pointing out that the County will be receiving a per square footage amount rather than the previously established percentage of the business revenues.

Relative to the location of the business at the Airport Mr. Densford presented the following documents for the Commissioners' approval:

- Termination and Release of Lease between Board of County Commissioners of St. Mary's County and Courtyard Development, Inc. Courtyard Development had plans to construct a hangar, but it was never built and its representative has agreed to terminate the lease.

**Commissioner Brugman moved, seconded by Commissioner Eagan, to authorize Commissioner Thompson to sign the Termination and Release of Lease as presented. Motion carried.**

- Easement and Right of Way between the Board of County Commissioners of St. Mary's County and Aircraft Refinishing Technology, Inc. and joined in by Airpark Sales & Service, Inc. to allow the grantee access to a portion of Airpark's demised area in order to make full use of its own demised area.

**Commissioner Brugman moved, seconded by Commissioner Eagan, to authorize Commissioner Thompson to sign the Easement as presented. Motion carried.**

- Lease and Operating Agreement between County Commissioners of St. Mary's County and Aircraft Refinishing Technology, Inc. for the operation of an aircraft refinishing, sale and maintenance business at the St. Mary's County Airport.

**Commissioner Brugman moved, seconded by Commissioner Eagan, to authorize Commissioner Thompson to sign the Lease and Operating Agreement as presented. Motion carried.**

**COUNTY COMMISSIONERS' TIME**

**Office on Aging ADA Grant**

Commissioner Thompson advised the County Administrator that the Commissioners would like information (pros and cons) relative to county employee versus contract for the two positions addressed by Mr. Carter earlier in the meeting (driver and dispatcher).

**Agriculture Seafood Commission  
County's Certification**

Commissioner Thompson referred to concerns expressed by the Agriculture/Seafood Commission relative to the County's certification for agriculture land preservation, and she requested a status report. County Administrator Cox advised that a meeting has been scheduled for Wednesday, March 29 with state and county officials regarding this issue. He stated they will be reviewing the county's previous application, why it did not qualify, and what needs to be done in order to get certified.



## DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

- 1) **Ordinance No. 95-13  
Golf Course Drive Extended  
Special Taxing District**

As a follow up to the March 14, public hearing Mr. Ichniowski presented the referenced proposed Ordinance establishing a Special Taxing District for Golf Course Drive Extended (from the intersection with Golf Course Drive to the intersection of Lake Drive North, a distance of approximately 2,700 feet).

**After discussion Commissioner Eagan moved, seconded by Commissioner Chesser, to approve and sign Ordinance No. 95-13 establishing the Golf Course Drive Extended Special Taxing District as requested by the property owners. Motion carried.**

- 2) **Draft Ordinance  
Clover Dale Acres Court  
Special Taxing District**

Mr. Ichniowski presented a draft ordinance for the establishment of a Special Taxing District for Clover Dale Acres Court (from the intersection with Hurry Road to the cul-de-sac, a distance of approximately 725 feet) in Clover Dale Acres Subdivision, Fourth Election District. He reported that the public informational meeting was held in September and the per lot assessment has been determined to be \$610 per year. He advised that the Commissioners' public hearing has been scheduled for April 18 at 10:30 a.m.

The Commissioners gave their concurrence to proceed with the public hearing.

## LEGAL ADVERTISING

Present: Edward V. Cox, County Administrator  
Jim Haley, Procurement Officer

(Commissioners Brugman and Jarboe excused themselves from participating in the discussion because of or perceived conflict of interest and the fact that they had asked for but had not received a ruling from the Ethics Commission.)

As a follow up to previous discussions, the referenced individuals appeared before the Commissioners to present information relative to the county's advertising process. Mr. Haley distributed a memorandum dated March 27 regarding the Commissioners' decision to rescind Resolution No. 91-26 and their request for the Procurement Officer to develop bid specifications for county advertising on a best value basis.

Mr. Haley reviewed the bid documents and draft resolution stating that the specifications that were developed will give everyone an equal opportunity to bid on this project. The County will call for bids on March 29 with bids due April 26.

During discussion Commissioner Thompson suggested that Section C-3.10 should be amended to include the requirement for 1995 documentation for "other bidders" as it states for bidders holding Second Class Mailing Permits.

In addition the commissioners agreed that, in order to have a policy in place until a bid was awarded (around May 10), the Resolution be amended to address that issue.

**After discussion Commissioner Eagan moved, seconded by Commissioner Chesser, to approve and sign Resolution No. 95-14 rescinding Resolution No. 91-26 upon the award of the legal and general advertising contract (on or before May 10). Motion carried.**



## HANOVER RUN (MYRTLE POINT) DISCUSSION

Present: Aleck Loker, Director, DECD  
Phil Rollins, Director, R&P  
(Other interested groups and citizens)

As a follow up to last week's presentation of recommendations by the Recreation and Parks Board for use of the property as park land, the Commissioners discussed the options available to them.

The following issues/points were made by the Commissioners:

- Choice between "conservation" or "development" point of view
- Work with national environmental groups to look at uses of the property including environmental education
- Myrtle Point Task Force should comment on the Greenwell State Park
- Soil erosion problem at Myrtle Point and the cost to correct it
- Costs to the County to develop, operate and maintain the property
- County dollars committed to Capital Improvement Program projects over the next several years and whether the County could afford to acquire the property without jeopardizing other needs
- Availability of Program Open Space funds in the future
- whether there is currently adequate open space acreage in the County
- Question of ownership and title to the property
- Need for additional information including presentation from opposite view point of the Task Force
- Need to look at pros and cons of compromise for use of the property as had been originally proposed
- Limited control by the County if acquired by other interests (developers/ environmental groups)
- Possible review by EDC and/or Chamber of Commerce

In conclusion the Commissioners agreed to request the Director of Economic & Community Development to assemble a group to develop factual information for the Commissioners' review as to what could be done on the property. Mr. Loker indicated that once he receives the questions the Commissioners would like addressed, he should be able to get a response within 30 to 60 days.

Mr. Rollins stated that the Recreation and Parks Board would like to return to the Board to address some of the questions raised at this meeting in that the Board did not get to complete its presentation at last week's meeting because of time constraints.

The Commissioners agreed to allow the Recreation and Parks Board to return at a later date.



## FISCAL YEAR 1996 BUDGET REVIEW

Present: Edward V. Cox, County Administrator  
Charles Wade, Director of Finance  
Martha Jones

As a follow up to previous discussions Mr. Wade distributed a handout relative to the development of the Fiscal Year 1996 Recommended Budget. The handout included information setting forth revenue assumptions, requirements assumptions, capital budget requirements, requirements versus revenues, and a list of property tax rates in Maryland's subdivisions.

Commissioners Brugman and Eagan had indicated at a previous meeting they would go through the budgets to find \$850,000 in reductions in order to meet the \$2.13 Constant Yield Tax Rate. They presented and reviewed their findings, and because of time constraints will continue the review on Thursday, March 30.

## EXECUTIVE SESSION

Commissioner Jarboe moved, seconded by Commissioner Chessser, to meet in Executive Session to discuss a matter of Litigation (Civil Action AW 94-2885), as provided for in Article 24, Section 4-210(a)8. Motion carried.

### Litigation

Present: Commissioner Barbara R. Thompson, President  
Commissioner D. Christian Brugman  
Commissioner Paul W. Chessser  
Commissioner Frances P. Eagan  
Commissioner Lawrence D. Jarboe  
Edward V. Cox, County Administrator  
Joe Densford, County Attorney  
Chuck Fax, LGIT Attorney  
Judith A. Spalding, Recording Secretary

Authority: Article 24, Section 4-210(a)8  
Time Held: 4:15 p.m. - 4:43 p.m.

Action: The County Attorney and LGIT attorney briefed the Commissioners on the referenced legal matter.

## ADJOURNMENT

The meeting adjourned at 4:43 p.m.

Minutes Approved by Board of  
County Commissioners on 4/4/95  
Judith A. Spalding  
Recording Secretary