

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

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, June 17, 1997 as corrected. Motion carried.

APPROVAL OF BILLS

Commissioner Jarboe moved, seconded by Commissioner Chesser, to authorize payment of the bills as presented. Motion carried.

ADDITIONS/DELETIONS TO AGENDA

Commissioner Brugman moved, seconded by Commissioner Eagan, to approve the Agenda as presented. Motion carried.

CONSENT AGENDA

The Consent Agenda included the following:

Correspondence

- a. To W. Vernon Gray, ACT, responding to comments regarding the Fiscal Year 1998 Budget, property tax rate and impact/transfer tax fees.
- b. To Maryland Department of Housing and Community Development regarding *Live Near Your Work Demonstration Project*.
- c. Annual Trade Fair Letter.

Commissioner Brugman moved, seconded by Commissioner Eagan, to approve the Consent Agenda as presented. Motion carried.

NATIONAL NIGHT OUT

The Commissioners agreed to cancel the public forum for August in order to participate in the *National Night Out*.

COUNTY ADMINISTRATOR ITEMS

Present: John J. Kachmar Jr., County Administrator

1. **Budget Amendments**
 - a. No. 97-64 - County Attorney
(Additional funds for Social Services Attorney services due to reclassifications - \$4,955)

Commissioner Chesser moved, seconded by Commissioner Jarboe, to approve Budget Amendment No. 97-64 as presented. Motion carried.

- b. No. 97-65 - Economic & Community Development
(For printing additional 5,000 copies of "Still Making History" for NACo Conference - \$1,199)

Commissioner Chesser moved, seconded by Commissioner Jarboe, to approve Budget Amendment No. 97-65 as presented. Motion carried.

- c. No. 97-66 - Recreation and Parks
(Chaplico Wharf Repair Project - \$25,000)

Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve Budget Amendment No. 97-66 as presented. Motion carried.

2. **Boards, Committees, Commissions**

a. **Letters of Appointment**

Commission on Aging

J. Michael Wheatley 6/30/99/2002

Economic Development Commission

Cheryl Ahearn - *Reappointment* 6/30/2000

Wayne Davis - *Reappointment* 6/30/2000

John J. Roberts - *Reappointment* 6/30/2000

Ethics Commission

Michael K. Gardiner, Sr. - *Reappointment* 6/30/2000

Charles K. Walsh - *Reappointment* 6/30/2000

Historic Preservation Commission

Virginia A. Cox - *Reappointment* 6/30/2000

Roy Guyther - *Reappointment* 6/30/2000

Audrey C. Pratt - *Reappointment* 6/30/2000

Library Board of Trustee

Mary Ann Chasen - *Reappointment* 12/31/2002

Marcey House Board

Tyrone Harris 12/31/97/2000

Mental Health, Substance Abuse and Victims Advisory Council

Robert E. Guest - *Reappointment* 6/30/2002

Social Services Board

Benjamin Bryan - *Reappointment* 6/30/2000

Soil Conservation Board

B. Alfred Knott 6/30/2002

Solid Waste Advisory Committee

Anne Cullins 12/31/2000

Tri-County Community Action Committee

Margaret C. Forrest - *Reappointment* 6/30/2000

Commissioner Brugman moved, seconded by Commissioner Eagan, to approve and sign letters of appointment to the referenced individuals with terms as indicated. Motion carried.

Board for the Community College at St. Mary's

Commissioner Eagan moved, seconded by Commissioner Chesser to reappoint Gay Scott Boecker for a term to expire 6/30/2002. Motion carried.

Commissioner Jarboe moved seconded by Commissioner Brugman to appoint Paul J. Manchak, Sr. for a term to expire 6/30/2002. Motion carried.

Commissioner Brugman moved, seconded by Commissioner Jarboe, to appoint Walter V. Gray III for a term to expire 6/30/2001/2006. Motion carried, three to two with Commissioners Thompson and Chesser voting against.

b. Letters of Appreciation for Serving

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

3. Department of Public Works Item

- * Public Works Agreement for **Tower Estates Subdivision**; backed by a letter of credit in the amount of \$51,700 with **First National Bank of St. Mary's**.

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 because she is on the Board of Directors of First National Bank of St. Mary's.

**4. Grant Application
Sheriff's Department**

Local Law Enforcement Block Grant - Federal - \$62,816; County - \$6,980.

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

5. Personnel

**a. Office on Aging
Conversion of Bus Drivers to Congregate Food Transport Drivers**

Memorandum dated June 16, 1997 from the Personnel Officer requesting approval to convert two grant funded Grade 1 Regular Part Time Bus Driver positions within the Office on Aging to grant funded Grade 1 Regular Part Time Congregate Food Transport Driver positions and advertise for same. Mr. Kachmar explained that the difference between the two positions is that the Bus Driver position requires a Commercial Driving License (CDL), and the Food Transport Driver position does not.

Commissioner Eagan moved, seconded by Commissioner Chesser, to approve the Conversion as requested. Motion carried.

b. **Circuit Court
Appointment of Court Reporter**

Memorandum dated June 17, 1997 from the Personnel Officer advising that Judge Kamnetz has appointed John C. Spears as a Court Reporter, effective July 1, 1997 at a Grade 14, Step 9; however, the Finance Department has advised that sufficient funds are not currently available within the account to cover this expense and the expenses for the departing court reporter (leave). Therefore, a budget amendment may be needed during Fiscal Year 1998.

Commissioner Chesser moved, seconded by Commissioner Eagan, to approve the hiring of the new Court Reporter at Grade 14, Step 9 as requested. Motion carried.

6. **National Association of Counties Annual Conference**

Participation in Annual Election of Officers - Designation of Voting Delegate
(Completion of 1997 Credentials Identification Form)

Commissioner Eagan moved, seconded by Commissioner Brugman, to designate Commissioner Thompson as the County's Delegate at the NACo Conference, County Administrator Kachmar as the first alternate, and Maryland Association of Counties as the second alternate if needed. Motion carried.

7. **Operation Link Proposal
Funding and Location Decision**

As a follow up to last week's discussion Mr. Kachmar inquired whether the Commissioners were interested in the continuation of the Operation Link Program and that it be relocated at the Governmental Center. Because of decreased state grant funding, the County will have to appropriate \$13,745 toward the project.

After discussion Commissioner Eagan moved, seconded by Commissioner Chesser, to authorize the continuation of the program and to allocate \$13,745 (the County's share) from the Reserve Fund, and that it be re-evaluated after one year (how it works in the community and how citizens are served). Motion carried four to one with Commissioner Brugman voting against stating that this is setting a precedent (referring to the County's policy that if the grant goes, the position goes).

8. **Information Release**

Collection Days for Farmers and Licensed Pesticide Applicators to Dispose of Empty Containers.

The Commissioners gave concurrence to distribute the Information Release as presented.

**ANNUAL REPORT
COMMUNITY HEALTH ADVISORY COMMITTEE**

Present: Joseph M. Gough, Chair
J. Patrick Jarboe
Raymond "Chip" Dudderar
Mary Lee Harless, Director, Health Planning
Mary Novotny, Health Educator

The referenced individuals appeared before the Board to present the Community Health Advisory Committee's Annual Report for 1997. The report focused on Motor Vehicle Crashes (Overview and Recommendations), which addressed reasons for concern (the death rate in St. Mary's County in comparison to the state and other jurisdictions); business cost of on-the-job

injury; personal cost of a crash; and top causes of deaths and injuries. Recommendations included petitioning DMV for maximum penalties for repeat offenders; approving the Committee to work with delegates to draft legislation to increase penalties for target violations that cause most crashes, and to allow license plate stickers to ID DWI offenders' vehicles and alert police to check if driver has suspended license; that State's Attorney's Office be requested to **NOT** allow offenders to work off points; and to increase funding to the Sheriff's Traffic safety unit.

In addition the Committee recommended that the County fund the COPS & DOCS Program (focusing on the three "Es" - enforcement, education, and engineering) at an approximate annual cost of \$60,000.

During discussion the Commissioners suggested that the Committee search for grants to assist with the program and further pointed out the additional funding provided for manpower and other needs to the Sheriff for Fiscal Year 1998.

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

PUBLIC HEARING - SPECIAL TAXING DISTRICT BROWN'S MANOR SUBDIVISION

Present: Dan Ichniowski, Director, Department of Public Works

The Commissioners conducted a public hearing to obtain comment on the petition and Ordinance for the establishment of a Special Taxing District to construct Brown's Way in the Brown's Manor Subdivision, Fourth Election District. Lots included in the proposed Taxing District are as follows: Tax Map 17, Parcel 172: Lots 1, 2, 3, 4, 5, 6, and 7; Tax Map 17: Parcel 123; Tax Map 12: Parcel 42. The annual assessment has been established at \$795.18, which will constitute a lien on the title and will be assessed over a twenty-year period, and the project has been included in the Fiscal Year 1998 Capital Improvement Budget.

After the Commissioners' discussion regarding road standards, the Planning Commission's special exception regarding the ninth lot, and responsibility of additional lot owners (for upgrading), the hearing was opened for comments from the audience.

Howard Pasco - Advised for the record that ownership of Lot 1 has been changed since the meeting with the property owners, and that he is now part owner of Lot 1 along with Gary Winans.

Hearing no further comments the public hearing was closed; the record will remain open for comments for ten days.

MARYLAND GEOLOGICAL SURVEY GROUNDWATER REPORT

Present: Dr. Harry Hansen, Chief, Hydrogeology/Hydrology, Md. Geological Survey, DNR

Dr. Hansen appeared before the Board to present the results of the Groundwater Report and stated that the Aquia aquifer and the Piney Point-Nanjemoy aquifer are the chief sources of ground water in Calvert and St. Mary's County. During his presentation Dr. Hansen explained the development of simulated flow models of the two aquifers for the 1945 - 1994 period and the updated flow model to the year 2020. The report included data for simulated and measured water levels, development of pumping scenarios for major ground water appropriators (based on the county's water/sewer plan; using current annual average ground water appropriation permit allocations; and using current maximum GAP allocation rates applied as an annual average); drawdown comparisons from well fields (calculated water levels simulated to 2020 in the Aquia) and resulting management water levels.

During his presentation Dr. Hansen pointed out that low water tables becomes a management consideration rather than a hydrogeological consideration and the way to address the issue is to focus domestic use into the Piney Point aquifer and use the Aquia as a reserve.

In conclusion Dr. Hansen advised that the completed report will be printed in approximately four to six weeks, at which time it will be distributed.

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

ST. MARY'S ANIMAL WELFARE LEAGUE

Present: Lorraine Greenleaf, President, SMAWL
Rosalind Tyler, Vice-President
Dick Myers, Member

The referenced members of the St. Mary's Animal Welfare League appeared before the Board to discuss a proposal for an animal shelter in St. Mary's County. Ms. Greenleaf advised that SMAWL is looking at a 4,000 - 5,000 square-foot prefab structure from Houndquarters, Inc., who will provide blue prints once the plan is submitted to them. The plan must be in compliance with the requirements of the County's Code, and a site supervisor would be required to do site work and hookups.

Ms. Greenleaf described the efforts of SMAWL (fundraising, volunteer network) how SMAWL would run the shelter, and indicated that SMAWL was interested in handling animal control (sheltering/housing) in St. Mary's County. She suggested that the County allocate the \$140,000 that is currently going to the Tri-County Animal Shelter toward this project.

Mr. Myers presented options for the Commissioners to consider:

- * Commissioners build the shelter to be owned by the County on county land and contract operation of shelter to SMAWL.
- * Same as above except Commissioners would purchase an existing building.
- * Commissioners donate land to SMAWL, which would raise money to construct shelter and Commissioners and SMAWL would enter into an agreement for operation of building as a shelter.
- * Same as above except Commissioners would lease land to SMAWL.

During his presentation Mr. Myers displayed the Airport Master Plan, pointed out the county-owned land, and the area that would be suitable for an animal shelter.

Areas of discussion included: whether the project would need to go out on bid; comparisons to Three Oaks Shelter; looking at other proposals in order to evaluate costs; cost effectiveness; cost comparisons with the County operating the shelter or having shelter operated by an outside group; and the requirement for a public hearing in order to dispose of county land.

In conclusion the Commissioners directed the County Administrator to look into how to make the shelter happen within the parameters of county government including a legal opinion. Mr. Kachmar indicated to the Commissioners that the County should consider making a counter proposal for the shelter pointing out that costs could be reduced by using inmates from the Detention Center for maintenance, cleaning and feeding the animals.

**OFFICE ON AGING
AREA PLAN - OLDER AMERICAN GRANTS**

Present: Gene Carter, Director, Office on Aging

Mr. Carter appeared before the Board to present the Office on Aging's Area Plan for Fiscal Year 1998 - 2000 (Federal Funding - \$156,694; State Funding - \$159,183; and County Funds Required - \$159,468 cash and inkind). The Plan, which is a requirement of the Older American Act, has been prepared for submission to the State Office on Aging.

During his presentation Mr. Carter pointed out the changes in demographics in the County, that the aged population has the largest growth rate in the County, and that strategies need to be developed to address this trend. Commissioner Eagan suggested that this should be the role of the Commission on Aging. Mr. Carter further indicated that he would be willing to work with the Health Officer, Dr. Israel, and the Director of Social Services, Mrs. Russell, on case management and targeted services.

After discussion Commissioner Jarboe moved, seconded by Commissioner Chesser, to authorize Commissioner Thompson to sign the Area Plan, as presented, to be submitted to the Maryland Office on Aging. Motion carried.

**HOUSING IMMIGRATION & NATURALIZATION SERVICE DETAINEES
AT ST. MARY'S DETENTION CENTER**

Present: Steve Norman, Assistant County Attorney
Sheriff Richard Voorhaar
Douglas Devenyns, Director of Corrections

Mr. Norman appeared before the Board to present the Intergovernmental Service Agreement between St. Mary's County Correctional Center and the U.S. Department of Justice Immigration & Naturalization Service for the housing of INS detainees at the St. Mary's Detention Center.

Mr. Norman explained the negotiations on the Agreement and subsequent changes and advised that the County would receive \$67.32 per Detained Day and would potentially provide substantial revenue to the County.

Discussion ensued regarding the process for removal of detainees if space is needed for local inmates.

After discussion Commissioner Brugman moved, seconded by Commissioner Chesser, to enter into an Agreement with Immigration & Naturalization Service for the housing of INS detainees at the St. Mary's County Detention Center. Motion carried.

The Agreement will be forwarded to the INS for signature and will be returned to the County.

COUNTY COMMISSIONERS' TIME

Maryland State Firemen's Convention

Commissioner Chesser advised that he was proud to be a part of the State Firemen's Convention ceremony that honored Charles "Danny" Davis as the newly elected Fire Chief for the State Volunteer Firemen's Association held in Ocean City. He stated that he would continue to support the fire and rescue volunteers of St. Mary's County.

Commissioner Thompson stated that all the Commissioners had been invited to attend the installation of Mr. Davis, and noted that the Hollywood Fire Department offered to fly the Commissioners to Ocean City for the event. She stated that this has been a standing offer

for a number of years and that past Commissioners have attended. Commissioner Thompson indicated that she hoped that people would not see this as a "joy ride", and that the Commissioners were representing St. Mary's County in an appropriate way.

Waterway Improvement Grant

Commissioner Jarboe suggested that the Commissioners apply for a Waterway Improvement Grant, which would be due July 15, to get funding for a boat ramp and fishing pier at Myrtle Point. He stated that some access has been provided to the land side of the property and he believed the water side should also be opened up to the public.

It was the consensus of the majority of the Commissioners to not go forward with a grant at this time, that there was a process to be followed. The Planning Commission and Recreation and Parks Board have been tasked with developing a Master Plan for the park.

Memorial Parks

Commissioner Jarboe referred to the plans underway to have a monument in memory of Chad Malone at Cecil's Park and suggested to the Commissioners that Myrtle Point park be name the *Jack Rue Memorial Park*. He advised that a petition to name the park after Mr. Rue was forthcoming. County Administrator Kachmar suggested that Mr. Rollins should ask the Recreation and Parks Board what can be and what cannot be done in this regard.

Damage to Cable and Telephone Lines

Fairgrounds Road

Commissioner Brugman advised that he received a telephone call from a constituent on Fairgrounds Road who reported that there was a crew working on the road on Thursday and his telephone and cable lines were cut. He stated that he contacted the cable company manager who had a serviceman go and repair the cable line. Commissioner Brugman requested staff to find out who the road workers were, and if they were county workers, to do a letter of apology from the Commissioners. He stated that he also told the gentlemen that if he incurred costs for reconnecting the telephone line, to send the bill to the County.

EXECUTIVE SESSIONS

Commissioner Chesser moved, seconded by Commissioner Eagan, 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 three to two with Commissioners Brugman and Jarboe voting against.

Commissioner Chesser moved, seconded by Commissioner Eagan, to meet in Executive Session to discuss matters of Personnel (County Administrator's Evaluation), as provided for in Article 24, Section 4-210(a)1. Motion carried four to one with Commissioner Brugman voting against.

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
George Foster, Personnel Officer
Judith A. Spalding, Recorder

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

Time Held: 5:45 p.m. - 5:50 p.m.

Action Taken: The Commissioners discussed two positions in the Sheriff's Office and agreed to take action in open session.

Personnel (County Administrator's Evaluation)

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

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

Time Held: 5:50 p.m. - 6:35 p.m.

Action Taken: The Commissioners reviewed with the County Administrator his evaluation and agreed to take action in open session.

FOLLOW UP TO EXECUTIVE SESSIONS

Commissioner Eagan moved, seconded by Commissioner Chesser, to reclassify the Fiscal Support Supervisor, Grade 8, held by Barbara Dotson, to Chief, Fiscal Services, Grade 9 and the vacant Network Coordinator position from a Grade 9 to a Fiscal Support Specialist III, Grade 6, effective July 1, 1997. Motion carried.

Commissioner Eagan moved, seconded by Commissioner Brugman, to amend the County Administrator's (John J. Kachmar Jr.) contract to a Grade 21, Step 9, effective June 17, 1997. Motion carried.

ADJOURNMENT

The meeting adjourned at 6:50 p.m.

Minutes Approved by Board of
County Commissioners on 7/1/97

Judith A. Spalding
Judith A. Spalding
Recording Secretary

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