

BOARD OF COUNTY COMMISSIONERS' MEETINGTuesday, April 16, 1974

Present: Commissioner J. Wilmer Bowles, President  
Commissioner George R. Aud  
Commissioner J. S. Guy, Jr.  
Edward V. Cox, Chief Clerk  
Judith A. Mullins, Recording Secretary

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

READING OF MINUTES

The minutes of April 9, 1974 were read and corrected.

APPROVAL OF MINUTES

Commissioner Guy made a motion to approve the minutes of April 2, 1974, seconded by Commissioner Aud and made unanimous by Commissioner Bowles.

MIDWEST STEEL'S BID FOR TRACKS AND TIES

Present: John Norris, County Engineer

Ed Cox stated that Clark Raley, attorney representing A & K Railroad Materials, Inc. filed suit because the bid was awarded to Midwest Steel. The Commissioners had been informed by the County Attorney that the manner in which the bid was awarded was a proper course of action and Clark Raley contended this and therefore sued.

John Norris stated that Midwest Steel was going to submit a certified check in the amount of \$50,176 representing the balance due on the original bid totalling \$240,100, and replacing the uncertified check of equal amount submitted last week.

CONTRACTUAL EMPLOYEES' INCREMENT DATES

Ed Cox requested the establishment of a procedure with regard to the proper increment dates for contractual employees to be considered by the Director of Finance. It was the Commissioners' decision that present contractual employees should receive increments as of the date of employment so as to correspond with the payroll records in the Finance Office. All future contractual employees' increment dates and the date of the contract shall correspond with the starting date of employment.



ROBERT WILLARD - EMPLOYMENT CONTRACT

Ed Cox brought up the fact that Mr. Willard's Employment Contract does not include a cost of living increase and therefore would not be entitled to the increase granted by the Governor, effective July 1, 1974. The Commissioners advised Mr. Cox to attach an addendum to Mr. Willard's contract to include the cost of living adjustments granted county employees so as to be consistent with other contracts.

CONFISCATED VEHICLES

Present: Paul Raley, Administrative and Logistic Officer

Paul Raley reported that the State's Attorney's Office will file on the six cars being stored at the State Road Garage. The Commissioners requested Paul Raley to go to Waldorf and apply for titles to the vehicles in order to expedite the sale of same. After the titles have been received, Mr. Raley is to advertise for sealed bids.

STORAGE FEE FOR FORD PINTO STATION WAGON

Present: Paul Raley

Paul Raley stated that the Pinto Station Wagon has been stored on private property and the Judge ruled that the owner should pay the \$154 storage charge to the County.

SETTLEMENT SHEET FOR PROPERTY PURCHASED FROM TAYLOR MARSHALL

Commissioner Guy made a motion to approve and sign the settlement sheet for the property purchased from Taylor Marshall located adjacent to the St. Mary's County Airport, seconded by Commissioner Bowles. Commissioner Aud abstained.

BILLS APPROVED

The following bills were approved by the Commissioners:

Lorenzi, Dodds & Gunnill, dated March 26, 1974, listing the following outstanding invoices totalling \$1,120.50:

<u>Invoice</u>	<u>Date</u>	<u>Amount</u>
3-1411	8-29-70	\$225.00
3-2460	12-30-72	525.00
3-2455	12-30-72	170.50
3-2454	12-30-72	200.00

Free State Surveying and Land Planning, Inc., dated March 31, 1974, for work at Hermanville Road - \$205.10;

BILLS APPROVED (continued)

Barton Aschman Associates, Inc., dated March 22, 1974, for professional services rendered through March 9, 1974 in connection with a study of a railroad right-of-way in St. Mary's County, per agreement executed January 15, 1974 - \$6,665.97.

JAMES W. MATTINGLY  
REQUEST FOR EASEMENT

Ed Cox explained the exact location of the water hydrant owned by Mr. Mattingly and situated on the Nursing Home property. Mr. Cox stated that the Fire Marshal was of the opinion that the hydrant would be of benefit to the Nursing Home to have it located there. Ed Cox is to determine from the Town Commissioners if they have a policy for easements to water mains and whether or not they should be involved in an agreement pertaining to the water main and hydrant.

DREDGING OF LEWIS CREEK

A letter dated April 11, 1974 was received from the Department of Natural Resources authorizing the County Commissioners to undertake the dredging of the entrance to Lewis Creek as a maintenance dredging project and the Department of Natural Resources will reimburse the County for reasonable costs incurred in connection with the project.

Commissioner Aud made a motion approving the dredging of Lewis Creek and authorizing John Norris to make the necessary contact with the Department of Natural Resources to develop the project, seconded by Commissioner Guy and made unanimous by Commissioner Bowles.

COMPREHENSIVE EMPLOYMENT AND TRAINING ACT OF 1973

A letter dated April 11, 1974 was received from the Department of Employment and Social Services announcing a meeting to be held Thursday, April 25 at Queen Anne County Library in Centreville at 1:30 to explain CETA, Title II Regulations with local county government officials. Ed Cox will represent the Commissioners at this meeting.

TRAFFIC SIGNAL AT STATE ROUTE 235 AND CHANCELLORS RUN ROAD

A letter dated April 8, 1974 was received from Maryland Department of Transportation suggesting they meet with the County Commissioners to discuss traffic control and safety, particularly at the above location.

CHARLOTTE HALL BICENTENNIAL CELEBRATION

A letter was received from Al Barthelme inviting the Commissioners to attend the Charlotte Hall Bicentennial Birthday Celebration June 1.



PAVING OF PARKING LOT AT WALDEN COUNSELING CENTER

A letter dated April 9 was received from Brother Farrell McCarthy stating that the St. Mary's County Council on Drug Abuse at its monthly meeting discussed the need for asphalt paving of the parking lot at Walden. Ed Cox stated that John Norris is looking into this.

JAMES DOBRY REZONING FILE NO. 0011

The Commissioners reviewed the memorandum from Ed Cox setting forth the conditions that have been met by James Dobry for his rezoning application, which did not include a Public Works Agreement. The Commissioners were of the opinion that Mr. Dobry should sign a public works agreement with the Metropolitan Commission.

METROPOLITAN COMMISSION'S PURCHASE OF PINEY POINT WATER COMPANY, INC.

A letter dated April 10 was received from John Pleisse of the Metropolitan Commission stating that the conditions set forth in our letter of December 19, 1973 were being met and that they were anxious to know of any further information that might be requested from the Commissioners prior to the settlement of the purchase. Ed Cox is to confirm that these conditions are being met and is to work with Mr. Pleisse on the details discussed prior to this time.

OFFICE SPACE FOR RECREATION SUPERVISOR, ED ATKINS

Present: Dr. Robert King, Superintendent of Schools

The Commissioners requested Dr. King to come before them to discuss the office space presently occupied by Ed Atkins at Great Mills High School. Commissioner Bowles stated it was his understanding there was an agreement between the Board of Education and the County Commissioners several years ago when the County purchased 20 acres of property adjacent to Great Mills High School, it would be used in cooperation with the school and office space at the school would be made available for Recreation and Parks.

Dr. King stated he was not aware of this agreement and this had been worked out with Mr. Joy, who was principal of Great Mills at that time.

The flat tops at Lexington Park were discussed and the Commissioners explained the extensive renovation that would be necessary in order for the building to be useable.



Commissioner Guy mentioned that the problem arose with the change of principals at Great Mills and he expressed concern that the Commissioners will be committing \$50,000 of county money for recreational facilities at the Leonardtown Middle School and would there be the same problem if there is a change of principal there. Dr. King responded that there would be no problem at the Leonardtown Middle School, that this facility would remain the property of St. Mary's County Commissioners under the use of the Recreation and Parks Department. Dr. King agreed that this shall be reduced to writing between the Board of Education and the Board of County Commissioners.

The Commissioners felt there should be some arrangement between Recreation and Parks and the Board of Education whereby Recreation and Parks could use the office space at Great Mills.

Dr. King said he would talk to Mr. Joy and Mr. Bernard Johnson, Principal at Great Mills, and will return to the Commissioners.

#### TRI-COUNTY COMMUNITY ACTION COMMITTEE

Present: Terrance Conn, Director

Mr. Conn introduced himself to the Commissioners and explained the goals for Tri-County Community Action Committee. He referred to the bill that is in the House Subcommittee for equal opportunities which would let the OEO Act expire but would continue Community Action and the other programs they now have and combine them with a program called ACTION. The new agency would be Agency for Volunteer and Community Services. This bill would provide for future funding. Mr. Conn mentioned the possible need for interim funding for a couple of months until the bill is enacted.

#### LITTLE LEAGUE

Present: Lt. Montgomery, President, Little League

Lt. Montgomery expressed the need for ball diamonds in the County for Little League baseball games. A ball diamond with an outfield fence and pitcher's mound for tournament use is also needed. The Commissioners discussed several possible locations and Commissioner Guy mentioned the fact that the County is in the process of purchasing additional land for recreational use behind Lexington Park Elementary School.

Lt. Montgomery thanked the Commissioners for their time and said he would look into the different possibilities.



ST. ANDREWS CHURCH LANDFILL

Present: Walter Raum, Director, Environmental Hygiene  
Walter Miles, Division of Solid Waste, State Health Dept.  
Ward Barstow, Division of Solid Waste, State Health Dept.

Mr. Walter Miles stated that the Health Department was concerned that the landfill might have some effect on the proposed lake for the watershed project. He explained that there had been concern that the waves of the lake would lap the shore of the landfill; however, Mr. Miles said this had been checked and according to USGS maps the lake would be 1200 feet down stream from the landfill and the maximum elevation of the lake would be approximately ten feet below the elevation of the landfill. He said the landfill site is dry and these two land uses would be compatible. There are two potential problems to be made aware of concerning the lake. With the damming of the lake, there will be very little flow of water and the possibility of seepage in the ground from the landfill, there may be a bacteriological problem and the lake should be monitored. These problems may affect swimming at the lake. Mr. Miles said that extensive work would be needed at the landfill including grading and seeding and with the lake coming into that area, this should be given a priority in the County's Solid Waste Program.

Mr. Barstow said the State Department of Health would like to see plans of the watershed project from the Department of Natural Resources to see the layout of the site.

The Health Department is to write a letter to the Commissioners setting forth the potential problems and possible solutions and the appropriate state agencies should be made aware of these problems.

OPTION TO PURCHASE LAND  
(BEHIND BETHUNE SCHOOL)

Commissioner Bowles stated he visited the above site with John Baggett on Friday morning and was of the opinion there was only approximately 15 acres of useable land and requested Mr. Baggett to accurately identify property lines for appraisals and soil tests prior to having survey made. Mr. Baggett is to contact Soil Conservation Service and determine if the land is useable.

Commissioner Guy made a motion to approve and sign the Option to Purchase said property and to authorize John Baggett to proceed with said Option, seconded by Commissioner Aud. Commissioner Bowles abstained until such time as the above-referred to information is received.

(Commissioner Bowles left the meeting at this time.)



NEW TRACKS FOR D6 DOZER FOR LANDFILL

Present: John Norris, County Engineer

John Norris stated he received an estimate from Alban Tractor in the amount of \$2,000 per side for new tracks for the D6 Dozer and requested that the funds for this be transferred from his Equipment Rental Budget to Parts and Repairs Budget. Commissioner Guy made a motion to authorize John Norris to purchase new tracks for approximately \$2,000 per side, seconded by Commissioner Aud. Mr. Norris is to obtain separate billing for each side.

RESURRECTION MANOR - THOMAS H. EWELL  
(FAMILY SUBDIVISION)

Present: Robert Willard, Planning Director

Mr. Willard presented a plat for a family subdivision for Thomas H. Ewell, known as Resurrection Manor, Sixth Election District, and stated that the owner is requesting approval for his private road within the subdivision.

Commissioner Aud made a motion approving the private road, privately owned, serving the residents and that the residents thereon will not request the County to take said road into the County system, and should the owner ever desire that the road be taken into the County system, it would be constructed to county specifications and deeded to the County at no cost. The plat contains the proper wording designating the owner's responsibility and liability for the road. Commissioner Guy seconded the motion.

FAMILY SUBDIVISION (CHARLES LASCHALT)

Present: Robert Willard, Planning Director

As had been requested last week, Mr. Willard returned with the plat for the above subdivision with the proper wording on the plat setting forth Mr. Maschalt's responsibility and liability for the road. This plat will be retained in the Planning Office's files.

(Commissioner Bowles returned to the meeting.)

LEAJ GRANT REQUEST FOR YOUTH SERVICES USA

Commissioner Guy made a motion to approve and authorize Commissioner Bowles to sign the LEAJ Grant for Southern Maryland Youth Services USA. The total amount of the grant is in the amount of \$10,115.00; local share will not come from county funds but from public contributions. Commissioner Aud seconded the motion and Commissioner Bowles made it unanimous and signed same.

The meeting recessed at 5:00 p.m.



BOARD OF COUNTY COMMISSIONERS' MEETINGWednesday, April 17, 1974

Present: Commissioner J. Wilmer Bowles, President  
Commissioner George R. Aud  
Commissioner J. S. Guy, Jr.  
Edward V. Cox, Chief Clerk  
Judith A. Mullins, Recording Secretary

The meeting reconvened at 9:30 a.m.

MIDWEST STEEL - BID ON TRACKS AND TIES

Present: John Norris, County Engineer

John Norris reviewed the history associated with the bid received from Midwest Steel for the removal of tracks and ties. Mr. Weiner explained that the suit filed by Clark Raley, Attorney representing A & K Railroad Materials, is contesting the fact that the time from notice of advertisement to bid was run and the date the bids were opened were two days short of running 20 days. Article 25 Section 11A of the Maryland Code stated that 20 days notice must be given prior to sale.

Mr. Weiner stated that he had talked to Mr. Philip Angel, Attorney representing Midwest Steel, and apprised him of the situation. Mr. Angel informed Mr. Weiner that if the bid was readvertised, he would sue the County.

With regard to the suit filed by Clark Raley, Mr. Weiner said we would answer the suit, stating that the Commissioners had received the amount of the original bid, \$240,100, and as far as the 20 days notice, we can show substantial compliance.

Commissioner Bowles asked Mr. Weiner if he would recommend that the Commissioners sign the Contract with Midwest Steel. Mr. Weiner replied that he would, that he did not see any other choice.

John Norris is to obtain the certified check in the amount of \$50,176, representing the balance of their original bid (\$240,100).

Commissioner Guy made a motion to accept the bid of \$240,100 by certified check from Midwest Steel for the removal of tracks and ties and to award the contract dated April 9, 1974 to Midwest Steel in the amount of \$240,100. Midwest Steel is to be notified by Registered letter that the contract is being awarded subject to the litigation and notice to proceed prior to the outcome would be at the sole risk of Midwest Steel. Commissioner Aud seconded the motion and Commissioner Bowles made it unanimous.



Later in the morning, John Norris advised the Commissioners that the certified check was received and the Commissioners reviewed, approved and signed the Contract.

The Commissioners reviewed and approved the following two letters dated April 17, 1974, to Midwest Steel Corporation signed by John Norris:

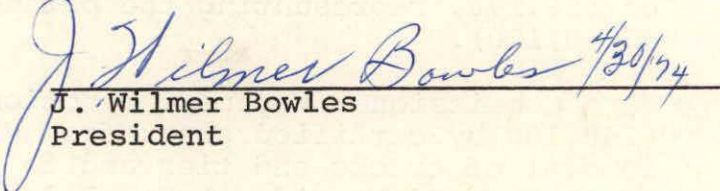
(First letter) - "Attached is an executed contract for the sale and removal of track and ties as previously bid at \$240,100. Also enclosed is the Notice to Proceed. You are hereby on written notice of pending litigation in this matter, involving a taxpayer's suit against the County Commissioners of St. Mary's County, which notice has also been given to your attorney, Philip Angel, Esquire, Charleston, West Virginia, via telephone."

(Second letter) - "You are hereby authorized to proceed in accordance with the terms and conditions of the Contract dated April 9, 1974 for the removal of the rail, ties and material along government railroad from St. Andrews Church Road, St. Mary's County to Mile Post 12 near Hughesville, Charles County, Maryland.

"The Contract was executed, and it is herein restated, with Midwest Steel's full knowledge, and their contractor, Skip's Used Steel and Equipment Company, Mr. Darrell V. Harper, Jr., of pending litigation concerning the execution of this Contract against St. Mary's County." (This letter is to be signed by John Norris, County Engineer, and Darrell V. Harper, Jr., contractor for Midwest Steel).

Mr. Weiner recommended that Mr. Angel, Attorney for Midwest Steel be contacted by telephone to advise him of the above actions. During the conversation, Mr. Angel requested that if there is a time limit for completion within the contract that said completion time be held in abeyance in the event litigation prevented the contracting company from immediately proceeding.

The meeting adjourned at 11:00 a.m.

  
J. Wilmer Bowles  
President