

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS
MAY 28, 1996**

Present Commissioner Barbara R. Thompson, President
 Commissioner D. Christian Brugman
 Commissioner Paul W. Chesser
 Commissioner Frances P. Eagan
 Commissioner Lawrence D. Jarboe
 Dan Ichniowski, Interim County Administrator
 Judith A. Spalding, Recorder

CALL TO ORDER

The meeting was called to order at 1:05 p.m.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve the minutes of Tuesday, May 21, 1996 as corrected. Motion carried.

ADDITIONS/DELETIONS TO AGENDA

Commissioner Eagan moved, seconded by Commissioner Chesser, to amend the agenda as follows: to delete signing of FY '97 Budget and Executive Session - Personnel (Sheriff's Department); and to add an Executive Session for Personnel (Nursing Center Administrator) and approval of Fiscal Year 1997 Budget on 5/30/96. 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: Dan Ichniowski, Interim County Administrator

1) **Correspondence**

- a. To Senior Citizens at Oakley Hall regarding consolidation of senior center and closing of Oakley Hall.
- b. (1) To Department of Public Safety and Correctional Services regarding compliments about the EMA Director and staff.
(2) To Director, EMA, forwarding comments by Department of Public Safety and Correctional Services.

Commissioner Eagan moved, seconded by Commissioner Chesser, to sign and forward the letters (a and b) as presented. Motion failed two to three with Commissioners Brugman, Eagan, and Jarboe voting against.

Commissioner Eagan moved, seconded by Commissioner Jarboe to send letters (3b(1) and 3b(2) as presented. Motion carried.

Regarding the letter to the Senior Citizens at Oakley Hall Commissioner Jarboe indicated there was a citizen group looking at the possibility of satellite community centers which could include use by the Office on Aging, and he further pointed out the importance of having a center in the northern part of the county.

Therefore, Commissioner Jarboe moved, seconded by Commissioner Brugman, to revise the letter to the Seniors at Oakley Hall to indicate that alternatives are being investigated. Motion carried four to one with Commissioner Chesser voting against.

- c. To Leonard Greess responding to his questions/comments regarding budget and budget process.

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

2) Coastal Zone Management Grant - Fiscal Year 1997

Also Present: Jon Grimm, Director, Planning and Zoning

Mr. Grimm presented the Fiscal Year 1997 Grant Agreement and Contract, in the amount of \$20,000, between the State of Maryland Department of Natural Resources and St. Mary's County for the Coastal Zone Management Act Section 309 grant for "Sensitive Areas Plan and Implementation Program, Phase II. The Grant funds will be used for the development of two subwatershed plans (Breton Bay and St. Mary's River watersheds), which have been identified as needing detailed analysis and special protection measures.

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

**3) Clearinghouse Project No. MD960429-0293
Chesapeake Bay Implementation Program**

Mr. Ichniowski presented the referenced clearinghouse project recommended for approval by the Department of Planning and Zoning with the comment that the project is consistent with the County's plans, programs and objectives.

Commissioner Chesser moved, seconded by Commissioner Eagan, to approve and authorize Commissioner Thompson to sign the letter to the State Clearinghouse as presented. Motion carried.

4) Maryland Victims of Crime Fund Grant Application

Mr. Ichniowski advised that because of the time element Commissioner President Thompson sign the referenced Maryland Victims of Crime Fund Grant Application on Friday, May 24. The grant requires no county funds but rather a soft match, which will be provided through the use of secretarial support, computer, desk and related equipment and space in District Court.

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

5) Inspection Services - Department of Planning and Zoning

Also Present: Doug Durkin, County Attorney

Mr. Ichniowski referred to a memorandum from the County Attorney regarding the appropriateness of the Department of Planning and Zoning bidding on the proposed inspection service contract.

Mr. Durkin noted that the current county policy indicates that this was not only appropriate but required. He also stated that the Commissioners had the ability to change the policy should they so desire.

After discussion the Commissioner requested the Procurement Officer to review the issue and redraft a policy for privatization, which would allow for exceptions, for the Commissioners' consideration.

**6) St. Mary's County Health Department
Fiscal Year 1997 Funding Agreement**

Also Present: William Marek, Health Officer

On behalf of the St. Mary's County Health Department, Mr. Ichniowski presented the Fiscal Year 1997 Funding Agreement for the St. Mary's County Health Department, as provided in Title 10.04.01.04 of the Code of Maryland Regulations. The percentage of the county match has been calculated in accordance with the annual state budget.

After discussion Commissioner Jarboe moved, seconded by Commissioner Chessser, to approve and authorize Commissioner Thompson to sign the Funding Agreement as presented. Motion carried.

**7) Resolution No. 96-15
SaTaV Corporation - Whispering Pines**

Also Present: Dennis Nicholson, Acting Director, DED

On behalf of the Housing Authority, Mr. Ichniowski presented a Resolution for the Commissioners' consideration. The Resolution, which expresses the Commissioners' support of the SaTaV Corporation's project, Whispering Pines, recorded as Lynch Subdivision in Lexington Park, will be used to apply for funding assistance from the Maryland Affordable Housing Trust and the Maryland Department of Housing and Community Development.

Commissioner Jarboe moved, seconded by Commissioner Eagan, to approve and sign Resolution No. 96-15, as presented. Motion carried.

8) Runaway & Homeless Youth Grant Renewal

Also Present: Kathy O'Brien, Director, Walden Counseling Center

On behalf of Walden Sierra Mr. Ichniowski presented the referenced Runaway and Homeless Youth Grant Renewal Application, a three-year grant which provides shelter for runaway and homeless youth.

After explanation of the grant by Ms. O'Brien, Commissioner Eagan moved, seconded by Commissioner Chessser, to approve and authorize Commissioner Thompson to sign the Grant Application as presented. Motion carried.

9) Information Releases

Mr. Ichniowski presented the following Information Releases:

Piney Point Boating Facilities

Announcing that construction at the Piney Point Boating Facility is scheduled to begin within two weeks to improve the boat ramp and bulkhead and to correct a shore erosion problem on the St. George's Creek.

Alliance for Alcohol/Drug Abuse Prevention Summer Camp Program

Announcing the award of \$22,500 from Maryland Department of Economic and Employment Development for the Summer Camp Program, which will operate from July 1 to August 8 at various locations.

The Commissioners gave concurrence to distribute the two referenced Information Releases.

TRIBUTARY STRATEGY PROGRAM BRIEFING

Present: Lauren Wenzel, Planner, Coastal Zone Management Program
Sue Veith, Environmental Planner, Department of Planning and Zoning
Mauro Chiaverini, Jr., Chair, Lower Potomac Tributary Team

The referenced individuals appeared before the Commissioners to give a briefing on the Chesapeake Bay Tributary Strategy Program. Areas of discussion included:

- Establishment of ten strategy teams, one for each tributary basin for a regional approach to address improvements to the water quality and habitat for living resources.
- Nutrient pollution "nonpoint" sources (soil erosion, stormwater runoff, development) and "point" sources (wastewater treatment plants)
- Nutrient reduction (particularly nitrogen) programs (regulatory and voluntary programs)
- Local efforts and activities which could impact the tributaries (comprehensive plan)
- Educational presentations to strategy team

**PROCLAMATION
STAND FOR CHILDREN DAY**

The Commissioners presented a Proclamation designating June 1, 1996 as "Stand for Children" Day in St. Mary's County.

**ALPD #93-1830
MEDLEY'S NECK LIMITED**

Present: Jon Grimm, Director, DPZ

Mr. Grimm advised that Agricultural Land Preservation Advisory Board and the Planning Commission recommended denial of the referenced ALPD Application and the application was withdrawn by the applicant.

DEPARTMENT OF PUBLIC WORKS

Present: George Erichsen, Deputy Director

**1) Graves Road
Relocation/Abandonment**

As a follow up to the May 14, 1996 Public Hearing on the realignment of approximately 800 feet and the upgrading of approximately 1550 feet of Graves Road in Mechanicsville, Mr. Erichsen presented a draft Resolution approving the realignment and upgrading. Mr. Erichsen pointed out comments that have been received during the open-record period (including street addressing and road naming issues, concerns regarding increased traffic, and existing road width.), which have been or will be addressed by the Planning Commission during approval of the site plan.

During discussion Commissioner Thompson noted that at the subdivision hearing there were issues raised that were not pertinent to the realignment/upgrading of Graves Road.

County Attorney Durkin referred to his memorandum of May 24 recommending that action be deferred on the Resolution until the Planning Commission has given consideration to the matter and that the Planning Commission submit recommendations to the County Commissioners. He further suggested that the comments from the citizens be provided to the Planning Commission.

Mr. Ichniowski pointed out that the plan has received preliminary approval and the final plan will be in accordance with the preliminary plan. If during the design process the developer or his engineer have to make other alignment changes that affect this alignment, it would have to come back to the County Commissioners for approval. Therefore, the Resolution could be approved for this specific alignment as shown on the preliminary plat as presented.

After discussion Commissioner Jarboe moved, seconded by Commissioner Chesser, that subject to the Planning Commission's approval of the final subdivision plat, consistent with the preliminary plan submitted to the Board of County Commissioners on this date, to approve and sign the Resolution to realign 800 feet and to upgrade 1500 feet of Graves Road (Resolution to take effect upon Planning Commission's approval of the final site plan). Motion carried.

In closing Mr. Durkin suggested that the 1997 Legislative Package include measures to correct inconsistencies between the requirements of state law for subdivision approvals and the opening/closure/realignment of public roads.

2) Development Documents

Mr. Erichsen presented the following development documents for the Commissioners' consideration:

St. Mary's Hangars, Inc.

- Public Works Agreement guaranteeing completion improvements on or before one year from the date of issuance of a building permit. The Agreement is backed by a Set Aside Letter from Calvert Bank & Trust Company in the amount of \$110,500.
- Subordination Agreement between County Commissioners, S. M. Hangars, Inc. And Calvert Bank and Trust.

Commissioner Chesser moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign the referenced Agreements. Motion carried.

Abell's Ridge

Public Works Agreement guaranteeing completion of Meredith Court by May 1, 1997; agreement is backed by a Letter of Credit with First National Bank of St. Mary's in the amount of \$245,700.

Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve and authorize Commissioner Thompson to sign the Agreement as presented. Motion carried 4-0-1 with Commissioner Eagan abstaining in that she is on the Board of Directors for First National Bank of St. Mary's.

Victoria's Grant, Section 1

Public Works Agreement guaranteeing completion of Victoria Circle, Meadowlark Drive, and Mockingbird Court by May 1, 1997; agreement is backed by a Letter of Credit with Maryland Bank and Trust in the amount of \$388,000.

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

Lexington Park Corporate Center

Public Works Agreement guaranteeing completion of Extension of Golden Corral Drive April 1, 1997; agreement is backed by a Letter of Credit with Maryland Bank & Trust in the amount of \$30,100.

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

3) Indian Bridge Road Capital Improvement Project

Mr. Erichsen brought the Commissioners up to date relative to the Indian Bridge Road project by reviewing the Scope of Work, Project History, Delays in the Project (endangered species, DNR construction window, and utility relocation), project expenditures/funding, and project schedule. The Department of Public Works will begin with property acquisition in July 1996 with Phase I construction during the time frame of 10/96 - 4/30/97; and Phase II to begin 10/97.

COUNTY COMMISSIONERS' TIME

Route 235 Public Hearing

Commissioner Thompson referred to the recent DOT public hearing regarding the improvements to Route 235 and pointed out there were comments from citizens in opposition to the widening of Route 235 and in support of improvements to FDR Boulevard.

Although the Commissioners expressed some concerns it was agreed that the Commissioners would continue their support of the Route 235 project.

Solid Waste Issues Meeting

Commissioner Brugman requested that the June 13 meeting on the Solid Waste issues be deferred until after the new County Administrator arrives.

Tire Disposal

Commissioner Jarboe expressed concerns regarding the dispose of tires stating that the costs for disposal are more than the revenues. Mr. Ichniowski pointed out that changing the costs for disposal would require a public hearing and adoption of an Ordinance.

Tri-County Council (Airport Issues)

Commissioner Brugman suggested that correspondence be prepared expressing displeasure with the Tri-County Council regarding the meeting being held relative to the St. Mary's County Airport and the fact that the Commissioners had not been invited. He stated he believed that this issue should not be under the realm of TCC in that Charles and Calvert Counties did not participate in the funding of the recent lawsuit. Interim County Administrator Ichniowski will prepare correspondence for the Commissioners' consideration at next week's meeting.

St. Mary's Public Schools

Commissioner Jarboe requested a copy of the recently completed first draft of public school's administrative study as well as a copy of the new contract with Superintendent of Schools Kozlovsky.

Payees' Award

Commissioner Eagan advised that she attended the awards ceremony for the Payees' representatives, who are volunteers who handle payment of bills for those individuals unable to handle these payments. She stated that this effort is sponsored by the Church of the Ascension through the Department of Social Services.

**COMMISSION FOR WOMEN
ANNUAL REPORT**

Present: Janice Berry-Chen, Chair
Becky Stevens, Community Services Coordinator

The referenced representatives of the Commission for Women appeared before the Commissioners to present the group's Annual Report for 1995. Ms. Berry-Chen highlighted the activities of the Commission for Women including the tracking of legislation that relates to women and families and continuing efforts in the area of domestic violence. During the presentation Ms. Berry-Chen indicated that the Commission for Women would like to meet with the Commissioners on a regular basis to keep the Board informed of its various activities and programs.

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

**COMMISSION FOR THE DISABLED
ANNUAL REPORT**

Present: Cynthia Brown, Chair
Alicia Cunningham
Nancy Hutson

The referenced representatives of the Commission for Disabled appeared before the Commissioners to present the group's Annual Report for 1995. Ms. Brown reported on the establishment of the Commission in 1992 and the progress in achieving compliance with the Americans with Disabilities Act in County Government. The Commission has maintained a ongoing dialogue with the Department of Public Works regarding accessibility improvements to the county buildings. Other areas of discussion included a presentation to the Commission by the Personnel Officer regarding format of position descriptions and job applications.

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

EXECUTIVE SESSIONS

Commissioner Eagan moved, seconded by Commissioner Chesser, to meet in Executive Session to discuss matters of Litigation/Property Acquisition (Indian Bridge Road), as provided for in Article 24, Section 4-210(a)8 and 11, and Personnel (Nursing Center Administrator Contract and other Personnel issues), as provided for in Article 24, Section 4-210(a)1, and Negotiations (Consolidation of County's Health Insurance Bid with Board of Education), as provided for in Article 24, Section 4-210(a)8 . Motion carried four to one with Commissioner Brugman voting against (stating he was opposed to meeting in Executive Session on the issue of Negotiations).

Litigation/Property Acquisition (Indian Bridge Road

Present: Commissioner Barbara R. Thompson, President
Commissioner D. Christian Brugman
Commissioner Paul W. Chesser
Commissioner Frances P. Eagan
Commissioner Lawrence D. Jarboe
Dan Ichniowski, Interim County Administrator
George Erichsen, Deputy Director, Public Works
Doug Durkin, County Attorney
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)8 and 11

Time Held: 4:30 p.m. to 4:55 p.m.

Action Taken: The Commissioners discussed various issues relative to the Indian Bridge Road project and gave direction to the Deputy Director of Public Works and the County Attorney.

Personnel)

Present: Commissioner Barbara R. Thompson, President
Commissioner D. Christian Brugman
Commissioner Paul W. Chesser
Commissioner Frances P. Eagan
Commissioner Lawrence D. Jarboe
Dan Ichniowski, Interim County Administrator
Steve Welkos, Director of Finance
Doug Durkin, County Attorney
George Foster, Personnel Officer
Judith A. Spalding, Recorder

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

Time Held: 4:55 p.m. to 6:10 p.m.

Action Taken: The Commissioners discussed personnel items and gave direction to the Director of Finance and the Personnel Officer.

Personnel (Nursing Center Administrator Contract)

Present: Commissioner Barbara R. Thompson, President
Commissioner D. Christian Brugman
Commissioner Paul W. Chesser
Commissioner Frances P. Eagan
Commissioner Lawrence D. Jarboe
Dan Ichniowski, Interim County Administrator
Steve Welkos, Director of Finance
Doug Durkin, County Attorney
George Foster, Personnel Officer
Judith A. Spalding, Recorder

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

Time Held: 6:10 p.m. to 6:25 p.m.

Action Taken: The Commissioners discussed the referenced contract, gave direction to the Director of Finance, and concurred in taking action in open session on Thursday, May 30.

Negotiation Agreement (Health Benefits Package)

Present: Commissioner Barbara R. Thompson, President
Commissioner D. Christian Brugman
Commissioner Paul W. Chesser
Commissioner Frances P. Eagan
Commissioner Lawrence D. Jarboe
Dan Ichniowski, Interim County Administrator
Steve Welkos, Director of Finance
Doug Durkin, County Attorney
George Foster, Personnel Officer
Judith A. Spalding, Recorder

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

Time Held: 6:25 p.m. to 6:55 p.m.

Action Taken: The Personnel Officer provided confidential information regarding combining the County and Board of Education benefits package.

ADJOURNMENT

The meeting adjourned at 6:55 p.m.

Minutes Approved on 6/4/96
by Board of St. Mary's County Commissioners

Judith A. Spalding
Recording Secretary