

**ST. MARY'S COUNTY**  
**BOARD OF COUNTY COMMISSIONERS**  
**OCTOBER 10, 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 1:00 p.m.

**APPROVAL OF MINUTES**

Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve the minutes of Tuesday, October 3, 1995. Motion carried.

**APPROVAL OF BILLS**

Commissioner Brugman moved, seconded by Commissioner Eagan, to authorize Commissioner Thompson to sign the Check Register. Motion carried.

**COUNTY ADMINISTRATOR ITEMS**

Present: Aleck Loker, County Administrator

1) **Budget Amendments**

The County Administrator presented the following budget amendments recommended for approval by the Finance Office with justifications as indicated:

**No. 96-10**

**State's Attorney's Office**

Special Prosecutor for El Toro Case, temporary receptionist, construction of a wall (\$15,000)

**The Commissioners deferred a decision until receipt of breakdown of costs for the construction project.**

**No. 96-11**

**Personnel**

Advertising for Vacant Positions (\$4,000)

**The Commissioners deferred action until receipt of additional information from the Personnel Officer is received relative to the amount budgeted and positions that have been advertised in FY '96.**

**No. 96-12**

**Walden Sierra**

Shelter Coordinator and per diem for safe house project (\$35,000)

**Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign Budget Amendment No. 96-12 and that this allocation was for Fiscal Year 1996 only. Motion carried.**

**No. 96-13**

**County Administrator**

Three Oaks Homeless Shelter (upgrade from vinyl siding to brick) (\$5,400)

**Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve and authorize Commissioner Thompson to sign Budget Amendment No. 96-13 as presented. Motion carried.**

**No. 96-14**

**County Administrator**

Minor Remodeling for storage needs (\$1,575)

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

**2) Walden/Sierra - Violence Against Women Act Grant Application**

The County Administrator presented the referenced Grant Application in the amount of \$5,000 to be used assist with the \$30 per diem rate to safe house families (150 bed nights) and for advertising and brochures to provide community education.

**Commissioner Brugman moved, seconded by Commissioner Eagan, to approve and authorize Commissioner Thompson to sign the Grant Application as presented. Motion carried.**

**3) Department of Public Works  
Addenda to Public Works Agreements**

On behalf of the Director of Public Works the County Administrator presented the following Addendum to Public Works Agreements for the Commissioners' consideration:

**St. Mary's County Airport**

Between Aircraft Refinishing Technology, Inc. and St. Mary's County. The Addendum is backed by a reduced Letter of Credit with Patriot National Bank in the amount of \$237,535.

**Heard's Estate**

Between Quality Built Homes, Inc. and Board of County Commissioners of St. Mary's County extending the deadline for completion of improvements to October 1, 1996. The Addendum is backed by a Letter of Credit with Washington Savings Bank in the amount of \$17,000.

**Wildewood Parkway Stream Crossing**

Between Paragon Builders, Inc. and Board of County Commissioners of St. Mary's County extending the deadline for completion of improvements to September 1, 1996. The Addendum is backed by a Letter of Credit with First National Bank of St. Mary's in the amount of \$79,000.

**Breton Bay PUD**

Between Breton Bay Development Associates and Board of County Commissioners of St. Mary's County extending the deadline for completion of improvements to August 1, 1996. The Addendum is backed by a Letter of Credit with Signet Bank of Maryland in the amount of \$73,000.

**Chestnut Hills**

Between Delmarva Properties, Inc. and Board of County Commissioners of St. Mary's County extending the deadline for completion of improvements to August 1, 1996. The Addendum is backed by a Letter of Credit with Crestar Bank in the amount of \$95,000.

**Avenmar**

Between Avenmar Limited Partnership and Board of County Commissioners of St. Mary's County extending the deadline for completion of improvements to September 1, 1996. The Addendum is backed by a Letter of Credit with The First National Bank of St. Mary's in the amount of \$340,000

**Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign the Addenda for Aircraft Refinishing, Technology, Inc., Heard's Estate, Breton Bay PUD, and Chestnut Hills. Motion carried.**

**Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve and authorize Commissioner Thompson, to sign the Addenda to Public Works Agreements for Wildewood Parkway and Avenmar. Motion carried with four voting in favor and Commissioner Eagan abstaining because she is on the board of directors for First National Bank of St. Mary's.**

**4) Old Hollywood School Deed**

The County Administrator presented a Deed between Board of Education of St. Mary's County and Board of County Commissioners of St. Mary's County for the Old Hollywood Elementary School and requested authorization for Commissioner President Thompson to sign the Deed.

Discussion ensued relative to the presence of asbestos and Commissioner Eagan questioned responsibility of clean up of the facility.

**After discussion Commissioner Chesser moved, seconded by Commissioner Jarboe, to accept and to authorize Commissioner Thompson to sign the Deed as presented. Motion carried four to one with Commissioner Eagan voting against.**

**5) Boards, Committees, Commissions  
Director of Finance**

**Commissioner Eagan moved, seconded by Commissioner Brugman, to appoint Steven E. Welkos, Director of Finance, to the following boards: Building Authority Commission, St. Mary's Nursing Center Expansion Building Committee, and Sheriff's Department Pension Plan Board of Trustees. Motion carried.**

**6) Response Letters**

The County Administrator presented the following response letters for the Commissioners' review and signatures:

- To Economic Development Commission regarding legalized gambling review.

**Commissioner Eagan moved, seconded by Commissioner Chesser, to sign and forward the letter as presented. Motion carried.**

- To various school students regarding Charlotte Hall library concerns.

**Commissioner Jarboe moved, seconded by Commissioner Eagan, to sign and forward the letter as presented. Motion carried.**

- To Hollywood United Methodist Church regarding legalized gambling concerns.

**Commissioner Eagan moved, seconded by Commissioner Jarboe, to sign and forward the letter as presented. Motion carried.**

7) **Southern Maryland Wood Treatment Plant  
EPA Cleanup**

The County Administrator presented letters addressed to the Congressional Delegation indicating the county's concerns regarding the level of commitment by the Environmental Protection Agency and the possible loss of funding for the necessary cleanup of the Southern Maryland Wood Treatment Plant superfund site. The return letter requests assistance in ensuring that EPA is committed to resolving this environmental problem.

In addition County Administrator Loker presented correspondence addressed to the Chair of the Wood Treatment Plant Task Force advising that his memorandum relative to EPA funding concerns has been forwarded to the Congressional delegation.

**Commissioner Jarboe moved, seconded by Commissioner Chesser, to sign and forward the letters as presented. Motion carried.**

8) **Project Graduation  
Letter of Appreciation**

The County Administrator presented correspondence addressed to the President of St. Mary's College expressing appreciation for his cooperation and largess in support of Project Graduation.

**Commissioner Chesser moved, seconded by Commissioner Eagan, to sign and forward the letter as presented. Motion carried.**

9) **Patuxent River Naval Air Station/F/A-18E/F Aircraft  
Environmental Assessment**

The County Administrator presented correspondence addressed to the Executive Director, Naval Air Station, expressing appreciation for providing the County with the F/A-18E/F aircraft Environmental Assessment for review. The return letter advises that the Assessment is being forwarded to the County's Commission on Environment.

In addition County Administrator Loker presented correspondence addressed to the Chair of the Commission on the Environment for its information.

**Commissioner moved, seconded by Commissioner to approve and sign the referenced Meeting Notice Letter as presented. Motion carried.**

10) **St. Mary's Press Building Status Report**

The County Administrator advised that the testing for hazardous waste at the St. Mary's Press building site has been completed and cost for removal, grading and site restoration, and additional plumbing totals approximately \$25,000. According to the Director of Finance a budget amendment is not necessary in that there are adequate funds in the St. Mary's Press Building Revenue Account.

7) **Efficiency Task Force Recommendation**

The County Administrator presented a memorandum dated September 25 from the Efficiency Task Force forwarding a recommendation for the Commissioners' consideration. The recommendation of the Task Force was to realign the Personnel Office from the Finance Department to the Office of the County Administrator.

**Commissioner Eagan moved, seconded by Commissioner Brugman, to accept the Efficiency Task Force's recommendation to reassign the Personnel Office to the Office of the County Administrator. Motion carried four to one with Commissioner Chesser voting against stating he would prefer to see the entire package of recommendations of the Task Force.**

## PROCLAMATIONS

The Commissioners presented the following Proclamations:

- Designating October 28, 1995 as Community Services Day
- Designating October as Crime Prevention Month
- Designating October as Learning Disabilities Awareness Month
- Designating October 31, 1995 as the Official "Trick or Treat" Night

## RECYCLING THROUGH COMPOSTING

Present: Michael Owen, Vice President, Allied Research Corporation  
Nelson Widell, Executive Vice President, Bedminster Bioconversion Corp.

The referenced individuals appeared before the Commissioners to present a slide presentation entitled *Recycling Through Composting* which explained the process features, waste characteristics, and technology methods. During the presentation Mr. Widell explained that this technology reduces the need for landfills and supplements recycling.

The Commissioners thanked Messrs. Owen and Widell for the presentation on composting.

## OFFICE ON AGING

Present: Gene Carter, Director

Mr. Carter appeared before the Commissioners to present the following Grant Agreements for the Commissioners' consideration:

### **Public Rural Transit Assistance Grant (Section 18)**

In the amount of \$123,315 (\$32,221 - federal; \$60,005 - state; \$31,089 - local) for the period July 1, 1995 through June 30, 1996.

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

### **Older American Act Funding for Senior Programs - Title III**

Interim 1996 Notification of Grant Award (for first quarter--October - December, 1995): Title IIIB - \$13,601; Title IIIC1 - \$16,606; Title IIIC2 - \$4,023; and Title IIID - \$483. Mr. Carter explained that the grant is contingent upon the enactment of the FY 1996 Federal Appropriation of funds for the administration of the Older Americans Act and that there is a question whether the funding will be continued beyond the middle of November if Congress does not approve funding.

**Commissioner Jarboe moved, seconded by Commissioner Eagan, to approve and authorize Commissioner Thompson to sign the Title III Grant Agreement as presented.**

## COUNTY COMMISSIONERS' TIME

### **Sub-Acute Care**

As a follow up to last week's discussion, Commissioner Thompson presented the following correspondence for the Commissioners' approval:

- To Chair of the St. Mary's Nursing Center regarding the Nursing Center's Boards action which resulted in a decision by the Maryland Health Resources Planning Commission to deny St. Mary's Hospital's application for sub-acute care beds. The letter directs the Nursing Center's participation in the development of appropriate local definition of sub-acute beds and operating agreement.

- To Chief Executive Officer, St. Mary's Hospital requesting continued cooperation with Health Officer Marek in negotiations relative to developing a definition for sub-acute care.
- To Dr. William Marek, County Health Officer requesting that he continue to seek an acceptable settlement between the nursing center and the hospital.

**Commissioner Chesser moved, seconded by Commissioner Eagan, to sign and forward the letters as presented. Motion carried.**

#### **Presentation of Certificate**

The Commissioners presented to the Housing Authority Certificate from HARR in recognition of completing the policy year without incurring any liability loss.

#### **Operation of Legal Department**

As a follow up to last week's presentation by the County Attorney relative to recommendations to more efficiently operate the Legal Department the following motions were made:

##### **Document Review**

**Commissioner Eagan moved, seconded by Commissioner Brugman, to rescind the prior policy requiring county attorney review of routine standardized public works documents as outlined by the County Attorney (copy on file in the Commissioners' Office). Motion carried.**

##### **Prioritized Request for Legal Services**

**Commissioner Eagan moved, seconded by Commissioner Brugman, to allow the County Attorney to prioritize the Legal Department's work and clients and that the County Administrator and County Attorney be authorized to implement this prioritization of clients and requests for legal services as outlined by the County Attorney (copy on file in the Commissioners' Office). Motion carried.**

##### **Tipping Fee**

Commissioner Brugman reported that a local newspaper had an error in its article regarding tipping fees. He stated that the Commissioners did not approve a tipping fee at the landfill but requested the Solid Waste Advisory Committee to explain its recommendation for a \$47 tipping fee.

##### **Maryland Association of Counties**

##### **Nominations**

Commissioner Chesser advised that MACo has requested the Commissioners' nominations for the Legislative Committee member and alternate and for the Board of Directors.

**Commissioner Eagan moved, seconded by Commissioner Jarboe, to nominate Commissioner Chesser to serve on MACo Legislative committee and on the Board of Directors. Motion carried.**

**Commissioner Eagan moved, seconded by Commissioner Jarboe, to nominate Commissioner Brugman to serve as alternate on the Legislative Committee. Motion carried.**

**HOME HEALTH AGENCY  
PROPOSED PUBLIC/PRIVATE PARTNERSHIP**

Present: William Marek, County Health Officer

**(Commissioner Brugman moved, seconded by Commissioner Chesser, that the Commissioners recess as the Board of County Commissioners and convene as the Board of Health. Motion carried.)**

Dr. Marek appeared before the Commissioners to advise that the St. Mary's County Health Department Home Health Agency intends to form a non-profit, free standing private home health agency in conjunction with its private partners, the Calvert Memorial Hospital, Physicians Memorial Hospital and St. Mary's Hospital. Dr. Marek reviewed the background and history of this action stating that the Institute of Medicine issued a report in 1988 which defined the role of local health departments as "Assessment, Policy, and Assurance, which indicated that delivery of clinical services by local health departments was a less important function.

During his presentation Dr. Marek further pointed out that two of the areas small home health care agencies were bought out by larger corporations which was another factor necessitating the move from public home health agency to a private entity.

At the conclusion of his presentation and explanation of the public/private partnership, Dr. Marek advised that the St. Mary's County Community Health Advisory Committee recommends that the Board of County Commissioners sitting as the Board of Health provide an endorsement for the proposed public/private partnership and to provide notification to the State of this action.

**After discussion Commissioner Brugman moved, seconded by Commissioner Chesser, to endorse the concept of the formation of a public/private partnership for home health care and to sign and forward a letter to the State setting forth this action. Motion carried.**

**(Commissioner Eagan moved, seconded by Commissioner Jarboe, to adjourn at the Board of Health and to reconvene as the Board of County Commissioners. Motion carried.)**

**EXECUTIVE SESSIONS**

**Commissioner Brugman moved, seconded by Commissioner Jarboe, to meet in Executive Session to discuss a matter of Litigation (The Skydiving Center), as provided in Article 24, Section 4-210(a)8. Motion carried.**

**Commissioner Chesser moved, seconded by Commissioner Eagan, to meet in Executive Session to discuss a matter of Personnel (Workmen's Comp Leave), as provided in Article 24, Section 4-210(a)1. Motion carried three to two with Commissioners Brugman and Jarboe voting against.**

**Commissioner Chesser moved, seconded by Commissioner Thompson, to meet in Executive Session to discuss a matter of Personnel (conversion of an employee from one category to another), as provided in Article 24, Section 4-210(a)1. Motion carried three to two with Commissioners Brugman and Jarboe voting against.**

**Personnel - Workmen's Compensation Leave**

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  
George Foster, Personnel Officer  
Judith A. Spalding, Recorder

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

Time Held: 4:15 p.m. - 4:27 p.m.

Action Taken: The Commissioners discussed a request for waiver of Chapter 25 regarding workers compensation leave and gave direction to the Personnel Officer.

**Personnel**

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  
George Foster, Personnel Officer  
Judith A. Spalding, Recorder

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

Time Held: 4:27 p.m. - 5:00 p.m.

Action Taken: The Personnel Officer discussed an issue of converting an employee from one category to another and gave direction to the Personnel Officer.

**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  
Douglas Durkin, County Attorney  
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)8

Time Held: 5:00 p.m. - 6:15 p.m.

Action Taken: The County Attorney provided an update relative to the referenced legal matter, made recommendations and received direction from the Commissioners.

**ADJOURNMENT**

The meeting adjourned at 6:15 p.m.

**Minutes Approved by Board of  
County Commissioners on 10/17/95**

Judith A. Spalding  
**Recording Secretary**