

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
JULY 9, 1996**

Present: Commissioner Paul W. Chesser, Vice-President
Commissioner D. Christian Brugman
Commissioner Frances P. Eagan
Commissioner Lawrence D. Jarboe
John J. Kachmar, County Administrator
Judith A. Spalding, Recorder
(Commissioner President Barbara R. Thompson was not present.)

CALL TO ORDER

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

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Eagan, to approve the minutes of Tuesday, July 2, 1996. Motion carried.

CHECK REGISTER

Because of fiscal year-end closeout activities, there was no check register this week.

ADDITIONS/DELETIONS TO AGENDA

The Agenda for today's meeting was approved as presented. Motion carried.

COUNTY ADMINISTRATOR ITEMS

Present: John J. Kachmar, County Administrator

1) **Correspondence**

The County Administrator presented the following correspondence for the Commissioners' review and consideration:

- a. To Robert L. Adams regarding proposed restructuring of the USDA Rural Development Agency
- b. To Governor Glendening reaffirming nomination of Commissioner Thompson as St. Mary's County's representative to the Patuxent River Tributary Team.

Commissioner Eagan moved, seconded by Commissioner Jarboe, to sign and forward the letters (a and b) as presented. Motion carried.

- c. To Thaddeus Hess, Jr. regarding the 911 Uniform Addressing System (revised as directed by the Commissioners at last week's meeting.)

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

- d. To an EMA employee expressing appreciation for efforts during the recent storm.

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

- e. To State Ethics Commission regarding Director, Tri-County Council.

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

- 2) **Solid Waste Advisory Committee
Letters of Appreciation**

Commissioner Brugman moved, seconded by Commissioner Jarboe, to approve and sign the letters of appreciation to those individuals no longer able to serve on the Solid Waste Advisory Committee.

- 3) **Domestic Violence Intervention Project
(State's Attorney's Office)**

Also Present: Steven Welkos, Director of Finance

The County Administrator presented the Notification of Grant Award for the referenced Domestic Violence Intervention Project for the State's Attorney's Office in the amount of \$15,000 to be provided by the Maryland Victims of Crime Fund. Because the grant funds had not been included in the FY '97 Budget, Mr. Welkos recommended that this grant revenue be included in the public hearing scheduled for July 23 on the Supplemental Appropriation Budget for the Circuit Court for contractual master services. However, because of the time limit, Mr. Welkos recommended the Commissioners' approval of the NGA.

Commissioner Eagan moved, seconded by Commissioner Jarboe, to authorize Commissioner Vice President Chesser to sign the NGA as presented and to proceed with a public hearing as recommended. Motion carried.

- 4) **Psychotherapeutic Services
Health Department Building**

The County Administrator presented a memorandum from the Procurement Officer recommending the approval of a month-to-month lease for space located at the county-owned Health Department building. The Health Department has indicated that the lease arrangement (for a maximum of three months, would have no adverse impact on the Health Department's operations.

Commissioner Jarboe moved, seconded by Commissioner Brugman, to approve the month-to-month lease as requested. Motion carried.

- 5) **Metropolitan Commission
Request for Approval of Positions**

The County Administrator presented a memorandum from the Metropolitan Commission requesting approval to add three new positions: Administrative Assistant for Personnel Matters; Engineering Assistant; and Engineering Department Clerk. The County does not fund MetComm's positions; however, in accordance with Section 113-1.C of the Code of St. Mary's the Commissioners must approve hiring actions by MetComm.

Commissioner Eagan moved, seconded by Commissioner Jarboe, to authorize MetComm to add the referenced positions as requested. Motion carried.

6) **St. Mary's County Industrial Park Property
Request for Public Hearing**

Also Present: Doug Durkin, County Attorney

Mr. Durkin requested authorization to proceed with a public hearing on July 23 at 11 a.m. to obtain public comment on the proposed disposition of real property located at the St. Mary's County Industrial Park via private sale to Southern Maryland Property Management Associates and/or PRB Associates, Inc. or another entity with terms and conditions to be set by the Board of County Commissioners.

Commissioner Brugman moved, seconded by Commissioner Eagan, to proceed with the public hearing as requested. Motion carried.

7) **Appointment of County Auditor
Appointment of Financial Advisor and Bond Counsel**

Also Present: Steve Welkos, Director of Finance

Mr. Welkos presented a memorandum advising that the County Code requires that Commissioners to appoint an Auditor each year. The firm of Reznick Fedder and Silverman was awarded a three year contract for audit services (base year and two option years). He recommended that the audit services for Option Year 1 be provided by the firm of Reznick Fedder and Silverman and advised that funds were approved in the FY '97 budget based upon the Reznick contract.

In addition Mr. Welkos advised that in previous years the Commissioners had each year appointed the same financial advisory (H. C. Wainwright & Co.) and bond counsel (Piper & Marbury); however, the County Attorney has indicated that these services be competitively negotiated for Fiscal Year 1997.

Commissioner Jarboe moved, seconded by Commissioner Eagan, to appoint Reznick Fedder and Silverman as the County's Auditor for Option Year 1 (FY '96). Motion carried.

8) **Information Release
St. Mary's Nursing Center**

The County Administrator presented an Information Release regarding an extension of the operating agreements for the St. Mary's Nursing Center Board, which were due to expire July 15, 1996.

After discussion Commissioner Jarboe moved, seconded by Commissioner Brugman, to grant a 90-day extension of the Operating Agreements between the County Commissioners and the Nursing Center Board and to distribute the Information Release as presented. Motion carried.

COUNTY COMMISSIONERS' TIME

Pegg Road Project - Property Exchange

Present: Dan Ichniowski, Director, Public Works
Doug Durkin, County Attorney

Commissioner Jarboe advised that because he has received some telephone calls, he, the Director of Public Works and the County Administrator visited the site of the land transfers (the eight acres transferred by the Knotts to the County for a wetland mitigation site). He inquired as to what would have been the repercussions if the County had not finalized the agreement that had been approved several years ago. Mr. Durkin explained the details of the agreement and pointed

out that the County could have been liable for breach of contract and Mr. Ichniowski explained the federal wetlands mitigation requirements. Commissioner Jarboe suggested that a program be developed which would allow public access after a property has been mitigated (for a small park or fishing pond). The Commissioners indicated that this could be a topic of discussion at the Winter MACo conference.

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

1) Maryland State Route 235 Widening Project/FDR Boulevard

As a follow up to previous discussion Mr. Ichniowski presented correspondence addressed to the Governor regarding the need for FDR Boulevard as well as improvements to Route 235; that FDR should move forward in a timely manner with the results of the study to be available in a year. The letter further indicates the Commissioners' support for the Opticom System to be installed along Route 235 at all of the signalized intersections.

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

2) Solid Waste Fees

As a follow up to previous discussion, Mr. Ichniowski presented a draft notice of public hearing regarding the solid waste disposal fee schedule.

After discussion Commissioner Jarboe moved, seconded by Commissioner Brugman, to schedule a public hearing on July 23, 7 p.m., the setting of a \$150 fee per ton for tire disposal and a proposal to lower the tipping fee. Motion carried.

3) Resolution No. 96-20 Solid Waste Advisory Committee (Amendment to Resolution No. 93-48)

As discussed at the work session on Solid Waste Issues, Mr. Ichniowski presented a proposed Resolution reducing the number of members on the Solid Waste Advisory Committee from nine to seven members.

Commissioner Brugman moved, seconded by Commissioner Eagan, to approve and sign Resolution No. 96-20. Motion carried.

4) Hollywood Shores Shore Erosion District Modification to Shore Erosion Control Project Agreement

Mr. Ichniowski presented a Modification to the Shore Erosion Control Project Agreement between the Department of Natural Resources and the County for shore erosion control at Hollywood Shores. The Modification is for net project construction cost reduction in the amount of \$1,150.20 because of the elimination of six linear feet of stone revetment due to change in bulkhead realignment.

Commissioner Jarboe moved, seconded by Commissioner Eagan, to approve and authorize Commissioner Vice President Chesser to sign the Modification as presented. Motion carried.

5) **Hayden Road Subdivision
Acceptance of Deeds/Road Resolutions**

Mr. Ichniowski presented five deeds between Israel Z. Swarey and the Board of County Commissioners accepting the following roads into the County's Highway Maintenance System: Mattie Court; Lawrence Place; East Theresa Court; Lawrence Adams Drive; and Cecilia Court in Hayden Road Subdivision.

In addition Mr. Ichniowski presented the following Road Resolutions:

- R96-15** - Designating the referenced streets as Stop Streets
- R96-16** - Posting the referenced streets at 25 miles per hour.

Commissioner Jarboe moved, seconded by Commissioner Eagan, to accept authorize Commissioner Vice President Chesser to sign the Deeds and Road Resolutions as presented. Motion carried.

6) **Development Documents**

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

- Indian Creek Manor Estates, Section II, Addendum to Public Works Agreement in the amount of \$21,000 with National Grange Mutual
- Quatman Road Maintenance, Addendum to Public Works Agreement in the amount of \$10,000 with International Fidelity Insurance Co.
- Hickory Hills North, Public Works Agreement in the amount of \$184,800 with United Pacific Insurance Company.

Commissioner Brugman moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Chesser to sign the documents as presented. Motion carried.

**SHERIFF'S DEPARTMENT
LOCAL LAW ENFORCEMENT BLOCK GRANTS PROGRAM**

Present: Sheriff Richard Voorhaar
Barbara R. Dotson, Fiscal Specialist
Capt. James Raley

The referenced representatives of the Sheriff's Department appeared before the Board to request approval to apply to the Bureau of Justice Assistance for a direct award of \$77,273 under the block grants program for hiring, training, and employing additional law enforcement officers. The grant funds would support implementation of: hiring one new deputy; overtime funds for deploying a fully trained SWAT Team; and Overtime funds to improve Traffic Safety. During discussion of the local match of 10%, the Commissioners suggested that it be found within the Sheriff's Department budget.

After discussion Commissioner Brugman moved, seconded by Commissioner Chesser, to sign the grant application as requested. Motion carried.

EXECUTIVE SESSIONS

Commissioner Brugman moved, seconded by Commissioner Eagan, to meet in Executive Session to discuss matters of Litigation (The Skydiving Center; Airport Issues; and FERST for St. Mary's, Inc.) as provided for in Article 24, Section 4-210(a)8. Motion carried.

Litigation (The Skydiving Center)

Present: Commissioner Paul W. Chesser
Commissioner D. Christian Brugman
Commissioner Frances P. Eagan
Commissioner Lawrence D. Jarboe
John J. Kachmar, Jr., County Administrator
Doug Durkin, County Attorney
James Haley, Airport Manager
Bil Chen, Attorney from LGIT
Judith A. Spalding, Recorder

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

Time Held: 3:55 p.m. - 4:10 p.m.

Action Taken: The attorneys and Airport Manager reviewed the status of the referenced matter of litigation.

Litigation (Airport Issues)

Present: Commissioner Paul W. Chesser
Commissioner D. Christian Brugman
Commissioner Frances P. Eagan
Commissioner Lawrence D. Jarboe
John J. Kachmar, Jr., County Administrator
Doug Durkin, County Attorney
James Haley, Airport Manager
Bil Chen, Attorney from LGIT
Judith A. Spalding, Recorder

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

Time Held: 4:10 p.m. - 5:07 p.m.

Action Taken: The attorneys and Airport Manager discussed various legal issues relative to the St. Mary's County Airport and agreed to take action in open session.

Litigation (FERST)

Present: Commissioner Paul W. Chesser
Commissioner D. Christian Brugman
Commissioner Frances P. Eagan
Commissioner Lawrence D. Jarboe
John J. Kachmar, Jr., County Administrator
Doug Durkin, County Attorney
Jon Grimm, Director, DPZ
Bil Chen, Attorney from LGIT
Judith A. Spalding, Recorder

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

Time Held: 5:10 p.m. - 6:05 p.m.

Action Taken: The Attorneys briefed the Commissioners on the status of the referenced pending litigation and agreed to take action in open session.

7:00 P. M.

FOLLOW UP TO EXECUTIVE SESSIONS

Airport Issues

Commissioner Jarboe moved, seconded by Commissioner Brugman, to schedule a public hearing regarding Airpark Sales and Service application for a new lease and operating agreement at the St. Mary's County Airport on August 27 at 7 p.m. unless all open issues are resolved prior to the deadline for advertisement.

FERST

Commissioner Jarboe moved, seconded by Commissioner Brugman, to proceed with the litigation strategy regarding FERST as discussed in Executive Session. Motion carried.

PUBLIC HEARING REALIGNMENT OF INDIAN BRIDGE ROAD

Present: Dan Ichniowski, Director, DPW
George Erichsen, Deputy Director, DPW
Allen Settle, DPW

The Board of County Commissioners conducted a public hearing to receive comments regarding the realignment of 1400 feet and upgrading of approximately miles of Indian Bridge Road (County Route 30232), which is being done as a part of the County's Capital Improvement Program.

Mr. Ichniowski read the notice of public hearing which was published in The Enterprise on June 7, 14, and 21, 1996; reviewed the history and delays of the project; and described the scope of work.

The hearing was opened for comments from the audience:

Kathryn Vetter - Requested that the shoulders be paved rather than graveled

Doug Ritchie - Inquired about the cost of the project; whether the trees along the road toward the Great Mills side would be removed; supported the request for paved shoulders; and inquired as to the location of the accidents.

Mr. Ichniowski responded that the cost for design was approximately \$108,000 and estimated cost of construction/inspection is \$1,966,806; trees are on property owners' side and removal will be minimal with the road being moved away from the trees; the relocation of the road will correct the area of the accidents.

Francis Langley - Expressed concern that the project may cause flooding on his property. Mr. Ichniowski explained the requirements within a floodplain and state he would check with SHA to look at topographical maps.

Helena Byrne - Whether the road could be used while under construction.

Mr. Ichniowski said it could be used.

Chuck Saye - Expressed concern about site distance at the curve.

Agnes Merrill - Stated that speed was a factor relative to the fatal accidents; concerned that the eight-foot shoulders would be used as a passing area; that too much property would be taken with the eight-foot shoulders and the electric company right of way (12 additional feet)

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Dorothy Sickle - Indicated paved roads would be safer than gravel; questioned the accident statistics.

Mr. Ichniowski will get the statical data on the accidents.

Jane Saye - Supported the request for paved shoulders

Anthony Lang - Stated he has seen many accidents and that the road needed to be fixed.

Bill Higgs - Expressed support of the project because of the many accidents he has seen;

George Bonds - Questioned whether the old part of Indian Bridge Road would remain because of the location of his house.

Mr. Ichniowski responded that all entrances will be tied into the new road.

Joe Sickle - Concerned about whether the realignment would make his trailers closer to the road thereby making them difficult to rent.

Kathryn Vetter - Questioned whether there were plans for stop lights at each end of Indian Bridge Road.

Mr. Ichniowski explained the criteria for traffic lights and that the State had been requested to look at the need for a light at Great Mills Road. He will again request SHA to look at it. The intersection of Route 4 will also be addressed.

Doug Ritchie - Questioned whether it was legal to pass on the right.

Mr. Ichniowski stated if there was a bypass lane, a car could pass on the right.

The Public Hearing concluded at 8:05 p.m. The record will remain open for ten days.

ADJOURNMENT

The meeting adjourned at 8:05 p.m.

**Minutes Approved by Board of
County Commissioners on 7/16/96**

Judith A. Spalding
Recording Secretary