

BOARD OF COUNTY COMMISSIONERS' MEETING

Wednesday, November 7, 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.

RESIDENT MAINTENANCE ENGINEER REPORT

Present: John D. Raley, Jr., Resident Maintenance Engineer

Mr. Raley appeared before the Commissioners to present his bi-monthly status report of various road and drainage projects as submitted by the Commissioners at previous meetings and to receive additional input.

MOBILE HOME HARDSHIP CASE NO. MH-7903

The County Administrator presented the referenced Mobile Home Hardship case, evaluated by the Mobile Home Hardship Committee, with the recommendation to grant the waiver subject to three conditions:

1. That the privy and source of water be approved by the Health Department;
2. That skirting be provided for the trailer;
3. And that the Commissioners approve waiver of building permit fee.

Commissioner Arnold moved, seconded by Commissioner Dean, to accept the Hardship Evaluation Committee's recommendation. All Commissioners voted in favor.

ADDENDUM NO. 1 TO PUBLIC WORKS AGREEMENT
ST. INIGOES SUBDIVISION, SECTION I

On behalf of the County Engineer, the County Administrator presented Addendum No. 1 to the Public Works Agreement and Certificate of Deposit extending the deadline for the completion of streets and roads in St. Inigoes Landing Subdivision, Section I, First Election District, from November 7, 1979 to June 1980. Commissioner Arnold moved, seconded by Commissioner Dean. All Commissioners voted in favor.

ERADICATION OF JOHNSONGRASS AGREEMENT

The County Administrator presented an Agreement by and between the Department of Agriculture and St. Mary's County for the control and eradication of Johnsongrass for FY 1980. Commissioner Dean moved, seconded by Commissioner Sayre, to accept said Agreement. All Commissioners voted in favor.

PAY POLICY FOR EMERGENCY SERVICES

After discussion, the Commissioners established the following policy to address the pay status of County Government employees when general County offices are closed on normal working days because of inclement weather or other emergencies.

1. An employee should only be called to duty in case of emergency work such as snow removal, police work, communications, etc.
2. Those employees not called to duty shall receive administrative leave with pay.
3. Those employees called to duty shall be paid at the overtime rate of time and a half for hours worked.
4. Payment at time and a half includes regular pay if the employee is working a tour of duty for which he was previously responsible.

COMMISSION ON AGING
AUDIT OF TITLE VII AND TITLE III GRANT

The County Administrator presented a proposal in the amount of \$700 from Jerry M. Colvin, dated November 5, 1979 to do the audit of the Title VII Nutrition Project for the Elderly Grant for the period of March 1, 1979 through September 30, 1979, and in the amount of \$600 to do the audit of the Transportation Aid Project, Title III for the year ended September 30, 1979.

Commissioner Arnold moved, seconded by Commissioner Sayre, to authorize Jerry M. Colvin to proceed with the audit of the referenced grants. All Commissioners voted in favor.

PERMITTED LIBERAL LEAVE USAGE

The County Administrator requested from the Commissioners endorsement of the policy concept to apply to those unique occasions when a holiday presents the opportunity for a high number of leave requests. Generally, employees in large numbers would be permitted use of leave and public announcement would be made that County Government services, although available, were on a much restricted status and that contact should be made with county offices prior to visitation. The Commissioners gave their concurrence.

SECRETARY TO COUNTY ADMINISTRATOR POSITION

Commissioner Sayre moved, seconded by Commissioner Millison, to approve promoting Margaret Nelson, Grade 6, Clerk-Stenographer, to the position of Secretary to the County Administrator, Grade 9, Secretary III, effective Monday, November 12, 1979. All Commissioners voted in favor.

Commissioner Aud moved, seconded by Commissioner Dean, to authorize the filling of the vacancy of Clerk-Stenographer, Grade 6, created by the promotion of Mrs. Nelson. All Commissioners voted in favor.

APPROVAL OF ENCUMBRANCE VOUCHERS

Commissioner Millison moved, seconded by Commissioner Sayre, to approve payment of the bills, as submitted by the Director of Finance. All Commissioners voted in favor.

APPROVAL OF MINUTES

Commissioner Dean moved, seconded by Commissioner Sayre, to approve the minutes of the Commissioners' meeting of October 24, 1979, as corrected. All Commissioners voted in favor.

Commissioner Dean moved, seconded by Commissioner Aud, to approve the minutes of the Commissioners' meeting of October 31, 1979, as corrected. All Commissioners voted in favor.

COUNTY-OWNED PROPERTY INVENTORY TASK FORCE

Present: Joseph E. Bell
Frank Gerred
Connie Huggins
William Lawrence

At the request of the Commissioners, members of the County-owned Property Inventory Task Force appeared before them to receive their duties and goals. The Commissioners explained that the purpose of the Task Force was to locate records of what property the county owns and come up with a complete and accurate catalogue of the county-owned property.

Commissioner Arnold suggested that perhaps students at St. Mary's College could assist in this endeavor by doing research.

The Task Force agreed to take on this project and agreed to have an organizational meeting prior to beginning the project.

WALDEN COUNSELLING CENTER

Present: Dr. Patricia Hawkins
Sue Gelrud
Jeff Harker
Dr. William Marek
Theron Davidson
Jeff Poley, Office of Permits and Inspections

The representatives from Walden requested from the Commissioners authority to expend funds in the amount of \$6,182, said amount representing the savings from the actual expenditures and budgeted amount in Fiscal Year 1978-1979. The representatives indicated that the funds will be used to refurnish certain equipment in the Walden Center and Sierra House. The Commissioners gave their concurrence.

The representatives discussed at great length the problems with the existing Walden Center facilities, principally caused by overcrowding and deteriorating physical conditions. The representatives presented a proposal and suggested concept plans for a new facility similar in construction and design to the Sierra House facility.

The Commissioners requested that the representatives further refine the proposal which should include more accurate cost figures. The Commissioners indicated that the proposal would probably be considered during the budget cycle for FY 1980-1981.

COMMENDATION - HOLY FACE OF THE LORD CATHOLIC PARISH

Present: Father Smola

The Commissioners presented a congratulatory Commendation to Father Smola for the 100th anniversary of the Catholic community in Great Mills.

COMMENDATION - HENRY J. FOWLER

Present: Henry J. Fowler

The Commissioners presented a Commendation to Henry J. Fowler for his years of elected and volunteer service to St. Mary's County with special recognition for his entrance into the Jousting Hall of Fame in June of 1979.

PRESS CONFERENCE

Present: Rick Boyd, Enterprise
Richard Polk, Enterprise
Ingrid Buehler, Beacon
Joe Norris, WKIK

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

GOLDEN BEACH PROPERTY (LOT 242)
WARREN J. WOODFIELD

Present: Mr. Warren J. Woodfield

Mr. Woodfield appeared before the Commissioners to explain his difficulty with the Health Department regarding perc tests for his property in Golden Beach, which he stated began in 1972. He continued giving the history of the situation and that his lot has passed the perc test on several occasions since 1972; however, the Health Department would put nothing in writing to this effect. The Commissioners advised that correspondence was received from this Health Department on this date indicating that ten of the fourteen perc tests failed to meet Health Department standards and Lot 242 was judged to be unsuitable for sewage disposal purposes.

After discussion, the Commissioners advised Mr. Woodfield that this situation is out of their realm of authority and that his next recourse may be the Circuit Court since he has gone through the appeal process to this point and he should retain the services of an attorney to advise him of what should be done.

DRAINAGE PROBLEM - GOLDEN BEACH

Present: John Norris, County Engineer

Mr. Norris advised the Commissioners that he has received correspondence from the Health Department inquiring whether there is on record a drainage easement and whether the County is going to have the drainage area opened. Mr. Norris stated that there is a ten foot drainage easement; however this is not enough to do the work. Mr. Schaier, an adjacent property owner, is not willing to grant additional easement. The Commissioners directed the County Engineer to respond to the Health Department's letter that the County has decided not to take any official action to secure additional width to construct the storm drainage.

AIRPORT OBSTRUCTION REMOVAL PROJECT

Present: John Norris, County Engineer

Mr. Norris advised that no bids were received on the referenced project and that therefore he has rebid the project as a clearing and grubbing project which will be opened on November 21. The Commissioners concurred.

PUBLIC WORKS AGREEMENT
PAW PAW HOLLOW - SECTIONS I AND II

Present: John Norris, County Engineer

Mr. Norris requested authorization from the Board to allow Commissioner President Aud to sign the Public Works Agreement by and between Cherry Cove Land Development Company, Inc. and the Board of County Commissioners guaranteeing the completion of the streets and roads in Paw Paw Hollow Subdivision, Sections I and II by October 23, 1981, contingent upon receipt of the corrected surety. Commissioner Arnold moved, seconded by Commissioner Sayre, to authorize Commissioner President Aud to sign said Agreement. Four Commissioners voted in favor with Commissioner Dean abstaining because the savings and loan association where he is employed is involved with the financing of this subdivision.

MONITORING WELLS - COUNTY LANDFILLS

Present: John Norris, County Engineer

Mr. Norris advised that he has received correspondence from the State Department of Health and Mental Hygiene stating that the County is required within 90 days to submit a plan for monitoring wells at each of the county landfills and that it must be completed and operational by June 1980. The Commissioners requested Mr. Norris to acknowledge receipt of the letter and to contest the requirement by the State that the County perform this work at the County's expense. It was the opinion of the Commissioners and Mr. Norris that it is a state function to monitor the wells and therefore the State's responsibility to finance and further that the county's sanitary landfills are county operated under existing state permits.

ENTRANCE TO POLICE BARRACKS

Present: John Norris, County Engineer

Mr. Norris stated that the architectural firm of Johannes and Murray has inquired whether or not St. Mary's County would be providing the entrance to the new police barracks to be constructed on the Leonard Hall property. Mr. Norris advised that the County has not budgeted to design or construct the access road. The Commissioners directed the County Engineer's office to research the files to determine what approvals had been given.

ST. CLEMENTS SHORES
INSTALLATION OF SEWER LINES

Present: John Norris, County Engineer

Mr. Norris stated that the Metropolitan Commission is requesting authority to replace the streets and roads in St. Clements Shores subdivision upon installation of the sewer line for that subdivision.

The Commissioners expressed concern that the same situation that has occurred at Mattapany Road may happen at St. Clements Shores and therefore requested Mr. Norris to make sure that the source of funds is identified for the replacement of the road and further that the people in the subdivision are aware of what is going to occur. Photographs are to be taken before work on the road commences in order to document its condition.

PAUL ELLIS WHARF

Present: John Norris, County Engineer

Mr. Norris advised the Commissioners that the County has a contract to rebuild the Paul Ellis Wharf and there is a possible conflict with an adjoining property owner in that he does not want the wharf rebuilt. Because of this possible conflict of property line, even though it is in the water area, Mr. Norris recommended moving the wharf over a few feet which would require a Change Order in the amount \$440, which will be reimbursed by the grant from Department of Natural Resources. The Commissioners gave their concurrence.

NORTH INDIAN CREEK ESTATES

Present: Oliver Guyther, developer
John Norris, County Engineer
Residents of North Indian Creek Estates

Mr. Guyther appeared before the Commissioners to clarify the record concerning the road situation at North Indian Creek Estates as set forth in the Commissioners' minutes of October 24. With regard to the complaints by the residents to the effect that there was no public works agreement or amendment setting up a maintenance schedule for the work to be done, Mr. Guyther advised that he wanted to get the record straight. He stated that a proposal to do the work was approved in May and that he proceeded to work on the roads. In June Mr. Guyther said he received a letter from Mr. Norris stating that the Commissioners had reviewed the Public Works Agreement addendum and submitted a revised addendum to include the maintenance schedule and Mr. Guyther was given additional time to resubmit the addendum on another surety. He stated he then prepared the schedule of completion and delivered it to the County Attorney's Office and left a copy at the County Engineer's Office on July 18. Additionally, Mr. Guyther expressed concern that the residents did not call him when they had questions or when there was a problem.

Mr. Guyther then discussed the amount of the bond which he submitted in the amount of \$62,000 and was done in accordance with the contractor's estimate of work to be done. The Commissioners reviewed the list of work items and discussion ensued as to whether \$62,000 was adequate. Mr. Guyther stated that the new Public Works Addendum guarantees completion of work, with the exception of black-topping, by December 30, 1979 and the Letter of Credit in the amount of \$62,000 is in effect until October 1980. The County Engineer indicated that the only concern he had was the dollar value of the surety and that it was his opinion that the amount to complete the work would be approximately \$74,000. Mr. Guyther stated that if the work were to cost more than the bond, he would have to be responsible to make up the difference and further that the letter of credit in the amount of \$62,000 would be available to the County if the contractor does not finish the project as of June 1980.

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After a lengthy discussion and a review of the Public Works Addendum No. 2, Commissioner Millison moved, seconded by Commissioner Dean, to release Dean Construction Company (the previous contractor) from his bond and to accept in lieu of that bond a \$62,000 Irrevocable Letter of Credit and further to authorize Commissioner President Aud to sign Addendum No. 2 of the Public Works Agreement by and between Oliver R. Guyther and the Board of County Commissioners of St. Mary's County extending the deadline of the completion of streets and roads in North Indian Creek Estates Subdivision, Fifth Election District to June 1, 1980. All Commissioners voted in favor.

FAIRGROUNDS PROPERTY

Present: Mrs. Rayetta McWilliams
Mrs. James Owens
Mr. Elwood Cusic

The referenced members of the Fair Board appeared before the Commissioners to request consideration of negotiations for a new lease. The current lease expires in June of 1981 and the Fair Board stated they would like to proceed with the negotiations so that they can go ahead with their plans for the future. The Commissioners requested a copy of the current lease and stated that they would take the request under advisement and make a decision in approximately 30 days.

MARYLAND VETERANS HOME

Commissioner Dean brought to the Commissioners' attention two concerns expressed by Senator McNulty, Chairman of the Maryland Veterans Home Commission with regard to the County's correspondence dated October 3, 1979 relative to the States' acquisition of land at the Charlotte Hall School site for the location of the Maryland Veterans Home. One, is the County's recommendation that the State purchase the two-acre parcel where the Library Resource Center was originally to be built. It is the State's contention that they already own that parcel. Secondly, the Commissioners had suggested that there be an appraisal to determine the value per acre of the 63-acre parcel the State wants to purchase. The State feels that since an appraisal was done at the time of the original joint county/state purchase that appraisal figure should be used as the sale price.

Commissioner Dean stated that because of the importance to the County for the location of the Veterans Home in St. Mary's County and if those two points would resolve the Veterans Home Commission's concerns, perhaps the Commissioners would be willing to agree with these two points. Therefore, Commissioner Dean submitted correspondence addressed to Senator McNulty conveying our willingness to accept the State's views on these two issues; that they do own the two-acre parcel and we would convey it to them at no cost and further that the original appraised value would be the price per acre. All Commissioners agreed to sign and forward said letter.

AQUIFER STUDIES

Commissioner Dean referred to a Resolution from the Planning Commission recommending that the County initiate with Maryland Geological Survey an investigation of a potential supply of ground water that is believed to exist in aquifers deeper than the Aquia. He also pointed out correspondence from Maryland Geological Survey referring to the Piney Point Aquifer Study and the Aquia Aquifer Study that is in progress. Commissioner Dean recommended that these two items be brought together and suggested that Mr. Frank Chapelle, Project Chief of the Aquia Aquifer Study, be invited to the County to give the Commissioners a briefing on the study and at that time ask him what the County needs to do to initiate a study of deeper aquifers which would be of great importance to St. Mary's County and at that time determine whether to initiate such a study, which would have a budgetary impact. The Commissioners gave their concurrence.

ZONING DECISION RESOLUTION NO. Z-79-16
THOMAS P. AND CAROL GARNER
CASE NO. ZA 79-133

Present: Thomas P. and Carol Garner

Commissioner Dean moved, seconded by Commissioner Aud, to accept and sign Zoning Decision Resolution No. Z 79-16 granting the zoning amendment from R-1, Residential, to C-1, Commercial, for property located on Md. Rte. 235 in the Sixth Election District, containing a total of approximately 0.664 acres, Parcel 525, cited on Tax Map 34. All Commissioners voted in favor.

ZONING DECISION RESOLUTION NO. Z-79-17
JAMES DOBRY AND DOBRY CONSTRUCTION CO., INC.
CASE NO. ZA 79-117

(Commissioners Aud and Millison excused themselves from participating because of possible conflict of interest.)

Commissioner Dean moved, seconded by Commissioner Arnold, to accept and sign Zoning Decision Resolution No. Z-79-17 rezoning the 0.906 acre parcel described in said Resolution to CL, Commercial Limited and that the 1.731 acre parcel as described in the Resolution rezoned to R-15, Residential. Two Commissioners voted in favor, with Commissioner Sayre voting against.

ALCOHOL FUEL PROJECT

Present: Jack Witten
Dan Dawson

Commissioner Dean stated that after reviewing the proposal submitted last week, he had some comments and suggestions.

1. That the Project Report detail the capital costs associated with the project;
2. That cost figures be included for storage and distribution.

He stated that it was important that every single cost item be detailed so that they can be addressed by the Commissioners.

Mr. Witten and Mr. Dawson agreed to prepare such a detailed report for presentation to the Commissioners.

EXECUTIVE SESSION

Present: Mrs. Billye McGaharn, Senior Services Coordinator
Edward V. Cox, County Administrator

The Commissioners agreed to meet in Executive Session in order to discuss a matter of personnel. The Session was held from 4:10 p.m. to 5:35 p.m.

The meeting adjourned at 5:35 p.m.

Approved,


George R. Aud, President