

**ST. MARY'S COUNTY**  
**BOARD OF COUNTY COMMISSIONERS' MEETING**  
**Governmental Center**  
**May 9, 2000**

**Present:** Commissioner President Julie B. Randall  
Commissioner Joseph F. Anderson  
Commissioner Shelby P. Guazzo  
Commissioner Thomas A. Mattingly, Sr.  
Commissioner Daniel H. Raley  
Alfred A. Lacer, County Administrator  
George Forrest, Deputy County Administrator  
Judith A. Spalding, Recorder

*(Commissioner Anderson was not present at the beginning of the meeting because he was in attendance for the Governor's Announcement regarding school funding as a result of appeals.)*

**CALL TO ORDER**

The meeting was called to order at 10:00 a.m.

**ADDITIONS/DELETIONS TO AGENDA**

**Commissioner Mattingly moved, seconded by Commissioner Raley, to accept the agenda as presented. Motion carried.**

**APPROVAL OF CHECK REGISTER**

**Commissioner Mattingly moved, seconded by Commissioner Raley, to authorize Commissioner President Randall to sign the Check Register. Motion carried.**

*(The following portion was taken by Kate Mauck.)*

**DEPARTMENT OF PLANNING AND ZONING**  
**(ULDC UPDATE)**

**Present:** Jon Grimm, Director, Planning and Zoning

Mr. Grimm covered information presented to the Board of County Commissioners in his May 3<sup>rd</sup> memo concerning revisions to the Draft Unified Land Development Code. He was hoping for a public hearing on June 19<sup>th</sup> and stated that the final zoning and mapping information will be forthcoming next week. The Planning Commission agreed to the revised ULDC in principle; however, they have not as yet had a formal adoption. The Planning Commission has to decide about one or two hearings, and the draft document should be available to the community through the library, community meetings and other avenues prior to the June 19<sup>th</sup> Public Hearing.

Commissioner President Randall expressed displeasure with the delay. Delivery of the document to the Board of County Commissioners was scheduled for April 1<sup>st</sup> at the latest, and the completed ULDC would now not occur until perhaps August. Mr. Grimm was asked to relay her concerns to the Planning Commission and to ask them to move forward in a timely manner.

*(Judith Spalding resumed taking minutes.)*

## **APPROVAL OF MINUTES**

**Commissioner Raley moved, seconded by Commissioner Guazzo, to approve the minutes of the Commissioners' meeting of Tuesday, May 2, 2000, as corrected. Motion carried.**

## **COUNTY ADMINISTRATOR**

Present: Alfred A. Lacer, County Administrator

1. Draft Agendas for May 16 and May 23, 2000
2. **Contracting/Purchase Orders Clarification**

Mr. Lacer referred to the decision by the Board to stop contracting until the budget review was completed. He requested clarification that this direction was only for any new contracts, purchase orders, or work orders, and does not apply to existing contracts. The Commissioners affirmed Mr. Lacer's interpretation of the direction that it was only for new contracts.

3. **Budget Amendments**

- a. **No. 2000-41 – County Administrator - \$6,000**  
(St. Mary's Scholarship Program)

**Commissioner Mattingly moved, seconded by Commissioner Raley, to approve and authorize Commissioner Randall to sign Budget Amendment No. 2000-41. Motion carried.**

- b. **No. 2000-42 – Public Works - \$2,500**  
(Advertisement for Civil Engineer position in Washington Post)

**Commissioner Mattingly moved, seconded by Commissioner Raley, to approve and authorize Commissioner Randall to sign Budget Amendment No. 2000-42. Motion carried.**

- c. **No. 2000-43 – Recreation and Parks - \$65,000**  
(Laurel Grove Expansion Project)

Also present: Phil Rollins, Director

**Commissioner Guazzo moved, seconded by Commissioner Raley, to approve and authorize Commissioner Randall to sign Budget Amendment No. 2000-43. Motion carried.**

- d. **No. 2000-44 – County Administrator - \$3,562**  
(to pay invoices for operating supplies and replacement furniture)

**Commissioner Guazzo moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner Randall to sign Budget Amendment No. 2000-44. Motion carried.**

- e. **No. 2000-45 – Department of Social Services - \$3,250**  
(Reimbursement of burial expenses)

**Commissioner Guazzo moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner Randall to sign Budget Amendment No. 2000-45. Motion carried.**

4. **Department of Recreation and Parks**

(Deed conveying approximately .065 acres from Mr. Yeatman to BOCC for recreational use at Fox Harbor Public Landing)

Also present: Phil Rollins, Director

**Commissioner Guazzo moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner Randall to sign the Deed as presented. Motion carried.**

5. **Grants**

a. **Department of Economic and Community Development**

(Maryland Industrial and Commercial Redevelopment Fund Grant Application Addendum)

(\$22,500 from State supplemental a \$2,500 from the County)

Also present: Martin Fairclough, Director, DECD

**Commissioner Mattingly moved, seconded by Commissioner Guazzo, to approve and sign the letter to Maryland Department of Business and Economic Development forwarding an application for a MICRF Grant in the amount of \$22,500 to be used in attracting non-DOD agencies to the County. Motion carried.**

b. **Office of Community Services**

**Md. Dept. of Health and Mental Hygiene, Alcohol/Drug Abuse Adm.**

Modification to MOU for FY 2000 reflecting a one-time supplemental funding (\$13,700 Prevention Program; \$14,870 for Marcey House; and \$87,100 for Sierra House)

**Commissioner Guazzo moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner Randall to sign the Modification as presented. Motion carried.**

6. **County Attorney's Office**

Lexington Park Volunteer Rescue Squad Loan (\$60,000)

Purchase Money Note and Security Agreement

**Commissioner Guazzo moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner Randall to sign the Purchase Money Note and Security Agreement as presented. Motion carried.**

7. **Letter of Appointment**

Solid Waste Advisory Committee

**Commissioner Guazzo moved, seconded by Commissioner Raley, to appoint Dudley Lindsey to the Solid Waste Advisory Committee for a term to expire December 31, 2003. Motion carried.**

**COUNTY COMMISSIONERS' TIME**

**Tobacco Settlement Meeting**

Commissioner Raley advised that the Tri-County Council Tobacco Settlement subcommittee met at the Governmental Center on Monday, May 8. He stated it was well attended.

**Southern Maryland Firemen's Association**

Commissioner Mattingly reported that Joe Cooper was appointed First Vice-President for the Southern Maryland Firemen's Association.

**Leonardtown Wharf Project**

Commissioner Mattingly stated that he appeared before the Leonardtown Council to brief them on the Leonardtown Wharf Project. The Council is strongly opposed to the project, and he stated that he suggested a public meeting to further discuss options and opportunities for this property. The Council felt it was "a waste of time" because they felt it was a "done deal;" however, Mr. Mattingly stated to them that that was not the case and that he encouraged them to have a public meeting on this issue.

**Leonard Hall Junior Naval Academy's 90<sup>th</sup> Anniversary**

Commissioner Randall reported that she attended Leonard Hall's 90<sup>th</sup> Anniversary and that it was a very well attended event. She stated that she told them that the County was glad to have them as neighbors and wished them well on behalf of the Board of County Commissioners.

**Nurses' Week Dinner**

Commissioner Randall advised that she attended the Annual Nurses' Week Dinner at the Charles County Community College in LaPlata.

**EXECUTIVE SESSION**

**Commissioner Mattingly moved, seconded by Commissioner Raley, to meet in Executive Session to discuss matters of Personnel, as provided for in Article 24, Section 4-210(a)1. Motion carried.**

**Personnel**

**Present:** Commissioner President Julie B. Randall  
Commissioner Shelby P. Guazzo  
Commissioner Thomas A. Mattingly, Sr.  
Commissioner Daniel H. Raley  
Alfred A. Lacer, County Administrator  
Judith A. Spalding, Recorder

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

**Time Held:** 11:35 a.m. – 12:05 p.m.

**Action Taken:** The Commissioners discussed a number of personnel issues and gave direction to staff.

**Follow Up to Executive Session**

**Commissioner Mattingly moved, seconded by Commissioner Raley, to direct staff to proceed as discussed in executive session. Motion carried.**

**PROCLAMATION**

The Commissioners presented a proclamation designating May as Older American's Month.

**GOVERNOR'S SCHOOL FUNDING ANNOUNCEMENT**

Commissioner Anderson was in attendance at the Governor's announcement regarding additional funding for school projects that had been appealed by the Board of Education and County Commissioners, and via telephone, he presented the funding information for St. Mary's County. Additional funding was provided for Lexington Park Elementary, Banneker Elementary, Leonardtown High School, as well as approval to go forward with the Tech Center project. Total Allocation for St. Mary's County was \$13,245,000.

**ADJOURNMENT**

The meeting adjourned at 12:15 p.m.

*(Commissioner Joseph F. Anderson entered the meeting at 1:30 p.m.)*

**FY 2001 Budget Work Session**

The Commissioners had a work session on the FY 2001 Budget.

**7:00 p.m.**

**PUBLIC FORUM  
CHALK POINT OIL SPILL  
(Held at Mechanicsville Fire House)**

Present: Commissioner President Julie B. Randall  
Commissioner Joseph F. Anderson  
Commissioner Shelby P. Guazzo  
Commissioner Thomas A. Mattingly, Sr.  
Commissioner Daniel H. Raley  
George Forrest, Assistant County Administrator  
Delores Lacey, Assistant Public Information Officer  
Kate Mauck, Recorder

Also Present: Billy Moore, PEPCO, Manager, Natural Resource Management  
Alan Williams, MDE, Manager, Emergency Response  
Colby Stanton, EPA, Federal On-Scene Coordinator  
Frank Csulak, NOAA  
Phil Jones, DNR

Commissioner President Julie Randall welcomed citizens to the Public Forum and introduced the Board of County Commissioners and accompanying staff members, as well as members from the Unified Command Oil Spill Emergency Response Team.

Members from the Unified Command Team gave presentations concerning the damage assessment being completed. Mr. Moore stated that a field office had just been opened at a library in St. Mary's County and a more permanent outpost would soon be opening along Route 5 to provide better access to citizens. It was stated that PEPCO representatives would be individually visiting each property owner along the affected shoreline. Citizens were invited to sign up to assist in the volunteer efforts.

Mr. Williams stated that MDE would be in place throughout the entire process. The effort is currently in Phase 1, Emergency, and will downgrade to Phase 2, long-term cleanup effort, at the appropriate time.

Mr. Jones stated that a fish community study is being done and he provided detailed information concerning the studies taking place. The studies include all wildlife, eggs, hatching success, marsh assessment, etc. from approximately Drum Point to Sheridan Point. There is significant historical data from the last 25 years, which will be enormously helpful in performing comparison ratings.

Ms. Stanton has seen positive changes, although a lot of work still remains. She stated that there would be no less effort when the process is downgraded to Phase 2. Ms. Stanton feels that PEPCO is doing a good job in the handling of the cleanup effort.

Mr. Csulak outlined the process of handling the oil spill, stating that there are two teams involved: the first team's mission is to stop and contain the spill, and the second team is the Natural Resource Trustees. These Trustees will work with PEPCO to fund, design and implement numerous studies. He explained the processes to be followed:

- Determine which resources have been impacted
- Collect perishable data
- When crisis is over, data will be reviewed and evaluated
- Focus on resources that may have long-term impacts
- Restoration efforts

Repositories will be set up at various multiple locations for public access to all the paperwork documentation. A Draft Restoration Plan will be available in about one year. Restoration projects will be proposed in order to compensate the public for the damage and losses. When the draft plan is issued, there will be public comment times available so that citizens can provide input. A final Restoration Plan should be ready to be implemented by mid to late summer of next year.

The following individuals expressed concerns:

Gentleman A: Lives on Trent Hall Creek – no one is checking the depth of the water in his creek. Erosion has become a problem because of the large number of workers who have come into the area.

Woman A: Also lives on Trent Hall Creek and expressed concern about erosion after the spill.

Gentleman B: Measured water depth one year ago at 5 feet, one inch. A recent measurement at the same site came to only 38 inches. He felt that manpower on the creek squashed it.

Ms. Stanton informed Gentleman A that she did not believe erosion was a recent problem on his property. She said that historical information on erosion would be looked at more in-depth later, after the initial crisis is past. Mr. Csulak stated that the impact of people and machinery coming into the wetlands and marshes will be evaluated, addressed and will be paid for by PEPCO.

Commissioner Randall opened the hearing up for public comment:

Ken Hastings: Mr. Hastings has spent a lot of time out where the spill occurred, and gave a detailed report of his finding. He has seen some return of wildlife, but on Saturday he saw little clean-up effort occurring in three of the affected creeks, and what he did see appeared to be unproductive. Mr. Hastings does not feel the booms are effective in controlling oil when the tides go in and out.

Vance Evans – EPA official – Mr. Evans stated that he had been up two weeks ago for a fly-over and had been up today as well. He was amazed at the amount of oil that had been cleaned up along the shoreline in the past two weeks. Mr. Evans stated that it looked vastly different, although there is still a lot of work that needs to be done.

Joe Hebron – There was no bare ground along the shoreline before the spill on his property and now there is – erosion is occurring, and he can see the roots.

Gentleman C – Stated that he had been at the last three meetings, had given his name and number personally to Ms. Stanton and had heard nothing in response. Ms. Stanton stated that she would personally contact him and would no longer accept the word of staff who had previously assured her that he had been contacted.

Lynne Donaldson – Lives on Trent Hall Creek – PEPCO has used her two lots for working and she expressed concerns about the restoration of her property. Mosquitoes are a serious problem now because of the stagnant water due to the booms. Does not want last minute phone calls when people are coming out to do something on her property – she would like property owners to have a say in the decision-making process involving how and when to restore affected areas.

Barry Tonaka – Expressed concerns about PEPCO selling a plant. Who would be responsible for long-term problems? He was told that PEPCO would always be fully responsible and any new owner would not assume the responsibility.

Wayne Abernathy – Asked about an alarm for the pipeline – was there one? Wanted to know if the problem had been fixed. He was told that the pipeline is completely out of service, and will not reopen until all the powers that be give their full approval – many conditions must be met first. Mr. Abernathy wanted to know how they could lose 100,000 gallons of oil and not know it. He was assured that an answer would be forthcoming.

David Triantos – Stated that more watermen are coming over to the Potomac River now. Asked about mosquitoes – was an effort made to tackle the problem where the booms are? He was assured that the problem would be addressed. Mr. Triantos also expressed concerns about taxpayers making up the difference because of PEPCO's lost profits due to the spill. He was assured that PEPCO has insurance that will help to cover this incident and the cost will not be passed onto the taxpayer. Mr. Williams informed him that PEPCO will be fully billed for all time, materials, and equipment as well as any fines and penalties involved.

Anita Bailoff – Asked that tissue samples be taken in Trent Hall Creek – not just in the mouth of the creek as planned, but deep into the creek. Expressed concerns about an adult swan and six young, perhaps year-old swans that have been released in the creek. Ms. Stanton answered questions about the capture and release of the adult swans, stating that she would like to get Ms. Bailoff's phone number after the meeting so that she could further answer and respond to concerns about swans in the creek.

Andy Ukly – lives on Trent Hall Creek – wanted to know if the Board of County Commissioners was taking legal action against PEPCO. Commissioner Randall stated that they are not taking legal action at this time, although it will be looked into. Mr. Ukly wanted to know if the County would represent residents and she stated that they would not.

Bruce March – representative from Congressman Hoyer's office – Listed various resources available that could help financially. Commissioner Mattingly stated that they had already been utilized. Mr. March stated that Congressman Hoyer's office is willing to provide assistance in any way necessary.

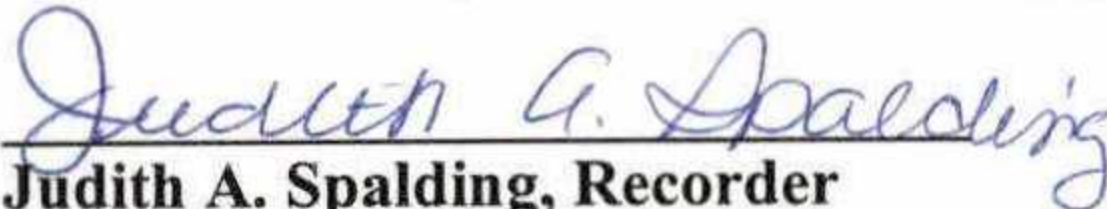
Woman B: Lives on Kenny(?) Creek – wanted to know where she could get results of sample testing. She was informed that the results should be forthcoming in about two weeks, and was told whom she could contact.

Commissioner Randall informed citizens that another Oil Spill meeting would be held on May 23<sup>rd</sup> at the Fairgrounds in Calvert. In approximately four weeks a meeting will be held in Benedict in St. Mary's County. She gave the County's website address, PIO phone number, and asked citizens to call or contact the County if they need help. On June 27<sup>th</sup>, Commissioners from all three of the affected counties will be meeting over dinner on the Patuxent River to further discuss the oil spill and environmental concerns. The Tri-County Council is also continuing to monitor this situation.

#### **ADJOURNMENT**

The Public Forum adjourned at 8:52 p.m.

**Minutes Approved by the  
Board of County Commissioners on 5/23/00**

  
**Judith A. Spalding, Recorder**