

BOARD OF COUNTY COMMISSIONERS' MEETING

Wednesday, March 15, 1978

Present: Commissioner James M. McKay, President
Commissioner Ford L. Dean
Commissioner J. Patrick Jarboe
Commissioner Larry Millison
Edward V. Cox, County Administrator
Judith A. Mullins, Recording Secretary
(Commissioner Parlett was not present due to illness)

The meeting was called to order at 8:45 a.m.

READING AND APPROVAL OF MINUTES

The minutes of March 8, 1978 were read. Commissioner Jarboe made a motion to approve the minutes as read, seconded by Commissioner Dean. All Commissioners voted in favor.

ENCUMBRANCE VOUCHERS

Present: Harris Sterling, Director of Finance

Mr. Sterling presented the encumbrance vouchers for the Commissioners' review and approval. Commissioner Jarboe made a motion to approve payment of the bills, as submitted, seconded by Commissioner Millison. All Commissioners voted in favor.

BIDS ON INVESTMENTS

Present: Harris Sterling, Director of Finance

Mr. Sterling submitted a memorandum stating that bids on investments of \$1,800,000 for 123 days and \$3,297,000 for 32 days were solicited with bids received as follows:

	<u>First National</u>	<u>Md. Nat'l</u>	<u>Md. Bank & Trust</u>
\$1,800,000 for 123 days	6.335%	6.905%	6.465%
\$3,297,000 for 32 days	6.135%	6.471%	6.216%

The highest bidder, Maryland National Bank, was awarded the bid and purchases of the two C.D.'s were made on Friday, March 10, 1978.

LEGAL SERVICES/PATUXENT RIVER - ATTORNEY DAVID FLEISCHAKER

Present: Jerry McKinney, Director, Tri-County Council

By memorandum dated March 15, 1978, the County Administrator requested certain decisions from the Board of County Commissioners related to legal services of Attorney David Fleischaker. After some discussion, Commissioner Jarboe made a motion to approve a Reserve

for Contingency transfer of \$12,000 to Account No. 1061-21310 (Contract Services) to cover the costs related to Attorney Fleischaker through February 28, 1978; further to continue the services if Attorney Fleischaker under the same terms and conditions as the present contractual agreement. Payment for service will be made as bills are submitted, seconded by Commissioner Dean. All Commissioners present voted in favor.

Mr. McKinney explained to the Commissioners the reasons for the meeting tomorrow with Mr. Fleischaker:

1. He needs a decision from the three counties as to whether or not they wish to appeal the Administrator of Water Resources Administration's decision on the Savage Treatment Plant adjudicatory hearing;
2. He needs a decision as to whether or not to file suit against EPA concerning the Patuxent River Basin Plan;
3. He would like authority to hire a consultant, Ken Young, who is familiar with water supply and flood proofing on Environmental Impact Statements. This would be an additional cost.

Later in the meeting, the Commissioners directed the County Administrator to contact Mr. Fleischaker that St. Mary's County is in agreement with the three above-mentioned requests.

(Commissioner Millison left meeting)

PLAN FOR EMS TOWER AT EOC

The County Administrator presented plans for the erection of the EMS tower to be located at the Emergency Operation Center site. Commissioner Dean made a motion to authorize Commissioner President McKay to sign said plans, seconded by Commissioner Jarboe. The Commissioner present voted two in favor, with Commissioner McKay abstaining.

(Commissioner Millison returned to the meeting)

LEAVE AND ANNIVERSARY DATES OF CETA EMPLOYEES ENTERING MERIT SYSTEM

Present: Ken Freeburn, Personnel Officer

By memorandum dated March 15, 1978, Mr. Freeburn presented a proposed policy whereby CETA employees selected for a merit system position would use the date they started under the CETA program as their anniversary date and any leave balance as of the transfer date would be forwarded and available to the employee. The six-month probationary period would be retained, at the end of which an evaluation would be the basis for the determination of retention or release of the employee.

Commissioner Jarboe made a motion to accept the Personnel Officer's recommendations regarding CETA employees who obtain merit system positions, seconded by Commissioner Millison. All Commissioners present voted in favor.

REQUEST FOR AUTHORITY TO HIRE

Present: Ken Freeburn, Personnel Officer

By memorandum dated March 15, 1978, the Personnel Officer requested authority to hire Ms. Shirley Pederson as Communications Clerk I Grade 7, Base, effective March 20, 1978 to fill the current vacancy.

Commissioner Jarboe made a motion to accept the recommendation of the Personnel Officer as stated above, seconded by Commissioner Millison. All Commissioners present voted in favor.

MATTAPANY ROAD REHABILITATION

Present: Mike Marlay, Director, Metropolitan Commission
Harry Knight, Metropolitan Commission
John Norris, County Engineer
Dan Ichniowski, Highway Engineer

Mr. Marlay stated that all easements have been acquired for the above-referenced project and presented plans of the Mattapany Road Force Main Gravity Sewer and Road Rehabilitation.

Mr. Norris indicated that the project will be bid in two ways:

1. Bid the Sewer line construction and repair the existing road
2. Bid the sewer line construction and reconstruction of the existing road to the plans that have been prepared by Beaven Company and approved by the County.

There was discussion of cost percentage of participation by EPA which could be from 25% to 40%, and that because EPA will not commit themselves at this time, the Metropolitan Commission and County Engineer's Office recommended that the project be bid with above-mentioned alternatives to more clearly identify the sewer construction cost in contrast to the road construction cost.

Mr. Marlay indicated to the Commissioners that the maximum cost to the County would be approximately \$200,000 to \$250,000 and the cost for the preparation of the plans for the construction of the road is approximately \$26,000.

Commissioner Dean made a motion to authorize Commissioner President McKay to sign the plans and that the project be bid with the above

alternates and further that the President of the Board be authorized to sign any necessary deeds and deeds of easement, upon approval by the County Attorney, seconded by Commissioner Jarboe. All Commissioners present voted in favor.

MOBILE HOME HARDSHIP CASE NO. MH 78-2

The County Administrator presented Mobile Home Hardship Case No. MH 78-2 which has been reviewed by the Hardship Evaluation Committee and it was the recommendation of the Committee that a waiver be granted in this case.

Commissioner Dean made a motion to approve this waiver, as recommended, seconded by Commissioner Jarboe. All Commissioners present voted in favor.

ACCOUNT TRANSFERS

Commissioner Jarboe made a motion seconded by Commissioner Dean to approve the following account transfers:

Youth Commission - Transfer of \$500 from Account No. 1533-1111 (Salaries, General) to Account No. 1533-3101 (Equipment) for the purchase of certain equipment for the Youth Commission Office;

Purchasing and Logistics - Transfer of \$227.70 from Account No. 1092-27010 (Building Repair and Alterations) to Account No. 1057-31010 (Equipment) for the purchase of three highback chairs;

Transfer of \$2,000 from Account No. 1092-27010 (Building Repair and Alterations) to Account No. 1144-22010 (County Coroner Fees)

Office of Land Use and Development - Transfer \$250 and \$200 from Account No. 1083-21710 (Legal Fees) to Account No. 1131-31010 (Equipment) and Account No. 1083-21210 (Advertisements) respectively;

Recreation and Parks - Transfer of \$1,289 from Account No. 1832-11110 (Salaries, General) to Account No. 1811-31010 (Equipment) for the purchase of secretarial equipment.

All Commissioners present voted in favor.

LIBRARY BOARD OF TRUSTEES

Commissioner Dean made a motion to appoint Mrs. Charlotte Coppage Young and Mr. W. Edelen Gough to the Library Board of Trustees for terms to expire January 1, 1982, seconded by Commissioner Jarboe. All Commissioners present voted in favor.

RESIDENT TROOPER PROGRAM GRANT APPLICATION

The County Administrator advised that correspondence was received indicating that the Resident Trooper Program Grant funds were technically disapproved for St. Mary's County and Mr. Cox recommended that the staff meet with all principles involved to determine why it was disapproved and to further pursue the grant application. The Commissioners gave their concurrence.

CLEARINGHOUSE PROJECT NO. 78-3-754
EMS GRANT APPLICATION FOR REGIONS IV AND V

The County Administrator presented the above-referenced grant application and recommended that it be forwarded with the comment that it is not inconsistent with this agency's plans, program or objectives. The Commissioners gave their concurrence.

ECONOMIC IMPACT FEE RESOLUTION NO. 76-30

The County Administrator presented correspondence from the Office of Land Use and Development recommending certain changes in the Economic Impact Fee Resolution. The Commissioners agreed to review this matter and stated they would possibly take action at the same time or after adoption of the revised Subdivision Regulations.

PROCLAMATION NO. 78-24
FIFTIETH ANNIVERSARY - LEONARDTOWN VOLUNTEER FIRE DEPARTMENT

Present: Tommy Mattingly, President
William G. Holley, Past Chief
Kenneth J. Scully, Chief

The Commissioners presented the above-referenced Proclamation proclaiming March 19, 1978 as Leonardtown Volunteer Fire Department recognition day in commemoration of its 50th anniversary.

PRESS CONFERENCE

Present: Jack Kershaw, Enterprise
Sunny Schust, "
Richard Polk "
Rick Boyd "
Ingrid Buehler, Beacon
Florence Ballangee, "
Dave Fox, WKIK
Paula Smith, WPTX

The regular twice-monthly Press Conference was held at this time. A tape of the Conference is on file in the Commissioners' Office.

REZONING HEARING CASE NO. 77-127
HAROLD A. AND MARGARET DUFFY

Present: Frank Gerred, Director Land Use and Development
Jeff Poley, Zoning/Subdivision Administrator
Walter Raum, Director, Environmental Hygiene
Neal Myerberg, Attorney for Applicant
Mr. and Mrs. Harold Duffy, Applicant
Mrs. Ruleman (Duffy's daughter)
Jim Kenney, Attorney for Tanner Creek Assoc. (opposition)
Joe Densford, Mr. Kenney's associate
Peter LoMedico)
John O'Neil)
Mr. Donahue)
Paul Bradburn) Opposition
Mr. Swann)
Kathy Weisenforth)
William Garland)
Mrs. Louise Blosser)

Application was made by Harold A. and Margaret Duffy to have approximately four acres off of Md. Route 415, property known as Scotland Beach Hotel, First Election District from R-1, Rural Residential to CM, Commercial Marine.

The complete file and tape of the proceedings is on file in the Office of Land Use and Development.

REZONING HEARING CASE NO. 77-05
JOSEPH C. AND RONALD N. GUY

Present: Joseph C. Guy, Applicant
Frank Gerred, Director, Land Use and Development
Jeff Poley, Zoning/Subdivision Administrator
George Klear, Interested Citizen
James Miedzinski " "

Application was made by Joseph C. and Ronald N. Guy to have approximately 4.57 acres located at the intersection of Md. Rt. 5 and Rt. 234, Third Election District, rezoned from AR-2 to C-2.

The complete file and tape of the proceedings are on file in the Office of Land Use and Development.

ALTERNATIVES TO SEPTIC SYSTEM FOR ON-SITE SEWAGE DISPOSAL

Present: Walter Raum, Chairman, Environmental Committee
David Hans, Environmental Committe

The above-referenced individuals appeared before the Commissioners to review the visit by members of the Environmental Committe to Horn Point, Cambridge, Maryland to evaulate on-site sewage disposal systems installed there. It was the consensus of the Committee not to endorse this system for St. Mary's County and after research of other types of systems, it was recommended that the mound system be evaluated as it

seems to be the most economical and practical alternative.

Mr. Raum stated this system should only be used where there is an existing septic tank failure and not for new construction, that a questionnaire be developed for proper evaluation, and further that they should be tried in the First, Second and Ninth Election District.

Due to the high cost of the system, Mr. Raum inquired whether the County would assist in offsetting the cost to the property owner until the system has proven feasible.

In conclusion, the Commissioners directed Mr. Raum to contact the company that provides the engineering and pumps for this system to ascertain if they would be interested in contributing towards the cost because if it is approved, it would be to their advantage.

(A copy of the memorandum dated February 28, 1978 from the Environmental Committee setting forth the particulars of this system is on file in the Commissioners' Office.)

ROAD REPAIRS - COUNTY ENGINEER'S OFFICE ('78-'79 Funds)

Present: John Norris, County Engineer
Dan Ichniowski, Highway Engineer
Walter Wise

The County Engineer's office reviewed with the Commissioners funding of the various road projects in the County; Surface Treatment Schedule (SHA), Surface Treatment (Contract), Asphalt Overlay and Gravel Roads.

In addition Mr. Norris submitted the Project Maintenance Cost for Fiscal Year 1978 and explained that there would be a deficit of \$288,304

Mr. Norris requested the Board's reaction to the repairing of existing county roads and the fact that the Surface Treatment Schedule Project would not be bid until road repairs are made. The Force Account will be used and an asphalt contract would be hired to assist State Highway Administration in repairing the roads and the roadside drainage crew will work on the county road repair. The Commissioners gave their concurrence.

Regarding the asphalt overlay schedule, Mr. Norris indicated to the Commissioners that approximately \$600,000 to \$700,000 in the budget request was due to major collector roads requiring resurfacing, Chaptico-Mechanicsville Road and St. Andrews Church Road.

CURRENT PROJECT STATUS REPORT

Mr. Norris submitted the Current Project Status Report for the

Commissioners' review and discussion at a later time.

INSTALLATION OF TRAFFIC CONTROL SIGNS ON VARIOUS COUNTY ROADS -
PROJECT NO. SM 77-1-8

Mr. Norris presented the bid tally sheet for the above-referenced project, stating that eight to ten firms picked up plans; however, only two bids were received. No action was taken at this time.

PUBLIC WORKS AGREEMENT CHICKASAW RUN SUBDIVISION, SECTION I

The County Engineer presented the Public Works Agreement, with appropriate bonding documents, by and between Jeremy J. H. Gillam and Francine S. Gillam and St. Mary's County, Maryland guaranteeing the construction of streets and roads in Chickasaw Run Subdivision, Section I. Commissioner Dean made a motion to approve said Public Works Agreement, and authorize Commissioner President McKay to sign same, seconded by Commissioner Jarboe. All Commissioners present voted in favor.

OVERTIME FOR LANDFILL CREW-PREPARATION OF PARKING SPACES AT GOVERNMENT CENTER

The County Engineer requested authority from the Board of Commissioners for the landfill crew to work Saturday and Sunday, March 18-19, for the preparation of additional parking spaces at the Governmental Center, cost of materials to be approximately \$3500.

Commissioner Jarboe made a motion to authorize overtime for the landfill crew and the expenditure of approximately \$3,500, seconded by Commissioner Dean. All Commissioners present voted in favor.

EXECUTIVE SESSION

Present: John Norris, County Engineer
Dan Ichniowski
Walter Wise

The Commissioners agreed to meet in Executive Session in order to discuss possible land acquisition. The Session was held from 4:30 p.m. to 4:55p.m.

AGRICULTURAL PRESERVATION ADVISORY BOARD

Commissioner Dean made a motion seconded by Commissioner Jarboe to make the following appointments to the Agricultural Preservation Advisory Board with terms as indicated:

Mr. William Dixon	-	Term to Expire	1/1/81
Mr. Al Francis Guy	-	" " "	1/1/82
Mr. Robert Jarboe	-	" " "	1/1/83
Mr. Floyd Raley	-	" " "	1/1/83

All Commissioners present voted in favor.

FINAL INSPECTION PERMIT (DO-IT-YOURSELF PLUMBERS)

With regard to the discussion at last week's meeting concerning "Do-it-Yourself" plumbers obtaining final inspection permits, it was the consensus of the Board not to impose the \$50 cash bond at this time.

REQUIREMENT OF SANITARY FACILITIES AT CONSTRUCTION SITES

With regard to the problem concerning lack of sanitary facilities at certain construction sites presented at last week's meeting by the Plumbing Board, Commissioner Dean submitted a proposed Resolution which he recommended be reviewed by the Health Department for their review and comments.

NAVY MUSEUM

Relative to the request made at last week's meeting by the Naval Air Test & Evaluation Museum for the remaining \$5,000 of the \$11,000 that had been requested from the FY 77-78 budget, Commissioner Millison made a motion to appropriate the \$5,000 from the Reserve for Contingency, and further to investigate the possibility of a CETA employee for the museum, seconded by Commissioner Jarboe. All Commissioners present voted in favor.

SUBDIVISION REGULATIONS

Having conducted a public hearing on December 14, 1977 on the proposed Subdivision Regulations, Commissioner Jarboe made a motion to adopt the Subdivision Regulations, effective March 15, 1978, seconded by Commissioner Dean. All Commissioners present voted in favor.

DRAFT LETTER TO U. S. CONGRESSIONAL DELEGATION

Commissioner Dean presented a draft letter to the U.S. Congressional Delegation relative to AICUZ and it was agreed that Ward Miller, Economic Development Coordinator, will act as coordinator with the Navy, Congressional Delegation and County on this matter. A copy of the draft is to be submitted to Mr. Miller for his comments and the Commissioners will review and discuss the letter at next week's meeting.

YOUTH COMMISSION REPRESENTATIVE ON RECREATION AND PARKS BOARD

Commissioner Jarboe made a motion to confirm the appointment of Mr. Edward Hill to serve the Youth Commission youth member representative on the Recreation and Parks Board, seconded by Commissioner Millison. All Commissioners present voted in favor.

The meeting adjourned at 5:40 p. m.

Approved,


James M. McKay, President

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