

**ST. MARY'S COUNTY  
BOARD OF COUNTY COMMISSIONERS' MEETING  
JANUARY 28, 1997**

Present: Commissioner Barbara R. Thompson, President  
Commissioner D. Christian Brugman  
Commissioner Paul W. Chesser  
Commissioner Frances P. Eagan  
Commissioner Lawrence D. Jarboe  
John J. Kachmar Jr., County Administrator  
Judith A. Spalding, Recorder

**DEDICATION - DR. WILLIAM J. MAREK HEALTH DEPARTMENT BUILDING**

The Commissioners attended the dedication of the Dr. William J. Marek Health Department Building.

**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, January 21, 1997. Motion carried.

**APPROVAL OF BILLS**

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

**ADDITIONS/DELETIONS TO AGENDA**

Commissioner Jarboe moved, seconded by Commissioner Eagan, to accept the agenda as presented. Motion carried.

**CONSENT AGENDA**

The Consent Agenda consisted of the following:

1. **Correspondence**
  - a. To Civic Group Leaders announcing the Commissioners' availability for the presentation of vital county information (including statistics, accomplishments, and challenges).
  - b. To candidates who were interviewed for Planning Commission membership.
  - c. To Maurice Queen regarding food at the Detention Center.
  
2. **Department of Public Works**
  - a. Public Works Agreement for Kedges Straight at Cedar Cove; backed by Letter of Credit with Nations Bank in the amount of \$517,300.
  - b. Public Works Agreement for Lynndale Estates; backed by Letter of Credit with Nations Bank in the amount of \$66,300.
  - c. Addendum to Public Works Agreement Summerwood Subdivision, Section 1; backed by Letter of Credit with International Fidelity Insurance Company in the amount of \$46,000.

**Commissioner Brugman moved, seconded by Commissioner Jarboe, to accept the Consent Agenda as presented. Motion carried.**

**COUNTY ADMINISTRATOR ITEMS**

Present: John Kachmar Jr., County Administrator

1. **Boards, Committees, Commissions**

a. **Letters of Appointment**

Economic Development Commission  
Vinod K. Shah

Terms to Expire  
6/30/99

Planning Commission  
Harold L. Willard

12/31/2000/2005

**Commissioner Eagan moved, seconded by Commissioner Brugman, to make the referenced appointments and sign and forward letters of appointment. Motion carried.**

b. **Letter of Appreciation**

**Commissioner Jarboe moved, seconded by Commissioner Eagan, to sign and forward the letter of appreciation to an individual no longer able to serve. Motion carried.**

2. **Ground Water Monitoring Agreement**

Agreement between Maryland Geological Survey and Board of County Commissioners to Continue Monitoring Ground Water Levels in St. Mary's County.

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

3. **Local Government Investment Report**

As required by Article 95 of the Finance and Procurement Article of the Maryland Annotated Code, each government unit within the State of Maryland having an annual budget exceeding \$1M to file an investment report twice a year with the State Treasurer no later than January 31, 1997.

**Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve and to authorize Commissioner Thompson to sign the Local Government Investment Report as presented. Motion carried.**

4. **Local Law Enforcement Block Grants Program**

Memorandum dated January 15 from the Sheriff's Department advising of Federal Requirement for:

- \* the Establishment of an Advisory Board to review application for funding under the block grant program. The Board must include representatives from at least the following: local law enforcement agency; local prosecutors office; local court system; local public school system; local nonprofit group active in crime prevention or drug use prevention.

**Recommendation: Criminal Justice Coalition members**

**Commissioner Eagan moved, seconded by Commissioner Chesser, to designate the members of the Criminal Justice Coalition as the Advisory Board. Motion carried.**

- \* public hearing regarding proposed use of Block Grant Funds prior to obligation of any funds received.

Staff was directed to determine when the Sheriff's Department anticipated obligating the federal funds and to schedule a public hearing with the Criminal Justice Coalition accordingly.

**OFFICE ON AGING  
TRANSPORTATION GRANT APPLICATION**

Present: Gene Carter, Director, OOA

Mr. Carter appeared before the Commissioners to present the Application for Annual Transportation Grants for Fiscal Year 1998 - Public Transportation Programs (Section 5311-formerly Section 18) and Statewide Special Transportation Assistance Program. During his presentation of the grant application, Mr. Carter highlighted the accomplishments and goals for the STS Transportation Program (which included changes in the transportation schedule), and presented charts indicating ridership from August through January 25.

During review of the application Mr. Carter pointed the following:

- \* That the Commissioners had approved one-year temporary appointments last year on the expanding public transportation program, which was to be evaluated after some experience with the program. The FY '98 grant application contains funds to continue these positions and converting them to permanent (two drivers, transportation assistance, and a dispatcher).
- \* The grant contains a clause regarding notification of 60 days as opposed to 30 days of intended actions that may result in displacements or dismissals. He stated that he believed this would only come into play if this program affected current employees or employees of another public transportation program. There is specific language that those provisions do not apply to people who lose their jobs because the project is redone or if funding is eliminated; however, County Attorney Durkin is researching that issue.
- \* Grant assurance on the compliance with federal drug and alcohol testing for transportation positions. He stated that he is not asking the Commissioners to sign that assurance today in that the County's policy may not be in compliance with federal requirements, and the State of Maryland will be identifying those areas of non-compliance.
- \* County's match is \$23,857; however, if the request for vehicle replacement is approved by the Maryland Transit Authority, the County will be requested to allocate an additional \$13,503 to match the capital grant.

**After discussion Commissioner Eagan moved, seconded by Commissioner Jarboe, to authorize Commissioner Thompson to sign the Grant Application as presented. Motion carried.**

In conclusion Commissioner Eagan suggested that service be provided to the students at St. Mary's College, and Commissioner Chesser requested that service be provided to the Ridge area.

**ST. MARY'S WOMEN'S CENTER**

Present: Susan Borneman, Executive Director  
Rebecca Todd, Program Coordinator  
Gony Freider, Attorney  
Carol Stanley, Court Advocate

The referenced individuals appeared before the Commissioners to present an update on the grants received by the Women's Center. Ms. Borneman gave an overview of the two most recent grants: Victims of Crime Act (VOCA) and Violence Against Women Act (VAWA), noting sources and purpose of funds.

In closing, Ms. Borneman expressed appreciation to the Commissioners for their letter of support which resulted in the VAWA grant award from the State.

**SHERIFF'S DEPARTMENT  
DONCASTER YOUTH FACILITY/TRI-COUNTY TRAINING ACADEMY**

Present: Sheriff Richard Voorhaar  
Sheriff Davis, Charles County  
Lt. Wright, Academy Director

The referenced individuals Voorhaar appeared before the Commissioners to present a proposal to renovate the currently vacant Doncaster Youth Facility into a Tri-County Training Academy. Sheriff Voorhaar pointed out that there is no longer adequate space at the current training facility to conduct law enforcement and correction training, and the building is in need for significant repair.

During discussion the following points were made:

- \* Negotiations are underway with DNR, who owns the Doncaster property, for a \$1 a year lease.
- \* The facility would be adequate for law enforcement, correction, K-9 and other training.
- \* Financial Impact: \$38,500 (\$12,800 per county) to renovate and move in by August 1 (funding is in the FY '97 budget); \$108,500 (\$37,500 per county) (an additional \$15,000 will be requested in the FY '98 budget); and \$22,000 in FY '99 budget.
- \* Memorandum of Understanding would have to be developed; LGIT to be included in discussion regarding insurance.
- \* The project will have to be approved by the Board of Public Works.

**After discussion Commissioner Eagan moved, seconded by Commissioner Chesser, to approve the concept of converting the Doncaster Youth Facility into the Tri-County Training Academy and to approve going forward with the project. Motion carried.**

**HOUSING AUTHORITY  
SERVICE CONTRACT AND JOINT POWERS AGREEMENT**

Present: Martin Fairclough, Director, DECD  
Michael McCauley, Chair, Housing Authority  
McGordon Ferguson, "  
Dennis Nicholson, Director, Housing Authority  
Nancy Hutson, Loan Officer

As a follow up to previous discussions, the referenced individuals appeared before the Commissioners to present the referenced Service Contract and Joint Powers Agreement between the Board of County Commissioners and the Housing Authority setting forth the terms and conditions representing the contractual relationship between the two parties (including the Scope of Authority Functions and County Functions; responsibilities and legal services; personnel support, loan funds, etc.)

**After discussion Commissioner Eagan moved, seconded by Commissioner Chesser, to authorize Commissioner President Thompson to sign the Service Contract and Joint Powers Agreement as presented. Motion carried.**

**REQUEST FOR PROPOSAL  
SOLID WASTE DISPOSAL**

Present: Dan Ichniowski, Director, DPW  
George Erichsen, Deputy Director  
James Haley, Procurement Officer

The referenced individuals appeared before the Commissioners to review the Request for Proposal for the disposal of solid waste. Mr. Ichniowski explained that the bid package is broken down into various components--that vendors can bid on one or more or all of the lots and alternates as set forth in the bid package (Lot 1 - Convenience Station Municipal Solid Waste Collection/Disposal; Lot 2 - Alternate No. 1: Convenience Station Operation/Maintenance; Lot 3 - Transfer Station (MSW, Rubble and Recycling) Operations; Lot 4 - Alternate No. 2: Rubble Fill Operations).

Mr. Ichniowski advised that once the bids are received and reviewed by the evaluation committee, staff will return to the Board with recommendations and to get direction whether to proceed with contracting out the services, using Calvert County's disposal services, or building a new landfill.

**Commissioner Eagan moved, seconded by Commissioner Brugman, to authorize the release of the RFP as presented. Motion carried.**

**COUNTY COMMISSIONERS' TIME**

**Willows Road**

Commissioner Brugman referred to correspondence regarding the status of the use of the Willows Road property for ball fields, and he suggested that staff prepare a letter to the Navy expressing appreciation for its continued cooperation and reiterating the Commissioners' eagerness for the project to proceed. The letter should mention the fact that the County has moved the project up in its capital budget.

**Derelict Boat Program**

Commissioner Chesser advised that DNR is attempting to shift the responsibility of removal of derelict boats from the State to the County; however, DNR has indicated there could be a \$25,000 grant if funds are available. Commissioner Chesser advised that there is draft legislation submitted by the Calvert County Delegation to prohibit DNR from delegating to a local jurisdiction DNR's authority over abandoned vessels.

**Maryland Route 235 Project**

Commissioner Eagan advised that Secretary of Transportation Winstead at a recent meeting announced that the construction start date for the widening of Route 235 (from Route 4 to Pegg Road) has been moved up two years to July 1999. There was no announced date for completion.

**EXECUTIVE SESSIONS**

Commissioner Chesser moved, to meet in Executive Session to discuss matters of Personnel (Sheriff's Department and Personnel), as provided for in Article 24, Section 4-210(a)1. Motion failed for lack of a second.

**Commissioner Eagan moved, seconded by Commissioner Brugman, to meet in Executive Session to discuss a matter of Personnel (Sheriff's Department), as provided for in Article 24, Section 4-210(a)1. Motion carried.**

**Commissioner Eagan moved, seconded by Commissioner Chesser, to meet in Executive Session to discuss a matter of Property Acquisition (Myrtle Point), as provided for in Article 24, Section 4-210(a)11. Motion carried.**

**Personnel (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  
John J. Kachmar Jr., County Administrator  
Sheriff Richard Voorhaar  
Capt. Jamie Raley  
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)1  
Time Held: 3:50 p.m. - 5:05 p.m.

Action Taken: The Commissioners discussed a personnel matter relative to the Sheriff's Department.

**Property Acquisition (Myrtle Point)**

Present: Commissioner Barbara R. Thompson, President  
Commissioner D. Christian Brugman  
Commissioner Paul W. Chesser  
Commissioner Frances P. Eagan  
Commissioner Lawrence D. Jarboe  
John J. Kachmar Jr. County Administrator  
Douglas Durkin, County Attorney  
Phil Rollins, Director, Recreation and Parks  
Debbie Osborne, Trust for Public Lands (from 5:35 p.m. - 6:45 p.m.)  
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)11  
Time Held: 5:05 p.m. - 6:45 p.m.

Action Taken: The County Attorney reviewed the status of the acquisition of Myrtle Point and the Commissioners agreed to take action in open session.

**7:00 p.m.**

**MYRTLE POINT PROPERTY ACQUISITION**

Commissioner Thompson opened the meeting by stating that the Commissioners continued their meeting in open session in order to bring the public up to date with regard to the proposed acquisition of the Myrtle Point property.

County Administrator Kachmar gave a brief overview of the negotiations that have been ongoing to attempt to reach a positive conclusion in this transaction and of the Board's intentions through motions later in the meeting.

**Commissioner Brugman moved, seconded by Commissioner Chesser, to amend the original motion of September 12, 1995 on the non-binding letter of intent to purchase Myrtle Point by strike Condition #1 that NO county general or bond funds be utilized for the purchase and further authorizing staff to use general funds and to continue negotiations for the acquisition of Myrtle Point. Motion unanimously carried.**

**Commissioner Eagan moved, seconded by Commissioner Jarboe, to authorize the County Attorney and the County Administrator to continue negotiations for the acquisition of Myrtle Point on the following conditions: that the contract and easement agreements be signed by January 29, 1997 by 5 p.m.; that the President of the Board be authorized to sign any and all closing documents upon approval of the County Attorney; that the closing occur by 5 p.m., February 3 and that full disclosure will occur on Tuesday, February 4, 1997; and that 100 equivalent dwelling units of sewer capacity be reserved to service the park. Motion unanimously carried.**

County Attorney Durkin provided a summary of the history of the project, the boards motion of September 12, 1995 to proceed with negotiations for the purchase of the Myrtle Point property; development of the Memorandum of Understanding authorizing the Trust for Public Lands to assist the County in the acquisition; the multi-party mutual voluntary agreement which attempted to resolve a number of legal issues (title defects and litigation); and compromises that were necessary to complete the transaction. He reviewed some of the issues that have impeded completion of the transaction (parcel of record, sewer easements, one of the lots inadvertently not deeded to FDIC; etc.)

Mr. Durkin indicated that the transaction must be completed by February 6; however, there is still not a completed contract with all parties involved, which is necessary before the County can go to closing.

Ms. Osborne indicated that the Trust for Public Lands is doing everything possible to make this transaction work.

In closing the Commissioners indicated that the discussion relative to the acquisition of Myrtle Point will be held on Tuesday, February 4.

#### **ADJOURNMENT**

The meeting adjourned at 7:45 p.m.

**Minutes Approved by Board of  
County Commissioners on 2/4/97**

*Judith A. Spalding*  
**Judith A. Spalding**  
**Recording Secretary**

