

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
June 2, 1998**

Present: Commissioner Lawrence D. Jarboe, Vice President
Commissioner Paul W. Chesser
Commissioner Frances P. Eagan
John J. Kachmar Jr., County Administrator
Judith A. Spalding, Recorder

(Commissioner President Barbara R. Thompson and Commissioner D. Christian Brugman were not present.)

CALL TO ORDER

The meeting was called to order at 1:05 p.m.

APPROVAL OF MINUTES

Commissioner Eagan moved, seconded by Commissioner Chesser, to approve the minutes of the Commissioners' meeting of Tuesday, May 26, 1998, as presented. Motion carried.

APPROVAL OF CHECK REGISTER

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

ADDITIONS/DELETIONS TO AGENDA

Commissioner Eagan moved, seconded by Commissioner Chesser, to approve the agenda as amended (to add an executive session on potential litigation as requested by the County Administrator). Motion carried.

CONSENT AGENDA

Correspondence to:

1. B&B Maintenance regarding protest filed with the Office of Central Services.
2. D. A. Hoerning regarding soccer fields being built adjacent to Hollywood Elementary School.
3. Nancy Warren regarding Myrtle Point.
4. Dale Rose regarding County's negotiations with MCI relative to the emergency radio system.
- 5.
6. Chair of the Airport Commission regarding the status of the Airport Commission.
7. Robert Lewis relative to the map of the Myrtle Point area.
7. Mike Deasy expressing appreciation for his continued correspondence about the good works of his ministry and successful touring program.
8. Various individuals regarding Wicomico Shores Special Taxing District.
 - a. Gretchen Omachila
 - b. Frank N. Carricato
 - c. Nelma S. Julian
 - d. Richard B. Miller

Commissioner Chesser requested that Letter No. 6 be pulled for further editing.

9. Melissa Lynn Friess regarding the development of Myrtle Point.

Commissioner Chesser moved, seconded by Commissioner Eagan, to approve the Consent Agenda with the exception of Letter No. 6. Motion carried.

EXECUTIVE SESSION

Commissioner Chesser moved, seconded by Commissioner Eagan to meet in executive session to discuss a matter of potential litigation (procurement issues) as provided for in Article 24, Section 4-210(a) 8. Motion carried.

Executive Session – Potential Litigation

Present: Commissioner Lawrence D. Jarboe, Vice-President
Commissioner Paul W. Chesser
Commissioner Frances P. Eagan
John J. Kachmar Jr., County Administrator
Douglas Durkin, County Attorney
Jim Haley, Director, Office of Central Services
Judith A. Spalding, Recorder

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

Time Held: 1:15 p.m. – 2:05 p.m.

Action Taken: County staff briefed the Commissioners on the referenced potential litigation matter and gave guidance to the Commissioners relative to this issue.

ETHICS COMMISSION

FINANCIAL DISCLOSURE STATEMENT LISTING

Present: John Baggett, Chair, Ethics Commission
Pete Weiskopf, “
George Abell, “
Arthur Casale, “
Charles Walsh, “

As previously requested by the Commissioners the referenced members of the Ethics Commission appeared before the Board to present a revised draft list of those required to file financial disclosure statements (addition of Agricultural Preservation Advisory Board; Historic Preservation Commission; ad-hoc committees which advise on acquisition, zoning, or designation of land; Board of Education; Director of Capital Projects; and Alcohol Beverage Board (which was previously approved by the Commissioners); change Personnel Director to Director of Human Resources; and delete titles of Chief, Inspection and Enforcement and the Plumbing Inspector).

In addition Mr. Baggett advised that the Ethics Commission was also recommending a change in the procedures for filing financial disclosure statements of newly appointed individuals (that any person newly appointed shall have 30 days following date of appointment); this change would make the financial statement due as part of the signing of acceptance for the position.

After discussion Commissioner Eagan moved, seconded by Commissioner Chesser to approve going forward with the Ethics Commission’s recommendations (to approve inclusion of a statement in the letter of appointment to requirement for completing the financial disclosure statement and submitting with the signed letter of appointment) and to schedule a public hearing for the changes to the list for those required to file financial disclosure statements. Motion carried.

**PUBLIC HEARINGS
SUPPLEMENTAL APPROPRIATIONS**

Present: Steve Welkos, Director of Finance

The Commissioners conducted public hearings on the following supplemental appropriations:

Office of Central Services

(In the amount of \$24,332 from additional revenues derived from the sale of older surplus vehicles and increased public transportation ridership and transportation services provided to other county agencies for the purpose of offsetting the St. Mary's Transit System expenses of driver salaries and vehicles maintenance.)

Office of Central Services and Department of Public Works

(In the amount of \$266,000 from additional revenues derived from the sale of surplus solid waste equipment for the purpose of purchasing two St. Mary's Transit System vans/buses to support the Adult Day Care Program and various highway maintenance vehicles (bucket truck, crew-cab truck, gradeall, mower) for Public.)

Department of Public Works

(In the amount of \$2,285,812 in State Grant funds from the Maryland Aviation Administration for the purpose of land acquisition for navigational easements, and construction to include a terminal building, apron expansion, parking aircraft tiedowns, and apron overlay, and the purchase of furniture and equipment for commuter air services at the St. Mary's County Airport.)

The public hearings were closed; the record will remain open for ten days for written comment after which the Commissioners will take action on the referenced supplemental appropriations.

**COLTON ENDOWMENT FUNDS
PRESENTATION OF RECOMMENDATIONS**

Present: Jim Haley, Director, Office of Central Services
Phil Cooper, Chair, Technical Source Selection Evaluation Board
Keith Lackey, Deputy Director, DPZ

The referenced individuals appeared before the Commissioners to present a briefing on the competitive solicitation for the Colton Endowment Senior Housing project. Mr. Cooper advised that three proposals were received and outlined the process used to conduct the evaluations. The Technical Source Selection Evaluation Board (TSSEB) members individually scored the proposals, the relative numeric rankings were as follows: St. Mary's County Housing Authority (1 - average); Cedar Lane Apartments (2- Marginal); R.H. Tourtelot Company (3- Marginal).

The Cost Evaluation Board (CEB) performed an evaluation of the cost proposals by analyzing inputs from the TSSEB and pertinent information. The CEB based its evaluation on the most common area among the three proposers (the average monthly rent per unit to be charged for Assisted Living Senior Housing).

Based on the comparative bid process the TSSEB determined that the proposal offered by the St. Mary's County Housing Authority's project, the highest technically rated against the evaluation criteria and the lowest rental cost per Senior Housing Assisted Living Unit, be submitted to the Maryland Office on Aging and the Maryland Department of Housing and Community Development for award of the Colton Endowment Grant Funding.

Areas of discussion included the type of projects each proposer submitted, the location of the projects, time frame for completion of the proposed projects, and the zoning issues surrounding each project.

Relative to the zoning issues, Mr. Lackey advised that there were concerns for each of the project locations with regard to land use and density issues. None of the three conform to the requirements of the Zoning Ordinance through use issues (assisted living facilities not permitted in the zoning category for the Housing Authority and R. H. Tourtelot), which would require action by the Board of County Commissioners through a text amendment to rectify; and density issue (number of units allowed per acre for Cedar Lane), which would require Board of Appeals action to rectify.

Commissioner Jarboe expressed appreciation to the committee members for their efforts, but stated that he was not prepared to forward a recommendation to the State for a project that does not meet zoning requirements.

The Commissioners agreed to review the issues and schedule discussion on June 23 at 2 p.m.

COUNTY ADMINISTRATOR ITEMS

Present: John J. Kachmar Jr., County Administrator

1. Budget Amendment No. 98-47 – Alcohol Beverage Board
(Overtime for plain clothes officer to serve as enforcement coordinator for weekends \$5,000)

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

2. Board of Education

- a. FY 1998 Grant Awards
Southern Maryland Career Connections - \$18,333
(Letter to Board of Education Approving Grant Award)

Commissioner Eagan moved, seconded by Commissioner Chesser, to approve and sign the letter to the Board of Education as presented as presented. Motion carried.

- b. Categorical Transfer – Fiscal Year 1998
Increase Student Transportation – \$250,000
Decrease Instructional Salaries - \$250,000
(Letter to Board of Education Approving Categorical Transfer)

Commissioner Eagan moved, seconded by Commissioner Chesser, to approve and sign the letter to the Board of Education as presented as presented. Motion carried.

3. Grant Documents

- a. Office on Aging
Senior Care Grant Award Modification (Additional \$7,118 from the State)

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

- b. Walden/Sierra, Inc.
Runaway and Homeless Youth Basic Center Program
(Federal - \$100,000; Local \$10,000)

Commissioner Chesser moved, seconded by Commissioner Eagan, to approve and authorize Commissioner Jarboe to sign the referenced grant document as presented. Motion carried.

**EMERGENCY RADO SYSTEM
(MCI LITIGATION IN NORTHAMPTON COUNTY, PENNSYLVANIA)**

Present: Larry Consalvos, MCI Systemhouse
Jim Dundas, “
Other representatives from MCI

Relative to the legal matter involving MCI and Northampton County, Pennsylvania, to Consalvos referenced the recent newspaper article in the *Washington Post, Southern Maryland Section*, and stated he wanted to clarify inaccuracies in the article regarding MCI's operation in Northampton County. He explained MCI's contract with Northampton County, the differences in the forms of government between Northampton and St. Mary's and the difference in the emergency facilities and the consolidation of facilities in Northampton.

Mr. Consalvos noted the following:

- That Northampton's system was up and running in July of 1997 and there has not been one second of down time, no calls lost, and no filed complaints.
- The contract with Northampton is similar to a contract MCI will have with St. Mary's has a process for the filing of complaints (it is brought to MCI's attention and MCI has a window of time to respond and correct it.
- That MCI has a policy of not discussing ongoing litigation, but stated that MCI was sued by Northampton County, and MCI responded to that suit.

Commissioner Chesser stated that he went to Northampton County and talked to the people who use the system and talked about how the system worked.

Mr. Consalvos indicated that the visit should have included a visit to the MCI Center and invited any commissioner (or negotiating team) to visit it stating it is designed with a public viewing room.

Commissioner Eagan stated for the record that she was not aware of any County Commissioners going to Pennsylvania or made any telephone calls; that she has not contacted anyone with MCI or anyone in Northampton County; and that the only thing she was aware of was what was brought to her attention through news articles and voice mails. She stated that she believes in the procurement process.

Commissioner Chesser stated for the record that he has a responsibility to the people of St. Mary's County; that he was going to fulfill that responsibility, and that he would not be intimidated. With the amount of money being discussed, he stated he wanted to be sure that the system would work before any contract is signed.

In closing Mr. Consalvos stated that MCI will stand behind its proposal, will stand behind the fixed price offered to the County, and that MCI will negotiate with the County in good faith. He stated that MCI will make sure that the negotiating team will see everything it needs to to see that MCI is not only the right player, but the only player and the best player.

EXECUTIVE SESSIONS

Commissioner Eagan moved, seconded by Commissioner Chesser to meet in executive session to discuss a matter of potential litigation (bidding issue), as provided for in Article 24, Section 4-210(a) 8. Motion carried.

Commissioner Eagan moved, seconded by Commissioner Chesser, to meet in executive session to discuss a matter of Personnel (as requested by the Director of Human Resources), as provided for in Article 24, Section 4-210(a)1. Motion carried.

Executive Session

Potential Litigation (Bidding Issue)

Present: Commissioner Lawrence D. Jarboe, Vice-President
Commissioner Paul W. Chesser
Commissioner Frances P. Eagan
John J. Kachmar Jr., County Administrator
Douglas Durkin, County Attorney
Jim Haley, Director, Office of Central Services
Jim Sterling, Director of Capital Projects
Judith A. Spalding, Recorder

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

Time Held: 4:00 p.m. – 4:50 - p.m.

Action Taken: County staff briefed the Commissioners on the referenced legal matter and received direction from the Board.

Executive Session – Personnel

Present: Commissioner Lawrence D. Jarboe, Vice-President
Commissioner Paul W. Chesser
Commissioner Frances P. Eagan
John J. Kachmar Jr., County Administrator
Mac McClintock, Director, Human Resources
Judith A. Spalding, Recorder

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

Time Held: 4:51 p.m. – 5:15 -p.m.

Action Taken: The Director of Human Resources presented a memorandum relative to personnel and will return to the Board in executive session at a later date.

PUBLIC FORUM

The Commissioners conducted the monthly public forum and accepted questions and comments from the audience and via telephone. Comments from the audience were as follows: (Copies of the call-in sheets are available in the County Commissioners' Office.)

David Triantos – Referred to a newspaper article regarding “plant partnership” and indicated that a gentleman from the Maryland National Plant Society suggested getting rid of invasive plants at Myrtle Point and allowing native plants to mingle in a “partnership.”

Minnie Russell –Requested that grass along county roads (particularly Fox Harbor and Wynne Road) be cut more frequently. (Wynne Road is cut 30 feet into the field, when it should only be cut ten feet and done more often.)

Robert Lewis – Referred to the map relative to Myrtle Point prepared by the County Attorney and published in the *St. Mary's Today* on April 28, inquired whether the Commissioners were aware of the map and suggested the Commissioners track down how Mr. Rossignol got the map; questioned the accuracy of the map; questioned the purpose of the “dots” on the map and stated that the map was intimidating; referred to the county attorney’s response to Mr. Tierney regarding the maps and the statement in the letter that “the map was prepared to disclose the bias and personal interests of two groups of persons who had previously participated in Myrtle Point issues,” and the reference to “conflict of interest;” questioned what “two groups was he referring to; that ad-hoc committees were being considered to be added to the list of those required to file financial disclosure statement.

Shelby Guazzo – Clarified the appointment of members to the Myrtle Point; ten people appointed (three were neighbors of the property; members from EDC, members from the Recreation and Parks Board, and a member of the Planning Commission; explained the purpose of the committee (which was to recommend whether a park was needed and whether the property was sufficient); and stated that there was no reason that a task force could not be appointed to gather information.

Julie Randall – Referred to the MCI Systemhouse emergency radio system proposal and questioned the affordability; expressed concerns that commissioners had not received objective information; and mentioned the fact that MCI has only installed one complete system; suggested that the Commissioners look at other options, including semi-privatization. (Later in the forum, County Administrator Kachmar made a presentation regarding the MCI proposal, and the lawsuit filed against MCI by Northampton County and MCI's response.

Viki Volk – Requested clarification regarding the use of road improvement funds and that it was her understanding those funds would be used for the courthouse and that the forward funding of school projects was held in abeyance until after the audit.

Ken Hastings – Referred to the response letter he received from the Commissioners and then to the letter from the County Attorney to Mr. Tierney and stated that he would like the "two groups" referenced be identified; raised questions regarding the "conflict of interest" relative to the Myrtle Point Task Force and stated that the members did not have authority to make any decisions for St. Mary's County. He stated it was ludicrous to look at this as a potential corruption in government and it was ludicrous to link PRA because of the "illegal lot issue." He further pointed out that the Coalition to Preserve Myrtle Point was not in existence at the time Myrtle Point task force was established.

ADJOURNMENT

The meeting adjourned at 8:45 p.m.

Minutes approved by the
Board of County Commissioners on 6/9/98

Judith A. Spalding
Judith A. Spalding, Recorder