

ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS
AUGUST 1, 1995

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

CALL TO ORDER

The meeting was called to order at 8:40 a.m.

NURSING CENTER ELEVATORS

(Held at St. Mary's Nursing Center)

Present: Commissioner Barbara R. Thompson, President
Commissioner D. Christian Brugman
Commissioner Paul W. Chesser
Commissioner Frances P. Eagan
Commissioner Lawrence D. Jarboe
Aleck Loker, Acting County Administrator
Joe Densford, County Attorney
Doug Durkin, County Attorney
Dan Ichniowski, Director, DPW
Charles Wade, Director of Finance
Nursing Center Representatives: Jeffrey Lloyd, Administrator; Richard Buckler,
Charles Nelson; Karen Abrams, Attorney; Nursing Center Board: J. Wilmer
Bowles, Chair, Joe Dobson, Nancy Hutson, Ella May Russell, Frank Lawrence,
Judy Raley, Jerry Cheseldine, Joe Wilkinson
Judith A. Spalding, Recorder

Commissioner Chesser moved to conduct the meeting in Executive Session. Motion failed for lack of a second.

The referenced individuals met to discuss the issue of the elevators at the St. Mary's Nursing Center. Ms. Abrams explained that it was her understanding that there have been problems with the elevators since their installation in 1986. Costs to do the necessary work (replacement of cable lines and controls) is estimated at \$45,000.

Discussion was held on the following issues:

- Nursing Center's concern that the elevators do not currently meet state code standards and that the State would not close them down if a conscientious effort was being made to correct the problems.
- Concerns that someone may be injured and concerns about accreditation because the elevators do not meet state standards.
- Whether there had been proper maintenance of the elevators over the years
- Ownership of the building (it is currently owned by the Building Authority and when debt is paid will be owned by the County)
- Long term issue of future maintenance improvements
- Establishment of an escrow account to pay for capital improvements
- Responsibility for capital improvements (Nursing Center pays the mortgage)
- Use of Medicaid reimbursements
- Revising the Operating Agreement to more clearly define responsibilities

- Whether the County would forward fund the \$45,000 now for the repairs with the understanding that the issue of responsibility would be addressed later.
- That the Commissioners do not have a line item in the budget for the Nursing Center

In conclusion the Commissioners requested the Nursing Center Board to submit proposals for repair of the elevators to the Building Authority, which will make recommendations to the Board of Commissioners.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Brugman, to approve the minutes of Tuesday, July 25, 1995 and the Planning and Zoning portion of the July 18, 1995 meeting. Motion carried.

APPROVAL OF BILLS

Commissioner Jarboe moved, seconded by Commissioner Chessser, to authorize Commissioner Brugman to sign the Check Register. Motion carried.

COUNTY ADMINISTRATOR ITEMS

Present: Aleck Loker, County Administrator

- 1) **Economic Development Administration
Grant Award**

Also Present: Sue Wilkinson, Acting Director, DECD

On behalf of the Department of Economic and Community Development the County Administrator presented correspondence dated July 24, 1995, from the Department of Commerce announcing a Grant Award in the amount of \$75,000. The grant, which was matched by a \$45,000 state contribution and \$5,000 local funds (donations) will provide assistance in the preparation of a defense conversion economic adjustment strategy for St. Mary's County.

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

- 2) **Resolution No. 95-35
Real Property Forfeiture**

The County Administrator reminded the Commissioners of State's Attorney Walter Dorsey's presentation on June 27 relative to the County's acceptance of property seized in as drug related case. The County Attorney prepared a Resolution accepted title to real property owned in fee simple by Raymond Meredith, consisting of .47 acres, Thomas Corner, Fifth Election District,

Commissioner Jarboe moved, seconded by Commissioner Chessser, to approve and sign Resolution No. 94-35 as presented. Motion carried.

Commissioner Jarboe indicated that Mrs. Meredith lives in a trailer on the property and inquired whether there was a way to allow her to continue to live there until such time as the County would need the property.

Mr. Loker responded that he would contact the County Attorney regarding this matter.

3) Selection of County Auditor

Also Present: Charles Wade, Director of Finance

The County Administrator advised that since Cox, Long and Colvin declined to do the County's audit, the County went out on bids for a new auditor. A Technical Evaluation Committee, comprised of Joe Suchinsky, Elaine Kramer and Charles Wade, reviewed the audit proposals and recommended that the Commissioners appoint the firm of Reznick, Fedder & Silverman as the St. Mary's County Auditor for Fiscal Year 1996. The firm will conduct the audit of the County, the Metropolitan Commission, and the Library.

During discussion Commissioner Eagan requested an opportunity to review the list of bidders and amounts.

Later in the meeting Mr. Wade presented the information requested.

Commissioner Eagan moved, seconded by Commissioner Chessser, to accept the firm of Reznick, Fedder & Silverman as the County's Auditor for Fiscal Year 1996. Motion carried.

**4) Appointments
Building Authority**

Commissioner Chessser moved, seconded by Commissioner Eagan, to appoint Aleck Loker, County Administrator, and Douglas Durkin, County Attorney to the Building Authority. Motion carried.

FIFTH DISTRICT PARK MASTER PLAN

Present: Phil Rollins, Director, Recreation and Parks

As a follow up to previous discussions Mr. Rollins appeared before the Commissioners to request the Board's adoption of the Fifth District Master and approval of the Program Open Space Grant Application to implement Phase I of the Plan.

Mr. Rollins advised out that the Plan, which consists of three phases, was developed to address the current and future park needs of the northern end of the County. He pointed out that approval of the Plan would not commit the County to any funds for Phases II and II, but would only indicate the intended direction of the county relative to future expansion of the park.

The three phases of the park include: Phase I - Improvements to existing park; Phase II - Improvements to east parcel and land acquisition; Phase III - Improvements to west parcel (community center, pool, and other improvements).

Discussion ensued relative to the use of POS funds for Phases II and III and whether funds would be available for other future projects. Mr. Rollins indicated that he would have a Department of Natural Resources representative come before the Board to explain the POS funding.

Commissioner Brugman moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign the Program Open Space Grant Application in the amount of \$522,000, and further to approve Phase I of the Master Plan with Phases II and III to come back at a later time. Motion failed one to four with Commissioners Thompson, Chessser, Eagan, and Jarboe voting against.

Commissioner Jarboe moved, seconded by Commissioner Chessser, to approve the Master Plan (with the understanding that there is no financial commitment for Phases II and III) and further to approve and authorize Commissioner Thompson to sign the POS Grant Application. Motion carried.

CONTRACTOR POSITIONS VERSUS MERIT EMPLOYEE POSITIONS

Present: Charles Wade, Director of Finance
George Foster, Personnel Officer
Jim Haley, Procurement Officer

As requested by the Commissioners the referenced individuals appeared before the Board to discuss the differences between contractor positions and merit employee positions. Mr. Foster reviewed the rules for determining if an individual is an independent contractor or a county employee. He further reviewed the various categories of county employees and benefits associated with each.

In closing Mr. Haley indicated he would return to the Board at a later date with a proposal to establish a standing committee to review all new personnel authorizations with recommendations as to whether the position would be an independent contractor or county employee.

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

1) County Road Programs

For the Commissioner's information Mr. Ichniowski presented handouts setting forth the Surface Treatment Program for Fiscal Year 1995; Asphalt Overlay Program for Fiscal Year 1995; and Asphalt Overlay Program for Fiscal Year 1996 based on the approved FY '96 budget.

2) Johnson Farm Estates Acceptance of Deed Road Resolutions

Mr. Ichniowski presented the following documents for the Commissioners' review and consideration:

Deed dated September 2, 1993 between Maryland Bancorp, Inc. and County Commissioners of St. Mary's County accepting Leon Drive, Lupe Court, and Lori's Court into the County's Highway Maintenance System.

Road Resolution No. R95-14 - Posting Leon Drive, Lupe's Court, and Lori's Court at 25 miles per hour.

Road Resolution No. R95-15 - Designating the following as Stop Streets:

Leon Drive as it intersects with Dr. Johnson Road
Lupe's Court as it intersects with Leon Drive
Lori's Court as it intersects with Leon Drive

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

3) Public Works Agreement/Addendum

Mr. Ichniowski presented the following public works agreements and addenda for the Commissioners' approval:

Hunting Quarter - Agreement dated July 24, 1995 between Thomas B. Watts and J. Frank Raley Insurance, Inc. and the Board of County Commissioners of St. Mary's County guaranteeing completion of Black Duke Court on or before July 1, 1996. The Agreement is backed by a Letter of Credit in the amount of \$67,600 with Maryland Bank and Trust.

Courtyards at Great Mills - Agreement dated July 5, 1995 between Cove Ventures Incorporated and the Board of County Commissioners of St. Mary's County guaranteeing completion of Mattaponi Boulevard. The Agreement is backed by a Letter of Credit in the amount of \$82,800 with National Union Fire Insurance Company of Pittsburgh, PA.

Cedar Cove - Addendum to Agreement between Patuxent Development, Inc. and the Board of County Commissioners of St. Mary's County extending the deadline for completion of improvements. The Addendum is backed by a Letter of Credit in the amount of \$353,000 with Nations Bank.

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

4) **Public Works Agreement
St. Mary's Hangars, Inc.**

Mr. Ichniowski presented a Public Works Agreement dated July 27, 1995 between St. Mary's Hangars, Inc. and the Board of County Commissioners of St. Mary's County guaranteeing completion of water supply improvements within 90 days of the issuance of a Metropolitan Commission connection permit. The Agreement is backed by a Letter of Credit in the amount of \$12,400 with Calvert Bank and Trust Co.

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

COUNTY COMMISSIONERS' TIME

State Economic Development Commission

Commissioner Eagan advised that the Search Committee has submitted three names, one from each of the tri-counties, to the Governor for selection of the tri-county appointment to the State Economic Development Commission. The names submitted are: Jack Lynch (St. Mary's County); L. K. Farrell (Charles County); and John Smith (Calvert County).

Ferry Boat Service

Commissioner Jarboe distributed an article from the *Baltimore Sun* regarding an individual (Paul Tobin), who was interested in pursuing a ferry boat service from St. Mary's County to the Eastern Shore. He suggested that Mr. Tobin come before the board next week to present his proposal for this project.

The Commissioners gave their concurrence.

EXECUTIVE SESSION

Commissioner Eagan moved, seconded by Commissioner Chesser, to meet in Executive Session to discuss a matter of Property Acquisition, as provided for in Article 24, Section 4-210(a)11 and a matter of Litigation (Parcel of Record), as provided for in Article 24, Section 4-210(a)8. Motion carried four to one with Commissioner Brugman voting against.

Property Acquisition

Present: Commissioner Barbara R. Thompson, President
Commissioner D. Christian Brugman
Commissioner Paul W. Chesser
Commissioner Frances P. Eagan
Commissioner Lawrence D. Jarboe
Aleck Loker, County Administrator
Dan Ichniowski, Director, DPW
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)11
Time Held: 12:35 p.m. - 1:00 p.m.

Action Taken: Mr. Ichniowski presented and discussed a proposal relative to property acquisition.

Litigation

Present: Commissioner Barbara R. Thompson, President
Commissioner D. Christian Brugman
Commissioner Paul W. Chesser
Commissioner Frances P. Eagan
Commissioner Lawrence D. Jarboe
Aleck Loker, County Administrator
Joe Densford, County Attorney
Doug Durkin, "
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)11
Time Held: 1:00 p.m. - 1:30 p.m.

Action Taken: Messrs. Densford and Durkin discussed the status of the referenced legal matter and received direction from the Commissioners.

7:00 P.M.

PUBLIC FORUM

The Commissioners conducted the regular monthly public forum accepting comments and questions from the audience.

Jennifer Dade - Requested each Commissioners' position on the return of gambling to St. Mary's County. (each Commissioner expressed opposition.)

Vaughn McCall - Recommended that the County look into digitizing its paperwork and records (land records, Planning and Zoning, etc.) and indicated there were two local firms who could assist in this effort. Commissioner Thompson responded that the County had looked into this a few years ago and the clerk of the Court had rejected the idea. There was a concern about ownership of records and about historical records. She suggested that this could be an item of discussion at the MACo Conference.

Don White - (1) Supported Mr. McCall's suggestion; (2) Requested the Commissioners to support legislation to ban bank traps.

Ken Hastings - Expressed concern with the perception that the Commissioners have been critical of the Recreation and Park's Task Force's and the Potomac River Association's proposals regarding the acquisition of Myrtle Point for a park. Questioned Commissioners'/staff's comments about funding, cost to purchase, Fifth District Park, compromise proposal, open space funds, Greenwell State Park, etc. (The public hearing on Myrtle Point is scheduled for August 8, 7 p.. in the Carter State Office Building.)

Leonard Greess - (1) Addressed the issue of Myrtle Point suggesting that the Commissioners have a meeting to look at it step by step (whether the Commissioners want a park, and if so, how it will be paid for--county money, POS money?); that the wording for the public hearing notice was limited only to the compromise. (2) Suggested that the Commissioners develop administrative procedures, particularly with the public hearing process for planning and zoning (Planning Commission and Board of Appeals); that the playing field was not level (the citizens did not have as much time to prepare or present as the applicant did); availability of staff reports; disorganized files.

Minnie Russell - (1) Suggested that if the County did agree to digitize that it start at a current date rather than going back to historical records; (2) Opposed to bank traps; (3) Representative of DNR called her to get her address to send notice regarding renewal of oyster ground rental of her property. Pointed out 911 addressing system problems.

Rae Thompson - Commended PRA's efforts in Myrtle Point pointing out that if it had not been for them the County would have had a refinery, but indicated that support for the Park goes beyond just the PRA.

ADJOURNMENT

The meeting adjourned at 9:20 p.m.

**Minutes Approved by Board of
County Commissioners on August 8, 1995**
Judith A. Spalding
Recording Secretary

