

**ST. MARY'S COUNTY  
BOARD OF COUNTY COMMISSIONERS' MEETING  
October 6, 1998**

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

(Commissioner Lawrence D. Jarboe was not present.)

**CALL TO ORDER**

The meeting was called to order at 1:10 p.m.

**APPROVAL OF MINUTES**

**Commissioner Brugman moved, seconded by Commissioner Eagan, to approve the minutes of the Commissioners' meeting of Tuesday, September 29, 1998 as presented and the September 22, 1998 minutes regarding the Comprehensive Plan Review as corrected. Motion carried.**

**APPROVAL OF CHECK REGISTER**

**Commissioner Brugman moved, seconded by Commissioner Chesser, to authorize Commissioner Thompson to sign the check register, as presented. Motion carried.**

**ADDITIONS/DELETIONS TO AGENDA**

**Commissioner Eagan moved, seconded by Commissioner Chesser, to accept the agenda as amended (to delete Proclamation for Breast Cancer Awareness Month and to add a Proclamation for Fire Prevention Week; and to add discussion regarding sodding Hollywood School Fields in light of correspondence from the Recreation and Parks Board Chair, as requested by Commissioner Brugman). Motion carried three to one with Commissioner Thompson voting against stating she had not had an opportunity to read the letter.**

**CONSENT AGENDA**

Correspondence to:

1. Margaret E. Cheseldine concerning request for waiver of impact fee.
2. Fred Puddester, MD Dept. of Budget and Management, conveying the Board of County Commissioners endorsement for construction of the second additional classroom building for the So. Md. Higher Education Center.
3. George Kalnasy, Leonardtown VFD, relative to the MCI proposal for emergency radio communication system.
4. Paul S. Lyon relative to traffic accident at the intersection of Route 235 and Buse Road.
5. Lawrence M. Joy relative to the need for information concerning the upcoming election.
6. Joseph Ernest Bell, II, Esquire, relative to the Lexington Park Senior Housing Project.
7. Frank Fox concerning land use issues and recreation in St. Mary's County.

8. Linda Janey, Maryland Office of Planning, concerning State Clearinghouse Application of U.S. Environmental Protection Agency for St. Clement's Shores WWTP Improvements (MD980915-0940).
9. Chairs of various boards, committees and commissions requesting submission of their annual report in accordance with bylaws.
  - a. Robert F. Woody – SMC Social Services Board
  - b. Donald Tennyson – Agriculture, Seafood and Forestry Commission
  - c. Dana Davis – Commission on Aging
  - d. Cynthia Brown – Commission for the Disabled
  - e. Roger D. Hill – Economic Development Commission
  - f. Roy Guyther – Historic Preservation Commission
10. Chairs of various boards, committees and commissions expressing appreciation for the submittal/presentation of their annual report.
  - a. Norma Pipkin -- Commission for Women
  - b. John Finch – Electrical Examiners Board
11. Sue Ward, Maryland Office of Aging relative to the Colton Endowment Funds.

Commissioner Eagan moved to approve the Consent Agenda with the exception of Letter #3. Motion failed for lack of a second.

**Commissioner Brugman moved, seconded by Commissioner Eagan to approve the Consent Agenda with the exception of Letters #1 and #3. Motion carried.**

During discussion of the motion the Commissioners discussed revisions to Letter #3 made by Commissioners Thompson and Eagan and their differences of opinion regarding certain points of the letter (specifically, the references to information in the report from the Emergency Radio Negotiation Team).

**Commissioner Eagan moved, seconded by Commissioner Chesser, to approve and sign Letter #1 as presented. Motion carried three to one with Commissioner Brugman voting against.**

#### COUNTY ADMINISTRATOR ITEMS

Present: John J. Kachmar Jr., County Administrator

1. Grant Document
  - Department of Economic and Community Development
  - Community Development Block Grant Program
  - Family Support Center Design – Lexwood Drive, Lexington Park
  - Certification of Exempt Activities – Request for Release of Funds

**Commissioner Chesser moved, seconded by Commissioner Eagan, to approve and authorize Commissioner Thompson to sign the Request for Release of Funds as presented. Motion carried.**

2. Department of Public Works Items
  - a. Public Works Agreement Addendum for Wilderness Subdivision, Section 3; backed by Letter of Credit in the amount of \$37,000 provided by Key Bank & Trust Company.

**Commissioner Chesser moved, seconded by Commissioner Eagan, to approve and authorize Commissioner Thompson to sign the Addendum as presented.**

- b. Public Works Agreement Addendum for Lynndale Subdivision; backed by Letter of Credit in the amount of \$25,000 provided by Nations Bank.

**Commissioner Eagan moved, seconded by Commissioner Chesser, to approve and authorize Commissioner Thompson to sign the Addendum as presented.**

- c. Public Works Agreement Addendum for Persimmon Hills Subdivision; backed by a Bond in the amount of \$173,000 provided by International Fidelity Insurance Company.

**Commissioner Chesser moved, seconded by Commissioner Brugman, to approve and authorize Commissioner Thompson to sign the Addendum as presented.**

- d. Road Resolution No. #98-19 posting a "No Parking Zone" on the south side of Stark Drive from its intersection with MD Route 249 for a distance of 1,425 feet.

**Commissioner Chesser moved, seconded by Commissioner Brugman, to approve and authorize Commissioner Thompson to sign the Road Resolution as presented.**

- 3. Department of Planning and Zoning  
Road Name Changes – Resolution  
(follow up to 9/1/98 public hearing)  
Change Pickett's Court to Pickett's Harbor Court  
Change Egeli Way to Glebe Lane  
Change Myrtle Way to Max Way

Commissioner Chesser moved to approve and sign Resolution No. Z98- as presented. Motion died for lack of a second.

The Commissioners indicated that they were not clear on the explanation regarding the change of Myrtle Way to Max Way and suggested that Mr. Jackman come before the Board next week.

**Commissioner Brugman moved, seconded by Commissioner Eagan, to approve the change of *Pickett's Court* to *Pickett's Harbor Court*; and to change *Egeli Way* to *Glebe Lane*. Motion carried.**

**Commissioner Brugman moved, seconded by Commissioner Eagan, to add discussion of the change of *Myrtle Way* to *Max Way* to next week's agenda. Motion carried.**

- 4. Fiscal Year 1999 Supplemental Appropriation Ordinance  
Department of Economic and Community Development - \$8,000  
(follow up to 9/22/98 public hearing)

**Commissioner Brugman moved, seconded by Commissioner Eagan, to approve and sign the Supplemental Appropriation Ordinance as presented. Motion carried.**

- 5. Cooperative Extension Service  
Certification of County Appropriation

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

- 6. Information Releases
  - a. Non-public School Bus enhancements (reflective tape; strobe lights, cellular telephones)
  - b. Hazardous Waste Day

**Commissioner Brugman moved, seconded by Commissioner Eagan, to approve distribution of the Information Releases as presented. Motion carried.**

6. Office of Capital Projects  
911/EMA Site Location

Also Present: Jim Stirling, Director of Capital Projects

As a follow up to the Commissioners' direction for staff to move forward with the 911 Emergency Management Agency facility construction, Mr. Stirling appeared before the Board to review potential buildable sites for the facility location, and to make a recommendation. He advised the Board that the County will not be managing the construction contract since the County is using the contract with MCI for the project. However, the County is involved in assuring that the site complies with the County's Governmental Center Master Plan.

After a review of the four site options at the Governmental Center, Mr. Stirling indicated it was his recommendation to locate the 7,000 s.f., one-story facility at the intersection of Baldrige Drive and Leonard Hall Drive. There is a large flat area with existing parking at that site; water/sewer can be extended; and it is consistent with the Governmental Center Master Plan.

After discussion the Commissioners gave their concurrence for Mr. Stirling to proceed with the location of the EMA Center at the Baldrige/Leonard Hall Drive site.

### **PROCLAMATIONS**

The Commissioners presented the following Proclamations:

- \* National 4-H Week
- \* Maryland State Parks Week  
(Representatives from State Parks presented a facsimile check in the amount of \$37,934 representing 1998 County Refund from State Forest and Park Services)
- \* National Fire Prevention Week

### **METROPOLITAN COMMISSION/DEPARTMENT OF PLANNING AND ZONING COMPREHENSIVE WATER/SEWER PLAN AMENDMENT CASE NO. 98-0730 (BANNEKER/LOVEVILLE SCHOOLS)**

Present: Jon Grimm, Director, DPZ  
Steve King, Deputy Director, MetComm  
Dr. Patricia Richardson, Superintendent of Schools  
Brad Clements, School Facilities  
Karen Abrams, Attorney, Board of Education  
Linda Dudderer, Principal, Loveville/Banneker School  
Jeff Jackman, Planner, DPZ

In response to a request by the Commissioners, Mr. King appeared before the Board to address the questions raised by the Board at a previous meeting. Questions had been raised as to whether the Villages of Leonardtown project would be able to hook up to the sewer line at the expense of the taxpayers, and whether those individuals currently in the development district under the 1988 Comprehensive Plan could access the line.

Mr. King explained that it was the policy of the Metropolitan Commission that whichever project moves forward first will build the line to serve its needs. The Villages of Leonardtown project has not moved forward enough to require the developer to build the line, and since the school project is moving forward, the school system is required to build the line and pay for it. He further pointed out that the line with the inceptor portion will be large enough to handle both projects.

Discussion included burdening the taxpayers with having to pay for the Villages of Leonardtown project water/sewer hookup; requesting the developer of Villages of Leonardtown to share in the costs (or provide assistance to BD/Ed in engineering services, donation of land for schools or parks); the motion made by Commissioner Chessser's 8/11/98 motion to approve the category change with the stipulation that the line only serve Banneker/Loveville Schools; the intent of that motion to not allow those outside the development district to hook up to the line; the other property owners (the Longs) wanted to be able to

hook up to the line which would require them to file an application and go through the process; the critical need for the sewer line at the school site because of failing septic system (and the fact that the new relocatables cannot be placed on the site without proper sewage facilities); and whether to replace the septic system rather than run the sewer line to the school.

During discussion Mr. King indicated that he would meet with the Board of Education and the developer to see if a mutual arrangement could be worked out.

**After discussion Commissioner Chesser moved, seconded by Commissioner Eagan, to approve and sign Resolution No. W/S 98- as presented. Motion carried three to one with Commissioner Brugman voting against stating he would rather see an on-site system negotiated with the Long property.**

#### **WORKERS' COMPENSATION EXPENDITURES REVIEW**

Present: Melvin "Mac" McClintock, Director, Human Resources  
Mary O'Brien, Risk Manager

Mr. McClintock and Ms. O'Brien appeared before the Board to review the County's Workers' Compensation expenditures, to highlight the problem areas (which have contributed to a significant increase in the County's premium from \$308,033 in 1997 to \$487,099 in 1998), and to present suggested remedies to address these problems.

Ms. O'Brien pointed out that the Worker's Compensation Policy as contained in the Personnel Manual has not been followed in that the practice being followed has allowed employees to receive regular salary and benefits *after* the 30-day limit. The Injured Workers Insurance Fund (IWIF) should have been paying the 66 2/3% of salary (tax-free) directly to the employee.

Other areas included in the presentation were the premium calculation formula; loss control (through delays in reports being submitted to IWIF; lack of monitoring of employees on workers compensation leave; and the need for more training in safety procedures).

In conclusion Ms. O'Brien reviewed the solutions to the problem areas (including amending the practice to follow the policy in place; making safety a priority; achieving a one-day turn around rate for claim reporting; requiring claims review; reporting by employees to DHR; attending job-related safety training; following the amount of reserves assigned by IWIF to avoid over-reserving; etc.)

Areas of discussion included the reason for the practice (rather than following policy) was because IWIF was slow in paying the employee; the handling of doubtful injuries and unapproved claims (sick leave must be used or if employee does not have enough sick leave, the County would have to be reimbursed for payment received).

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

#### **HOLLYWOOD ELEMENTARY SCHOOL BALL FIELDS**

As a follow up to last week's discussion, Commissioner Brugman referred to a letter received October 2, 1998 from the Chair of the Recreation and Parks Board stating that the R&P Board is requesting the County to begin the process for procuring sod for the Hollywood Elementary School athletic fields to ensure that the fields will be ready in the spring for youth soccer. He stated that last week Mr. Rollins had suggested that since the spring planting of seed failed because of lack of rain, that grass seed again be planted in the fall. If the seeding did not take, then he would recommend sodding in December or January. Commissioner Brugman indicated that if the fields were seeded, they would still not be ready for spring play.

**Therefore, in that adequate funds had been budgeted, Commissioner Brugman moved, seconded by Commissioner Eagan, to go forward with the procurement for the placement of sod at the Hollywood Elementary School fields. Motion carried.**

**COUNTY COMMISSIONERS' TIME**

**Hollywood Business District Signs**

Also Present: Jon Grimm, Director, DPZ

Commissioner Brugman advised that the State has agreed to the placement of two of Hollywood Business District signs and that the location for the signs must be determined by the Department of Planning and Zoning. Mr. Grimm reported that the signs will be located at Route 245 in the southbound lane of Route 235 and between Clarke's Landing Road and Mervel Dean Road in the northbound lane.

**MCI Contract**

**Commissioner Chesser moved, seconded by Commissioner Brugman, that the Commissioners have a chance to review the MCI contract before County Government approves it. Motion carried three to one with Commissioner Eagan voting against stating she believed this would be setting a precedent for the Commissioners to review contract.**

Commissioner Eagan moved that the Commissioners review **all** contracts before they go out. Motion failed for lack of a second.

**EXECUTIVE SESSIONS  
SHERIFF'S DEPARTMENT**

**Commissioner Chesser moved, seconded by Commissioner Brugman, to meet in executive session to discuss a matter of personnel for the Sheriff's Department, as provided for in Article 24, Section 4-210(a)1. Motion carried three to one with Commissioner Eagan voting against.**

**Commissioner Chesser moved, seconded by Commissioner Brugman, to meet in executive session to discuss a matter of pending litigation (Sheriff's Department), as provided for in Article 24, Section 4-210(a). Motion carried three to one with Commissioner Eagan voting against.**

(Commissioner Eagan left the meeting at 3:55 p.m.)

**Executive Session – Personnel**

Present: Commissioner Barbara R. Thompson, President  
Commissioner D. Christian Brugman  
Commissioner Paul W. Chesser  
John J. Kachmar Jr., County Administrator  
Mortimer L. Smedley, Assistant County Administrator  
Capt. Jamie Raley, Sheriff's Department  
Douglas S. Durkin, County Attorney  
"Mac" McClintock, Director, DHR  
Judith A. Spalding, Recorder

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

Time Held: 3:55 p.m. – 4:06 p.m.

Action Taken: Capt. Raley presented a request relative to a waiver of the personnel manual regarding hiring at a pay range. The Commissioners agreed to take action in open session next week.

**Executive Session – Pending Litigation**

Present: Commissioner Barbara R. Thompson, President  
Commissioner D. Christian Brugman  
Commissioner Paul W. Chesser  
John J. Kachmar Jr., County Administrator  
Mortimer L. Smedley, Assistant County Administrator  
Capt. Jamie Raley, Sheriff's Department  
Douglas S. Durkin, County Attorney  
Marcia Egan, Legal Assistant  
Mary O'Brien, Risk Manager  
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a) 8  
Time Held: 4:06 p.m. – 5:13 p.m.

Action Taken: The County Attorney reviewed pending litigation issues and received direction from the Board.

(Commissioner Brugman left the meeting at 5:13 p.m.)

**PUBLIC FORUM**

The Commissioners conducted a public forum accepting questions and comments from the audience and via telephone.

**Mark Miller** – Expressed appreciation to the Board for approving the contract for the emergency radio system and for approval of the fire/rescue revolving loan fund.

**David Triantos** – Stated his son would like to see a bid indoor mall in the County, and Mr. Triantos believed that is what other teenagers would request.

**Claire Whitbeck** – Requested the status of the Willows Road Park (Commissioner Thompson advised that there will be a public meeting on October 15 at Chancellors Run Park to accept comments as to what the community would like to have at the park); indicated she was aware of the lack of grass at Hollywood School fields, and she was glad the Commissioners were moving forward with the placement of sod.

**Dick Myers (SMAWL)** – Referred to the cat-shooting incident by an animal warden and requested information as to whether the act was legal; whether wardens were given training in making determination as to the extent of an animal's injury; under what law the warden operated to allow the shooting of the cat in the absence of an owner; and requested a report on the incident.

Issues addressed via telephone calls included suggestions for recreational facilities at Willows Road Park (ice skating rink, swimming pool, skate board and in-line skating area; ice hockey area); Animal Shelter property; cat-shooting incident; and upgrade of St. Mary's City park.

**ADJOURNMENT**

The meeting adjourned at 7:15 p.m.

Minutes approved by the  
Board of County Commissioners on 10/13/98

*Judith A. Spalding*  
**Judith A. Spalding, Recorder**