

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
MARCH 4, 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 Eagan, to approve the minutes of Tuesday, February 25, 1997 and the Special Meetings of Monday, February 24 and Thursday, February 27, 1997, Planning and Zoning's portion of the February 18, 1997 meeting (Growth Allocations) and the February 25 meeting (Water/Sewer Plan Amendments and Agricultural Land Preservation Districts), as presented. Motion carried.

APPROVAL OF BILLS

Commissioner Eagan moved, seconded by Commissioner Jarboe, to authorize payment of the bills. Motion carried.

ADDITIONS/DELETIONS TO AGENDA

Commissioner Brugman moved, seconded by Commissioner Jarboe, to approve the Agenda as amended (deleting the Immigration and Naturalization Service Contract; adding County Commissioners' Time; and switching Recreation and Parks and Personnel - Sick Leave Bank). Motion carried.

CONSENT AGENDA

The Consent Agenda included the following:

1. Correspondence

- a. To Elizabeth and Hans Wolfe, Woodlawn Farm answering their comments about expanding the presence of the Lexington Park Library.
- b. Three letters (To Jane Roache; Francis F. Burch; and Bret Grohsgal and Christine Bergmark) regarding support of the Agricultural Land Tax Credits.
- c. Three letters (To Dr. J. Margaret O'Brien, President St. Mary's College of Maryland, Ted & Ellen Malone, and to J. Frank Raley, Jr., regarding growth and development relative to the Reilly case.
- d. To Dr. James F. Johnson, Chief Planning Division Department of the Army, regarding proposed environmental projects for the Army Corp of Engineers.
- e. To Marie C. Henderson, Chair, Maryland Commission on Correctional Standards, regarding staffing shortages at St. Mary's County Detention Center.
- f. To William G. Carroll, Manager Plan and Project Review, State Clearinghouse, regarding review of Application #MD970204-0086, CDBG-Lexington Park Revitalization Phase II.
- g. To A. Hussain Alhija, Acting Chief, Design & Certification Division MD Department of Environment, regarding Sewage Sludge Utilization Permit Application for the James Gatton Site.

2. Department of Public Works (Traffic Resolutions)

- a. Traffic Resolution #96-32 establishing Stops Signs on Clipper Drive, Brigantine Court and Barkentine Court in the Heard's Estates Subdivision, Sections 3 and 4.
- b. Traffic Resolution #96-33 establishing Speed Limit Signs on Clipper Drive, Brigantine Court and Barkentine Court in the Heard's Estates Subdivision, Sections 3 and 4.
- c. Traffic Resolution #96-38 establishing Stop Sign on Fall Court in the Summerwood Subdivision, Section 2.
- d. Traffic Resolution #96-39 establishing Speed Limit Sign on Fall Court in the Summerwood Subdivision, Section 2.
- e. Traffic Resolution #96-40 establishing Stop Sign on Valleyview Drive in the Hayden Green Subdivision.
- f. Traffic Resolution #96-41 establishing Speed Limit Sign on Valleyview Drive in the Hayden Green Subdivision.
- g. Traffic Resolution #96-42 establishing Stop Sign on Dallas Court in the Hill's Corner Estates subdivision.
- h. Traffic Resolution #96-43 establishing Stop Signs on Dallas Court, East Cusic Court and West Cusic Court in the Hill's Corner Estates Subdivision.
- I. Traffic Resolution #97-04 establishing Stop Signs on Carpenter Drive, Erin Drive, and Dublin Court in the Shannon Run Subdivision.
- j. Traffic Resolution #97-05 establishing Speed Limit Signs on Carpenter Drive, Erin Drive and Dublin Court in the Shannon Run Subdivision.
- k. Traffic Resolution #97-07 establishing a No Parking Zone on Elm Court in the Town Creek Subdivision.

Commissioner Eagan moved, seconded by Commissioner Chesser, to accept the Consent Agenda as presented. Motion carried.

COUNTY ADMINISTRATOR ITEMS

Present: John Kachmar Jr., County Administrator

1. **Budget Amendment No. 97-30**
Department of Economic and Community Development
(To cover cost of printing St. Mary's County Map - "Still Making History" - \$5,060)

Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve and authorize Commissioner Thompson to sign the Budget Amendment as presented. Motion carried.

2. **Fiscal Year 1997 Certification for Cooperative Local-State Library Aid Programs**
Certification to be submitted to Maryland State Department of Education (County Share: \$891,033; State Share: \$323,381)

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

3. **Department of Public Works**
Public Works Agreements/Addenda

- a. Public Works Agreement Addendum for Breton Bay Development Associates for Breton Bay PUD Subdivision. A Letter of Credit has been provided by Signet Bank in the amount of \$73,000.00.

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

- b. Public Works Agreement Addendum for Heritage Manor Homes for Cedar Cove Subdivision, Section 4. A Letter of Credit has been provided by Maryland Bank & Trust Company in the amount of \$104,000.00.

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

- c. Public Works Agreement for Paragon Builders, Inc. for Wildewood, Pepper Ridge. A Letter of Credit has been provided by First National Bank of St. Mary's in the amount of \$196,000.00.

Commissioner Chesser moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign the Public Works Agreement. as presented. Motion carried 4-0-1 with Commissioner Eagan abstaining because she is on the Board of Directors of the First National Bank of St. Mary's.

- d. Public Works Agreement for Paragon Builders, Inc. for Wildewood, Cherry Laurel. A Letter of Credit has been provided by First National Bank of St. Mary's in the amount of \$45,000.00.

Commissioner Chesser moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign the Public Works Agreement. as presented. Motion carried 4-0-1 with Commissioner Eagan abstaining because she is on the Board of Directors of the First National Bank of St. Mary's.

4. **Statement of the Board of County Commissioners
Nursing Center Rumors**

The County Administrator presented a Statement of the Board of County Commissioners addressing recent rumors regarding the status of the St. Mary's Nursing Center and setting forth facts applicable to events which have occurred.

Commissioner Jarboe moved, seconded by Commissioner Brugman, to distribute the Statement as presented. Motion carried.

5. **Christmas in April
Waiver of Landfill Fees**

- * Resolution No. 97-09, approving waiver of landfill fees for Christmas in April (April 26).

Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve and sign Resolution No. 97-09 as presented. Motion carried.

- * Letter to John K. Parlett, Jr., President Christmas in April, St. Mary's County, regarding using the county landfill for Christmas in April, April 26, 1997.

Commissioner Chesser moved, seconded by Commissioner Jarboe, to approve and sign Resolution No. 97-09 as presented. Motion carried.

COUNTY COMMISSIONERS' TIME

Tri-County Council - Strategic Plan

Commissioner Jarboe advised that at the Tri-County Council Executive Board meeting the issue of the regional strategic plan was addressed. He stated that the Commissioners have not sat as a Board to discuss it and suggested that the Commissioners may want to express any concerns they have to Mr. Hodge.

TRANSFER OF CABLE FRANCHISE

Present: James "Mick" Davis, Chair, Cable Advisory Committee
Michael Laigle, Manager, American Cable
James Aman, The Gans Corporation
Dave Bythe, Act V
Steve Norman, Assistant County Attorney

Mr. Davis, on behalf of the Cable Advisory Committee, appeared before the Commissioners to recommend that the Board approve the transfer of cable franchise from American Cable TV Investors 5, LTD, to Gans Multimedia Partnership. Mr. Davis advised that the Cable Advisory Committee met with Mr. Joe Aman, Chief Operating Officer of Gans, and has been working with the County's Department of Law for guidance.

Areas of discussion included:

- * Requests for American Movie Channel and how program selections are made;
- * Location of the additional Public Access Channel and relationship between Gans and Channel 10 (NuAd), the current location for public access;
- * Requirements of the Franchise Agreement and Ordinance (staff to review areas being fulfilled and not being fulfilled);
- * Establishment of a full time public access committee (recommended by Mr. Davis);
- * Justification for the \$4 rate increase

Assistant County Attorney Norman indicated to the Commissioners that it was important for staff to review not only the proposal by Gans for the Transfer but also the Franchise Agreement and Ordinance. He stated that once this transfer is approved, the Commissioners will not have an opportunity until 2002 to address any changes. He further pointed out that there was a time frame for the Commissioners' action on the transfer. Once all pertinent information is submitted to the County, the Commissioners have 120 days to act upon the request. If the decision is not made within the 120 days, the request would automatically be granted in accordance with the Cable Communications Policy Act.

Mr. Aman pointed out that when he acquired American Cable, he also acquired the current franchise agreement and has arranged his financing on that premise. He advised the Commissioners of Gans plans for improvements to the cable system stating that he has agreed in writing to replace and add to the electronics of the system. He further pointed out that he would like to work with the County in getting the approval and that Gans did not want to take the franchise "by default." He stated that he is looking to April 1 to complete the transfer.

During discussion County Administrator Kachmar advised that the Director of Finance is in the process of reviewing the financial documents of Gans, that the County would act to try to meet Gans time commitment, and that there was concern regarding the rate increase and the effect it will have on the community.

In conclusion Mr. Aman offered to work with the County to provide any additional information.

In closing the Commissioners gave consensus to direct staff to move as quickly as possible in its review in order to stay with the required time frame to bring the Transfer request to conclusion.

**DEPARTMENT OF RECREATION AND PARKS
GRASS CUTTING CONTRACT
BUDGET AMENDMENT NO. 97-31**

Present: Phil Rollins, Director, Recreation and Parks
William Ball, Parks Supervisor
James Haley, Procurement Officer

The referenced individuals appeared before the Commissioners to present the Grass Cutting Contract for the spring grass cutting season. Mr. Rollins advised that the bids were opened on February 20 with six bids received. The lowest bid was from Lasting Impressions of Bowie, Maryland, at \$385,066 for the first year and a five-year total amount of \$1,955,031.

Mr. Rollins indicated that the base bid of \$385,066 is an increase of \$183,066 over the previous contract amount and therefore presented Budget Amendment No. 97-31 in the amount of \$25,000. He further pointed out that the bid will have to be awarded contingent upon FY '98 appropriations which will not occur until after approval of the County budget in May. Mr. Rollins pointed out that even though the County cannot commit to the dollar amount in the budget, he would like to be able to give assurance to the contractor that the contract will not be significantly modified.

After discussion regarding frequency of grass cutting and the fact the project was based on an indefinite quantity, Commissioner Brugman moved, seconded by Commissioner to approve and authorize Commissioner Thompson to sign Budget Amendment 97- 31 as presented. Motion carried.

MENTAL HEALTH AUTHORITY

Present: Marilyn Carifi, Director
Doug Devenyn, Director, Corrections

The referenced individuals appeared before the Commissioners to discuss the purpose and role of the Mental Health Authority as well as to explain new programs. Ms. Carifi explained that the purpose of the Authority was to plan allocated funds and monitor mental health programs in St. Mary's County. She advised the Board that a new program, the Forensic Pilot Project, which is a collaborative effort among the Mental Health Authority, the Detention Center, Circuit Court, Mental Hygiene Administration Forensic Division, State's Attorney's Office, and Parole and Probation, will help address recidivism.

During her presentation Ms. Carifi indicated that the Mental Health Authority currently receives approximately \$37,000 from the County, and this amount is used to fund one case manager position. She stated that the Authority is proposing to establish a Forensic Coordinator position to act as a liaison among state institutions and the detention center. Ms. Carifi requested the Board's consideration for an additional \$56,640 to fund this position.

Further during her presentation, Ms. Carifi advised the Commissioners of the State's transitioning into a managed care system which will impact the mental health care system, the goal of which is to make it more competitive and accountable and to increase the quality of service.

In conclusion the Commissioners indicated they would consider the request for additional funds during the FY '98 budget review process.

Ms. Carifi invited the Commissioners to hear a presentation from representatives of the State Health and Mental Hygiene Department who will be coming to the County to discuss the State's plans, its effect on the various localities, and how the county can prepare for the transition. She will provide the Commissioners with details (date, time and place).

ESTABLISHMENT OF SICK LEAVE BANK

Present: George Foster, Personnel Officer

Mr. Foster appeared before the Commissioners to get direction relative to the establishment of a Sick Leave Bank and presented an outline of items to be discussed. The Commissioners agreed to review the following seventeen items, and requested that the Personnel Officer return at a later meeting for decisions.

- Item No. 1 - Sick Leave Bank or Leave Donation Program
- Item No. 2 - Employee eligibility requirements to receive leave
- Item No. 3 - Types of Leave to be Donated
- Item No. 4 - Limitations, if any, to be placed on the donor of leave
- Item No. 5 - Amount of leave that may be received
- Item No. 6 - Request/Utilization of Leave on an Intermittent Basis
- Item No. 7 - Donated Leave/Repayment of Advanced Leave
- Item No. 8 - Benefits While on Donated Leave
- Item No. 9 - Level of Program Operation/responsibility for obtaining donated leave
- Item No. 10 - Approvals/Disapprovals of Requests for Donated Leave
- Item No. 11 - No/Insufficient Donation of Leave
- Item No. 12 - Availability of Appeal Procedure
- Item No. 13 - Unused Donated leave (refunding to donor)
- Item No. 14 - Workers' Compensation Approval (after use of donated leave)
- Item No. 15 - Funding of Donated Leave
- Item No. 16 - Retirement Credit/Sick Leave Incentive Award Program
- Item No. 17 - Short Term Disability/Long Term Disability in lieu of Sick Leave Bank

Once the Commissioners take action on the referenced issues, it will be distributed to the department heads and Employees' Association for comments, after which it will return to the Commissioners for final action.

EXECUTIVE SESSIONS

Commissioner Eagan moved, seconded by Commissioner Brugman, to meet in Executive Session to discuss matters of Personnel (Recreation and Parks - Golf Course Manager), as provided for in Article 24, Section 4-210(a)1. Motion carried four to one with Commissioner Jarboe voting against.

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

Commissioner Eagan moved, seconded by Commissioner Chesser, to meet in Executive Session to discuss matters of Personnel (Boards and Committees), as provided for in Article 24, Section 4-210(a)1. Motion carried three to two with Commissioners Brugman and Jarboe voting against.

Personnel - Wicomico Golf Course Manager

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
Phil Rollins, Director, Recreation and Parks
Steve Welkos, Director of Finance
George Foster, Personnel Officer
Judith A. Spalding, Recorder

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

Time Held: 4:50 p.m. -5:45 p.m.

Action Taken: The Commissioners discussed the Golf Course Manager position.

Personnel (Boards and Committees)

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
Douglas Durkin, County Attorney
Judith A. Spalding, Recorder

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

Time Held: 5:45 p.m. - 6:50 p.m.

Action Taken: The County Administrator reviewed an issue relative to one of the County's Boards and Committees.

(Because of time constraints the Executive Session on Personnel (the second motion) was not held and will be rescheduled for March 11.)

7:00 P. M.

PUBLIC FORUM

The Commissioners conducted the regular monthly public forum and accepted comments from the audience:

Julie Owens - Suggested that the County have a girls' fast pitch softball team.

Ken Pitcher - Supported Ms. Owens request for a girls' fast pitch softball team.

Jim Burgan - Requested the Commissioners to consider having ball fields at Myrtle Point.

John Dalmus - Expressed concern with trucking activities at the Cryer property on Chingville Road stating there have been 100 trucks on some days and owner claims he was building a road; concerned that the neighbors do not know what is going on; rumors that sludge is being processed and being hauled out; stated that the neighbors would like to stop the truck traffic and that the owner be required to comply with all planning and zoning regulations.

(Commissioner Chesser responded that it was his understanding that the issue is being investigated by DPZ for compliance.)

Kathy Garner - Reiterated Mr. Dalmus' concerns regarding the Cryer property on Chingville Road and pointed the noise is disturbing the neighbors.

Daphne McGuire - Concerned about the direction of growth in the northern end of the County (too many fast food restaurants and gas stations); that the community had been requested to give input on the Comprehensive Plan and this is not what the community wanted. (Commissioner Jarboe indicated he was afraid that the northern end of the County was becoming like Waldorf and that he did not agree with that part of the County being a development district in the Comprehensive Plan.)

Dora Zimmerman - Stated her family was part of the Warminster move and she expressed appreciation to the Commissioners for providing a public forum; she also commended Commissioner Thompson for the way she handled the Mt. Wolf Road public hearing on January 14.

Mike Spak - Expressed concern about activities on Chingville Road and the Cryer property.

Dan Miller - Continued expressing his frustration regarding his builder and the problems with his house in Patuxent Knolls and with MDIA's inspections. He stated that quality control was important and suggested "putting a harness" on MDIA; pointed out that other people have had problems with MDIA's inspection and with his builder.

Leonard Greess - Referred to the *parcel of record* issue, indicated that citizens (property owners of illegal parcels of record) were being misinformed and needed to know the alternatives available to them and to the County to correct the situation; expressed opposition to the proposed legislative to correct the parcel of record problem; requested that the County afford all countians equal treatment under the law and bring about a principled solution that would not benefit the violators; urged property owners to contact the County Attorney or DPZ to get copies of the Court opinions and the final version of the corrective measures.

Wayne Suit - (1) Thanked the Commissioners for their stand on Summitt Hill project; (2) advised that residents of the Fifth District are upset at what occurred at the Criminal Justice meeting; (3) regarding Nursing Center - that the Commissioners were doing the right thing with the investigation and hoped that people were not scaring "old people" for political gain; (4) and hoped that what was happening at the Sheriff's Office.

Nursing Center Issues

- * Commissioner Thompson read a Statement of the Board of County Commissioners, approved earlier in the meeting for release, addressing rumors regarding the status of the Nursing Center.
- * County Administrator Kachmar, via overhead slides, made a presentation relative to various documents related to the Nursing Center (by-laws, operation agreement, portions of the 1993 audit report, correspondence; and bond documents) and gave history of the nursing center situation and the events that led to the County hiring a legal firm and a consulting firm to look into the operations of the Nursing Center; pointed out that in response to union flyers, the employees at the Center cannot unionize without legislation.

Comments from the audience included:

Joe Wilkinson (Chair, Nursing Center Board) - Pointed out that the \$50,000 (for elevator repairs) referred during Mr. Kachmar's presentation was not paid by the County, but that the County "ordered" the Nursing Center to pay it; secondly, that the Nursing Center has 68 private pay patients, not 68% as stated by Mr. Kachmar.

Rose Slade - (Has mother in Nursing Center) Referred to her prior membership on the Nursing Center Board, the 1993 audit report, confidentiality of the documents; expressed concerns regarding the possible "privatization" of the Nursing Center; referred to articles in the local newspapers; expressed concern that the County did not publicize the report from the State Prosecutor's Office that there were no problems found at the Nursing Center in a timely manner; stated that she and others should have been called in to respond to Commissioners' concerns; and indicated that her concern was for the residents at the Center and the impact of negative comments in the paper on them.

Wilmer Bowles - Stated that he knew from personal knowledge that the nursing center was owned by the County since 1964, and that in 1993 he conveyed that to the current County Commissioners; stated that the elevators were repaired with the nursing center's money; and inquired how the County could not know that the nursing home was county-owned when there was \$16.5 bond indebtedness; pointed out that 1993 audit report was paid for by the nursing center not the county; referred to documents including operation agreement, audit report.

Mildred Leeland - Stated that her mother-in-law was at the Nursing Center and was concerned that the level of care had gone down; questioned the billing for "turning and positioning."

Leroy Williams - Stated that the nursing center was "understaffed and underpaid;" patients were not being attended to; give quality service with what they have to work with; doesn't have full understanding of "privatization;" administrator is indifferent and insensitive at times; concerned about quality of care; inquired about length of consultant's contract (County Administrator responded that it was up to one year)

Dave Densford - Wanted the Commissioners to think about two things: that the Nursing Center stay with the County and that it get back on track where it belongs; that it is not political, not Democrat, and not Republican, but that the Commissioners have been misled; that the Commissioners have been told there is a problem and it preceded them and it is a "pandora's box" and only they can solve it, and he stated that this was wrong; that the documents that were shown by the County Administrator have been nonoperative for years and had been replaced years ago and do not apply; the reason it is a county facility is to get lower bond rates; suggested that the Commissioners let the Nursing Center Administrator run the Center not the County Administrator; addressed the issue of the investigations and discussions of tax problems and that the County is being misled and that the care of the Center will and has suffered.; need to get Nursing Center run the way it should be run; County Administrator's comments regarding "private non-profit center;" that there is nothing to investigate at the Center and that Commissioners are letting county staff "scare the residents."

Fred Garrett - Has mother in nursing center and backed up what others said about care that the nurse's aids do not respond when there is a problem; there is a need for team work; concerned about rising costs; concerned about "turning and positioning."

Fred Breslen - Has wife at Center and concerned that no one is in charge at the Nursing Center; concerned about "turning and positioning;" and that he has to fight to get care for his wife.

Joe Denton - Has mother at Nursing Center; concerned about care aids make less money than the kids at McDonald's.

Kelly - (Works at the Nursing Center in payroll) stated aids are underpaid; stated that the County Administrator had stated that the nursing center employees were county employees, but they are county employees by name only, they do not get the county's benefits, holidays, pay scale; inquired what will happen after November 17; referred to flyers about unionization and concerns about rumors, and employees need to be kept informed in order to dispel rumors.

Harry Clark - (mother in Nursing Center) have been pleased with Center until recently; criticism of the Center in the papers; morale has gone down; no organizational structure; no supervision; concerned about costs.

Sylvia Brown - In response to inquiry from Commissioner Eagan requested the Director of the Nursing Center, Jeffrey Lloyd to explain the differences in costs between private pay patients and Medicare/Medicaid patients.

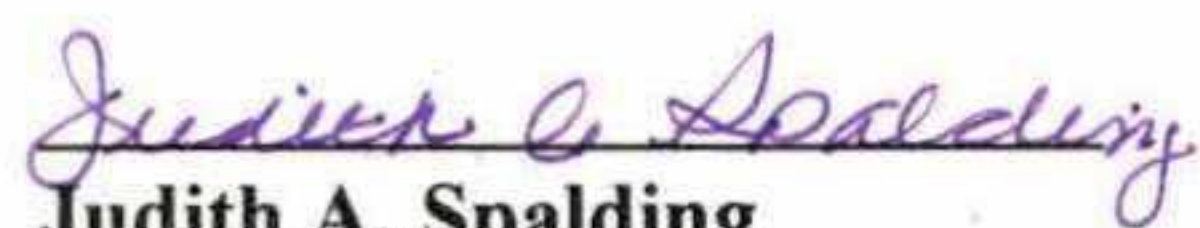
In closing, Commissioner Thompson pointed out that when she said the County did not want to be in the nursing center business, was not that we should not be responsible, that she was implying that the County did not have the expertise, which is why this Board agreed to spend considerable amount of money to have the audits done.

(A tape of the proceeding is on file in the Commissioners' Office.)

ADJOURNMENT

The meeting adjourned at 10:25 p.m.

Minutes Approved by Board of
County Commissioners on 3/11/97


Judith A. Spalding
Recording Secretary