

Board of County Commissioners' Meeting

Wednesday, December 20, 1978

Present: Commissioner George R. Aud, President
Commissioner Richard D. Arnold
Commissioner Ford L. Dean
Commissioner David Sayre
Commissioner Larry Millison
Edward V. Cox, County Administrator
Alice V. Bailey, Reporter

The meeting was called to order at 8:10 o'clock a.m.

BOARD OF EDUCATION - CAPITAL IMPROVEMENT PROGRAM

Present: Marvin Joy, Superintendent of Public School
James Forrest, President Board of Education
Dave Morgan, Board of Education
James Raley, Board of Education

The above representatives appeared before the County Commissioners to explain the previously submitted Capital Improvement Program for FY 1980-1985. It was stated that the Interagency Committee for State School Construction requires that the FY-1980-1985 program and in particular the FY 1980 budget requests be approved by the Commissioners by January 1, 1979. Mr. Joy stated that possibly a small delay could be realized by the state, but it would have to be done very shortly.

The Commissioners discussed the program with the representatives and advised them that a decision would be made, at which time the Commissioners would notify them if the program would be submitted as presented or if any deletions and or additions were made.

BOARD OF EDUCATION

At this point representatives from the Board of Education showed the plans for the Fifth District Elementary school. This was done for information purposes.

READING AND APPROVAL OF MINUTES

The minutes of the County Commissioners' meeting of December 13, 1978 were read. Commissioner Dean made a motion to approve the minutes as read, seconded by Commissioner Sayre. All Commissioners voted in favor of the motion.

ENCUMBRANCE VOUCHERS

Present: Harris Sterling, Director of Finance

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

INSURANCE POLICY - SHERIFF'S DEPARTMENT - FALSE ARREST

Present: Harris Sterling, Director of Finance

Mr. Sterling stated that at the present time we do not have insurance coverage for false arrest with the Sheriff's Department. He stated that insurance could be obtained from the Drake Insurance Company of New York for a cost of \$182.50 per person per year, and that this would involve thirty persons. The yearly premium would be \$5,467.50 plus \$15.00 policy fee for \$5,482.50. This would cover \$300,000 each occurrence; \$100,000 per person and a maximum of \$500,000 per year. Mr. Sterling recommended that the Commissioners accept the above.

Commissioner Arnold made a motion to approve the recommendation of Mr. Sterling regarding the insurance protection, seconded by Commissioner Sayre. All Commissioners voted in favor of the motion.

TOUR OF COUNTY FACILITIES

Present: Edward V. Cox, County Administrator

Mr. Cox stated that the Commissioners would be going on a tour of County owned facilities this date, and gave a brief summary of the buildings, etc. that would be visited.

MARYLAND ASSOCIATION OF COUNTIES - APPOINTMENT LIASON MEMBER TO SECTION 504 OF THE REHABILITATION ACT OF 1973

Present: Edward V. Cox, County Administrator

Mr. Cox stated that correspondence was received on December 18, 1978 requesting a person or persons within our subdivision who could act as a county coordinator of focal point for compliance with Section 504 of the Rehabilitation Act of 1973 be appointed by the County Commissioners. The purpose of this liason member is to make certain that requirements are being met under this section.

Mr. Cox recommended that Mr. Ed Guthrie be appointed as this member, due to the fact that he is involved with many programs and or activities that involve the handicapped.

Commissioner Sayre made a motion to appoint Mr. Ed Guthrie as the Liason Member to the Rehabilitation Act of 1973 as per the request of the Maryland Association of Counties, seconded by Commissioner Dean. All Commissioners voted in favor of the motion.

VACANT BUILDING NEAR CARVER SCHOOL - PERMISSION TO RAZE BUILDING

The County Administrator stated that correspondence was received December 8, 1978 from the Board of Education stating that there was a building near Carver School that they would like permission to raze.

Mr. Cox stated that Mr. John Norris and Mr. Paul Raley had personally inspected the building and that they both recommended that the request of the Board of Education be granted.

After discussion, the Commissioners decided not to make a judgment on this request until they had personally inspected the premises.

BOARD OF EDUCATION'S REQUEST FOR FENCING TO BE INSTALLED AT GREENVIEW KNOLLS SCHOOL

Present: Edward V. Cox, County Administrator

The County Administrator stated that correspondence was received from the Board of Education requesting that a six foot high fence be installed at Greenview Knolls School for the purpose of stopping individuals from entering on private property. The cost of this project would be \$14,000.

After discussion by the Board it was decided to look further in the area of price evaluation, and during their tour of the county facilities to look at the premises and would make a recommendation at a later date.

NOTIFICATION OF GRANT AWARD - OFFICE ON AGING

Present: Edward V. Cox, County Administrator

The County Administrator stated that correspondence was received from the State of Maryland Office on Aging stating that St. Mary's County has been awarded the sum of \$2,000 in the form of a grant for the completion of a research study in regard to the Elderly Task Force. Mr. Cox requested authorization from the Board for the President to execute the Notification of Grant Award as well as the Request Funds.

Commissioner Millison made a motion to have the President sign the necessary documents, Commissioner Dean seconded the motion. All Commissioners voted in favor.

WELCOME WAGON LETTER

Present: Edward V. Cox, County Administrator

Mr. Cox requested the Commissioners to execute a letter that is distributed by the Welcome Wagon Organization to new residents of St. Mary's County.

The Commissioners executed the correspondence.

SHERIFF'S DEPARTMENT - OVERTIME

Present: Edward V. Cox, County Administrator

The County Administrator presented correspondence from Sheriff Joseph L. Somerville requesting overtime payment for the Sheriff's Office in the amount of \$106.59, and overtime for the CID Unit in the amount of \$786.57.00

Mr. Cox stated that the above request is within the guidelines set by the Board for overtime payments.

After review by the Board, Commissioner Dean made a motion to approve the overtime request as stated above, seconded by Commissioner Arnold. All Commissioners voted in favor of the motion.

FEDERAL CLEAN WATER CONSTRUCTION GRANT PROGRAM

Present: Edward V. Cox, County Administrator

The County Administrator presented documentation relative to a U. S. Environmental Protection Agency proposal to designate State of Maryland Department of Health and Mental Hygiene as authority over the referenced grants program. The Board stated that they would like to have further information on this request.

SPRING VALLEY-PREAPPLICATION FOR FEDERAL ASSISTANCE

Present: Joseph P. O'Dell, Budget Officer

The Budget Officer stated that he is requesting the concurrence of the Board for the filing of a Preapplication for Federal Assistance in the amount of \$223,000 for the re-construction and or construction of roads in the Spring Valley Subdivision. He stated that there was a good chance that we would be able to get this loan, and that the interest rate would be five per cent to be repaid over a maximum period of fifteen years. Mr. O'Dell stated that in comparison to the interest rate of other financial institutions of nine or ten per cent, this action would be favorable to the County.

After discussion by the Board members, Commissioner Dean made a motion that Mr. O'Dell is to request the Farmers Home Administration to review the possibility of St. Mary's County receiving a Community Facility Loan in the approximate amount of \$233,000, and authorize the President of the Board to execute the necessary documentation to commence said request. Seconded by Commissioner Millison. All Commissioners voted in favor of the motion.

BOARD OF EDUCATION - CAPITAL IMPROVEMENT PROGRAM FY 1980-1985
RESOLUTION NO. 78-67

Present: Edward V. Cox, County Administrator
Joseph P. O'Dell, Budget Officer

After a lengthy discussion the Board decided to adopt Resolution 78-67 with the understanding that two projects are to be deleted from this year's request, namely: the auditoriums for Chopticon High School and Great Mills High School. These items may possibly be resubmitted next year when more time is available for discussion for their fiscal impact. All other projects are approved as submitted.

Commissioner Dean made a motion that the above decision be forwarded to the Board of Education and that the Resolution is to be executed by the Board members, seconded Commissioner Arnold. All Commissioners voted in favor of the motion.

RESOLUTION - REEVALUATION OF ASSESSMENT PROCEDURES

Commissioner Arnold presented to the Board a proposed resolution whereby it was stated that the County of St. Mary's by their Board is requesting a re-evaluation of the assessment procedures. Commissioner Arnold stated that some property was being assessed at two, three and in some instances four hundred per cent. Commissioner Arnold would like for the representatives of the House of Delegates, State Senator of Charles and St. Mary's County to look into the procedures by which the assessments of counties in the state is being handled.

It was decided that action on the proposed resolution would take place at the next scheduled meeting of the Board.

EXECUTIVE SESSION - COUNTY ATTORNEY

Present: Joseph E. Bell, II, County Attorney

Mr. Bell appeared before the Commissioners and requested an executive session with regard to litigation.

Commissioner Dean made a motion to go into executive session, seconded by Commissioner Sayre. All Commissioners voted in favor of the motion.

(Executive session began at 10:10 a.m.)

(The Commissioners returned from Executive Session at 10:25 a.m.)

COUNTY ENGINEER

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

Mr. Norris stated that he wanted to explain the procedures for addendums to public works agreements and that he normally would have Mr. Cox present these to the Board, but he was presenting the following for approval and also as a form of explanation of the process.

He also explained the procedures for road resolutions.

BURNING OAKES SUBDIVISION - ADDENDUM TO PUBLIC WORKS AGREEMENT

Present: John Norris, County Engineer

Mr. Norris presented an Addendum to the Public Works Agreement for the Burning Oakes Subdivision as well as a Road Resolution. He stated that in addition to the Addendum with regard to Section One with the exception of 200 feet, that he has a deed for all the streets of Section One. Mr. Norris stated

that the Resolution has been signed and approved by his office, the County Attorney and all interested parties and requested approval by the Commissioners.

Commissioner Millison made a motion to approve the Addendum Number One to the Public Works Agreement of Burning Oakes, Section One as well as Road Resolution 79-12, and deed accepting roads in Burning Oakes, section One all but last 200 ft. of Hollybank Drive. All Commissioners voted in favor.

EXTENSION OF BOND - DEAN CONSTRUCTION COMPANY - ST. MARY'S INDUSTRIAL PARK

Present: John Norris, County Engineer

Mr. Norris requested approval of the Commissioners for an extension on the Bond of Dean Construction Company for the St. Mary's Industrial Park for Sections One and Two from June 30, 1978 to June 30, 1979. Commissioner Millison moved, seconded by Commissioner Arnold. All Commissioners voted in favor of the motion.

SHEEHAN SUBDIVISION - SHORE DRIVE - RESOLUTION ROAD 78-11

Present: John Norris, County Engineer

Mr. Norris stated that the County Attorney and his office have worked out details with regard to the above subject matter and request that the Board of County Commissioners approve a deed by and between Joseph D. Weiner and Irda Weiner, his wife and Herman Hewitt and Elizabeth Hewitt, his wife and the Board of County Commissioners of St. Mary's County accepting Shore Drive in the Subdivision known as Sheehan, and with the provision that at such time as building permits are authorized for lots on Point View Drive that the streets will be constructed to the standards that were in effect when the subdivision plat was approved and also approval of Road Resolution Number 79-11 in connection with this subject matter. Commissioner Dean moved, seconded by Commissioner Millison. All Commissioners voted in favor of the motion.

PAYMENT DEAN CONSTRUCTION COMPANY - SURFACE TREATMENT

Present: John Norris, County Engineer

Mr. Norris stated that he was requesting payment of surface treatment work performed by Dean Construction Company in the amount of \$95,057.74 and that the Contractor was in agreement with the above amount. He stated that some five to six thousand dollars had been deducted due to the additional work that was done by the contractor at the contractors expense due to the dirt in the stone when first applied.

Commissioner Millison made a motion to approve the appropriation of \$95,057.74 to Dean Construction Company, seconded by Commissioner Arnold. All Commissioners voted in favor of the motion.

REPLACEMENT OF RAILROAD RIGHT-OF-WAY

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

Mr. Norris and Mr. Ichniowski appeared to give a brief summary of the actions that have taken place as well as what is anticipated in the future with regard to the 235 Alignment. They stated that after their summary they were going to request an executive session in order to discuss matters regarding said alignment.

After discussion both by the Commissioners and the parties representing the Engineer's Office it was decided that Mr. Norris was to set up a meeting with the State Highway Personnel for either the 11th or 12th of January, 1979, and Mr. Norris is to notify the Commissioners of the date, time and place of said meeting.

INDIAN CREEK

Present: Oliver R. Guyther
Robin Guyther

(Commissioner Millison abstained from taking part in this session).

Mr. Guyther explained the court action regarding the proposed shopping center from its inception to the present time. Mr. Guyther stated that he would like for the Commissioners to drop their appeal and has come up with a compromise that in his opinion would be more agreeable to all concerned.

Robin Guyther at this point outlined the new proposal. He stated that part of the property would be developed into two bedroom townhouses. There would be thirty-two townhouses and a recreational area. Fencing would be provided in order to separate this property from the adjacent homes. He also stated that the majority of the property would be for commercial areas, and this would be at the northern end of the property in question. The major area would be used for a supermarket and the remainder for small commercial offices, such as barber shop, real estate office, etc. These offices would be constructed over to two to four year period.

After a question and answer session by the Commissioners it was decided that the Commissioners would review the documents presented to them and the proposal vocally expressed by Messers. Guyther. A meeting was scheduled before the Board on January 3, 1979 at 3:00 p.m. at which time the Commissioners would give further consideration.

EXECUTIVE SESSION - COUNTY ENGINEER PROPERTY ACQUISITION IN CONNECTION WITH REPLACEMENT OF RAILROAD RIGHT-OF-WAY

Commissioner Dean made a motion to go into executive session to discuss the alignment of 235, seconded by Commissioner Arnold. All Commissioners voted in favor of the motion.

TOUR OF PUBLIC FACILITIES

From 12:45 to 3:20 p.m.

The Commissioners, media, and certain staff toured county buildings and projects to gain better awareness and background for upcoming decisions.

ZONING DECISION RESOLUTION Z-78-12A

The Director of the Office of Land Use and Development presented for adoption by the Commissioners the referenced resolution to correct an omission when Duffy rezoning case no. 77-127 was decided. Commissioner Dean moved, Commissioner Arnold seconded the motion to adopt Z-78-12A. All Commissioners voted in favor of the motion.

ZONING HEARINGS PROCESS

The Commissioners agreed to continue the current process for setting dates and times for required public hearings related to zoning questions with scheduling approval vested in the President of the Board.

RECLASSIFICATION/PROMOTION

The County Administrator presented documentation describing the background of the reclassification of the Fiscal Clerk III, Grade 8 position in the Finance Office, to Fiscal Associate II, Grade 10; the process which was followed in reviewing applicants; and the recommendation to promote Mary Lou Norris to the reclassified position effective December 25, 1978.

Commissioner Millison moved, Commissioner Arnold seconded the motion to promote Mary Lou Norris to Fiscal Associate II. All Commissioners voted in favor of the motion.

PROPOSED RESOLUTION LIMITING INCREASE IN NUMBER OF COUNTY EMPLOYEES

The referenced proposal submitted by Commissioner Millison was discussed, and clarifications and amendments were offered. The Commissioners requested that the revised draft be presented at their January 3rd meeting.

CHANNEL UNDER ST. GEORGE'S ISLAND BRIDGE

Commissioner Sayre recommended and the other Commissioners agreed to forward correspondence to appropriate federal and state officials requesting prompt dredging action to relieve a serious problem with the channel under the St. George's Island bridge. The County Administrator was directed to prepare the correspondence.

EXECUTIVE SESSION - PERSONNEL

Commissioner Dean moved, Commissioner Sayre seconded to meet in executive session to discuss a personnel matter. Four Commissioners voted in favor, with Commissioner Millison against.

BOARD VICE-PRESIDENT

Commissioner Dean moved, seconded by Commissioner Atnold that Larry Millison serve as Vice-President of the Board of County Commissioners. Four Commissioners in favor. Commissioner Millison abstained.

Meeting adjourned at 5:10 p.m.

Approved,


George R. Aud, President

