

October 8, 1968

Present: Mr. F. Elliott Burch
Mr. J. Wilmer Bowles
Mr. George R. Aud

Steuart Petroleum Co.

Senator Paul Bailey and Del. John H. Briscoe, asked about rumor they have heard regarding application of this company for building permits. Mr. Burch said that they have applied, according to Mr. Pantaleo, for permits for a large office building, a customs house building, and a guardhouse, and according to the attorney's opinion, the permits cannot legally be denied. Mr. Bailey and Mr. Briscoe agreed that this was so, that anything can be erected in the county if legal requirements are met. Senator Bailey was of the opinion that this should be publicized stating that the granting of the permits has nothing to do with anyone giving consent, so that the public does not form another misconception as to what is actually going on.

To question of what could be done if the issuance of the permits was refused, Senator Bailey and Mr. Briscoe agreed that the company could take the county to court and the court would order the permits to be issued. Senator Bailey stated that he cannot think of any authority the Commissioners would have to deny a permit. He mentioned that, based on the report from the Wye Institute, there could be a state law formulated to stop everything around the Chesapeake Bay area until the state has a plan for the area. The state intends to take a hand in this on a state-wide basis, as to handling the Bay area, along with all other states concerned that touch on it. If issuance of the Steuart permits could be delayed in some way, something will come through at the coming session that will stop this.

Mr. Briscoe said that at a meeting with Mr. Stanton of Maryland Port Authority, the latter stated that his agency can proceed without the Commissioners approval, as there is nothing in the law which says they cannot. At this meeting it was suggested that some legislation be passed to take such approval from the Maryland Port Authority, as this agency has such tremendous power. Mr. Stanton did say that they will not proceed with the application without the Commissioners support, and will not move ahead if the Commissioners do not want them to.

There was some discussion about the awaited report from the study committee, and Senator Bailey and Mr. Briscoe said they would join in a letter with the Commissioners to the committee stating that the report must be submitted within a given number of days, or the material available from the committee would be used, and a decision made. Senator Bailey pointed out that Steuart must have permission from the army engineers to build the pier, and permission from the Dept. of Water Resources in order to put up a topping plant.

Mr. Briscoe said that it was his feeling that if the Commissioners are satisfied that the structures being considered by Steuart are part of the proposed Foreign Trade Zone, the Board would have justification

for holding up issuing the permits, and Mr. Bailey agreed. If Steuart is moving ahead with this project, they are breaking faith with the state.

General discussion concerning the master plan, and fact that the present Steuart facility is designated as industrial, and if this would be binding after the plan is adopted. Mr. Briscoe said he did not know if it would be binding until the zoning regulations are actually established. The master land use plan has been adopted, and he is going to Annapolis today and will ask the attorney general for an opinion. One further point brought out was that Steuart has not submitted any plans or plats of what they propose to put in this area, and Senator Bailey and Mr. Briscoe said they have not been contacted in this respect either.

St. Andrews Church Road

Mr. A. Tate and Mr. J. Day, SRC; Mr. Pantaleo, Mr. Williams, Mr. R. Dean, and Mr. R. Troutman of Dean & Beavers. Mr. Tate stated that he wanted to discuss the provisions under which the notice to proceed on this contract will be issued. He does not want the pavement torn up except where pipes must be installed. Clearing and ditching can be done, but the roadbed is not to be disturbed. If there happens to be an instance where a long stretch of road would have to be torn up, Mr. Tate said he would like Mr. Dean to consult him before doing this. There are to be signs erected where the pipes are installed to warn the public that construction is taking place, on St. Andrews Road and this will be enough.

Mr. Tate said that all of the contracts have been signed, right of way is clear, etc., and Gene Cullum can handle the matter of moving the utility poles, but this can also be handled between Dean & Beavers and the utility company. If any problems arise, Mr. Tate asked Mr. Dean to let his office know about them.

Mr. Dunphy, the inspector, will not be here full-time until the pipe work is begun, and then there will be full-time inspection, but as they are very busy just now, Mr. Tate said this would not be for about 6 weeks. In the meantime, Mr. Dean can be clearing and ditching, etc. Mr. Troutman said they are having some problem with pipe lengths, and Mr. Pantaleo reported that this being resolved with the consultant. Once this is corrected, the consultants are no longer involved with the project, unless there is a design problem, as the SRC will administer the contract.

On procedure for payment, it was agreed that all bills would be sent to Mr. Tate for approval, and he would forward them to the Commissioners. If there are any change orders, they will be initiated through Mr. Pantaleo. Mr. Tate said that the county can go ahead and submit the bills paid for the preliminary engineering to him for approval, and he will forward them to Baltimore. He also stated that if the company supplying the pipe furnishes a certification of the pipe, this will be sufficient. The notice to proceed should be issued by the Commissioners, with copies to him, that work is to begin on or before October 18, 1968.

There was some discussion regarding guard rails, and Mr. Tate recommended using the steel structures that are now being used rather than the old locust post type. This would be an additional cost of approximately \$3,000. The Commissioners agreed that the steel beam type guard rails should be installed to replace all of the old rails that are to be removed.

Parks and Recreation

Mr. Pantaleo, Mr. Williams, Capt. J. Henderson. The latter presented forms to be signed by Mr. Burch relative to the Lexington Park Elem. School development, Assurance of Compliance with Civil Rights Act, State of Md. Maintenance Agreement, State of Md. Land and Water Conservation Fund Project Agreement (in the amount of \$14,093), and Letter of Certification. Mr. Williams reviewed the forms and advised that the Maintenance Agreement not be signed as it states that the Parks and Recreation Board is responsible for the maintenance, but requires Mr. Burch's signature. If the Parks and Recreation Board are responsible for the maintenance, then Capt. Henderson should sign the agreement. This was checked later in the day, and Mr. F. L. Eskew, of the State Dept. of Forests and Parks agreed that the maintenance agreement was improperly worded, to disregard it and another corrected one will be sent to the Commissioners.

Mr. Burch also was of the opinion that there was some discrepancy in the amount mentioned in the project agreement, and this will be checked with Mr. Donaldson before these documents are forwarded to Mr. E. Curley for expedition.

Roads

Golden Beach Road - Sheriff B. Burroughs, Mr. H. Wilkerson, surveyor, Mr. Pantaleo, Mr. Williams. Mr. Wilkerson presented plats for reconstruction of this road to the Golden Beach subdivision property. He said that he will have the description put in formal form, and send it to the Commissioners with a copy to Mr. Burroughs. A copy of the plat was given to Mr. Burroughs to show to all of the property owners involved, and he will ask them to sign it as a tentative agreement to what is proposed until the deed is drawn and executed by all concerned.

Reviewed letter from Mr. Pantaleo recommending that the construction of the Horse Landing Bridge be deferred until April of 1969, and letters from several residents who are objecting to this and want the bridge built and the creek dredged now. This was tabled for the present.

St. Andrews Church Road - Mr. Howard F. Acker, resident on this road, discussed proposed realignment of curve near his home. If the road is constructed as now planned to run behind his house it will use approximately 25 feet of his property, which is a square acre. It is his feeling that it would be less expensive to reconstruct the road leaving the curve as it presently is, and the road would be safe. He mentioned death of Mr. Norris on this road, and that the curve in the road was not responsible. It was Mr. Acker's opinion that Mr. Norris, who was an epileptic, probably felt an attack coming on, and was trying to get to the former's home, as they had a very close relationship,

and this is what caused him to lose control of his car. Mr. Acker said if the present road is improved, he will give a few feet off the front of his property, but if it is built behind his home, he is going to ask for damages, and there are others who will also do this. He then left the meeting. General discussion followed, and Mr. Wilkerson said it would be expensive to straighten out the curve as proposed, but he is of the opinion that the curve could be corrected as much as Mr. Acker seems to think it can be and would not recommend this.

Sheriff's Deputy

Sheriff Burroughs stated that there has been an opening for a deputy since July, and they want someone from the Ridge area. He has advertised this position and received applications from two men, both of whom work on the base, and do not want to relinquish the benefits of the civil service merit system, as the deputies are not under a merit system. He has exhausted all efforts to find a deputy in the county, and there is a man in Calvert County who is interested in the position. His name is Patrick Henry Nutter, 25 years old, 6'3", 240 pounds, and is now chief of police in Chesapeake Beach. This man has had extensive training in all aspects of police work and in his present position does not have enough opportunity to use his knowledge or for advancement. He is married and has two children. He meets all our requirements except the residency requirement of 6 months, and Mr. Burroughs is asking that the Commissioners consider waiving this requirement so that Mr. Nutter can be appointed as a deputy, and he will come to this county to live. After some discussion, the Commissioners, in view of the fact that a local man cannot be found to assume said position, decided to waive the requirement as requested by the Sheriff.

Radios and Helmets for Sheriff's Dept.

The Commissioners reviewed the purchase of this equipment, as discussed last week, and agreed to purchase of same, two portable GE radios and a helmet for each man, with protective vizor.

Metropolitan Commission

Adm. T. B. Clark, W. Miles, J. Kenney, Dr. A. Houser, W. S. Donaldson, D. Williams, T. T. Pantaleo. General discussion concerning the proposed Piney Point sanitary district, and Mr. Burch stated that the Metropolitan Commission is being consistently contacted by Mr. Bingley of the State Health Department regarding this, and asked Dr. Houser if he has had any communication from Mr. Bingley. Dr. Houser replied that he has not received anything, and Adm. Clark said that the letters he gets indicate that copies are sent to Dr. Houser, and presented same. Dr. Houser said he is supposed to get them, but does not.

Adm. Clark said he does not feel that they have gotten a satisfactory answer from Mr. Bingley about this matter. If the study is to be made of the area, he feels that Mr. Beavin, Sr., should do this, and he is ill and will be out for several weeks. According to Mr. Miles, Mr. Bingley has stated that the pump should be put on the Lundeberg School sewage, and pumped from there to the pipe going out into the river. Dr. Houser said this was desired because there are no oyster

bars at that point and it goes right into very deep water. There would be no necessity of closing any oyster bars. He further stated that this was to have been accomplished by this fall, but nothing has been done, and the oyster season has opened.

Regarding money for the study, Mr. Williams said that law has been amended to exclude St. Mary's County from the \$5,000 appropriation for a study prior to a sanitary district being established. Mr. Kenney concurred, and stated it was his opinion that even before the county was excluded, a sanitary district would have had to be established. However, under the local act, a sanitary district could be established and the funds for the study appropriated. Then, after the study, if it was decided that it would not be expedient to proceed with the project, it would not have to be pursued. Also under the law, a private industry can be required to build a facility under the supervision of the Metropolitan Commission. Mr. Kenney stated that once the district is established, the county does not commit itself to anything. If it is deemed not feasible after the study is made, then the owner can be required to install the required type facility. Dr. Houser mentioned that the State Health Department would have to approve any plans before anything is done.

Mr. Miles said that so far as the school is concerned, a small plant could be built that would take care of their problem. In the meantime, perhaps a line could be installed to pump into the Imhoff tank and then into the river. The pumping idea was a temporary solution until the plant would be built, as the Health Department wants to get the point of discharge out of St. Georges Creek. Adm. Clark pointed out that if the district is established, then the Metropolitan Commission could deal with these people, informing them of the study being made, etc. He said that the Commissioners will have to make a decision regarding the Piney Point district, and also the loan that the MC is requesting from Housing and Urban Development in the amount of \$123,000.

Mr. Kenney said that everything has been done that needs to be, and when the district is established, the engineering plats will have to be filed. Then the Commissioners will be in a position to appropriate funds up to \$10,000 for the study to be made. Public Hearings don't need to be held until completion of the study and if the Commissioners decide to proceed with the water and sewage.

Mr. Aud made motion that a sanitary district be established at Piney Point, seconded by Mr. Burch, and passed. Mr. Bowles abstained from voting. Letter will be sent to the MC to this effect, as a result of the need in conjunction with the plat presented to the Commissioners.

Pratt Marine Construction

The Commissioners approved payment of \$300 to this firm for leveling dredged material at one acre site at the county boatramp at Piney Point, as per agreement, and \$300 for extension of 16' section to the wing wall on the Bushwood bulkhead at the ramp site, as per agreement, both statements approved by Mr. Pantaleo.

Auditors Fees

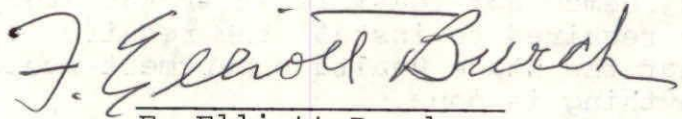
The Commissioners approved payment of \$2,250 to David M. Gruber and Co. for services for 1st quarter of fiscal year.

Lane Penncarva, Inc.

The Commissioners approved payment of \$401,80 to this firm for pipe used on the Seaside Road (Hewlitt Road), approved by Mr. Pantaleo.

Meeting adjourned at 4:55 p.m.

Approved,



F. Elliott Burch
President