

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
DECEMBER 31, 1996**

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 10:05 a.m.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Eagan, to approve the minutes of Tuesday, December 17, 1996 as corrected. Motion carried.

APPROVAL OF BILLS

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

ADDITIONS/DELETIONS TO AGENDA

Commissioner Eagan moved, seconded by Commissioner Jarboe, to accept the agenda as presented. Motion carried.

CONSENT AGENDA

The Consent Agenda included the following document:

* **St. Mary's City/St. Mary's College Affiliation**

Correspondence addressed to Governor Glendening, President of the Senate Miller, and Speaker of the House Taylor endorsing the affiliation between Historic St. Mary's City and St. Mary's College of Maryland.

Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve the Consent Agenda as submitted.

COUNTY ADMINISTRATOR ITEMS

Present: John J. Kachmar, County Administrator

1. **Budget Amendment No. 97-26
Elected School Board**
(Pension and Health Insurance Benefits for the Elected School Board through June 1997 - \$1,700)

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

2. **Department of Public Works Documents**

a. **Public Works Agreements**

- (1) Southern Pines Subdivision - guaranteeing completion by 9/1/97
(backed by Bond in the amount of \$213,700 with Frontier Insurance Co.)
- (2) Wilderness Cluster Subdivision, Section 3 - guaranteeing completion by 10/1/97
(backed by Letter of Credit in the amount of \$138,600 with Key Bank & Trust)

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

b. **Addenda to Public Works Agreement**

- (1) Persimmon Hills - extending deadline for completion to January 31, 1998
(backed by Bond in the amount of \$380,000 with International Fidelity Ins.. Co.)
- (2) Westbury PUD (Carmen Woods Drive) - extending deadline for completion to 1/1/98 (backed by Bond in the amount of \$85,000 with Frontier Insurance Co.)

Commissioner Chesser moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign the Addenda to Public Works Agreements (1) and (2), as presented. Motion carried.

- (3) Hickory Hills, Parcel B, Phase 3A - extending deadline for completion to 1/1/98
(backed by Letter of Credit in the amount of \$70,000 with First National Bank of St. Mary's)

Commissioner Chesser moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign the Addendum to Public Works Agreements for Hickory Hills (3), as presented. Motion carried 4-0-1 with Commissioner Eagan abstaining since she is on the Board of Directors of First National Bank of St. Mary's.

c. **Railroad Right-of-Way Easement Agreement**

(among Board of County Commissioners of St. Mary's County, Southern Maryland Electric Cooperative, Inc.; and Richard Gene Leinneweber and Gladys R. Leinneweber granting access across the railroad right-of-way for the purpose of ingress/egress for "Village Commons" in Mechanicsville.

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

d. **Glebe Run Subdivision
Acceptance of Deeds**

(follow up to July 14, 1996 public hearing and subsequent action by County Commissioners)

Commissioner Chesser moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign the Acceptance of Deed for the roadway known as Mrs. Graves Road, as presented. Motion carried.

Commissioner Jarboe moved, seconded by Commissioner Eagan, to approve and sign the Deed for the parcel containing .366 acres, being a portion of the former Graves Road, as presented. Motion carried.

3. **Emergency Shelter Grant Addendum
Department of Economic Development**

(addendum strikes original indemnification language as directed by County Attorney)

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

4. **Boards, Committees, Commissions
Letters of Appointment/Letters of Appreciation**

<u>Community Health Advisory Board</u>	<u>Terms To Expire</u>
Michael J. Alvey	12/31/99
<u>Marcey House Board</u>	
William J. Barker	12/31/99
<u>Nursing Center Advisory Board</u>	
Nancy Hutson - <i>Reappointment</i>	12/31/99
James L. Tennison, Sr. - <i>Reaffirmation of Appointment</i>	
<u>Wicomico River Commission</u>	
Kenneth A. Pumphrey	12/31/2000

Commissioner Jarboe moved, seconded by Commissioner Eagan, to sign the referenced letters of appointment and the letters of appreciation to those individuals no longer able to serve. Motion carried.

5. **Draft Resolution
Inmate Fee For Weekenders**

The County Administrator presented a draft Resolution establishing a fee of \$20 per 24-hour period of confinement for all weekend inmates. He advised that the County Attorney has indicated it needs to be revised to include a waiver (for a part or all of the fee) clause, and, therefore, the document will be resubmitted to the Board at a future meeting.

6. **Wicomico Golf Course Standing Committee Recommendation**

Also Present: James Haley, Chair, Standing Committee
Steve Welkos, “
Robert Harper, “

The referenced individuals appeared before the Commissioners to present its recommendation relative to the Wicomico Golf Course. The Standing Committee was appointed by the Commissioners to evaluate the issue of privatization relative to the Wicomico Complex.

County Administrator Kachmar reported that it was the recommendation of the Committee to create a Complex Manager position for overall responsibility of the golf complex, and that the position be a county contract employee. The Committee further recommended that goals be established and that the position be evaluated in 12 months. In addition the committee recommended that a special committee be established consisting of the County Administrator, Director of Finance, and Director of Recreation and Parks, which will govern the position during the initial 12-month trial period.

Discussion ensued relative to the performance evaluation, oversight of employee, role of advisory committee and personnel requirements. During discussion Commissioner Thompson recommended that the current advisory committee be allowed to have input on the establishment of the goals. The Commissioners gave concurrence to this recommendation.

At the conclusion of the discussion Mr. Kachmar advised that if the Commissioners accept the recommendation of the Committee, approval is needed to establish and advertise the Contract Manager position at a Grade 13, at a salary range from Step 1 to Step 5. It would be a two-year contract (one year with one-year renewal option after evaluation).

After discussion Commissioner Chesser moved, seconded by Commissioner Brugman, to accept the Standing Committee's recommendation and further to proceed with the establishment and advertisement of the Complex Manager position as requested. Motion carried four to one with Commissioner Jarboe voting against stating he questioned the propriety of the county being in the alcohol business and questioned subsidizing the golf club when there were parks without basketball courts, etc.

After the motion Commissioner Jarboe requested the County Administrator to determine whether a requirement for a lie detector test could be inserted into the contract for the Complex Manager. The County Attorney responded that it would have to be determined whether it could legally be done in Maryland.

7. Personnel

a. Reduction in Force Appeal Recommendation

(Memorandum dated December 31, 1996 from Personnel Officer with Recommendation from a Reduction in Force Appeal Hearing panel: to uphold the decision previously made by the Board of County Commissioners (termination of position as of 12/31/96) based upon the recommendation of the Privatization Standing Committee.

The County Administrator advised that the recommendation indicates that the appellant has been provided benefit of policies and procedures and that the action taken by the Board of County Commissioners is consistent with and complies with the requirements of Chapter 26 of the St. Mary's Manual of Personnel Policies and Procedures.

Commissioner Brugman moved, seconded by Commissioner Eagan, to accept the recommendation of the Appeal Hearing Panel. Motion carried.

b. Proposed Changes to Personnel Manual

Memorandum dated December 16, 1996 from Personnel Officer requesting approval of changes to the County's Manual of Personnel Policies and Procedures:

- Changes in Residency Requirement
- Changes in Holiday Schedule
- Changes in Personal Leave
- Prohibits Smoking under certain conditions

Changes effective date of Health Insurance for new employees
Changes salary increases/decreases to 3% or one step, for promotions, demotions, reinstatements, and Acting Capacity Pay
Allows use of up to five days of sick leave to care for immediate family members

Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve the Personnel Manual Changes as presented. Motion carried.

8. Governor's "Smart Growth" Initiatives

(Letter to Maryland Office of Planning with comments and input on the proposals)

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

**AIRPARK SALES AND SERVICES, INC.
(LEASE AND OPERATING AGREEMENT EXTENSION)**

Present: Douglas Durkin, County Attorney
James Haley, Airport Manager
Steve Bildman, Airpark Sales and Services, Inc.

County Administrator Kachmar presented correspondence addressed to Airpark Sales and Services, Inc. granting an extension of time on the temporary lease and operating agreement for office space and aircraft hangar space at the St. Mary's County Airport. The County Attorney explained that the Lease and Operating Agreement expired in April 1996 and the Commissioners granted a temporary lease and operating agreement. The extension for office space is for 60 days and the extension for the aircraft hangar space is for 30 days.

During the discussion County Attorney Durkin indicated that Mr. Bildman and his attorney requested that the extension also include the ramp and the fuel farm facility.

The County Attorney recommended that the treatment by the County of Airpark Sales and Services, Inc. be consistent in the way it treated The Skydiving Center--that while negotiations continue, the Commissioners grant the extension. He further pointed out that he is recommending that the Commissioners grant the extension; however, he reminded the Board that the tenants at the Airport, including Airpark Sales and Services, Inc., have filed a Part 13 complaint relative to the County's granting an extension to The Skydiving Center. He stated he did not believe that the Part 13 complaint has merit and should not be an impediment to the negotiations with Airpark.

After discussion Commissioner Eagan moved, seconded by Commissioner Chesser, to sign the letter to Airpark Sales and Services, Inc. (which the County Attorney will revise to include the additional areas), granting an extension to the Temporary Lease and Operating Agreement. Motion carried.

EXECUTIVE SESSIONS

Commissioner Chesser moved, seconded by Commissioner Eagan, to meet in Executive Session to discuss a matter of Personnel (Health Officer Position) as provided for in Article 24, Section 4-210(a)1 and Potential Litigation (Nursing Center Remedial Plan), as provided for in Article 24, Section 4-210(a)8. Motion carried four to one with Commissioner Jarboe voting against.

Personnel (Health Officer Position)

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
Dr. William Marek (former Health Officer)
Raymond Dutterer (Selection Committee)
George Foster, Personnel Officer
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)1
Time Held: 11:55 p.m. - 12:36 p.m.

Action Taken: The Search and Selection Committee presented recommendations to the Commissioners and the Commissioners agreed to take action in open session.

HEALTH OFFICER POSITION

Commissioner Jarboe moved, seconded by Commissioner Chesser, to authorize the Personnel Officer to proceed as discussed in Executive Session. Motion carried.

Later in the meeting, Commissioner Eagan moved, seconded by Commissioner Jarboe, to authorize the issuance of an Information Release relative to the action taken with regard to the Health Officer position. Motion carried.

Potential Litigation (Nursing Center Remedial Plan)

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)8
Time Held: 12:43 p.m. - 1:40 p.m.

Action Taken: The County Administrator and Attorney provided a status report on the nursing center, potential liabilities and proposed remedial action and received direction from the Commissioners. The Commissioners agreed to have the County Attorney make a report in Open Session.

**ST. MARY'S NURSING CENTER
REMEDIAL ACTION PLAN**

Present: Douglas Durkin, County Attorney

County Attorney Durkin referenced the Commissioners' decision to direct staff, as part of the remedial plan to address the Nursing Center issues, to hire a nursing home consultant firm) and a law firm that has experience in health care issues. After completion of the interviews, Mr. Durkin advised that it was staff's recommendation to hire Diversified Health Services, LP to conduct an operational audit and the Baltimore law firm of Smith, Somerville and Case LLC to conduct a legal audit. A report will be issued to the Board of County Commissioners outlining any problems and suggestions for remediation of any potential problems. Sources of funding for these consulting firms will be Nursing Center Revenues, General Fund Revenues, and the County Attorney's Consulting Services Account.

After discussion Commissioner Jarboe moved, seconded by Commissioner Eagan to proceed with the Remediation Plan and hire the consultants (for legal and operational audits) as recommended by the County Attorney. Motion carried four to one with Commissioner Chesser voting against stating he did not believe that this was the time to retain these firms because of other steps being taken.

Further, Commissioner Eagan moved, seconded by Commissioner Jarboe, to authorize the issuance of an Information Release relative to the referenced Remediation Plan. Motion carried.

ADJOURNMENT

The meeting adjourned at 1:53 p.m.

**Minutes Approved by Board of
County Commissioners on 1/7/97**

Judith C. Spaulding
Recording Secretary