

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Governmental Center
Tuesday, July 10, 2001**

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, Deputy County Administrator (in for Mr. Lacer, Co. Adm.)
Judith A. Spalding, Administrative Assistant to BOCC (Recorder)
Kate Mauck, Administrative Assistant (Recorder)

(The Board of County Commissioners attended the Official Closing of the Wood Treatment Plant Site in Hollywood, Maryland at 9:15 a.m.)

CALL TO ORDER

The meeting was called to order at 10:30 a.m.

ADDITIONS/DELETIONS TO AGENDA

Commissioner Mattingly moved, seconded by Commissioner Raley, to accept the agenda as amended (to switch Introduction of MSP Commander from 3 p.m. to 10:45 a.m. Motion carried.

APPROVAL OF CHECK REGISTER

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

(During discussion of the bills, Commissioner Raley questioned the following bills: difference in price of tires; timeline for a Planner in DPZ to become a county employee; and purchase of rifles. Finance will respond to Commissioner Raley's inquiries.)

APPROVAL OF MINUTES

Commissioner Raley moved, seconded by Commissioner Guazzo, to approve the minutes of the Commissioners' meeting of Tuesday, June 28, 2001, as corrected. Motion carried.

INTRODUCTION OF MARYLAND STATE POLICE COMMANDER

Lt. Terry Wilken introduced herself as the Commander of the MSP Leonardtown Barracks, and that she has been in this position since January. During her presentation, Lt. Wilken, who has been with the State Police for over 14 years, reviewed some of the activities of the MSP in the County: working with EOC on dispatch system; receipt of domestic violence grant funds to assist victims; child safety seat inspection and donation program; working with DNR on water related patrolling efforts; initiating efforts for an annual open house; DARE program; bike patrol program; alcohol saturation patrols; HotSpots; working with BOE on school and bus safety program;

During discussion Commissioner Randall noted that it has been more than ten years since the State Police force has been increased in St. Mary's County, and questioned what was the process for getting additional troopers. Lt. Wilken explained that local government and legislators need to make the request, and she offered her assistance in this effort.

In addition Commissioner Guazzo requested the location of the five problem intersections in St. Mary's County.

COUNTY ADMINISTRATOR

Present: George Forrest, Deputy, County Administrator (on behalf of Co. Adm.)

1. Draft Agendas for July 17 and 24, 2001

(Re July 17 agenda, Commissioner Raley noted that he will be asking for the status of the meeting room project during discussion of the Annex Update Report.)

2. Sheriff's Office
Local Law Enforcement Block Grant Application
(Federal: \$61,627; County: \$6,847)

Present: Captain Steve Doolan
Lottie Bell, Sheriff's Department

Commissioner Mattingly moved, seconded by Commissioner Raley, to approve and authorize Commissioner Randall to sign Grant Application. Motion carried.

3. Department of Economic and Community Development (Housing Office)

Present: John Savich, Director, DECD
Dennis Nicholson, Director

- a. Emergency Shelter Grant Program Application
Three Components—Angels Watch; Catholic Charities; Department of Social Services (Federal: \$50,000)

Commissioner Guazzo moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner Randall to sign the Emergency Shelter Grant Application. Motion carried.

- b. Community Legacy Resolution Designating Priority Funding Areas

Areas of discussion included whether funding can be used toward planning efforts in Lexington Park; whether the County would be tied into the listed projects; Tri-County Community Action's role in property acquisition; long-term implications; that the application, is due to the State on July 24; the need to have a plan to avoid duplication by other departments or agencies and that would not interfere with other programs initiated by the County.

After discussion Commissioner Guazzo moved, seconded by Commissioner Anderson, to approve and sign the Resolution Designating Priority Funding Areas as "Community Legacy Area" and endorsing the St. Mary's County Housing Authority as a sponsor and applicant for the State of Maryland "Smart Growth" and Neighborhood Conservation - Community Legal Program. Motion carried.

In conclusion the Commissioners requested Mr. Savich and Mr. Nicholson to return to the Board with detailed descriptions of the projects and with a plan for DECD to avoid duplication and a plan that shows how this application would not interfere with future projects of the County.

4. Walden/Sierra Inc.
Modification to Memorandum of Understanding (to previously approved grant) (reflecting one-time supplemental increase for FY 2001 in the amount of \$73,410)

Present: Kathleen O'Brien

Commissioner Mattingly moved, seconded by Commissioner Raley, to approve and authorize Commissioner Randall to sign Memorandum of Understanding. Motion carried.

5. Legal Department
Fairgrounds Property – Boundary Line Adjustment Plat, Resolution and Quitclaim Deed
(follow up to public hearing)

Present: Joan Lolcama, Real Property Manager

Commissioner Mattingly moved, seconded by Commissioner Raley, to approve and authorize Commissioner Randall to sign Quitclaim Deed and for Board to sign Plat and Resolution. Motion carried.

6. Development Review Forum
Revision to Bylaws to add Director of Permits and Inspections as a member

Present: Robin Guyther
Sonny Burch, Forum Chair

Commissioner Raley moved, seconded by Commissioner Mattingly, to approve the revised Bylaws for the Development Review Forum to include the Director of Permits and Inspections. Motion carried.

7. Supplemental Appropriation Ordinance – Recreation and Parks
(\$74,743) (follow up to 6/19/01 public hearing)

Present: Jeannett Cudmore
Arthur Shepherd

Commissioner Raley moved, seconded by Commissioner Mattingly, to approve and sign the Supplemental Appropriation Ordinance. Motion carried.

8. Appointment of a Drought Coordinator (per 6/20/01 letter from MetCom)

Present: Tom Russell, Deputy Director, MetComm

Commissioner Guazzo moved, seconded by Commissioner Anderson, to appoint Tom Russell as Drought Coordinator and to sign letter to MDE. Motion carried.

9. Tri-County Council Budget for FY 2002

Present: Dave Jenkins, Director, TCC

(Because the Tri-County Council did not have a quorum at its June meeting, the Council needed the Commissioners vote on its FY 2002 budget.)

Commissioner Mattingly moved, seconded by Commissioner Raley, to approve the Tri-County Council's FY 2002 Budget. Motion carried.

10. Letter of Appointment
Ethics Commission

Commissioner Raley moved, seconded by Commissioner Mattingly to approve and sign letter appointing Martha Neal to the Ethics Commission. Motion carried.

11. State's Attorney's Office
Request for Law Clerk Position

Present: Mike Stamm, Deputy State's Attorney

(This FTE Position, with benefits, for one year, was funded in the FY 2002 Budget financed through the Enforcement/Drug fund)

Commissioner Mattingly moved, seconded by Commissioner Guazzo, to approve the request for a 40-hour position to include benefits, to be effective July 1, 2001. Motion carried.

(Mr. Stamm referred to the surplus funding in the State's Attorney's Office for this position and in response to inquiries from the Commissioners, indicated that these funds could be used to keep the "Bad Check" program going, and that it may also be used for expert witnesses.)

UNMANNED AERIAL VEHICLE DEMONSTRATION 2001

Present: William Mueller, Acting President, AUVSI Seafarer Chapter
LCDR David Seagle, USN, UAV Demonstration Coordinator
Jim Curry, Secretary, AUVSI, Seafarer Chapter
Kelley Quade, UAV Coordinator

The referenced individuals appeared before the Commissioners to provide an overview of the upcoming international Unmanned Aerial Vehicle (UAV) demonstration to be held July 30, 2001 at NAS Webster Field. LCDR Seagle explained that there will be air demonstrations and many exhibits, and pointed out that this event will give an opportunity for St. Mary's County to showcase its many advantages to a number of companies and government representatives. VIP guests at the demonstration will include members of Congress, Office of Secretary of Defense, Embassy Air Attaches, and State and Local Government officials.

During the presentation LCDR Seagle indicated coordination with the County may be needed for the following:

- Sheriff's Office for traffic and vehicle control
- Emergency Medical Services
- Three electronic traffic signs posted on Routes 5, 235, and Villa Road
- Public Service Announcements notifying citizens of increased traffic and UAV activities

In conclusion the Commissioners agreed to assist in the program as indicated.

Kate Mauck recorded the following meeting minutes:

CONSTELLATION ENERGY GROUP CALVERT CLIFFS UPDATE

Present: Charles Cruse, Vice President, Nuclear Energy
Mary Krug, Local Government Affairs Representative

Representatives from the Calvert Cliffs Nuclear Power Plant Constellation Energy Group appeared before the Board of County Commissioners to provide their annual update on the Nuclear Power Plant. Highlights of the discussion were as follows:

- It was announced last year that the company would split, and this is expected to occur this fall. One portion of the split will be named BGE Corporation and the other will retain the name of Constellation Energy Group. Details of the split were outlined;
- Safety record of Calvert Cliffs Plant remains one of the best in the United States;
- Constellation Energy Group was honored with the 2001 Edison Award;
- They have maintained an all-type record for safe generators;
- Additional studies to occur regarding impact on Calvert Cliffs due to the Cove Point reopening prior to its occurrence; and
- Numerous other environmental and safety achievements were outlined.

It was announced that an emergency drill would occur on September 25th, 2001.

The Board of County Commissioners thanked the representatives for their outstanding efforts on behalf of the community as well as CEG's excellent safety record and achievements.

RECREATION AND PARKS PRESENTATION OF CHAPTICO PARK MASTER PLAN

Present: Phil Rollins, Director, Recreation and Parks
Charles Klein of Whitney, Bailey, Cox and Magnani
Sam Crozier, Crozier Associates

The Department of Recreation and Parks, along with consultants, presented the Board of County Commissioners with a draft Chaptico Park Master Plan. Details of the presentation included:

- Last January, the County settled on approximately 250 acres of land for about \$360,000 for the purpose of building a major park in the Northern part of the County;
- The Recreation and Parks Board adopted this draft Master Plan in May 2001.

Commissioners requested that a copy of the comments and/or recommendations of the Recreation and Parks Board regarding this issue be submitted for their review.

- One entrance to the park, which is located next to the Farrell property, was outlined and discussed;
- Illustrations regarding environmental conditions, slope analysis, useable land, and buffered areas were presented;
- The concept plan was outlined, which included discussion regarding soccer fields, trail systems, overlooks, road and footpath locations, etc.;
- The concept plan was revised based on input at several public meetings; Master Plan was then developed;
- A 4-Phased Plan was outlined and discussed; and
- The proposed budget and 25% contingency proposal were discussed.

The Board of County Commissioners gave the following direction:

- *Park should provide activities for individuals with disabilities as well as individuals that do not or cannot enjoy competitive sports;*
- *Pond should be reevaluated to be used for recreation as well as for stormwater management. i.e., fishing, paddle boating, canoeing, etc.;*
- *Research possibility of enlarging pond – provide scale comparisons to ensure it can accommodate recreational activities;*
- *Look closely at restroom facilities and septic system costs;*
- *Move forward on providing understory growth plants (evergreen – holly in particular) as a beginning buffer to the Farrell's property;*
- *As a world class equestrian center may occur in the County in the future as a public/private partnership, this park should not duplicate those efforts;*
- *Carefully review citizen input as to what is really wanted/needed for equestrians in the park. If a small riding rink with an unpaved road access is all that is necessary, it should possibly be part of an earlier Phase;*
- *Provide more picnic areas;*
- *Concerns expressed regarding the combining of horse and walking trails;*
- *May need to provide more basketball courts;*
- *Change portion of text regarding phasing that conflicted with the correct phasing chart as discussed;*
- *Closely re-evaluate stormwater management;*
- *Check into possibility of Department of Public Works and Transportation providing construction assistance during their down times to help reduce costs of the project;*
- *Re-evaluate the entire phasing plan based on discussion;*

- *Revise the budget request as the amount is too excessive for the County to be able to support; and*
- *Place matter on Commissioners agenda when research has been completed.*

COUNTY COMMISSIONERS' TIME

ULDC Public Hearing Document

Commissioner President Randall read a statement prepared by the County Attorney's office announcing that the correct public hearing document for the ULDC is the July 2001 version. The document is available for public viewing at County libraries and citizens may obtain one copy per person from Planning and Zoning or the Public Information Office. These copies will be available by Wednesday, July 11th. Additionally, the County's website contains a prominent link to the ULDC document.

Freedom Fest 2001

Commissioner Mattingly reported that he and Commissioner Raley attended the Freedom Fest 2001 event at the Fairgrounds on the 4th of July. He expressed congratulations to the event coordinators for the hard work they put into what was a very nice event.

Wedding Anniversary Congratulations Expressed

Commissioner Mattingly expressed congratulations to Commissioner and Mrs. Raley on their recent wedding anniversary. They have now been married 29 years.

Commissioner Raley reported that his aunt and uncle celebrated their 56th wedding anniversary over the weekend.

INS Briefing

Commissioner Anderson stated that he recently spoke with Sheriff Voorhaar regarding the INS program. This portion of the budget has dried up over the last couple of years.

Commissioners directed that staff arrange for representatives from INS to brief Commissioners on the reasons why St. Mary's County is no longer a part of the program. Commissioner Mattingly reported that the Sheriff was in agreement with this and that the County should perhaps get a fresh look at the whole issue.

St. Mary's College River Concert Series

Commissioner Anderson reported that he, Commissioner Raley and Commissioner Randall recently attended one of the Friday night concerts at St. Mary's College, and it was a very fine event. Perhaps as many as 3,000 people were present and the County has a hand in helping to sponsor the event. He encouraged citizens to attend the concerts, and a plaque was presented to the Board of County Commissioners for their sponsorship of the event. Commissioner Anderson expressed his thanks to the President and staff of the College as well as the numerous sponsors from the community who have helped to make these events a great success in St. Mary's County. He stated that the River Concert Series is helping to plant a seed which may ultimately develop into a world-class concert facility somewhere in the County.

Commissioner Raley reported that the food at the event was excellent and he also expressed his thanks to the corporate sponsors.

Closing of the Hollywood Wood Treatment Plant

Commissioner Guazzo reported that Commissioners attended the closing ceremony of the Hollywood Wood Treatment Plant this morning. The Plant site has now been declared clean and usable, and it has been a long 15-year project to bring it to completion. Commissioner Guazzo stated that the Maryland Department of the Environment and numerous other officials were present to celebrate the closing.

Commissioner Guazzo directed that staff prepare letters of thanks to Mr. Ralph Guenther and members of the Task Force regarding their efforts in assisting in the cleanup and closing of the Hollywood Treatment Plant.

Additionally, Commissioner Anderson thanked Ms. Delores Lacey, Assistant Public Information Officer, for the involvement she has had in the coordination of this important event.

STS Bus Services

Commissioner Raley announced that that Transportation Section of Public Works is to be congratulated on the opening of the Calvert County section of STS bus services. It appears to be functioning very well.

Construction Flaws Dilemma for Homeowner

Commissioner Raley outlined problems that a homeowner in St. Indigos has been having because of major construction flaws on his home. He paid for the proper inspections and permits, and MDIA has not come through with a compensation package.

Mr. Forrest was directed to have the County's Legal Department contact the homeowner and offer assistance from the County to help resolve this issue.

Lexington Park Library

Commissioner Raley expressed that he has been extremely upset and disappointed for the lack of progress on the Lexington Park Library. He would have expected the building to be under roof by now, and he is unsure of whom to blame.

Happy Birthday Announcement

Commissioner Mattingly expressed congratulations to his lovely granddaughter, Lexi, who turned five years old this week.

Emergency Broadcasting

Commissioner Mattingly stated that as 97.7 The Bay has gone off the air, it appears the County may not have a back-up plan for emergency broadcasting.

Staff was directed to have the Emergency Management Department check into this situation and report back to the Commissioners.

Judith Spalding recorded the following portion of the minutes:

EXECUTIVE SESSION

Commissioner Anderson moved, seconded by Commissioner Guazzo, to meet in Executive Session to a matter of Personnel, as provided for in Article 24, Section 4-210(a)1. Motion carried.

Personnel

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, Acting County Administrator
Judith A. Spalding, Recorder

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

Time Held: 3:45 p.m. – 4:15 p.m.

Action Taken: The Commissioners discussed appointments to the Nursing Center Governance Board and gave direction to staff.

Kate Mauck recorded the remaining meeting minutes:

PRESENTATION OF CERTIFICATES TO CHILDREN VOLUNTEERS FOR WORK ON ST. JEROME'S NECK ROAD

The Board of County Commissioners presented Commendations to the following individuals who, on their own, determined to clean up St. Jerome's Neck Road, which is about seven miles long:

- Brandon Avery
- Matthew Avery
- Kellen Elmore (unable to attend)
- Michael Krilich
- Joshua Prigmore
- Justin Prigmore

Mr. Roy Fedders, President of the St. Jerome's Creek Association, spoke on their behalf.

6:10 p.m.

PUBLIC FORUM

The Board of County Commissioners conducted their monthly evening public forum. The following individuals spoke:

Clare Whitbeck – Expressed her desire for the rehabilitation of the Lexington Manor Apartments to occur. She stated that this could be done while staying within the AICUZ requirements. Ms. Whitbeck outlined her vision for a 1940's World War II home to be displayed for tourism purposes. She also reported that residents had planned and were prepared to execute a cleanup of their neighborhood, and had pursued insurance; however, they have not been given permission to follow through on their plan. Ms. Whitbeck also outlined possibilities discussed at the Community Legacy Meeting. She asked Commissioners to take action soon.

Gilbert Naru - Resident of Willow Woods – Mr. Naru outlined a variety of new concerns as well as old concerns with the developer on the properties at Willow Woods. Problems with storm water, water drainage and an electrical box were outlined at last month's evening public forum, and the residents have seen or heard nothing regarding those concerns. He distributed a letter received from Mr. Erichsen regarding problems with the developer's surety bond and asked Commissioners if this was truly the case. Mr. Naru reported that a fire had been started on Saturday by Mr. Brooks that included what appeared to be illegal construction debris. The fire department was called on to put out the fire; however, the fire resurfaced three days later and the fire department was contacted once again. The Forestry Department came out and issued a permit on the spot to Mr. Brooks, even though he had not called them in advance.

Roy Stoley – Resident of Willow Woods – Mr. Stoley resides on Lot 43, where most of the water problem begins and then heads toward Lot 47. Mr. Stoley stated that it appears that officials act on the side of the developer. The electrical box problem is still an issue and a big safety hazard. Problems with water buildup, stagnation, lack of stones where necessary, etc. were outlined. Mr. Stoley asked why Mr. Brooks continues to receive permits to build at Willow Woods, when he has not resolved the problems as he was instructed.

Commissioner Raley stated that he has been involved with this problem and has toured the property. He is unsure that what has been done on the property is what was actually approved. Commissioner Raley indicated that the problem should be easier and cheaper

to fix now rather than later. This problem will only escalate if it is allowed to continue. The recent signing of the Storm Water Management Ordinance should keep this problem from happening in the future; however, it does not solve the problems currently experienced by the residents in Willow Woods.

Commissioners directed the following:

- *Department of Public Works and Transportation respond in writing to the Commissioners regarding options to resolve the water problems and electrical box safety issues at Willow Woods; and*
- *Director of Permits and Inspections respond in writing to the Commissioners as to why the County continues to issue building permits to the Willow Woods developer when he has not met the standards to date.*

Mr. Foy Fedders – Expressed concern with the lack of proper emergency broadcasting when tornadoes hit the County 1 ½ to 2 months ago. Local radio stations did not alert the public, and scanners he listened to reported a tornado going in the opposite direction from which it was traveling. Mr. Fedders recommended that there be more coordination between County officials and radio stations.


It was reported by a member of the audience that problems had occurred in the past because many times radio stations are not required to man their stations on the weekends. It was suggested that perhaps this needed to be reviewed. It was also reported that negotiations were currently underway with a cable company, and emergency broadcasting may occur in the future on cable Channel 12.

David Triantos – Mr. Triantos reported that he taped the recent Freedom Fest event, which would be shown this coming Friday night on public access. He offered his apologies to Commissioners' Mattingly and Raley, as his tape ran out of film, and he was unable to broadcast their speeches. Apologies were graciously accepted.

ADJOURNMENT

The meeting adjourned at 7:00 p.m.

**Minutes Approved by the
Board of County Commissioners on 7/17/01**



**Judith A. Spalding, Administrative Assistant
to the Board of County Commissioners**