

BOARD OF COUNTY COMMISSIONERS' MEETING

Wednesday, June 6, 1979

Present: Commissioner George R. Aud, President  
Commissioner Richard D. Arnold  
Commissioner Ford L. Dean  
Commissioner Larry Millison  
Commissioner David F. Sayre  
Edward V. Cox, County Administrator  
Judith A. Mullins, Recording Secretary

The meeting was called to order at 9:00 a.m.

READING AND APPROVAL OF MINUTES

The minutes of the County Commissioners' meeting of Wednesday, May 23, 1979 were read. Commissioner Dean moved, seconded by Commissioner Sayre, to approve the minutes as read. 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 Millison moved, seconded by Commissioner Sayre, to approve payment of the bills as submitted. All Commissioners voted in favor.

UNIVERSITY OF MARYLAND STUDENTS

Present: Joseph O'Dell, Budget Officer  
University of Maryland Students

Mr. O'Dell introduced to the Commissioners the five University of Maryland Students who are assisting with the information system evaluation of the various county departments, which will last approximately 14 weeks, after which time a report will be submitted to the Commissioners.

ROAD RESOLUTION NO. 79-28

On behalf of the County Engineer, the County Administrator presented the referenced road resolution designating streets in the following subdivisions as stop streets:

1. Cal-Acres Subdivision (Eighth Election District) - Elmbrook Drive and Lakeview Drive as it intersects with Patuxent Beach Road;
2. Deer Run Subdivision (Second Election District) - Dogwood Lane as it intersects with Flat Iron Road;
3. Indian River Estates (Fifth Election District) - Pocahontas Drive as it intersects with Golden Beach Road; Broken Arrow Lane as it intersects with Pocahontas Drive; Commanche Lane as it intersects with Pocahontas Drive;
4. Country Lakes Subdivision (Forth Election District) - Asher Road as it intersects with Willis Drive; Willis Drive as it intersects with Indian Bridge Road;
5. Land O'Lake Subdivision (Sixth Election District) - Riva Ridge Drive and Secretariate Drive as they intersect with Allston Lane extended; Gallant Man Drive as it intersects with Riva Ridge Drive; Blue Lockspur Drive as it intersects with Gallant Man Drive; Allston Lane extended as it intersects with Riva Ridge Drive.

The Commissioners unanimously concurred to authorize Commissioner President Aud to sign said Resolution.

ADDENDUM TO PUBLIC WORKS AGREEMENT  
QUIET ACRES SUBDIVISION

On behalf of the County Engineer, the County Administrator presented an Addendum to the Public Works Agreement by and between County Commissioners of St. Mary's County and Jennes C. and Nonnie Nelson, along with appropriate surety, extending the deadline for completion of roads in Quiet Acres Subdivision, Fifth Election District, from January 10, 1980 to May 25, 1980. The Commissioners unanimously concurred to authorize Commissioner President Aud to sign said Addendum.

ADDENDUM TO PUBLIC WORKS AGREEMENT  
MAPLE RUN SUBDIVISION, SECTION II

On behalf of the County Engineer, the County Administrator presented an Addendum to the Public Works Agreement by and between Ralph H. and Daniel J. Guenther and the Board of County Commissioners of St. Mary's County, along with appropriate surety extending the deadline for the completion of the roads in Maple Run Subdivision, Section Two, Eighth Election

TRASH COLLECTION AT WHARVES

Present: John Baggett, Director, Recreation and Parks

Mr. Baggett advised that bids were received and therefore recommended awarding the bids as follows:

Trash Masher	-	Piney Point	\$25/month
		Smith Creek	\$15/month
		Forest Landing	\$15/month
Buddy's Disposal Service	-	Chaptico Wharf	\$12/month
		Bushwood Wharf	\$12/month
		Colton's Point	\$12/month
		River Springs	\$12/month
		White Neck Creek	\$12/month

The Commissioners agreed to accept Mr. Baggett's recommendation; however, they requested Mr. Baggett to obtain a legal opinion as to the legality of splitting the bids rather than awarding the entire bid to one contractor.

AGREEMENT FOR STORAGE BUILDING  
FIFTH DISTRICT ELEMENTARY SCHOOL

Present: John Baggett, Director, Recreation and Parks

Mr. Baggett presented an Agreement by and between the Board of Education, St. Mary's County Board of Recreation and Parks and St. Mary's County Commissioners for the lease of the storage building at the Fifth District Elementary School. The Commissioners authorized Commissioner President Aud to sign said Agreement, pending approval and signature of the County Attorney.

CHARLOTTE HALL STUDY COMMITTEE - PARK PROPOSAL

Present: John Baggett, Director, Recreation and Parks

Mr. Baggett requested a determination from the Commissioners concerning the proposal submitted by the Charlotte Hall Study Committee as to a Fifth District Park. After some discussion concerning the benefits of the proposed location such as use of the common access road with the Board of Education's Fifth District Elementary School, the sharing of play areas and storage units as well as some site development costs,

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Commissioner Dean moved, seconded by Commissioner Arnold, that the recommendation of the Charlotte Hall Study Committee for the proposed location of the new Fifth District Park be approved. All Commissioners voted in favor. Mr. Baggett was requested to proceed to obtain open space funds to reimburse the county for acquisition costs.

PRESS CONFERENCE

Present: Ingrid Buehler, Beacon  
Sunny Schust, Enterprise  
Dave Fox, WKIK

The regular monthly press conference was held at this time. A tape of the conference is on file in the Commissioners' Office.

INTERNATIONAL YEAR OF THE CHILD PROGRAM

Present: Valerie VonAllmen, Chairman  
Delores Hill, Youth Services Coordinator  
Joe Anderson, Big Brother/Big Sister Director

Mrs. VonAllmen appeared before the Commissioners to present a report on the progress of the International Year of the Child, to request approval of the projects that have been planned and further to request that the International Year of the Child Program become a project of the Council for Children and Youth. A copy of the report is on file in the County Commissioners' Office.

Mrs. VonAllmen went on to explain the various projects of the Program and the fact that a committee had been appointed in order to assist in the gathering of information and the formulation of guidelines and procedures.

After presentation and discussion, the Commissioners gave their endorsement of the programs and that the International Year of the Child Program should work in conjunction with the Office of Children and Youth.

District, from June 30, 1979 to June 30, 1980. The Commissioners unanimously concurred to authorize Commissioner President Aud to sign said Addendum.

ACCEPTANCE OF DEED  
ST. THOMAS DRIVE (HELEN ESTATES)

On behalf of the County Engineer, the County Administrator presented a Deed by and between Israel Swarey and Ezra Swarey and the County Commissioners of St. Mary's County accepting St. Thomas Drive into the County Highway Maintenance System. The Commissioners unanimously agreed to accept said Deed and authorize Commissioner President Aud to sign same.

ROAD RESOLUTION NO. 79-29  
ST. THOMAS DRIVE

On behalf of the County Engineer, the County Administrator presented the referenced Road Resolution designating stop streets as follows in Helen Estates Subdivision:

St. Thomas Drive as it intersects with Md Rt. 5;

Woodbridge Street as it intersects with St. Thomas Drive.

The Commissioners unanimously agreed to approve said Road Resolution and authorize Commissioner President Aud to sign same.

DEPUTY COVERAGE AT CARNIVALS

The County Administrator presented correspondence from Sheriff Somerville advising that the fire departments have requested coverage at the carnivals by deputy sheriffs and therefore requested the Commissioners' approval of this request and that the deputies be paid time and a half. The Commissioners requested additional information; i.e., funds expended last year, total hours, total number of men, etc., prior to their making a decision.

Later in the meeting after reviewing the requested information, Commissioner Dean moved, seconded by Commissioner Sayre, to authorize overtime to the Sheriff's Department to provide coverage at the Volunteer Fire Department Carnivals at a total amount not to exceed \$4600. Four Commissioners voted in favor, with Commissioner Millison stating for the record that he was in favor of police protection at the carnivals, but was not voting for additional funding because he believed the Sheriff had sufficient personnel to meet this need.

BLESSING OF THE FLEET  
REQUEST FOR USE OF LANDFILL PERSONNEL AND EQUIPMENT

The County Administrator presented correspondence from the Seventh District Optimist Club requesting assistance for use of landfill equipment and personnel as in the past for the annual Blessing of the Fleet which will be held Sunday, September 30. The Commissioners gave their concurrence.

PERMITS AND LICENSE INSPECTOR POSITION  
OFFICE OF PLANNING AND ZONING

The Personnel Officer submitted a memorandum dated May 25, 1979 stating that since the Commissioners approved the filling of the referenced position on May 16, the eligible list was submitted to the Supervisor for review and selection. Therefore, it was the recommendation of the Director of Planning and Zoning to hire James Weber, a current CETA employee as a Permits and License Inspector, to the referenced position, at Grade 9, effective June 11, 1979. The Commissioners gave their concurrence with this recommendation.

FEDERAL SURPLUS PROPERTY

The County Administrator presented a response from the Director of Recreation and Parks concerning certain federal surplus property indicating that the 4.3 acres on the east side of Hermanville Road was not suitable for recreation and park use and therefore recommended that it not be acquired by the County.

The Commissioners agreed to accept this recommendation.

USE OF CHARLOTTE HALL SCHOOL PROPERTY FOR OUTDOOR CONCERTS

The County Administrator presented correspondence from Mr. Barthelme, Recreation Supervisor, requesting use of grounds at Charlotte Hall School for evening outdoor "Concerts on the Green."

The Commissioners gave their concurrence to this request, subject to cancellation because of vandalism or disorderly conduct.

LETTER TO TRI-COUNTY MENTAL HEALTH SYSTEMS, INC.

The County Administrator presented a letter prepared for the Commissioners' signatures to the Tri-County Mental Health Systems, Inc. expressing concurrence with the draft proposal for a tri-county comprehensive mental health facility as an alternative to the Cheltenham facility.

The Commissioners agreed to sign and forward said letter.

STUDY OF LOSS OF SUBSURFACE WATER GRASSES

The Commissioners reviewed correspondence from Walter Raum, Health Department, requesting expenditure of funds in the amount of \$280 to ascertain status of funds that may be available through federal and state sources to investigate the loss of our subsurface water grasses in the tidewater sections of St. Mary's County. The County Administrator advised that funds are available in the County's Special Studies Account. The Commissioners gave their approval.

PSE TRAINING PROGRAM - CETA EMPLOYEES

The County Administrator presented a Personnel Policy Memorandum relative to the Comprehensive Employment Training Act Program participants and training provision recently mandated by the State Manpower Planning Office to implement federal regulations. Of a variety of options available to local jurisdictions, the submitted policy memorandum recommended certain restrictions on the availability of training to CETA participants in St. Mary's County.

After discussion, the Commissioners unanimously agreed to adopt said Policy Memorandum dated June 1, 1979 regarding the above subject matter. Copies of the Policy Memorandum are on file in the County Personnel Office.

MOUND SYSTEM AGREEMENT

The County Administrator reviewed with the Commissioners background information on the county's experimental mound system program and presented an agreement by and among the County Commissioners, Health Department and Mr. William Stearns in compliance with said program. The mound covered by this agreement represents the fifth and final experimental mound allocation of the originally agreed upon number.

The Commissioners unanimously agreed to approve and sign said agreement.

COUNTY COMMISSIONERS SITTING AS A LOCAL BOARD OF HEALTH

The County Commissioners directed the County Administrator to request a formal opinion from the County Attorney relative to the Commissioners' authority as a local board of health regarding the approval of mound systems whether in conjunction with or outside of local health department approval.

The Commissioners agreed to arrange a meeting with the State Health Department, legislators, and local health department expertise to discuss the sewage disposal system situation in St. Mary's County.

INDUSTRIAL SITE PLAN NO. 79-57  
LANGFORD AND VEITCH VETERINARY CLINIC

Present: Frank Gerred, Director, Planning and Zoning  
 Dr. Langford  
 Dr. Veitch

Mr. Gerred advised that the referenced site plan was recommended for approval by the Planning Commission including the recommendation for a waiver of the 200 foot setback requirement for veterinary clinics.

All agencies have signed off on the plan with the exception of the Health Department, which will require issuance of a Permission Slip.

After review and discussion, Commissioner Dean moved, seconded by Commissioner Arnold, to approve Industrial Site Plan No. 79-57 for Lot No. 4, Section II in the St. Mary's Industrial Park. All Commissioners voted in favor.

BIDS ON PORTABLE TOILET RENTAL AND SERVICES AT WHARVES

Present: John Baggett, Director, Recreation and Parks

Mr. Baggett advised that one bid was received for the referenced project which was Banagan's Septic Service with bids as follows:

Piney Point	\$200/month (July-Oct. and April-June)
Smith Creek	\$100/month (November-March)
Bushwood Wharf	\$100/month
Blessing of the Fleet	\$700

Total Annual Cost	\$5,000
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The Commissioners agreed to award the bid to Banagan as set forth above.



SENIOR SERVICE CENTERS

Present: Billye McGaharn, Senior Services Coordinator  
Valerie Simkus, State Office on Aging  
Terrie Cole, State Office on Aging  
Eileen Rosenthal, State Office on Aging  
Dr. Guyther, Chairman, Care for the Elderly Task Force

Dr. Guyther advised that he wanted to take this opportunity to inform the Commissioners of the progress of the Care for the Elderly Task Force projects and to invite the Commissioners to a Symposium on the needs of the elderly to be held Tuesday, June 19 at St. Mary's College.

Mrs. McGaharn, at this point, introduced the State Office on Aging personnel to the Commissioners and distributed a Fact Sheet setting forth the purpose, benefits, accommodations, etc. of multi-purpose senior centers and further explained that the Commission on Aging is reviewing the possibility of using the Great Mills Elementary School as a Center in accordance with the provisions of Title V of the Older Americans Act.

The representatives of the State Office on Aging who are concerned with the establishment of Senior Service Centers throughout the State of Maryland, discussed with the Commissioners the various alternatives available to local jurisdictions involving the use of Title V monies. Also, the Commissioners were informed of legislation in the 1979 General Assembly establishing a bond issue to provide funds for the Senior Service Center programs.

In closing, Mrs. McGaharn requested the State representatives to keep the County informed of any further funding that may be available.

DISAGREEMENT WITH PERCOLATION TEST

Present: Mrs. Edna Dean  
Mrs. Gladys Sheehan

The referenced individuals appeared before the Commissioners to advise that they were in disagreement with the results of the percolation test given on their property in Drayden, which did not pass, and were advised by the Health Department that they had a right to appeal this decision. The Commissioners advised them to write their appeal to Dr. Marek of the Health Department and in the meantime the Commissioners were hopeful of meeting with State Health Department officials to discuss this type of problem, which is a problem throughout the County. In addition, the Commissioners requested the County Administrator to draft a letter to

the Health Department requesting specifics as to the particulars regarding this percolation test.

AREAS OF CRITICAL STATE CONCERN

Present: Frank Gerred, Director, Planning and Zoning

Mr. Gerred explained that over two years ago, the County's Land Use Board, in compliance with State Law, reviewed and made recommendations for nominations for Areas of Critical State Concern. Mr. Gerred stated that until recently the State has not acted on these nominations and have now given the County a 60-day notice to comment on their recommendations of the County's nominations in addition to nominations from the Wildlife Administration. Mr. Gerred recommended that the County request information and clarification of the program and what is going to be done with the intervention process, prior to the County reacting to the nominations. The Commissioners gave their concurrence.

REZONING DECISION DISCUSSION  
GREAT MILLS COMMUNITY SERVICE CENTER  
CASE NO. ZA 78-245 - JOSEPH D. KNOTT

Present: Frank Gerred, Director, Planning and Zoning

(Commissioner Millison did not participate in the discussion since he did not participate in the hearing because of possible conflict of interest.)

Having conducted a public hearing on May 16, 1979 the Commissioners commenced discussion to (1) amend the Comprehensive Land Use Plan of St. Mary's County to include the Great Mills area as a community service center; and (2) on the application of Joseph D. Knott to rezone approximately five acres located at the intersection of Indian Bridge Road and Md. Rt. 5 in Great Mills in the Eighth Election District. The request is for the rezoning of Tax Map 50, parcel 214, from AR-2, Agricultural Residential, to C-2, Commercial, and Tax Map 50, Parcel 213, from R-2, Low Density Urban Residential, to C-2, Commercial.

Mr. Gerred referred to a plat of the properties in question, pointing out the areas on the plat for the Great Mills Community Service Center.

After discussion, Commissioner Dean moved, seconded by Commissioner Sayre, to forward all pertinent information to the County Attorney for the drafting of the appropriate Resolution to approve the Comprehensive

rezoning of the Great Mills area, as indicated on the plat by Mr. Gerred, and to approve the rezoning application of Joseph D. Knott as referenced above. Four Commissioners present voted in favor of the motion.

SOUTHAMPTON (AICUZ)

Present: Joseph Weiner, St. Mary's Realty (Southampton)  
Walter Blair, " " "  
Jim Kenney, Attorney, Cedar Cove  
Al Bingman, NAS

Mr. Weiner and Mr. Blair appeared before the Commissioners to discuss the Option to Purchase Real Estate dated January 4, 1978 by and between St. Mary's Realty Company Inc. and the Board of County Commissioners of St. Mary's County, regarding the investigation of source of funding for the purchase of certain lots in Southampton Subdivision located within the AICUZ.

Mr. Weiner explained that the Navy had agreed to purchase the property; however, he has not been informed of the appraised value or purchase price. He stated that the Option with the County was for one-year and since a considerable amount of time has elapsed, Mr. Weiner requested the issuance of the building permits for Southampton.

The Commissioners reviewed the Option Agreement and the County's Resolution regarding AICUZ and advised that although St. Mary's Realty has certain rights, the interests of the Navy must also be protected. Commissioner Dean stated that St. Mary's Realty should receive the fair market value on the property and recommended that the County assist in whatever way possible to have the negotiations with the Navy renewed rather than issuing the building permits at this time. All parties concerned were agreeable to this recommendation and agreed to allow thirty days for these negotiations.

BRISCOE, KENNEY, KAMINETZ OFFICE BUILDING  
DRAINAGE PROBLEM

Present: John Norris, County Engineer  
Marvin Kaminetz, Attorney  
John Hanson Briscoe, Attorney  
Jim Kenney, Attorney

The referenced individuals appeared before the Commissioners to discuss the Agreement of August 1975 concerning the correcting of the drainage problem at Shangri-La Drive and Willows Road in Lexington Park,

setting forth the County's and their responsibility with regard to the improvement of the drainage problem. Inasmuch as the County has not proceeded to correct the drainage problem, Messers Briscoe, Kenney and Kaminetz were now inquiring as to the County's position on this matter.

Commissioner Dean explained that this project has been proposed in the County Engineer's budget for the last two or three years. The cost for the first phase is approximately \$240,000 and the essential question is how soon can the County obtain funds for this purpose.

At this point in the meeting Mr. O'Dell, Budget Officer, advised that there was a possibility of funding through Farmers Home Administration in that the pre-application for the Spring Valley roads project was turned down and therefore, since public safety is a priority item with FHA, the County could switch the application for this project as long as it has not been budgeted.

The Commissioners concurred that the Budget Officer file an application with Farmers Home Administration for funding, with the assistance of the County Engineer.

SIMPSON PROPERTY - GOLDEN BEACH  
DITCH PROBLEM

Present: Mr. and Mrs. Simpson  
John Norris, County Engineer

Mr. and Mrs. Simpson appeared before the Commissioners to again discuss their dissatisfaction with the size of the ditch in front of their property on Golden Beach. They stated that the ditch was much larger than necessary to carry the drainage water and therefore requested the Commissioners to correct the situation.

After considerable discussion, Commissioners Millison and Arnold agreed to visit the property on Thursday evening to review the situation and advise the Board of their findings.

(Commissioner Dean left the meeting during the discussion and returned for the next appointment.)

EAST ESSEX TOWNHOUSES

Present: John Norris, County Engineer

Mr. Norris advised the Commissioners of a developer's proposal for townhouses which would place townhouses in conflict with the proposed drainage outfall of Lexington Park (Shangri-La Drive/Willows Road). Mr. Norris advised that the developer proposed to re-route the storm drainage, upgrading the outlet pipe from 36" to 48". He indicated that the storm drainage study that the county had performed showed a need for a 72" diameter outlet pipe. The cost of installing the 48" vs. 72" pipe was discussed and Mr. Norris recommended that the County cost-share with the developer for the installation of the larger diameter pipe. The Commissioners concurred and suggested that the funding be worked out with the developer. Mr. Norris further explained that a portion of the design of the system would have to be accomplished in order to set elevations and that consideration of the impact of the outfall on down-stream properties would have to be made.

RECONSTRUCTION OF PAUL ELLIS WHARF

Present: John Norris, County Engineer

Mr. Norris presented the plat for the reconstruction of Paul Ellis Wharf in the Seventh District. He stated that the design has been submitted to Department of Natural Resources for their funding. The Commissioners unanimously agreed to authorize Commissioner President Aud to sign said plat.

DEED AND EASEMENT AGREEMENT

Present: John Norris, County Engineer

Mr. Norris presented the Deed and Easement Agreement by and between B.A. and Marie Garner and the Board of County Commissioners of St. Mary's County regarding the improvements and widening of Fairgrounds Road. The Commissioners unanimously agreed to authorize Commissioner President Aud to sign said Agreement.

CHANCELLORS RUN ROAD

Present: John Norris, County Engineer

Mr. Norris requested approval by the Board for payment in the amount of \$3,550 to Dewberry Neilon and Davis for soil borings on Chancellors Run Road. The Commissioners gave their concurrence.

RAILROAD RIGHT-OF-WAY AGREEMENT  
PRESTON J. AND JOYCE DOWNS

Present: John Norris, County Engineer

Mr. Norris recommended for approval the right-of-way Agreement by and between the County Commissioners of St. Mary's County and Preston J. and Joyce Downs for the use of the railroad right-of-way as an ingress and egress route from their property to the Chaptico-Mechanicsville Road. The width of the easement is 50 feet.

The Commissioners agreed to authorize Commissioner President Aud to sign said Agreement.

CUB CADET LAWN MOWER

Present: John Norris, County Engineer

Mr. Norris requested the Board to authorize expenditure of funds from the Capital Landfill Equipment Account for the purchase of a mower for use on the grounds at the Governmental Center, Courthouse, Helipad, etc. He explained that the Cub Cadet has experienced heavy maintenance repairs and was not heavy-duty enough for the County's application. The Commissioners concurred with Mr. Norris' request and authorized him to obtain proposals from all local firms with a maximum not to exceed \$4,000.

EASEMENT AGREEMENTS - ST. JOHN'S ROAD

Present: John Norris, County Engineer

Mr. Norris requested approval by the Board to authorize Commissioner President Aud to sign the Easement Agreements relative to the reconstruction of St. John's Road. The Commissioners unanimously gave their concurrence.

MAJOR CRIME SQUAD AGREEMENT

The Commissioners discussed the proposed Major Crime Squad Agreement and agreed that an agreement should be reached by the law enforcement parties involved prior to their signing the document.

ST. JOSEPH'S RECREATIONAL CENTER, INC.

The Commissioners reviewed a proposal to provide nutrition services to children during the summer months of 1979 at the Oakville Community Center as described in the proposal submitted May 16. Also reviewed were the comments by the Budget Officer in his memorandum dated May 21, 1979.

Commissioner Dean moved, seconded by Commissioner Millison, to accept the recommendation of the Budget Officer with a maximum exposure not to exceed the amount originally requested by the representatives of St. Joseph's Recreational Center, Inc. on May 16. All Commissioners voted in favor.

CORRESPONDENCE TO BOARD OF EDUCATION RE BUDGET

The County Administrator presented correspondence for the Commissioners' signatures concerning the budget allocations to the Board of Education. The Commissioners agreed to sign and forward said letter.

AGREEMENT WITH LEONARDTOWN RESCUE SQUAD

The County Administrator presented an Agreement by and between the County Commissioners and the Leonardtown Rescue Squad setting down the conditions for the \$12,000 loan for the purchase of an ambulance. The Commissioners unanimously agreed to sign said Agreement.

TAX EXEMPTION STATUS

ST. GEORGE'S ISLAND IMPROVEMENT ASSOCIATION

The County Administrator presented a request by the St. George's Island Improvement Association requesting tax exemption status. In compliance with House Bill 65, Commissioner Arnold moved, seconded by Commissioner Sayre, to grant tax exemption status and that the County Administrator prepare the appropriate Resolution for adoption by the Board. All Commissioners voted in favor.

The meeting adjourned 6:00 p.m.

Approved,

  
George R. Aud, President

