

BOARD OF COUNTY COMMISSIONERS MEETING

Tuesday, April 28, 1981

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 10:35 a.m.

APPROVAL OF 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.

CORRESPONDENCE TO PETITIONERS

The Commissioners agreed to sign and forward correspondence to the petitioners requesting a Fifth District Branch Library advising that the County is equally committed to the establishment of a branch library in that area and has been in the process of working on this for some time.

DEED OF CONVEYANCE  
FRANCIS HATFIELD DENT ESTATE  
LOTS THREE AND FOUR

The County Administrator presented the referenced Deed dated April 16, 1981 by and between St. Mary's Hospital, the Vestry of St. Andrew's Church, and the Board of County Commissioners, on behalf of St. Mary's County Nursing Home, Grantors, and Alfred J. Longobardi and Thomas J. Longobardi, Grantees, conveying Lots Three and Four in Dent Subdivision.

Commissioner Dean moved, seconded by Commissioner Sayre, to approve and authorize Commissioner President Aud to sign said Deed. All Commissioners voted in favor.

DEED OF CONVEYANCE  
FRANCIS HATFIELD DENT ESTATE  
LOT 5

The County Administrator presented the referenced Deed dated April 16, 1981 by and between St. Mary's Hospital, St. Mary's County Nursing Home and the Vestry of St. Andrew's Church, granting to the Vestry of St. Andrew's Church Lot 5 of Dent Subdivision. All Commissioners voted in favor.

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TALL TIMBERS PROPERTY  
HOUSING AUTHORITY

The County Administrator presented a memorandum from the Housing Authority recommending the sale of property in Tall Timbers that was donated for use by the Housing Authority. Mr. Mitchell, Housing Coordinator, advised that the property could not be used without substantial investment and therefore requested that the property be disposed of by public sale and that the proceeds be returned to the Housing Authority for other housing activities.

The Commissioners were in concurrence with this request and suggested that the property be made attractive to the potential buyer.

TOURIST INFORMATION CENTER

In response to a request by the Chamber of Commerce received February 26, 1981 regarding assistance by the County for the operation of the Tourist Information Center at Mechanicsville, the County Administrator presented a memorandum to the Board setting forth recommendations. Mr. Cox recommended that the Chamber be awarded \$3,500.00 for the operation of the center to be allocated as set forth in his memorandum and allow flexibility to employ part-time staff as needed to remain operational on week-ends and at peak periods. Source of funds would be from the Tourism and Economic Development account.

Commissioner Dean stated that he agreed with the County Administrator's recommendations; however, he was of the opinion that the Chamber of Commerce be given the \$3,500.00 for the operation of the Center and let them establish their own priorities within that amount.

Commissioner Millison stated for the record that he was opposed to granting these funds in that there have been other programs that have suffered because of cutbacks in the budget. He was of the opinion that the Tourist Information Center should be supported by the business people who are members of the Chamber of Commerce.

After further discussion, it was agreed that the matter would be tabled until next week to give the Commissioners additional time to review the matter.

THE LUNDEBERG MARYLAND SEAMANSHIP SCHOOL

The County Administrator presented a request dated April 23, 1981 from the Lundeborg Maryland Seamanship School, Inc. requesting abatement of the building permit fee for the construction of a Training and Recreation Center, inasmuch as they comply with the County's Resolution No. 75-53.

After discussion, the Commissioners gave their concurrence to grant this abatement.

ECONOMIC IMPACT FEE AGREEMENT  
WILDEWOOD NEIGHBORHOOD TWO, CLUSTER NO. TWO

The County Administrator presented the referenced Agreement by and between Paragon Builders, Inc., by Edmund Wettengel, and the County Commissioners of St. Mary's County setting forth the method of payment of the Economic Impact Fee.

Commissioner Millison moved, seconded by Commissioner Sayre, to approve and authorize Commissioner President Aud to sign said Agreement. All Commissioners voted in favor.

TERMINATION OF CETA PROGRAM  
STATE OF KANSAS SUIT

The County Administrator advised that the State of Kansas has entered into a suit with the Federal Government regarding the termination of the CETA Program because of alleged violation of Anti-Impoundment Act by Congress. The State of Maryland has been requested to join in this suit. He stated that Maryland Association of Counties, on behalf of 12 counties, would like to know if St. Mary's County is interested in entering into this suit with Kansas. The Commissioners gave their concurrence.

CITIZEN ADVISORS APPRECIATION NIGHT

The County Administrator presented a memorandum regarding the Citizen Advisors Appreciation Night and requested confirmation that it be held Wednesday, June 3, 1981. The Commissioners gave their concurrence.

NATIONAL ELECTRICAL CODE

The County Administrator presented a request by the Board of Electrical Examiners to adopt the 1981 National Electrical Code and inquired whether it should go through the Public Hearing Process.

Later in the day Commissioner Dean advised that after review of the Code of Public Local Laws by the County Attorney, the Local Code specifies that all work performed shall be done in accordance with the National Electrical Code and therefore a public hearing or an Ordinance was not necessary.

PERCOLATION TEST CONCERNS

Present: Oliver Guyther  
Harry Leonard  
Thomas McGuyre  
Carol Mattingly  
Faye Lore  
Ray Craddock  
Joe Taylor  
Other interested citizens

Mr. Guyther explained that the purpose of this meeting was to request the Board of County Commissioners to sit as the local Board of Health in order to review decisions by the Health Department regarding percolation tests. Mr. Guyther pointed out that the process of obtaining a percolation test and the appeal process when the test was not approved was a very lengthy one and cited a particular case where the process took two years.

Others present cited particular instances of problems encountered with the Health Department in their decisions concerning percolation tests and the length of time the process took: Harry Lancaster - Pleasant Manor; Fay Lore - Lore Subdivision; Carol Mattingly - a lot on Fairground Road; Joe Taylor - Wynne Acres; Thomas McGuyre - Two lots on his property on Route 243; Ray Craddock - in the proximity of Leonardtown.

Commissioner Dean noted that the Annotated Code of Maryland indicates that the Commissioners shall sit as the local Board of Health in May and October and any other time as deemed necessary regarding sanitary conditions in the County. He stated that he was unsure whether the Board of Health could overrule the Health Department in the matter of individual percolation tests.

After discussion, Commissioner Dean moved, seconded by Commissioner Millison, to conduct a meeting of the Local Board of Health in May with the Health Department, the purpose of which would be a fact-finding procedure to identify questions and issues. All Commissioners voted in favor.

Later in the meeting it was decided that the Assistant Attorney General be invited to describe the responsibilities and powers of the Commissioners sitting as the local Board of Health as well as the State Director of Percolation Standards to explain the State's standards and regulations concerning percolation and its application to the various jurisdictions in Maryland. At this public meeting the Commissioners expect that several issues related to percolation tests would be presented by county citizens.

PROCLAMATION NO. 81-32  
RESPECT FOR LAW WEEK

The Commissioners presented the referenced Proclamation designating the week of May 3 through May 9, 1981 as Respect the Law Week.

Present: David Beavan, Seventh District Optimist

PROCLAMATION NO. 81-31  
HIGH BLOOD PRESSURE MONTH - MAY

The Commissioners presented the referenced Proclamation designating the Month of May as National High Blood Pressure Month.

PROCLAMATION NO. 81-30  
FARM CITY DAY

The Commissioners presented the referenced Proclamation in recognition of the contributions made by rural and urban citizens toward a better life for all and urging all residents to participate in Farm City Festival and proclaiming April 30, 1981 as Farm City Day in St. Mary's County.

PROCLAMATION NO. 81-27  
NATIONAL VOLUNTEER WEEK

The Commissioners presented the referenced Proclamation designating the week of April 27 through May 3, 1981 as National Volunteer Week.

PROCLAMATION NO. 81-34  
MAY - MENTAL HEALTH MONTH

The Commissioners presented the referenced Proclamation designating May as Mental Health Month.

(Commissioners Dean and Millison left meeting 1:00 p.m.).

AGRICULTURAL PRESERVATION DISTRICT PUBLIC HEARING  
ALPD #81-0506 - JOSEPH RAMSEY RILEY AND WILLIAM R. RILEY

Present: Frank Gerred, Director, Office of Planning and Zoning  
Anita Meridith, Recording Secretary

The Commissioners conducted a public hearing on the request by the referenced individuals to establish an Agricultural Land Preservation District, located off of Maryland Route 236. Tax Map 12, Parcel 2, in the Fourth Election District, containing approximately 377 acres, currently zoned AR-2.

Mr. Gerred advised that this application has been reviewed by the Agricultural Preservation District Board and found no discrepancy or irregularity to State requirements and recommended that the request be approved. In addition, it was also the recommendation of the Planning Commission to approve the application.

Mr. Gerred noted for the record that the reason for the rapid processing of this application was due to the fact that there is a May 8 deadline for submission.

The Commissioners gave their concurrence that following the preparation of the appropriate Resolution, the Commissioners would make a favorable decision to approve the request and sign the appropriate documentation.

(Commissioner Dean returned to the meeting).

SPILLING OF SLUDGE INTO THE POTOMAC

In light of the recent news of the spilling of partially treated sludge into the Potomac since April 1, 1981, the Commissioners directed the County Administrator to prepare correspondence to the Governor, with copies to the Congressmen, Legislative Delegation, State Health Department and Potomac River Fisheries Commission, expressing St. Mary's County's concerns over this matter and requesting the Governor's involvement.

SUMMER NUTRITION PROGRAM

Present: Agnes Weeden, Coordinator for Program  
Melanie Gibson, TCCAC  
John Wooten  
Carolyn Hunt  
Mary Dickerson  
Bertie Bowman  
Lionell Somerville, President, TCCAC  
Joseph O'Dell, Budget Officer

Mrs. Weeden advised that the purpose of this meeting was to inform the Commissioners of the Summer Feeding Program and to request funds in order to keep the Program in existence. She stated that two meals a day plus a snack are provided to children of low-income families at summer camps at the following locations: St. Joseph, King Kennedy Estates, Tubman-Douglas, Dickersonville and Oakville.

Mr. O'Dell stated that the County funds \$5,000.00 to Tri-County Community Action Committee and that amount could be put towards this particular use in their budget.

Mr. Somerville stated that those particular funds may be earmarked for a program as equally in need; however, he would check with the Board of Directors at their meeting this evening to get a determination and advise Mr. O'Dell of the response.

TUBMAN DOUGLAS  
ENGINEERING STUDY  
STORM WATER MANAGEMENT AND SEWAGE CONSTRUCTION

Present: Joseph P. O'Dell, Budget Officer

Mr. O'Dell advised the Commissioners that the County Engineer, Mr. Norris, the Housing Coordinator, Mr. Mitchell, requested that they be given authority to have an engineering study of the referenced project, which has been budgeted for FY '82 and to be paid for by federal funds. Mr. Norris has requested that he be authorized to proceed now with the study in that when the federal funds are available, construction of the project can commence.

Commissioner Dean moved, seconded by Commissioner Sayre, to advance \$15,000.00 for the referenced project and that the Budget Officer determine the source of funds. All Commissioners present voted in favor.

#### GRASS CUTTING FOR COUNTY OWNED PROPERTY

The County Administrator presented a memorandum to the Commissioners setting forth his recommendation relative to the grass-cutting assignment. He recommended that because of the loss of CETA positions all grasscutting be transferred to Recreation and Parks and all related machinery/equipment also be transferred. He stated that currently both the County Engineer's Office and the Department of Recreation and Parks were involved in grass-cutting, but because of the termination of the CETA Program, Mr. Cox recommended that this assignment be combined and given to the Recreation and Parks Department.

The Commissioners gave their concurrence.

#### LEONARDTOWN ARMORY

The County Administrator discussed with the Commissioners the possibility of using the Leonardtown Armory as a library, as recommended by the Library Board of Trustees. He stated that two determinations need to be made:

1. Whether the Tudor Hall Library can or cannot be continued to be used as a library;
2. Whether the Armory can be used as a library.

Mr. Cox requested authorization that the County Engineer have proposals on these issues prepared and return to the Commissioners for a determination. The Commissioners gave their concurrence.

#### INTRODUCTION OF NEW DIRECTOR OF CIVIL DEFENSE

Present: Tom Oliver, Director, Emergency Operations Center  
Joseph A. Langer, Director, Maryland Civil Defense  
John Desimone, Area Coordinator

Mr. Oliver introduced Mr. Langer and Mr. Desimone to the Board of County Commissioners, stating that Mr. Langer is the newly appointed Director of Maryland Civil Defense. Mr. Langer explained that he is making courtesy calls to all the counties in Maryland to emphasize the importance of what the State is trying to do in the management of the civil defense area. He further stated that his responsibility is as a planner and coordinator and to give support to the counties, in addition to soliciting the support of the counties. Other areas of civil defense were discussed such as the nuclear power plant at Calvert Cliffs, the installation of the emergency alarm system

and the relocation of the Maryland State Police from the Control Center. Mr. Langer expressed a desire to have an office located in the Control Center after the relocation of the MSP.

In closing, the Commissioners expressed their appreciation to the Civil Defense representatives for their interest and advised that they would look into the matter of the location of an office at the Control Center.

REQUEST FOR ENTRANCE OFF OF RAILROAD RIGHT-OF-WAY  
ST. ANDREW'S CHURCH ROAD

Present: Frank Gerred, Director, Office of Planning and Zoning

Mr. Gerred appeared before the Commissioners with a request from the firms of Leonard, Jones and Bates for an entrance off of the railroad right-of-way onto St. Andrew's Church Road onto their parcel located on the corner of St. Andrew's Church Road and Route 235.

The Commissioners requested Mr. Gerred to check with the County Engineer as well as the developer of Wildewood to determine if there would be any problems and return to the Commissioners for a decision.

NURSING HOME BY-LAWS

Commissioner Dean advised that the Nursing Home Board of Directors was in the process of amending their by-laws, which must be approved by the Board of County Commissioners, and therefore presented a copy of the proposed by-laws to the Commissioners. The Commissioners agreed to bring this matter up at next week's meeting.

The meeting adjourned at 2:35 p.m.

Approved,



George Aud  
President