

**ST. MARY'S COUNTY  
BOARD OF COUNTY COMMISSIONERS  
OCTOBER 17, 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  
Aleck Loker, County Administrator  
Judith A. Spalding, Recorder

**COMMUNITY SERVICES DAY  
ST. PAUL'S UNITED METHODIST CHURCH SOUP KITCHEN**

The Commissioners went to St. Paul's United Methodist Church to assist with the Soup Kitchen for the Community Services Day Project.

**CALL TO ORDER**

The meeting was called to order at 1:00 p.m.

**APPROVAL OF MINUTES**

Commissioner Jarboe moved, seconded by Commissioner Brugman, to approve the minutes of Tuesday, October 10, 1995. Motion carried.

**APPROVAL OF BILLS**

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

**COUNTY ADMINISTRATOR ITEMS**

Present: Aleck Loker, County Administrator

- 1) **Budget Amendment No. 96-11  
Personnel**

Also Present: George Foster, Personnel Officer

As a follow up to last week's discussion the County Administrator presented the referenced budget amendment recommended for approval by the Finance Office with justifications as indicated: Advertising for Vacant Positions (\$2,500). The amount was reduced from \$4,000 as presented last week. In response to inquiries from the Commissioners last week, Mr. Foster provided a summary of the FY '96 costs for advertising

After discussion Commissioner Brugman moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign the Budget Amendment as presented. Motion carried.

- 2) **Workers' Compensation Leave  
Request for Exception to Chapter 25 of Personnel Manual**

As a follow up to a previous Executive Session, the County Administrator presented a memorandum dated October 17, 1995 requesting an exception to Chapter 25 of the Manual of Personnel Policies and Procedures by approving an additional ten months of Workers' Compensation Leave for Deputy First Class Darryl R. Greb

Commissioner Brugman moved, seconded by Commissioner Eagan, to approve the Request for Exception as presented. Motion carried.

3) **Revised Bylaws**

The County Administrator presented the following correspondence relative to the approval of revised bylaws:

- To Chair of the Economic Development Commission (amendments included additional representation on the Commission).

**Commissioner Jarboe moved, seconded by Commissioner Eagan, to approve the revised bylaws for EDC as presented.**

- To Chair of the Family Assistance Center (revised the membership composition)

**Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve the revised bylaws for the Family Assistance Center as presented.**

4) **Department of Human Resources  
Agreement Renewal - Emergency Food Assistance Program**

The County Administrator presented correspondence from the Department of Human Resources advising that DHR is exercising its option to renew the Agreement for distribution of commodities and funds for the Emergency Food Assistance Program for a second one-year period beginning October 1, 1995 and ending September 30, 1996.

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

5) **Home Health Agency - Public/Private Partnership**

As a follow up to last week's presentation by Dr. Marek, Health Officer, the County Administrator presented correspondence addressed to the Maryland Board of Public Works to be signed by the Commissioners as the County Board of Health in support the establishment of a non-profit, free standing private home health agency in conjunction with its private partners, the Calvert Memorial Hospital, Physicians Memorial Hospital and St. Mary's Hospital.

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

6) **Clarification of Enterprise Newspaper Article  
Waste Disposal Fees**

The County Administrator presented correspondence addressed to the *Enterprise* Newspaper requesting a clarification be run on the article entitled "Trash Fees Backed" regarding household fee for waste disposal.

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

7) **Advisory Boards, Commissions and Task Forces Roles**

The County Administrator presented correspondence addressed to All Advisory Boards, Commissions and Task Forces clarifying the limits of their roles with respect to local government and directing that they address official correspondence to the Board of County Commissioners unless otherwise authorized.

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

8) **Sewage Sludge Utilization Permit Applications**

The County Administrator presented correspondence addressed to the Maryland Department of Environment waiving the County's right for a public hearing/meeting on the sewage sludge utilization permit application for the James Copsey property, which was forwarded by correspondence dated October 11, 1995 from MDE and the John Esh, Ben Stoltzfus, Gideon Stoltzfus properties, which was forwarded by correspondence dated October 11, 1995 from MDE. The letter reiterated the County's ongoing concerns over environmental safety and land records notification.

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

9) **Response Letters**

The County Administrator presented the following response letters for the Commissioners' review and signatures:

- To Individuals who had expressed concerns relative to the nursing home programs;  
**Commissioner Jarboe moved, seconded by Commissioner Brugman, to sign and forward the letters as presented. Motion carried.**
- To Terry Fleming regarding Teen Center concerns  
**Commissioner Eagan moved, seconded by Commissioner Jarboe, to sign and forward the letter as presented. Motion carried.**
- To Michael Ray Kerr regarding ferry project.  
**Commissioner Brugman moved, seconded by Commissioner Jarboe, to sign and forward the letter as presented. Motion carried.**
- To Oliver Guyther regarding gambling casinos.  
**Commissioner Jarboe moved, seconded by Commissioner Brugman, to sign and forward the letter as presented. Motion carried.**

10) **Letter of Appreciation**

The County Administrator presented correspondence addressed to the Office of Community Services expressing appreciation for providing grant document assistance to the Women's Center.

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

11) **Information Release**

**Deputy Director, Department of Planning and Zoning**

The Commissioners distributed an Information Release announcing the selection of Michael A Paone to the position of Deputy Director of the Department of Planning and Zoning, effective November 6, 1995.

**COUNTY COMMISSIONERS' TIME**

**Electric Boat Shuttle**

Commissioner Jarboe advised that he has learned about an electric boat shuttle that could possibly be used for boat service to St. Clements Island and that he has a video tape he would like to show the Board. It will be scheduled for Tuesday, October 31.

**St. Mary's Public Schools**

**State Standards**

Commissioner Jarboe read a News Release from St. Mary's Public Schools announcing that three local schools of 22 statewide, Mechanicsville Elementary, Oakville Elementary, and Piney Point Elementary Schools, were recently recognized by the Maryland Education Coalition for making significant progress in meeting and exceeding state standards.

**PUBLIC HEARING  
WICOMICO SHORES SPECIAL TAXING DISTRICT  
INCLUSION OF MARIE FENLON PROPERTY**

Present: Jon Grimm, Director, Department of Planning and Zoning

The Commissioners conducted a public hearing to amend Ordinance No. 88-35, Establishment of Wicomico Shores Special Taxing District, to include Marie Fenlon Property (known as Lot 12, Plat 3, Section 2, Tax Map 16).

Mr. Grimm advised the Department of Public Works, the Metropolitan Commission, and the Department of Planning and Zoning have concurred with the amendment.

In that the property had not been adequately identified, it had inadvertently been excluded from the Taxing District. Mr. Grimm noted that, in response to an inquiry from Commissioner Eagan, it was possible there were other properties that may be in the same situation. The Fenlon property was not a legal lot of record at the time of the establishment of the district; however, a required record plat of subdivision has been submitted to create the building lot.

No comments were received from the audience.

The record will remain open for ten days after which the Commissioners would make a decision on the amended Ordinance.

**ST. MARY'S COUNTY AIRPORT**

Present: Doug Durkin, County Attorney  
Jim Haley, Acting Airport Manager  
William McCarthy, Chair, Airport Commission  
Pete Weiskopf, "

**The Skydiving Center Lease**

The referenced members of the Airport Commission appeared before the Commissioners to advise that the Airport Commission had hoped to present a recommendation relative to the lease application for The Skydiving Center; however, because additional information was received from TSC, more time was needed for review. A subcommittee of the Airport Commission will be reviewing the additional information, after which the Commission will be submitting a recommendation to the Board. Mr. McCarthy advised that the Airport Commission agreed to not accept any new additional information from TSC.

Mr. Durkin indicated that TSC submitted a revised lease application on October 10 and a supplement to the revised application on October 16. In order for proper reviews, County Attorney Durkin recommended that TSC be granted an extension on the current permit of TSC to November 13, 1995. He pointed out that the extension is permitted by the County's Rules which allows an extension of up to six months from date the lease expires.

Mr. Durkin stated that he has prepared correspondence addressed to TSC relative to the Application for New Lease and permit to Provide Aeronautical Service and suggested that because of the pending litigation, the letter be discussed in Executive Session.

Commissioner Chesser moved to meet in Executive Session to discuss a matter of Litigation. Motion failed for lack of a second.

**Airpark Sales and Service**

Mr. Durkin advised that on October 16 Mr. Bildman submitted two items: (1) amendment to Airpark Sales and Service lease; and (2) a sublease for the Airport Manager's Office. The Airport Commission has not had time to review the documents and will do so at its next regularly scheduled meeting. The amendment to the lease is intended to remove from Airpark Sales and Service the management responsibilities which is now being handled by an Airport Manager. The documents will be submitted to the Commissioners in about a month.

## **EXECUTIVE SESSIONS**

After discussion County Attorney Durkin requested an Executive Session to discuss the status of pending litigation.

**Commissioner Brugman moved, seconded by Commissioner Jarboe to meet in Executive Session to discuss a matter of pending litigation (The Skydiving Center), as provided in Article 24, Section 4-210(a)8. Motion carried.**

**Commissioner Eagan moved, seconded by Commissioner Chesser, to meet in Executive Session to discuss a matter of Personnel (consideration of appointments to boards, committees, commissions, including the Airport Commission), as provided in Article 24, Section 4-210(a)1. Motion carried three to two with Commissioners Brugman and Jarboe voting against.**

### **Litigation - The Skydiving Center**

Present: Commissioner Barbara R. Thompson, President  
Commissioner D. Christian Brugman  
Commissioner Paul W. Chesser  
Commissioner Frances P. Eagan  
Commissioner Lawrence D. Jarboe  
Aleck Loker, County Administrator  
Douglas Durkin, County Attorney  
James Haley, Acting Airport Manager  
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)8  
Time Held: 2:40 p.m. - 3:55 p.m.

Action Taken: The County Attorney provided an update relative to the referenced legal matter. The Commissioners agreed to continue discussion in executive session at next week's meeting.

### **Personnel - Boards, Committees, Commissions**

Present: Commissioner Barbara R. Thompson, President  
Commissioner D. Christian Brugman  
Commissioner Paul W. Chesser  
Commissioner Frances P. Eagan  
Commissioner Lawrence D. Jarboe  
Aleck Loker, County Administrator  
Doug Durkin, County Attorney  
James Haley, Acting Airport Manager  
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)1  
Time Held: 2:20 p.m. - 2:40 p.m.  
3:55 p.m. - 4:27 p.m.

Action Taken: The Commissioners reviewed the current status sheet, made nominations, and directed staff to contact nominees and to prepare appropriate letters of appointment

## **COUNTY ATTORNEY LITIGATION ISSUES**

Commissioner Jarboe moved, seconded by Commissioner Eagan, to direct the County Attorney and County Administrator to handle the litigation issues as discussed in Executive Session. Motion carried.

## LETTER TO SKYDIVERS

Present: Doug Durkin, County Attorney

Mr. Durkin advised that the Airport Consultant has reviewed the letter to The Skydiving Center, made minor changes which clarified the issuance of a temporary lease pursuant to Rule I(F)(1)(b) of the Airport Rules.

**Commissioner Eagan moved, seconded by Commissioner Chesser, to sign and forward the letter to The Skydiving Center regarding Application for New Lease. Motion carried.**

## AIRPORT COMMISSION MEMBERSHIP

**Commissioner Eagan moved, seconded by Commissioner Jarboe, to appoint James Hinebaugh to the Airport Commission contingent upon his acceptance. Motion carried.**

**Commissioner Brugman moved, seconded by Commissioner Eagan, to authorize Commissioner Thompson to sign the letter of appointment to Mr. Hinebaugh should he accept appointment. Motion carried.**

## MARYLAND-AMERICORPS SERVICE TEAM (MAST) PROGRAM PROPOSAL FOR ST. MARY'S AND CALVERT COUNTIES

Present: Walt Biscoe, Prevention Coordinator  
Judy Pedersen, Information Specialist

The referenced individuals appeared before the Commissioners to advise that the Maryland Governor's Commission on Service is eligible to apply for funds through the Corporation for National Service Demonstration Programs, a portion (\$3M) of which has been designated for the Governors Innovative Programs and awarded to states on a competitive basis at approximately \$300,000 each. The Commission has identified two proposals with merit that had funding cuts, one of which was St. Mary's County's summer prevention program and the other was submitted by the Maryland Juvenile Justice for community service learning opportunities for delinquent and predelinquent youth. GCOS will integrate the two programs into a year-long prevention program that will allow youth to participate in meaningful service projects. Mr. Biscoe reviewed the key elements of the project including responsibilities of St. Mary's County and the Department of Juvenile Justice.

In closing Mr. Biscoe requested the Commissioners to authorize Commissioner Thompson to sign a letter supporting the application for federal funding through the Corporation for National Service Subtitle H Demonstration Programs and expressing willingness to participate in the development of a partnership with all involved agencies at the local, state, and federal levels.

**After discussion Commissioner Brugman moved, seconded by Commissioner Eagan, to authorize Commissioner Thompson to sign the letter as requested. Motion carried.**

## ADJOURNMENT

The meeting adjourned at 4:45 p.m.

Minutes Approved by Board of  
County Commissioners on 10/24/95  
Judith G. Spalding  
Recording Secretary