

BOARD OF COUNTY COMMISSIONERS' MEETINGTuesday, September 18, 1973

Present: Commissioner J. Wilmer Bowles, President
 Commissioner George R. Aud
 Commissioner J. S. Guy, Jr.
 H. D. McGlade, Director of Administration
 Judith A. Mullins, Recording Secretary

Also present were: Dave Fox, WPTX; Patty Muchow, Beacon;
 Robin Guyther, Enterprise; Dick Myers, WKIK.

The meeting came to order at 9:30 a.m.

READING OF MINUTES

The minutes of September 11, 1973 were read and corrected.

LUDWIG COMMISSION (SEWAGE FACILITIES FOR TECH CENTER SITE)

A letter is to be sent to the Board of Education setting forth the following: The Ludwig Commission was created with the intent and purpose of bringing together all parties concerned; i.e., Leonardtown Commissioners, Metropolitan Commission, Board of Education, Health Department, Tri-County Council and the County Commissioners in an effort to find ways and means to provide sewage facilities to the St. Mary's County Technical Center site, more specifically, the Senior High School to be constructed thereon.

The Commission has been unsuccessful in bringing together a meeting of the minds and reaching an agreement to accomplish the objective and charge of said Commission. Therefore, the Commissioners wish to advise it is their opinion that the Board of Education should seek another site for the Senior High School.

PINEY POINT SHORES ROAD (HARRY LUNDEBERG SCHOOL)

It was the understanding of Commissioners Guy and Aud that the installation of the pipe at Piney Point Shores Road by the State Highway Administration was part of the agreement reached at the meeting of August 7 between the County Commissioners and Mr. Mongelli of the Harry Lundeborg School. The School is to provide the pipe and construct the catch basins and covers under the supervision of the State Highway Administration. A letter to this effect is to be sent to the State Highway Administration.

REMOVAL OF DEAD FISH AT MacINTOSH RUN

Mr. McGlade stated that the fish were removed from MacIntosh Run and buried, for a total labor cost of \$140.00 for temporary employment. Commissioner Bowles made a motion to approve this expenditure, seconded by Commissioner Aud and made unanimous by Commissioner Guy.

ST. MARY'S LEASED HOUSING (HOUSING AUTHORITY)

Present: David Williams, Attorney, representing James Dobry
Robert Wright, Attorney, representing James Dobry

Mr. Wright advised the Commissioners that Mr. Weiner, County Attorney, suggested the Commissioners be informed of the status of the suit between James Dobry and the St. Mary's Leased Housing. This morning Judge Mattingly denied a motion for a new trial requested by James Dobry and would not reconsider his original opinion. Mr. Wright further stated that the case will go to the Court of Appeals to be resolved, which could result in a reversal.

Mr. Wright said this project should be rezoned "C" Residential. It has the characteristics of an apartment project, but consists of single family structures. He said he was concerned with the issuing of building permits for this project, and tenants moving in. If there is a reversal of opinion, tenants will have to move out and the houses removed. The Housing Authority should be informed by the County Commissioners of this possibility, which could cause a hardship. Mr. Wright further indicated there was a second problem. He feels the houses to be erected are sub-standard, and if they meet the legal requirements under the Maryland Code, the houses will be in need of substantial reconstruction within a period of five years. An engineering consultant employed by James Dobry was of the opinion that, if they do meet the national code, it would be in the marginal area, strictly to the minimum. In the event they do not meet the national code in order to be certified in this State, Mr. Wright said they will take this information to Annapolis and let the State people take action. Mr. Wright said he had read the minutes of the Commissioners' meetings with the Housing Authority and he did not feel the Commissioners had an opportunity to thoroughly study this project. Mr. Wright said according to testimony in Court, Dr. Jarboe indicated that this project was never advertised for bids but let to one contractor and he indicated there was no independent engineer consultant used to determine whether or not the structures were fit for the purpose intended.

Mr. Wright felt the Commissioners should inform members of the Housing Authority of the proper way to go about putting up a housing project; that it should be put out on bids and funds should be allocated for independent consultants and they should be given guidelines. This could help future projects. There is indication that a profit is being made by the builder which will cause criticism which could have been eliminated by open bidding. The leases for the project are conditioned on zoning and the Housing Authority should be advised of the practicalities of executing that lease before the zoning question is fully resolved by the Courts. Mr. Wright said the Commissioners are responsible for the Housing Authority. Commissioner Guy stated the Commissioners appointed members of the Housing Authority and that ended their responsibility to them. They are a separate entity. Our only responsibility is

a moral one. Commissioner Guy questioned the problem of zoning. Mr. Wright said his client maintains that it should be rezoned or placed in an area with the proper zoning. Mr. Wright further stated that Mr. Dobry will not post a bond on his appeal because of the expense.

Mr. Wright requested the Commissioners to speak to the Chairman of the Housing Authority of these problems.

JOHNSONGRASS CONTROL AGREEMENT

Commissioner Bowles made a motion to approve the Agreement between the Maryland Department of Agriculture and St. Mary's County for the Control and Eradication of Johnsongrass, seconded by Commissioner Guy and made unanimous by Commissioner Aud.

CAR WASH - SHERIFF'S DEPARTMENT

As per the request of Sheriff Williams, Mr. McGlade presented the proposal set forth in the letter from Mrs. Mary Rosetta Gough of the G & H Recondition Shop in Leonardtown, offering services for the Sheriff's Department's cars - including car wash, washing inside and outside of windows, vacuuming cars and painting tires. Labor and material will cost \$2.00 per car. The Commissioners approved the expenditure of \$2.00 per car, ten cars a week, subject to the cost not exceeding the Sheriff's approved budget.

BILLS APPROVED

The following bills were unanimously approved by the County Commissioners:

Department of Social Services, dated September 4, 1973, for expenditures for the month of October 1973 - \$15,777.50;

John Norris mileage expenses for the month of July 1973 - \$42.10;

John Norris mileage expenses for the month of August 1973 - \$184.82;

B. A. Garner & Son, dated September 7, 1973, for cutting of drainage swale at Essex Drive, Lexington Park, Maryland - \$73.13;

J. R. McCrone, Jr., Inc. dated July 11, 1973 for 51 prints for various projects, including Dukehart's Creek Jetty, Smith's Creek Wharf, Piney Point Pier, etc. - \$49.25;

The Evening Star, dated August 31, 1973, for advertisement for Engineer Technician - \$393.30;

St. Mary's Beacon, dated August 1, 1973, for advertisement for Engineer Technician - \$15.00;

Delahay's Pile Driving Service, dated March 8, 1973, for work at Tall Timbers - \$584.00;

The Southern Concrete Co., dated August 20, 1973, for work at Leonard Hall Building No. 4 - \$47.25;

J. Moakley Mattingly, dated September 1, 1973, for use of dump trucks at Oakville Landfill - \$400.00;

Montgomery Ward & Co., dated July 25, 1973, for tires and repair of landfill equipment - \$1221.40;

H. D. McGlade, travel expense claim dated September 14, 1973 - \$144.11;

Eddie Leonard Sporting Goods Co., dated May 15, 1973, for wrestling mat at Great Mills High School - \$1,227.00.

AIRPORT COMMISSION BILLS

Due to the fact that the Airport does not have a budget the following bills were approved by the County Commissioners for Airport Leasing advertisement:

A. S. Abell Company, dated August 31, 1973 - \$618.03;

Enterprise, dated August 9, 1973 - \$16.00;

The Washington Post Company, dated September 1, 1973 - \$268.07;

Enterprise dated August 30, 1973 - \$22.00;

The Evening Star, dated August 31, 1973 - \$16.52;

The Evening Star, dated August 31, 1973 - \$243.00;

Trade-A-Plane Service, dated August 18, 1973 - \$13.44;

Lakewood Publications, dated September 4, 1973 - \$40.00.

RECREATION AND PARKS

Present: John Baggett, Director, Recreation and Parks

OCEAN HALL - Mr. Baggett has not received the figures from Mr. Peters for the appraisal of Ocean Hall. In the meantime, he is to obtain another appraisal. Commissioner Guy made a motion for Mr. Baggett to proceed to obtain an option to secure the property until the paperwork can be processed, seconded by Commissioner Aud and made unanimous by Commissioner Bowles. In the development of the option with the owners of the property, Mr. Baggett should request permission to have a caretaker live on the property until it is purchased for security reasons.

WIRING AT RADAR SITE - John Baggett received the following prices for rewiring of the building:

Owen's Electric	\$ 570.00
Tom's Electric	\$1,690.00.

Mr. Baggett recommended awarding the bid to Owen's Electric in the amount of \$570.00. Commissioner Guy made a motion to accept this recommendation, seconded by Commissioner Aud and made unanimous by Commissioner Bowles.

ST. CLEMENT'S SHORES SHELTER BUILDING - John Baggett requested permission from the Commissioners to try to obtain an additional grant in the amount of \$4,500 from the State and to transfer \$1,500 from his Capital Improvement Budget for the construction of the shelter building at St. Clement's Shores. Commissioner Guy made a motion to transfer these funds subject to receipt of funds from the Board of Public Works in the amount of \$4,500, seconded by Commissioner Aud and made unanimous by Commissioner Bowles.

TENNIS COURTS AT TOWN CREEK PARK - Mr. Baggett requested permission from the Commissioners to try to obtain an additional grant in the amount of \$3,000 from the State and transfer \$1,000 from his Capital Improvement Budget for the construction of tennis courts at Town Creek Park. Commissioner Guy made a motion to transfer these funds subject to receipt of funds from the Board of Public Works in the amount of \$3,000, seconded by Commissioner Aud and made unanimous by Commissioner Bowles.

GRAVES PROPERTY - John Baggett stated the point has been reached for settlement on this property, and he will arrange same.

STATE AID FOR POLICE PROTECTION

Commissioner Guy made a motion that Commissioner Bowles sign the State Aid for Police Protection for 1973-1974 in the amount of \$386,042, seconded by Commissioner Aud and made unanimous by Commissioner Bowles, who signed same.

PROPOSED EXPENDITURES FOR REVENUE SHARING

Present: Harris Sterling

Commissioner Guy made a motion that Commissioner Bowles signed the Proposal for Expenditures of Revenue Sharing Funds in the amount of \$546,526 for the period of July 1973 to June 1974, seconded by Commissioner Aud and made unanimous by Commissioner Bowles, who signed same.

UNION TRUST COMPANY OF MARYLAND STOCK

Present: Harris Sterling, Finance Director

Mr. Sterling stated that the Union Trust Company of Maryland has been re-organized and is now known as Union Trust Bank Co-op. The sixteen shares of stock the County owns will be replaced with 32 shares of Union Trust Bank Co-op stock. Commissioner Guy made a motion that this be done, seconded by Commissioner Aud and made unanimous by Commissioner Bowles. Mr. Sterling stated that, at a later date, it may be a good idea to sell the stock.

HOUSING AUTHORITY

Present: Dr. Patrick Jarboe, Chairman, Housing Authority
Robert Willard, Planning Director

Dr. Jarboe said the Housing Authority was hopeful that the Comprehensive Water and Sewage Plan would be signed this week. The builder for the housing project wants it signed this week or he may default on the project. Commissioner Bowles explained that the Plan was not received until last Tuesday from Mr. Beavin, and Bob Willard, County Planner, and John Norris, County Engineer, were to study the Plan and report to the Commissioners. Mr. Willard stated that some of the changes Mr. Beavin had been requested to make had not been included.

HAZARDOUS CONDITIONS FOR WALKERS - TOWN CREEK

Present: John Norris, County Engineer
Ed Cox, Executive Secretary, Youth Commission
Chief Deputy George DeLozier
Dr. Robert King, Superintendent of Schools
Stanley Schrader, Board of Education
Wilfred Hines, Board of Education
Senator Paul J. Bailey
Mary Ann Siebert, resident of Town Creek
Richard Hobbs, resident of Town Creek
Richard Martini, resident of Town Creek

Others attending: Donna Hobbs, Mary Lynn Woodburn, Mary Fisher, Janet Martini, Ben Holt, J. N. Donis, Patsy Baker, Edward Sienicki, Linda McCollister, Barbara Farrell, Mrs. Robert Weiland, Kathy Alcon, Mrs. Marshall Garino, Erma Grand Maison, Faye Lore, Nancy McFedyen, Jane Batte, C. M. Archer, Howard H. Raiken (residents of Town Creek).

Residents of Town Creek came before the Commissioners to present a petition with 640 signatures to provide a safe mode of transportation to and from Town Creek Elementary School for their children. State policy prohibits funding for transportation of children to or from schools located within one mile of student's residence unless a hazard is involved. Town Creek Drive has been determined a non-hazardous area suitable for children of all ages to safely walk to and from school by Mr. Hartman of the State

Board of Education and Mr. Schrader of the County Board of Education. Mr. Hobbs said the parents would like to make the Board of Education, the County Commissioners and the Governor aware of the hazardous conditions of the roads in Town Creek.

Mrs. Siebert stated the parents feel immediate action should be taken to protect the safety of their children.

Commissioner Bowles asked if some legislation dealing with this problem could be introduced. Senator Bailey said it should be discussed in the legislature. A law could be written to supersede the State Board of Education's policy from allowing or making it necessary to walk in areas where danger exists. Dr. King said the legislature could be asked before the next session to act on this. If there is proof there are hazardous conditions, there could be temporary bussing until the condition is relieved. Commissioner Aud mentioned that there are buses with empty seats going past children who are walking, and we are not in the city but in the country. Dr. King said if the policy is not followed, the Board of Education would be faced with losing funds from the State; \$89.09 for each student riding a bus who lives within one mile. There are 176 walkers, which would mean a loss of \$15,679.84 from the State. Commissioner Bowles commented that if the County gets involved in providing transportation then there would be no hope for getting a change in the State policy or getting State transportation money. He further stated that the same problem exists in other areas of the County. Mrs. Siebert asked about the possibility of patrolmen within Town Creek. Chief Deputy DeLozier said the area could be patrolled only if the deputies could be spared.

It was decided that the County Board of Education should meet with the State Board of Education, legislators, and a representative of the Governor's Office. Commissioner Guy said the State should be made aware of the peninsula effect of St. Mary's County and suggested that pictures be taken of the roads in Town Creek to document the problem.

Mrs. Siebert summed up the meeting by saying that the parents are not objecting to the physical fitness aspect of walking, but to the conditions that exist while the children are walking and which would probably take three years to correct.

COUNTY ENGINEER'S OFFICE

Present: John Norris, County Engineer

ROOFING BIDS - John Norris stated the following bids were received for the roofing of the Health Department building in Lexington Park:

G. M. Wilson	\$3,800
Thomas Moore	\$4,950
A. Milburn Roofing	\$2,985.

The following bids were received for roofing for the courthouse:

Thomas Moore	\$695
A. Milburn Roofing	\$690

The following bids were received for slate work for the Courthouse:

Milburn Roofing Co.	\$872.60.
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A. Milburn was the lowest bidder in all three projects. Commissioner Guy made a motion that John Norris obtain a performance bond from Mr. Milburn and, if one cannot be obtained, that all bids be rejected, seconded by Commissioner Aud and made unanimous by Commissioner Bowles.

ATTENDANT FOR RIDGE DUMP

John Norris recommended Vernon Barnes from Calloway for the position of attendant at the Ridge Dump at a salary of \$1.60 per hour, effective September 24, 1973. Commissioner Guy made a motion to accept this recommendation, seconded by Commissioner Aud and made unanimous by Commissioner Bowles.

CHAIN SAW

John Norris said a new chain saw is needed. To repair the old one would cost \$104.20 and a new saw would cost \$174.00, including trade-in, which is \$18.95. The Commissioners were in agreement that John Norris purchase a new saw.

CLASSES FOR TRANSPORTATION

John Norris said the University of Maryland is offering classes in transportation October 29 through November 2, which he would like to attend. This will cost \$175.00 and there are funds in his budget to cover this. The Commissioners gave approval for John Norris to attend.

BUILDING PERMIT ORDINANCE

John Norris discussed the recommendations made by Ernest Bell, Attorney to the Planning Commission on the Building Permit Ordinance. The Commissioners reviewed these recommendations and the recommendations made by John Norris. They were of the opinion that an appeal procedure was not needed. If construction had not commenced within four months, the Commissioners would make the decision whether it should be extended.

He stated he would make recommendations to the Commissioners for the penalty section in his revised draft of the ordinance.

The Commissioners felt there should be a grace period after notification to the applicant that he is in violation of the building permit ordinance.

BUILDING PERMIT - ALEX SCHUST

John Norris stated Mr. Schust has made application for a building permit on his property on Clover Hill Road adjacent to Gillens Grove Subdivision; however, he does not have a permit from the Health Department. His property is part of a tract of land known as Buckmaster Farm. Mr. Norris said this is not because of perc test problems, but because of a subdivision violation. Mr. Norris is to request a letter from the Health Department asking them to set forth their reasons for denying a permit.

ENGINEER TECHNICIAN

John Norris said that Jay McGrath will be going back to school for ten weeks, and he would like permission from the Commissioners to hire a temporary employee until Mr. McGrath returns. The Commissioners granted approval for this at the same rate of salary Mr. McGrath receives. John Norris will notify this office when he plans to hire someone.

OFFICE SUPPLIES FOR ENGINEERING INSPECTOR

John Norris requested \$325 for office supplies for engineering inspector. Engineering Inspector will also do plumbing inspection work and this money should come from the Plumbing Board Operating Budget. The Commissioners were in agreement.

SOIL CONSERVATION SERVICE AND ROAD INSPECTOR

Present: John Hall, Soil Conservation Office
John Norris, County Engineer

John Hall asked if the Commissioners would be in agreement to hire an individual to work part time as Road Inspector and part time in the Soil Conservation Office. The County would pay half of his salary. The Commissioners are unable to commit funds at this time for the next budget year and this should be brought up at a later date.

PINEY POINT WHARF PLAT

Present: John Norris

Commissioner Guy made a motion that the plat for the wharf at Piney Point be signed by Commissioner Bowles, seconded by Commissioner Aud and made unanimous by Commissioner Bowles, who signed same.

ROLLING ACRES

Present: Ben Burroughs, Jr.
F. Elliott Burch, Jr.
Benny Asher

Mr. Burroughs said he had met with John Norris concerning this project and the fact that he would be willing to cut out the curve on Golden Beach Road and construct 1500 feet of the road. Mr. Burroughs said he would pay \$1,000 or 5% of the construction cost for inspection fees. Mr. Burroughs requested the County to deed the old road to him and he would deed the completed road to the County. He would be willing to give a letter of intent to the Commissioners. Because of the December 26 road directive, he would have to get approval from the Commissioners before he could receive preliminary approval from Planning and Zoning. An additional 1200 ft. of the road should be improved by Mr. Uphold, who is unable to commit himself at this time, due to illness.

John Norris is to develop the necessary agreement between the County and Ben Burroughs and F. Elliott Burch, Jr., setting forth what Mr. Burroughs and Mr. Burch must do and when they must do it. As soon as the Agreement is signed, the Commissioners will make a decision on this.

OAKS COOKSEY SWAMP ROAD

Present: John Yerkie

Mr. Yerkie requested approval of twenty lots on Oaks Cooksey Swamp Road, but had been informed by John Norris that there is not enough sight distance for vehicles coming from the subdivision to Oaks Cooksey Swamp Road. Mr. Norris said he would have to cut out the hill and reconstruct that portion of the road to get approval for twenty lots. Mr. Yerkie said he would like approval for eight additional lots if the road problem could be worked out. Mr. Yerkie said the concept plan was submitted to Planning and Zoning Dec. 17, prior to the December 26 road directive, and he was at that time requesting approval for 48 lots (now reduced to 28 lots). John Norris is to give a letter to the Commissioners verifying date of submittal to the Planning and Zoning Office to the Commissioners. An Agreement will have to be drawn up between the County and Mr. Yerkie after which time the Commissioners will make a decision. Also, a deed conveying the additional rights-of-way free and clear of any liens to the County.

COMPREHENSIVE WATER AND SEWAGE PLAN

Present: Bob Willard

The Commissioners and Bob Willard reviewed the Comprehensive Water and Sewage Plan and the areas needing reconsideration and possible changes to be finalized no later than Tuesday, September 25.

The meeting adjourned at 6:30 p.m.

J. Wilmer Bowles 10/31/73
J. Wilmer Bowles
President