

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, August 20, 1974

Present: Commissioner J. Wilmer Bowles, President
Commissioner George R. Aud
Commissioner J. S. Guy, Jr.
Paul R. Raley, Administrative and Logistic Officer
Judith A. Mullins, Recording Secretary

The meeting came to order at 9:00 a.m.

SIGNING OF DEED FOR STATE POLICE BARRACKS

Present: Lt. William Muchow, State Police
Patty Muchow, Beacon
Jack Kershaw, Enterprise

Commissioner Aud made a motion to approve and sign the Deed transferring five acres more or less from the County Commissioners of St. Mary's County to Maryland State Police for the use as a Police Barracks, seconded by Commissioner Guy and made unanimous by Commissioner Bowles.

The Commissioners will forward a letter to Col. Smith of the State Police requesting him to expedite the construction of the Barracks as soon as possible.

VISIT TO STEUART PETROLEUM COMPANY, PINEY POINT

At this time the Commissioners along with John Norris, County Engineer, visited the proposed refinery site to view the situation.

READING OF MINUTES

The minutes of August 13, 1974 were read and corrected.

APPROVAL OF MINUTES

Commissioner Aud made a motion to approve the minutes of July 16, 1974, seconded by Commissioner Guy and made unanimous by Commissioner Bowles, who signed same.

Commissioner Aud made a motion to approve the minutes of July 30, 1974, seconded by Commissioner Guy and made unanimous by Commissioner Bowles.

Commissioner Aud made a motion to approve the minutes of August 5, 1974, seconded by Commissioner Guy and made unanimous by Commissioner Bowles.

ALCOHOLIC BEVERAGE BOARD

Present: J. Frank Wilkinson, Chairman to the Board
 Virginia Russell
 G. P. Aschenback
 Robert Pogue, Secretary to the Board
 Joseph Weiner, County Attorney
 Harris Sterling, Finance Director

Commissioner Bowles stated that the reason the Alcoholic Beverage Board was requested to come before the Commissioners was to discuss the bill dated March 1972 in the amount of \$177.50 for services rendered January 2, through February 29, 1972 by Marvin Kaminetz, who was Attorney to that Board at that time. Commissioner Bowles explained that in 1972 the Commissioners had been advised by Harris Sterling, Director of Finance that they had no legal authority to pay this bill because the Attorney was paid a regular annual fee.

Mr. Wilkinson stated that Mr. Kaminetz was paid \$1,200 annually but had been called on for other special meetings and extra services and the Board felt that he should be paid for this additional work.

After discussion of the bill, Commissioner Aud made a motion to pay Marvin Kaminetz the total amount of the bill \$177.50 (\$65.00 for revision of Liquor Laws and \$112.50 for balance due from March 6, 1972 statement) to come from the unexpended FY 74 Operating Expenses of the Alcoholic Beverage Board Budget, seconded by Commissioner Guy and made unanimous by Commissioner Bowles. The check is to be forwarded to Marvin Kaminetz.

The Alcoholic Beverage Board assured the Commissioners that a situation like this would not arise again; that their new Attorney, Michael Davis, is strictly under a retainer fee.

SECRETARIAL HELP FOR ALCOHOLIC BEVERAGE BOARD

The Alcoholic Beverage Board requested permission from the Commissioners to hire a secretary in the event that Barbara Dotson, who presently takes minutes of their meetings, is not available. The Commissioners advised the Board that they should contact Ed Cox, Chief Clerk, to obtain a secretary from the roster of secretaries available.

SIGNATURE CARDS OF PUBLIC OFFICIAL OR PUBLIC BODY

Paul Raley presented the above signature cards from the First National Bank for the three Commissioners' signatures. The Commissioners signed same.

ROCK FESTIVAL AT TAKE IT EASY RANCH

Present: Sheriff Lawrence Williams
 Lt. William Muchow, State Police
 Dr. William Marek, Deputy Health Officer
 John Bailey, States Attorney
 Joseph Weiner, County Attorney
 Delegate John Hanson Briscoe
 Joseph Ernest Bell, II, Attorney

Also present were: James A. Bean, Sr.; J. Irving Knott; Hazel Knott; Joseph D. Knott; Bettie G. Bryd; Alice R. Shepherd; Mary Turner; Ann Dooley; Joyce Blevins; James A. Bean, Jr.; Elizabeth C. Bean; John V. Moran; Agnes T. Faunce; Henry S. Faunce, Sr.; Curtis Keith Parson; Alfred Knott; Clyde Mikeal; Judy Gordon.

Ernest Bell, representing James Bean, who is in opposition to upcoming rock festivals to be held at the Take-It-Easy Ranch in Calloway, presented petitions from individuals requesting an injunction against the scheduled performance at the Ranch this coming weekend and on September 5, 6, 7 and 8.

County Attorney Joseph Weiner referred to Article 56, Section 159 of the Annotated Code of Maryland in which other Counties have certain regulations providing for the obtaining of permits for outdoor musical festivals; however, St. Mary's County is not included in this legislation and Mr. Weiner stated that the Commissioners had no authority to proceed with any action.

Delegate Briscoe explained that even if St. Mary's were included in this Bill, it would only require obtaining of permits from the law enforcement agency and the Health Department. The promoter would have to satisfy the police of smooth traffic flow and security of the premises and he would have to provide the Health Department with evidence that there was proper sewage facilities, food dispensing and proper medical facilities. Delegate Briscoe further stated that the State Police has requested that St. Mary's County be included in this bill at the next legislative session. This bill does not give County any authority. This authority would lie with the State Police and Deputy Health Officer.

Sheriff Williams and Lt. Muchow explained how their departments handled the previous rock festival which was held in July and Commissioner Bowles stated he had been in constant contact with the various departments and stated that all departments handled the situation very well and was sure they would do just as well this time.

Dr. Marek stated that all his agency has to work with is Article 43, Section 2 of the State Law pertaining to camper parks. He said that Irving Knott, owner of Take-It-Easy Ranch, has been in contact with his department since 1973 to bring his site in compliance with camper regulations.

States Attorney John Bailey explained that these people have come to see the Commissioners today with their petitions because of their concern for their property.

Lt. Muchow and Sheriff Williams agreed that there would be sufficient police protection at the festival and they were in the process of obtaining estimates of the number of people attending.

Attorney Weiner requested Mr. Knott to notify the Sheriff and Health Department at least two weeks prior to a festival in order that proper arrangements could be made.

In summing up, Commissioner Bowles verified the fact with County Attorney Weiner that the Commissioners had no jurisdiction for action or authority for injunction, to which Mr. Weiner affirmed. Petitions were retained by Attorney Bell and no copies were left in the Commissioners Office.

REFINERY REFERENDUM

Present: Mrs. Jack Witten, Citizens Coalition
Leroy and Elise Bowman, Citizens Coalition

Mrs. Witten requested to come before the Commissioners to request the status of the proposed refinery situation at Piney Point. Commissioner Bowles explained that the Commissioners and John Norris, County Engineer, inspected the site this morning and are in the process of preparing letters to various agencies as Mr. Koegel of the Citizens Coalition had requested in his letter submitted at the County Commissioners' meeting last week.

In addition, Commissioner Bowles explained, a request was made of the TCC, since they are the regional agency and are represented by the Attorney General of the State, for all assistance possible from the State Governments and the Attorney General, including, but not limited to legal assistance to help St. Mary's County. Senator Bailey and County Attorney Weiner have also been requested to assist the Commissioners.

Mrs. Witten inquired as to why the Commissioners did not allow the Press to go with them to visit the refinery site at Piney Point. Commissioner Bowles emphatically informed Mrs. Witten that according to Jack Kershaw, Enterprise, that the Enterprise was denied

entrance to the property during the Commissioners' inspection visit this morning, by Steuart Company. Mr. Kershaw was present and heard the statement made to Mrs. Witten by Commissioner Bowles and confirmed same. Commissioner Bowles stated that the Commissioners had no control over who could or could not enter the property. The Commissioners had advised the Press that they would make the above-referred to inspection and invited the Press.

ANNUAL APPROPRIATION TO FIRE DEPARTMENTS AND RESCUE SQUADS

The secretary advised the Commissioners that Harris Sterling, Finance Director, requested authority from the Commissioners to appropriate funds for the fire departments and rescue squads. Commissioner Aud made a motion granting this request, seconded by Commissioner Guy and made unanimous by Commissioner Bowles.

COMPREHENSIVE WATER AND SEWER PLAN - 1974 UPDATE REVIEW

Present: John Norris, County Engineer
Kurt Pronske, Senior Associate, Barton-Aschman

Mr. Pronske reviewed the water and sewer maps with the Commissioners.

Categories are as follows:

- W or S - 1 - Existing system
- W or S - 2 - System ready to go
- W or S - 3 - System in two years
- W or S - 4 - Construction expected within three-year period
- W or S - 5 - Construction expected in five to ten years
- W or S - 6 - No plans for a system

Designations for the areas of St. Mary's County are as follows:

W-1 Category

Wicomico Shores;
Burch Manor;
King Kennedy Estates;
Mt. Pleasant Subdivision;
St. Clement Shores;
All of corporate limits of Leonardtown except the southwesterly portion extending to MacIntosh Creek;
Willows Run (Norris Road);
Town Creek Subdivision, Esperanza Farms Subdivision;
Naval Air Station
State-owned St. Mary's City College property with the exception of Visitors' Center (W-4) and historic acquisition area (W-6);
Webster Field;
Point Lookout State Park.

W-2 Category

Fenwick Manor.

W-3 Category

Part of incorporated area of Leonardtown, South of Route 5 and east of MacIntosh Run;
 North of Rte 235 in the Green Holly School area to southern end of Millstone Landing Road;
 Kitts Point, south of Webster Field;
 Dixon Trailer Park.

W-4 Category

Area east of Leonardtown to include Ryken High School property, Medical Arts Center, and Home for the Elderly. A separate independent water district to encompass Technical Center, Middle School, proposed high school site, Md. State Police Barracks site and Fairgrounds;
 Industrial Park - boundary line for this category is to the east boundary line of the proposed state park and St. Mary's County landfill;

Between the northern boundary of state park and landfill and St. Rte 235 from industrial park to Chancellors Run Road;

Visitors' Center.

W-5 Category

Mill Point Shores;
 Longview Beach;
 St. George Island;
 Golden Beach and Patuxent Knolls.

W-6 Category

The balance of the County.

(It should be noted that separate detailed maps of Piney Point, Breton Bay Subdivision, Lexington Park and St. Mary's City show the various water categories for their area.)

S- 1 Category

Wicomico Shores;

All of corporate limits of Leonardtown, except the southwesterly portion extending to MacIntosh Creek;

Naval Air Station and adjacent Cedar Cove subdivision and

Forest Park Subdivision;

Point Lookout State Park.

S-2 Category

(There were no S-2 categories on the county-wide Sewer Map.)

S-3 Category

St. Clement Shores;

Balance of corporate limits of Leonardtown, between MacIntosh Run and S-1 area;

Technical Center area;

Town Creek area immediately adjacent to railroad right-of-way and on southside on Chancellors Run Road and Industrial Park;

South of Turkey Neck to Norris Pond;

Kitts Point area.

S-4 Category

McKay's Beach, Herring Creek Watershed, south of Laredore Road;

South of Norris Pond almost to St. James Road (Elms property);

Lower reaches of Esperanza Farms.

S-5 Category

St. George Island;

Colton's Point, Avenue;

Millpoint Shores;

Longview Beach;

Golden Beach and Patuxent Knolls;

Newton Neck;

Breton Bay Subdivision;

Sanitary District No. 8, south of industrial park in the drainage basin of the main branch of St. Mary's River

bounded on the south by Indian Bridge Road and the state park.

S-6 Category

The balance of the County.

(Separate detailed maps of Piney Point, St. Mary's City and Lexington Park show the various sewer categories for their area.)

John Norris, County Engineer, listed the following recommended changes:

Shetland Acres - W-1 and S-3

Dixon Trailer Park - W-3 and S-3

Rolling Acres - W-1 and S-6

Mr. Norris is to look into the feasibility of outflow of the Newton Neck Area.

Mr. Pronske is to amend the maps in conjunction with this review after which time they will be presented to the Commissioners for approval.

The meeting recessed at 6:00 p.m.

Wednesday, August 21, 1974

Present: Commissioner George R. Aud
 Commissioner J. S. Guy, Jr.
 Paul Raley, Administrative Officer
 John Norris, County Engineer

The meeting reconvened at 11:30 a.m.

AWARDING OF BID - CHAPTICO WHARF

John Norris recommended that the Commissioners award the bid for the reconstruction of Chaptico Wharf to the lowest bidder, Colliflower & Peterson as follows: A. \$9.78 each of 2" x 10" x 10' decking on landing; B. \$5.88 each of 2' x 6" x 7' deck members, in an amount not to exceed \$284.10.

Commissioner Aud made a motion to accept this recommendation, seconded by Commissioner Guy.

AWARDING OF BID - ST. GEORGE ISLAND WHARF RECONSTRUCTION

John Norris recommended that the Commissioners award the bid for the reconstruction of the public wharf at St. George Island to the lowest bidder, Colliflower & Peterson as follows: A. \$36.85 each (bumper rails); B. \$15.25 each of 2' x 6" x 12' deck members in an amount not to exceed \$978.90.

Commissioner Aud made a motion to accept this recommendation, seconded by Commissioner Guy.

RESURFACING OF COUNTY ROADS (WILLOWS ROAD, SHANGRI-LA DRIVE
AND ESSEX DRIVE

John Norris advised the Commissioners that the State Highway Administration estimated the resurfacing of Willows Road, Shangri-la Drive and Essex Drive to be \$100,219.68. The amount budgeted was \$78,733.00. Commissioner Aud made a motion to approve the resurfacing of the above roads, subject to Mr. Norris determining the source of transfer of funds for the additional cost, seconded by Commissioner Guy.

STREET LIGHTING CONTRACT FOR ST. MARY'S COUNTY

Paul Raley presented the proposed Street Lighting Contract from the Southern Maryland Electric Cooperative, Inc. Commissioner Aud made a motion to approve this contract, subject to review by the County Attorney, seconded by Commissioner Guy.

SCOTCH POINT - SCOTCH MILL ROAD AND MILLSTONE LANDING

John Norris advised the Commissioners that the above roads, under the auspices of a Development Agreement between Scotch Point Limited, Inc. and the County Commissioners, were to be reconstructed. The project is now complete, and the work is satisfactory to the Engineer's Office and Mr. Norris said it would now be in order for the Commissioners to accept the Deed, dated August 9, for the realignment of the portions of these two roads. Commissioner Aud made a motion accepting Mr. Norris' recommendation, seconded by Commissioner Guy.

RIGHT-OF-WAY FOR COUNTY-OWNED RAILROAD PROPERTY FROM
LAUREL GROVE TO HILLVILLE

John Norris forwarded a memorandum dated August 9 to the Commissioners from his office containing the minutes of the meeting with representatives of SMECO, Richard McCoy, Chief Engineer and Walter Smith, Office Manager concerning the new right-of-way for County-owned railroad property from Laurel Grove to Hillville.

Commissioner Aud made a motion to authorize John Norris to proceed as set forth in the August 9 memorandum, seconded by Commissioner Guy.

FLOORING FOR DAY CARE CENTER
(LEXINGTON PARK HEALTH DEPARTMENT BUILDING

Paul Raley stated that no bids were received for the flooring at the Day Care Center located in the Lexington Park Health Department Building; therefore bids were solicited and only one was received which was from Lark Co., Inc. (Lawrence A. Pilkerton) in the amount of \$2,783.00. Mr. Raley stated that Mr. Pilkerton has finished the work but he would like to inspect it before payment. Commissioner Aud made a motion to authorize payment to Lark Co., Inc., subject to Mr. Raley making an inspection, seconded by Commissioner Guy.

AIRCRAFT IMPACT DISTRICTS

Present: Richard Platt, Zoning Administrator

Mr. Platt came before the Commissioners to request guidance as to how to proceed with the Planning Commission's Resolution regarding aircraft impact districts.

The Commissioners requested Mr. Platt to obtain the advice of the County Attorney whether to proceed by public hearing and Resolution or making it a formal amendment to the Zoning Ordinance.

PROPOSED FEE SCHEDULE

Present: Richard Platt, Zoning Administrator

Mr. Platt submitted a list of existing fees for Charles and Calvert Counties and proposed fees for St. Mary's County for the Commissioners' review.

INVALID'S CHAIR - CONTROL CENTER

Paul Raley stated that Rehabilitation had advised Otis Wood, Acting Director, Control Center, of the availability of an electric invalid's chair to be used by Walter Downs at the Control Center at a cost of \$3500, at no cost to the County. The Commissioners had no objection that this chair be provided for Mr. Downs.

PAINTING OF COURTHOUSE PARKING LOT AND ROAD IN FRONT OF COURTHOUSE

Commissioner Aud made a motion that John Norris have the Courthouse parking lot repainted and the street in front of the Courthouse repainted, seconded by Commissioner Guy.

MERCURY LIGHT IN FRONT OF LEXINGTON PARK HEALTH DEPARTMENT BLDG.

The Commissioners requested Paul Raley to look into the possibility of the County buying a mercury light for the above location and having it installed to determine if the cost would be less than having it done by SMECO.

ROAD BOND - BIRCH MANOR

John Norris submitted the Road Bond for Birch Manor, Section I, naming Hugh Allston, Principal and H. T. Waring, Surety, in the amount of \$90,520.00 for the construction of approximately 4,526 feet of road to be completed August 6, 1976, for acceptance by the Commissioners. Commissioner Aud made a motion to accept the above Bond, seconded by Commissioner Guy.

BILLS APPROVED

The following bills were approved by Commissioners Aud and Guy:

Jay McGrath, mileage expenses for the month of July 1974 - \$22.56;

Robert Willard, mileage expenses for the month of July 1974 - \$25.80;

PS Enterprises, Inc. for the printing of the Refinery Study Committee's Report - \$557.16.

MAINTENANCE/STORAGE BUILDING
ST. ANDREWS LANDFILL

John Norris recommended awarding the bid for the above project to Custom Metals, Inc., the lowest bidder, in the amount of \$13,576. Commissioner Aud made a motion to accept Mr. Norris' recommendation, seconded by Commissioner Guy.

ROAD RESOLUTION
GUNSTON DRIVE, CALIFORNIA, MD.

John Norris submitted the above Resolution, stating that Chestnut Street be designated as a stop street at its intersection with Gunston Drive and that Gunston Drive be designated as a through street at its intersection with Chestnut Street, for the Commissioners' approval. Commissioner Aud made a motion to approve the above Resolution and authorize Commissioner Bowles to sign same, seconded by Commissioner Guy.

ROAD RESOLUTION
JOY CHAPEL ROAD, HOLLYWOOD, MD.

John Norris submitted the above Resolution setting the speed limit on Joy Chapel Road at 30 miles per hour, for the Commissioners' approval. Commissioner Aud made a motion to approve the above Resolution, and authorize Commissioner Bowles to sign same, seconded by Commissioner Guy.

(Commissioner Bowles entered the meeting at this time.)

OFFICE EQUIPMENT FOR ZONING ADMINISTRATOR

Present: Richard Platt, Zoning Administrator

Mr. Platt submitted a request for supplemental funding appropriation for FY '75 for the purchase of office equipment for the Zoning Administrator and staff in an amount not to exceed \$4,000. Commissioner Aud made a motion to approve funding up to \$4,000 to come from the Contingency Fund and transferred to the Zoning Office, seconded by Commissioner Guy and made unanimous by Commissioner Bowles.

CONSTRUCTION PROJECT BY BOARD OF EDUCATION

A letter dated August 13, 1974 was received from Dr. King requesting funds for the construction project for a new home to be built by the Tech Center students in the amount of \$27,800. Commissioner Aud made a motion to approve the appropriation of these funds for materials for construction project as follows: \$4,530 from FY '74 Budget and \$23,270 from FY '75 budget, seconded by Commissioner Guy and made unanimous by Commissioner Bowles.

RESURFACING (ASPHALT) OF GOLDEN BEACH ROAD

The Commissioners unanimously approved the resurfacing of Golden Beach Road as follows:

Golden Beach Road from Rte 5 to the intersection of All Faith Church Road to be resurfaced with bituminous concrete (asphalt) - Spring 1975;

From intersection of Golden Beach Road and All Faith Church Road to northern end of new construction by Patuxent Knolls Development Corp. - reconstruction Spring 1975;

From southern end of new construction by Patuxent Knolls Development Corp. to intersection of Hillview and County Oaks Road - Reconstruction Spring 1975;

Intersection of County Oaks Road and Hillview Drive to its entire length to Adams Road - Resurfacing with bituminous concrete (asphalt) - October 1974.

John Norris is to draft a letter to Mr. John C. Benson of Golden Beach outlining the above.

The meeting adjourned at 1:15 p.m.

Approved:

J. Wilmer Bowles 9/24/74
J. Wilmer Bowles
President