

BOARD OF COUNTY COMMISSIONERS' MEETING

Wednesday, September 5, 1979

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

The meeting was called to order at 9:15 a.m.

APPROVAL OF MINUTES

Commissioner Dean moved, seconded by Commissioner Arnold, to approve the minutes of the County Commissioners' meeting of Wednesday August 22, 1979 as corrected. All Commissioners voted in favor.

Commissioner Dean moved, seconded by Commissioner Sayre, to approve the minutes of the County Commissioners' meeting of Wednesday, August 29, 1979 as presented. All Commissioners voted in favor.

ANIMAL WARDEN AND VEHICLE

The County Administrator stated that some time ago the Commissioners had authorized the hiring of an additional animal warden and vehicle with a expenditure of up to \$8,000. Mr. Cox recommended that the County purchase a used vehicle and that a CETA employee be hired and that the expenditure would be approximately \$3,000. The Commissioners gave their concurrence to proceed in this manner.

CLEARINGHOUSE PROJECT NO. 80-8-203

STATE PLAN FOR THE ADMINISTRATION OF TECHNICAL
AND FINANCIAL ASSISTANCE AND ENERGY CONSERVATION MEASURES

The County Administrator presented the referenced clearinghouse project and recommended that it be forwarded to the State with the comment that it is not inconsistent with this agency's plans, programs or objectives.

The Commissioners gave their concurrence.

AUTHORITY TO HIRE JANITOR

Having announced the referenced position, and interviews conducted, the County Administrator presented a memorandum from the Personnel Officer dated September 4, 1979/stating it was the selection committee's recommendation to hire Rose Buckler at Grade 5, effective October 1, 1979. The Commissioners gave their concurrence.

AUTHORITY TO HIRE TELEPHONE OPERATOR

Having announced the referenced positions and interviews conducted, it was the recommendation of the selection committee, as set forth in the Personnel Officer's memorandum dated September 4, 1979, to hire Williemenia Langley to the position of Telephone Operator, Grade 5, effective October 1, 1979. The Commissioner gave their concurrence.

COMMISSION ON AGING - NOTIFICATION OF GRANT AWARD - TITLE III-C

On behalf of the Senior Services Coordinator, the County Administrator presented the Notification of Grant Award in the amount of \$14,000 for Title III-C Nutrition Program as a supplemental 1979 Award beginning March 1, 1979 and ending September 30, 1979.

SEMINAR ON JAIL FACILITIES

The County Administrator presented a memorandum to the Commissioners notifying them of a Seminar on September 21, 1979 on Criminal Justice Facility Planning for County Officials and encouraged the Commissioners to attend.

RESIDENT MAINTENENCE ENGINEER REPORT

Present: John D. Raley, Resident Maintenance Engineer

Mr. Raley appeared before the Commissioners in order to obtain specific road and drainage problems and advised that he would be appearing before them on the first and third Wednesday of each month. After discussion of particular road problems, Mr. Raley advised he would give them a progress report on September 19.

STATE HEALTH DEPARTMENT REGULATIONS

Present: Dr. Ben White, Assistant Secretary, State Dept. of Health
Max Eisenberg, Director, Environmental Health
Earl Quance, Program Administrator, Water and Sewer Program
Randy Lutts, Attorney General
John William Quade, Delegate
Dr. William Marek, Deputy Health Officer
Walter Raum, Director, Environmental Hygiene
Gordon Trueman, Calvert County Commissioner
other interested citizens

At the request of the County Commissioners, representatives of the State Health Department appeared in order to respond to certain questions relative to Health Department Regulations.

Delegate Quade began the discussion by citing an example of a typical problem in St. Mary's County with regard to the watertable situation and sewage application problem. He stated that there are many instances in St. Mary's County where the land will not perc and the county is in need for some type of alternative system other than spray irrigation or mound systems in order to alleviate this situation. Delegate Quade stated that it was the opinion of the majority of the Maryland Delegation that the State Health Department was not moving fast enough in determining whether systems that have been accepted in other areas of the United States are adequate to handle situations in St. Mary's County and further that he was considering introducing legislation to remedy this situation. Commissioner Millison pointed out that the counties on the eastern shore are using systems that according to the Health Department cannot be used in St. Mary's County.

Dr. White responded that the State Health Department is sympathetic to the situation in St. Mary's County and the fact that there was variations among the counties in the State with regard to allowable systems has recently been brought to his attention by the St. Mary's County Health Department. He stated that he has requested a thorough explanation as to why these variances occur and that if the systems on the eastern shore prove not to cause a pollution or contamination of shellfish problem then there is no reason why they cannot be used in St. Mary's County

Other areas of concern expressed by the Commissioners and the Health Department responses, as applicable, are as follows:

1. Failing septic systems that had previously been approved by the Health Department; disposal of effluent into the groundwater and whether the State is investigating any alternative systems for on-site sewage disposal;

Dr. White responded that the State is investigating this matter and will be handled by Mr. Eisenberg, Director of Environmental Health.

2. Affect on the county's economy with regard to sewage disposal pollution problem affecting the seafood industry;

3. The possibility of aerobic systems as used in Garrett County;

Mr. Eisenberg responded that this system was for the treating of sewerage and there was still a problem of disposal.

4. The feasibility of using holding tanks and the possibility of a contractual arrangement with the Metropolitan Commission for pumping the tanks;

Dr. White mentioned the difficulty of getting the tanks pumped; however, with the contractual arrangement, this will be looked into as a possible alternative system.

At this point the floor was opened to questions from the audience. Among the questions raised were the following: simplification of appeal and administrative procedures; length of validity of perc tests; use of holding tanks as a temporary measure; wet months perc testing; the use of surface wells rather than deep wells, mound system program being expanded and expedited, and the importance of alternative systems in cases of failing septic systems for land that will not pass the percolation test.

In conclusion, Dr. White expressed an interest in the County's concerns with regard to the Health Department Regulations and will respond in writing as soon as possible to the various inquiries presented today.

PROCLAMATION NO. 79-53
DISABLED AMERICAN VETERANS
(FORGET ME NOT WEEK)

Present: Chuck Oliver, Chuck Miles, Wilma Myers, Lavern Wasson,
John P. Cusic, John William Quade

The Commissioner presented the referenced proclamation proclaiming the week of September 23-29, 1979 as Disabled American Veterans Forget Me Not Week.

PROCLAMATION NO. 79-52
HUNTING AND FISHING DAY

Present: Harold Shindle, Md. Wildlife Assoc.

The Commissioners presented the referenced Proclamation proclaiming Saturday, September 22, 1979 as Hunting and Fishing Day in St. Mary's County.

DEDICATION OF BUDWEISER WAREHOUSE

Present: George Guy

Mr. Guy appeared before the Commissioners to invite them to participate in the dedication of his new controlled environment warehouse on October 9 and to be in the parade scheduled at 12:00 in Leonardtown.

REZONING HEARING
CASE NO. 79-81
DONALD L. MURPHY AND GORDON N. METZKER

Present: Judy O'Brien, agent for the applicant
William Craig Bursey, interested citizen
H. Jane Bailey, interested citizen
Frank Gerred, Director, Planning and Zoning
Anita Meredith, Recording Secretary

Application was made by Donald Murphy and Gordon Metzker to rezone approximately 30.52 acres of land located on the northern side of Md. Rt. 5, south of its intersection with Md. Rt. 6, Tax Map 4, Parcel 69, Fifth Election District, from AR-2, Agricultural Residential, to C-2, Commercial.

The complete record, tape and minutes are on file in the Office of Planning and Zoning.

STIPULATION AND CONSENT TO ENTRY OF FINAL DECREE
J. WHITSON ROGERS, INC.

Present: Frank Gerred, Director, Planning and Zoning

Mr. Gerred presented a proposed Stipulation and Consent to Entry of Final Decree prepared by the County Attorney for J. Whitson Rogers, Inc. and recommended that the Decree be authorized for execution and filed with the Court. Commissioner Aud moved, seconded by Commissioner Millison to file said Decree. All Commissioners voted in favor.

BIDS FOR PURCHASE OF WELDER
RECREATION AND PARKS

Present: John Baggett, Director, Recreation and Parks

Mr. Baggett advised that five bids were received on the purchase of a welder and the lowest bid received was from Barras & Watson in the amount of \$1965.60. Mr. Baggett recommended that the Commissioners accept this bid, and that funds have been appropriated in the budget for the purchase.

The Commissioners gave their concurrence.

EXECUTIVE SESSION

Present: John Baggett, Director, Recreation and Parks

The Commissioners agreed to meet in Executive Session in order to discuss property acquisition. The Session was held from 2:05 p.m. to 2:35 p.m.

ALCOHOL FUEL PROJECT

Present: Dan Dawson
Henry Leskinen
John Norris, County Engineer

As requested by the Commissioners at last week's meeting Mr. Dawson and Mr. Leskinen appeared before the Commissioners to present the initial proposal for the alcohol fuel plant to be built on county-owned property. Mr. Dawson displayed a flow chart depicting the operation of the plant and explained the distilling process which takes three days and would produce 160 proof alcohol. He stated that Mr. Stewart White, Energy Monitor, is in the process of trying to obtain state and federal grants for this project and further that the Office of Planning and Zoning has ruled that this plant would not be in violation of the Bailey Bill. Mr. Dawson said that a determination will have to be made by the fire marshall with regard to the classification of alcohol fuel in the county buildings and to ascertain whether there is a problem with insurance.

Mr. Dawson presented a list of plant costs to the Commissioners at an estimated cost totalling approximately \$41,000.

After discussion of the itemized costs for the project, the Commissioners agreed to make a decision later in the day.

Later in the meeting after discussion of the proposal, Commissioner Millison moved, seconded by Commissioner Arnold to commit up to \$50,000 for the establishment of an alcohol fuel producing facility with the intention of offsetting the costs related to this facility by state and federal grant sources. All Commissioners voted in favor.

Commissioner Millison moved, seconded by Commissioner Arnold, to execute the Consultant Contract as presented in order to employ Mr. Dan Dawson and Henry Leskinen according to the terms of the proposal. Four Commissioners voted in favor with Commissioner Dean voting against stating that he believed the hourly rate for the individuals was not in keeping with the hourly rate structure afforded other county employees.

AIRPORT TAXIWAY
PROJECT NO. SM 79-4-5

Present: George Sullivan, Chairman, Airport Committee
F. Elliott Burch, Sr., Airport Committee
John Norris, County Engineer

With regard to the bids for the Airport Taxiway, representatives of the Airport Committee advised the Commissioners that they felt there was a great need for the taxiway and further that FAA, before it approves any grant, must make a determination as to the need. The grant has been approved on an 80%-20% basis (Federal - 80%; State - 10%; County - 10%).

Mr. Norris stated that the lowest bidder was Dean Construction in the amount of \$272,954.93

After discussion, Commissioner Dean moved, seconded by Commissioner Sayre, to construct the parallel taxiway at the St. Mary's County Airport, pending receiving 90% of the cost from federal and state grant sources. Four Commissioners voted in favor, with Commissioner Millison voting against.

Further, Commissioner Sayre moved, seconded by Commissioner Arnold, to award the contract for the construction of the parallel taxiway to Dean Construction Company in the amount of \$272,954.93, and to authorize the President of the Board to sign the necessary contract documents and bonding, pending final approval of the grant from Federal Aviation Administration. Four Commissioners voted in favor, with Commissioner Dean abstaining, because he is a relative of the contractor.

VICTORY BAPTIST CHURCH SHCOOL

Present: Rev. Gerald Fawley
Randy Steenrod
Frank Gerred, Director, Planning and Zoning
Jeff Poley, Zoning/Subdivision

Mr. Poley explained to the Commissioners that Rev. Fawley has relocated the church school from Hollywood to the Victory Baptist Church and School property in Mechanicsville and that the County cannot issue a Certificate of Occupancy for the school. Mr. Poley went on to explain the sequence of events leading up to this situation stating that Rev. Fawley had been given a permit for two trailers to be located at that site, one for storage of books and the other a Sunday School.

However, the Zoning Office discovered that Rev. Fawley intended to open an academic school at that site and a Health Department permission slip, and in the case of schools, Fire Marshall clearance are required in order for a Certificate of Occupancy to be issued by the Permits Office. The Health Department will not give approval because of a septic problem and the State Fire Marshall, who inspected the premises, advised that certain improvements must be made before he can give his approval. Mr. Poley stated that if the school is opened, it would be in violation of the Zoning Ordinance.

Rev. Fawley requested the Commissioners' consideration in this matter and that the school be allowed to use privies or existing facilities in another building on a temporary basis until the new school, which is anticipated to be constructed in approximately 90 days, to be located on St. Andrews Church Road is completed.

The Commissioners advised that they would look into this matter and respond back to Rev. Fawley by Friday.

EVACUATION PROCEDURES FOR ST. MARY'S COUNTY

Present: Otis Wood, Director, Emergency Operations Center
Tom Oliver, Assistant Director

Mr. Wood and Mr. Oliver appeared before the Commissioners to present the Emergency Response Plan in case of an incident at the Baltimore Gas and Electric Nuclear Reactor Plant located at Calvert Cliffs in Calvert County. The outline of this procedure came about because of the Three Mile Island incident in Pennsylvania, and was condensed from the Master Plan for the County. In addition Mr. Oliver distributed the list of agencies or individuals who will be notified in case of a nuclear incident.

The Commissioners thanked Mr. Wood and Mr. Oliver for this informative report and approved the Emergency Response Plan as presented.

EXECUTIVE SESSION

Present: Joe Densford, Assistant County Attorney
John Norris, County Engineer

The Commissioners agreed to meet in Executive Session in order to discuss a matter of possible litigation (Sotterly Manor, Section II). The Session was held from 4:30 to 5:45 p.m.

MAPLE RUN SUBDIVISION

Present: John Norris, County Engineer

Mr. Norris requested authorization from the Commissioners for a change in the street specifications from an R-3 to an R-2 standard as the construction has already been completed in error by the contractor. The Commissioners gave their concurrence; however, the developer will be required to increase the thickness of the asphalt from two inches to two and one-half inches.

PARK PINES SUBDIVISION

Present: John Norris, County Engineer

Mr. Norris recommended, along with the recommendation of the Planning and Zoning Office, that the Commissioners allow Pine Parks Subdivision to be built with the rural street section as it was planned and recorded for same a number of years ago. The Commissioners gave their concurrence.

RAILROAD RIGHT-OF-WAY
LAUREL GROVE TO HILLVILLE

Present: John Norris, County Engineer

The Commissioners reviewed the correspondence of Mr. Edward H. Meehan, State Highway District Engineer, dated August 28, 1979 addressed to Southern Maryland Electric and after discussion concurred with the increase in the engineering contract in the amount of \$5,910.

COOPERS CREEK

Present: John Norris, County Engineer

Upon the recommendation of the County Engineer, the Commissioners authorize Commissioner President Aud to sign the Wetlands Permit and Corps of Engineers Permit for the dredging project at Coopers Creek.

GOLDEN BEACH SUBDIVISION - PRIVATE ROADS

Present: John Norris, County Engineer

Mr. Norris advised the Commissioners that the County had received a petition requesting the initial public hearing for the establishment of a taxing district for the residents on the following streets in Golden Beach Subdivision: Boundary Drive, Hillview Drive, Allison Circle, and Sky View Drive. Mr. Norris stated that it would be November before his office could complete the necessary work and schedule a public meeting.

PATUXENT PARK DRAINAGE

Present: John Norris, County Engineer

Commissioner Arnold requested the status of the drainage problem in Patuxent Park and Mr. Norris advised that he is soliciting proposals from surveying firms to provide a bid package to perform that work. Proposals are due this month. The Commissioners requested Mr. Norris to relay that information to the property owners.

MARGARET BRENT GYMNASIUM REHABILITATION

Present: John Norris, County Engineer

Mr. Norris presented plans for the rehabilitation of Margaret Brent Gymnasium for Recreation and Parks and requested authorization from the Board for Commissioner President Aud to sign the plans sheet. The Commissioners reviewed the project and authorized Commissioner President Aud to sign same.

PROJECT NO. SM 80-1-2
GOLDEN BEACH ROAD - STORM DRAINAGE

Present: John Norris, County Engineer

The County Engineer presented the bid talley sheet for the referenced project and stated that one bid was received; namely, Israel Swarey, in the amount of \$14,991. The Commissioners agreed to reject the bid and readvertise this project.

PROJECT NO. 80-1-1
INSPECTION SERVICES - SURFACE TREATMENT PROGRAM

Present: John Norris, County Engineer

Mr. Norris presented Voucher No. 27358 in the amount of \$759.68, payable to George Payne, Sr. for inspection services on the surface treatment program. The Commissioners approved payment of same.

PROJECT NO. 77-1-11
NURSING HOME ACCESS ROAD

Present: John Norris, County Engineer

Mr. Norris presented Voucher No. 27359 in the amount of \$389.80 payable to George W. Delahay for the Nursing Home Access Road project. The Commissioners approved payment of same.

ST. JOHNS ROAD - RENTAL CONTRACT

Present: John Norris, County Engineer

Mr. Norris presented Voucher No. 27360 in the amount of \$22,633.38 payable to B.F. Asher for the rental services on St. Johns Road project. The Commissioners approved payment of same.

ASPHALT OVERLAY PROJECT
PROJECT NO. SM 79-1-5

Present: John Norris, County Engineer

Mr. Norris presented Voucher No. 27361 in the amount of \$133,444.36 payable to Dean Construction Company. The Commissioners approved payment of same.

PROJECT NO. SM 78-1-8
EXTRA WORK AUTHORIZATION NO. 1
ESPERANZA SUBDIVISION ROADS

Present: John Norris, County Engineer

Mr. Norris presented Extra Work Authorization No. 1 in the amount of \$34,824.10, payable to Dean Construction Company in order to extend the contract to surface the following additional streets in Esperanza Subdivision under

an existing contract: Calvert View Road, Cecil Road, Lewis Drive, Patuxent Beach Road, and a portion of Green Holly Road.

The Commissioners approved payment of this Extra Work Authorization.

REZONING CASE NO. 79-26
J. FRANK ABELL

The Commissioners directed the County Administrator to confer with the Director of Planning and Zoning and the County Attorney in order to have prepared the Zoning Amendment Resolution for the Commissioners' consideration.

ZONING DECISION RESOLUTION NO. Z 79-07
LESTER KRAFT - CASE NO. ZA 79-73

Commissioner Dean moved, seconded by Commissioner Arnold to approve and sign Zoning Resolution No. Z 79-07 approving the zoning reclassification request of Lester Kraft (Case No. ZA 79-73) for Parcel 117, cited on Tax Map 34, located on Md. Rt. 235 in the Eighth Election District, St. Mary's County from R-2, Residential, to C-2, Commercial. All Commissioners voted in favor.

ZONING ORDINANCE AMENDMENT - UTILITY LINES

Commissioner Dean presented a proposed Zoning Ordinance Amendment relative to utility lines for the County Commissioners' review and requested that copies be forwarded to appropriate agencies. The Commissioners agreed to discuss this matter at a later date.

The meeting adjourned at 6:25 p.m.

Approved,


George R. Aud, President