

**ST. MARY'S COUNTY**  
**BOARD OF COUNTY COMMISSIONERS**  
**OCTOBER 24, 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

**CALL TO ORDER**

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

**APPROVAL OF MINUTES**

Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve the minutes of Tuesday, October 17, 1995. Motion carried.

**APPROVAL OF BILLS**

Commissioner Jarboe 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) **Efficiency Task Force Recommendation**  
**Department of Economic and Community Development**

The County Administrator presented a memorandum dated October 20, 1995 from the Efficiency Task Force setting forth recommendations for the Commissioners' consideration. Mr. Loker requested the Commissioners to only consider at this time the recommendation relative to the Department of Economic and Community Development. He pointed out that the Commissioners had agreed to keep the Director of DECD open until the Efficiency Task Force had an opportunity to look at the office .

County Administrator Loker advised that the Efficiency Commission reviewed DECD office, looked at various alternatives including realigning functions and privatization, and concluded that it remain as currently organized and that it continue is current activities.

After discussion Commissioner Jarboe moved seconded by Commissioner Brugman, to defer a decision on DECD and look at the whole report from the Efficiency Task Force as a package. Motion defeated two to three with Commissioners Thompson, Chesser and Eagan voting against.

After further discussion Commissioner Eagan moved, seconded by Commissioner Chesser, to accept the Efficiency Task Force's recommendation to allow the Department of Economic and Community Development to continue as currently organized. Motion carried four to one with Commissioner Brugman against stating that he did not believe that county government should be the vehicle for economic development.

2) **Budget Amendment No. 96-10  
State's Attorney's Office**

Also Present: Steve Welkos, Director of Finance  
Walter Dorsey, State's Attorney  
Christy Chesser, Deputy State's Attorney  
Florence Ballangee, State's Attorney's Office

As a follow up to the Commissioners' request for additional information, the County Administrator re-presented the referenced Budget Amendment recommended for approval by the Director of Finance with justification as indicated:

Justification: Special Prosecutor for El Toro Case, temporary receptionist, construction of a wall, and anticipated costs for expert witnesses (\$15,000).

Mr. Welkos distributed information explaining the request, setting forth past fiscal years expenditures, and a break down of the requested funds (\$5,387 - special prosecutor for the El Toro case; \$1,105 - partition at the Court Square Building; and \$8,508 - future cases witness costs).

**After discussion Brugman moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign Budget Amendment No. 96-10 as presented. Motion carried.**

3) **Department of Human Resources Child Care Development Block Grant  
Adolescent Single Parent Program  
Memorandum of Understanding**

Present: Becky Stevens, Community Services Coordinator  
Linda Reeves  
George Forrest

The referenced individuals appeared before the Commissioners to present the referenced Memorandum of Understanding from the Department of Human Resources in the amount of \$15,000 for the Adolescent Single Parent Program. The funds will be used for playground fencing and equipment, electrical connections required by the Fire Marshall, interior storage, and telephone installation.

**Commissioner Chesser moved, seconded by Commissioner Eagan, to approve and authorize Commissioner Thompson to sign the Memorandum of Understanding as presented. Motion carried.**

4) **Adolescent Pregnancy and Parent Incentive grant**

On behalf of the Office of Community Services the County Administrator presented the referenced Governor's Office for Children, Youth and Families Incentive Grant for the Adolescent Pregnancy and Parenting Program in the amount of \$2,000.

**Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve and authorize Commissioner Thompson to sign the Grant as presented. Motion carried.**

5) **Response Letters**

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

- To Mr. and Mrs. Francis G. Swann, Jr. relative to Nursing Home Program concerns.

- To Warren A. Singer regarding Fiscal Year 1997 funding for a public shooting range.

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

6) **Human Relations Commission**  
**Appointments**

Commissioner Chesser moved, seconded by Commissioner Eagan, and motion carried, to make the following appointments to the Human Relations Commissions with terms as indicated:

Sharon Y. Darden	6/30/99
Valentino Ojo	6/30/97/2001
Samuel C. Walker	6/30/98/2002

**Letter of Appreciation**

Commissioner Eagan moved, seconded by Commissioner Jarboe, to sign and forward the letter of appreciation to Deloris Bomarc for her service on the Human Relations Commission. Motion carried.

**PROCLAMATION**  
**NATIONAL HOSPICE MONTH**

The Commissioners presented a Proclamation designating the month of October as National Hospice Month.

**ST. MARY'S PUBLIC SCHOOLS**  
**GREAT MILLS HIGH SCHOOL RENOVATION/EXPANSION PROJECT**

Present: Steve Welkos, Director of Finance  
Brad Clements, Supervisor, School Facilities

As a follow up to October 13, 1995 correspondence from Superintendent of Schools Kozlovsky, the referenced individuals appeared before the Board to discuss the Great Mills High School Renovation/Expansion Project.

Mr. Welkos explained that the request before the Commissioners from Public Schools is to forward fund \$6.6M from current bonding authority, the Great Mills School project in order for the contract to be awarded. The school system cannot enter into a contract unless there are funds allocated for the total project. The State's share of the project is \$5.2M and the County's share is \$1.4M for Fiscal Year 1997. It is anticipated that the State's share will be received on a cost reimbursement basis in Fiscal Year 1997 and possibly into Fiscal Year 1998.

Because the forward funding requires a supplemental budget request, should the Commissioners agree to go forward, a public hearing will have to be scheduled in order to adopt a Supplemental Appropriation Ordinance.

**After discussion Commissioner Chesser moved, seconded by Commissioner Eagan, to conduct a public hearing on the consideration of a Supplemental Appropriation Ordinance to forward fund the Great Mills High School Renovation/Addition Project. Motion carried.**

The second request by the Public Schools was for a budget transfer from completed Capital Projects to the Great Mills High School project alternates. The Commissioners deferred discussion/action on this item until next week.

**Information Release**  
**Great Mills High School Project**

The Commissioners issued an Information Release advising that the Commissioners will take to public hearing a proposal to forward fund Great Mills High School renovations which would provide \$6.7M in bonding authority. The Release indicates the Commissioners' acknowledgment of the urgent need for this facility in light of the Patuxent River Naval Air Station's expansion and affirms the Commissioners' commitment to the Navy's mission.

**1996 LEGISLATIVE ITEMS**  
**COUNTY COMMISSIONERS' POSITIONS**

As a follow up to the September 26 public meeting and subsequent discussion with the legislators, the Commissioners took the following positions on items in the 1996 Legislative Package.

<b>Code System to Identify Positions</b> <b>Thompson 1; Brugman 2; Chesser 3; Eagan 4; Jarboe 5</b>				
<b>Item</b>	<b>Support</b>	<b>No Support</b>	<b>No Position</b>	<b>Comment</b>
1 (a) Elected School Board	1,2,3,4,5			With deletion of reference to County Commissioner serving as ex-officio
1 (b) Elected School Board (ex-officio; contracts)	2,5,4	1,3		
2. Public Facilities Bond	1,2,3,4,5			a) Amend to \$10M b) add judicial center and "other public facilities"
3. Board of Appeals Membership (Alternate)	5	1,2,3,4		
4. Comprehensive Water/Sewer Plan				Per Director, DPZ, no legislation required.
5. Alcohol Beverage License Class C - Clubs	2	1,3,4,5		
6. Bank Traps (Prohibition)	1,2,3,4,5			
7. Public Schools - Government Consolidations				Does not require legislation, but county government's agreement to provide data processing, purchasing, and facilities management.
8. St. Mary's River State Park (firearms shooting range)	2,4,5	1,3		
9. Health Department Permits				Legislation Not Required; Item has been forwarded to Health Dept.
10. Ethics Ordinance				Does not require legislation. Item has been forwarded to Ethics Commission

11(a) Open Meetings Act (deletion of executive sessions for property acq./disp.)	2,5	1,3,4		
11(b) Open Meetings Act (deletion of ex. sess. for Bd & Com.; hiring, and prop. acq.)	2,5	1,3,4		
12. Casino Gambling (referendum)	1,2,3,4,5			
13. Tri-County Council (option for membership)	2,5	1,3,4		
14. Bd/Ed Maintenance of Effort	1,2,4,5	3		
15. Repeal of Smoking Ban	2,4,5	3	1	
16. President, County Commissioners		1,2,3,4,5		
17. Homesite Tax Exemption		3	1,2,4,5	
18. County Maintained Road		1,2,3,4,5		
19. Health Insurance Reform Law				<b>Legislation Not Required</b>

**DEPARTMENT OF PUBLIC WORKS**

Present: Dan Ichniowski, Director

1) **St. Andrews Landfill Permit**

Mr. Ichniowski advised that the State issued the Permit for the St. Andrews Landfill on October 5, 1995 and that it covers the new municipal waste area and rubble cell continuation in the old area.

Mr. Ichniowski recommended that the Commissioners have a work session to discuss the details of this project. The Commissioners gave their concurrence.

2) **Half Pone Point Road**

Mr. Ichniowski presented a Letter of Intent dated September 27 from the Department of Natural Resources regarding a shore erosion control project for Half Pone Point property for the Commissioners' consideration. He pointed out, however, that a Petition was received with 17 property owners' signatures requesting the county to straighten Half Pone Point Road and pointing out that this would be a cost savings because of maintenance on a smaller length of road and the deletion of soil erosion control measures.

Mr. Ichniowski advised that he would contact the affected property owner regarding the details of the road project before proceeding with the DNR project.

**The Commissioners gave their concurrence.**

3) **Charles County Community College at St. Mary's - Easement Agreement**

Mr. Ichniowski presented a Utility Easement Agreement between the Board of County Commissioners of St. Mary's County and Southern Maryland Electric Cooperative for the new Charles County Community College at St. Mary's located at Route 245 in Leonardtown.

**Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve and authorize Commissioner Thompson to sign the Easement Agreement as presented. Motion carried.**

4) **Airport Improvement Project  
Sanitary Sewer Outfall**

Mr. Ichniowski presented information relative to the referenced Sanitary Sewer Outfall project at the St. Mary's County Airport. The project is for the design and installation of sewer lines, pump station and pointed out that the initial phase will serve the Fixed Base Operator hangar, Aircraft Refinishing Technology Hangar, Allied Hangars, Inc. Hangar, and the Maryland State Police MEDEVAC Hangar.

Mr. Ichniowski presented a Environmental Impact Checklist and recommended the Commissioners' approval to authorize Commissioner Thompson to sign the Checklist so that the sewer installation can be approved by FAA.

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

5) **Development Documents**

Mr. Ichniowski presented the following documents for the Commissioners' consideration:

**Correspondence Calling Letters of Credit**

**Hayden Green** - To First National Bank of St. Mary's calling Letter of Credit No. #A1-10-22-90 in the amount of \$15,000 for Public Works Agreement with James Dobry

**McKay's Plaza** - To First National Bank of St. Mary's calling Letter of Credit No. #A4-01-17-92 in the amount of \$15,000 for Grading Permit #91-22

**Public Works Agreement Addendum**

**Brooks Cluster Subdivision** - Between Walter B. Dorsey and Board of County Commissioners of St. Mary's County extending the deadline for completion of improvements to October 1, 1996. The Addendum is backed by a Letter of Credit with First National Bank of St. Mary's in the amount of \$184,500.

**Commissioner Chesser moved, seconded by Commissioner Brugman, to approve and authorize Commissioner Thompson to sign the correspondence calling the Letters of Credit, to be forwarded if necessary, and the Public Works Agreement, as presented. Motion carried 4-0-1 with Commissioner Eagan abstaining in that she is on the Board of Directors of the First National Bank of St. Mary's.**

6) **Grant Agreement - St. Mary's County Airport - Runway 29 Extension**

Mr. Ichniowski presented a Grant Agreement between Maryland Aviation Administration and the Board of County Commissioners of St. Mary's County for the extension of Runway 29, widening of Runway 11-29, grading of Runway 11 safety area, etc. The total project, which is funded 90% federal; 5% state; and 5% local, is in the amount of \$1,767,158. The State's share is in the amount of \$88,357.

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

## **ROUTE 235 ALTERNATIVES**

Present: Robert Sanders, SHA Planner  
Charles Watkins, Acting SHA District Engineer  
Greg Cohen, SHA  
Dan Ichniowski, Director, Public Works

The referenced individuals appeared before the Commissioners to present a status report on the Route 235 project. Mr. Sanders advised that the Focus Group held a meeting October 11, 1995 to discuss the various alternates for Maryland Route 235. During the presentation Mr. Sanders reviewed the alternatives as well as related projects (including Pegg Road, Rt. 246, Rt. 237, and FDR Boulevard.

Mr. Sanders distributed a handout which included information relative to FDR Boulevard and its relationship to Route 235; graphs showing number of dwelling units and businesses in the area; traffic counts on Rt. 235 with four-lane capacity and six-lane capacity for 1994 and 2015; average daily traffic at intersections on Rt. 235 in Lexington Park for 1994 and 2015; and enhancement opportunities.

A slide presentation reviewed the improvement options, safety issues and aesthetics.

Areas of discussion included:

- Whether FDR Boulevard project should go forward and whether SHA would assist the County in the project;
- Whether the proposed project schedule could be moved up because of the expansion of the Naval Air Station and additional people coming to the County;
- SHA official emphasized the importance of receiving citizen input;
- That the Commissioners should suggest at the October 31 Department of Transportation Annual Tour meeting the projects to be expedited.

## **COUNTY COMMISSIONERS' TIME**

### **Executive Sessions**

#### **Attorney General's Opinion**

Also Present: Doug Durkin, County Attorney

Commissioner Eagan moved, seconded by Commissioner Jarboe, to request an opinion from the Attorney General regarding executive sessions; what constitutes a closed meeting--such as the meeting similar to the one held yesterday (Tri-County Commissioners' meeting) or interviews. Motion carried four to one with Commissioner Chesser voting against.

Commissioner Eagan noted that the County Attorney has given the Commissioners' opinion but since he works for the Commissioners, she thought it would be beneficial to get a clarification from the Attorney General. Attorney Durkin advised that the Attorney General will give opinions at the request of the President of the County Commissioners if given authority by the Board. In addition the Attorney General will not address general questions, the requests for opinions must be specific.

### **Information Release**

#### **Tri-County Commissioners' Meeting**

The Commissioners issued an Information Release advising that the Commissioners participated in a Tri-County Commissioners' meeting on October 23 in Calvert County, which included a Leadership Development Program held in Open Session. The Information Release addressed the issue of the definition of "meeting" as contained in the St. Mary's County Open Meetings Act.

**Boards, Committees, Commissions - Applications**

Commissioner Eagan suggested that the Application for Boards, Committees, and Commissions be amended to include a checkoff if an individual would like to have his/her appointment considered in open session.

County Administrator Loker suggested that staff look into this and report back to the Board.

In addition Commissioner Jarboe suggested that the boards being considered be included on the agenda.

**Sub-Acute Care**

As a follow up to previous discussions, Commissioner Thompson presented correspondence addressed to the Maryland Health Resource Planning Commission indicating that the Commissioners have not taken a position regarding the issue of sub-acute care because the Board is waiting for a consensus on a definition of "sub-acute care" beds.

**ALLIANCE FOR ALCOHOL DRUG ABUSE PREVENTION  
POLICY COUNCIL MEETING**

The Commissioners attended the Alliance for Alcohol Drug Abuse Prevention Policy Council Meeting at the Carter State Office Building Public Meeting Room.

**EXECUTIVE SESSIONS**

**Commissioner Chesser moved, seconded by Commissioner Eagan, to meet in Executive Session to discuss a matter of Personnel (Length of Service Program - Disability Award), as provided in Article 24, Section 4-210(a)1. Motion carried four to one with Commissioner Jarboe voting against.**

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

**Commissioner Chesser moved, seconded by Commissioner Eagan, to meet in Executive Session to discuss a matter of Personnel (consideration of appointments to 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.**

**Commissioner Jarboe moved, seconded by Commissioner Chesser, to meet in Executive Session to discuss a matter of Litigation (Sheriff's Department - Liability Coverage), as provided in Article 24, Section 4-210(a)8. Motion carried.**

**Personnel - Length of Service Program - Disability Award**

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  
George Foster, Personnel Officer  
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)1

Time Held: 6:00 p.m. - 6:10 p.m.

Action Taken: The Personnel Officer presented information relative to a Permanent Disability Award Claim and agreed to take action at a later meeting in Open Session.



**Personnel - Airport Commission Membership**

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  
George Foster, Personnel Officer  
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)1  
Time Held: 6:10 p.m. - 6:15 p.m.

Action Taken: The Commissioners made nominations to the Airport Commission and agreed to take action in Open Session.

**Litigation**

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: 6:18 p.m. - 6:55 p.m.

Action Taken: The County Attorney and Acting Airport Manager provided an update relative to the referenced legal matter, discussed alternatives, made recommendations, and received direction from the Commissioners.

**Litigation - Sheriff's Department**

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  
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)8  
Time Held: 6:55 p.m. - 7:05 p.m.

Action Taken: The County Attorney provided information relative to a Sheriff's Department lawsuit and the issue of liability and received direction from the Commissioners.

**LITIGATION CASES**

Commissioner Jarboe moved, seconded by Commissioner Eagan, to authorize County Attorney to go forward with the matters of litigation as discussed in Executive Session. Motion carried.

**APPOINTMENTS  
AIRPORT COMMISSION**

Commissioner Jarboe moved, seconded by Commissioner Eagan, to appoint Dennis Ramey and James Randall to the Airport Commission, and if they accept, to authorize Commissioner Thompson to sign the letters of appointment. Motion carried.

**ADJOURNMENT**

The meeting adjourned at 7:15 p.m.

**Minutes Approved by Board of  
County Commissioners on 10/31/95**

Judith A. Spalding  
**Recording Secretary**