

BOARD OF COUNTY COMMISSIONERS' MEETINGTuesday, September 17, 1974

Present: Commissioner George R. Aud  
 Commissioner J. S. Guy, Jr.  
 Edward V. Cox, Chief Clerk  
 Judith A. Mullins, Recording Secretary  
 H. D. McGlade, Comptroller

(Commissioner Bowles was not present.)

READING OF MINUTES

The minutes of September 11, 1974 were read and corrected.

The minutes of the Special Meeting of August 15 - Refinery Construction - were read.

CEDAR COVE - ECONOMIC IMPACT FEE

Present: James Kenney, Attorney  
 Byrone Koste (Cedar Cove)

Mr. Kenney came before the Commissioners to discuss the status of the economic impact fee in connection with the Cedar Cove project. Mr. Kenney explained that USDC was not requesting a waiver of the economic impact fee but a policy decision. He stated that Cedar Cove had an Agreement with the St. Mary's County Commissioners wherein the \$200 per lot fee was exceeded. He further stated that his client had contributed \$521 per lot as far as municipal facilities and would probably average \$1300 per lot at the time of completion. Mr. Kenney said his client is requesting a policy acknowledging contribution and has therefore complied with the economic impact fee. Mr. Kenney stated there should be a clarifying policy decision not for his client alone but for any other project under the same circumstances.

The Commissioners will take this matter under advisement and inform them at a later time when a decision is made.

METAL MAINTENANCE/STORAGE BUILDING - ST. ANDREWS LANDFILL

Present: John Norris, County Engineer

The bid for the above project had been awarded by the County Commissioners at their Wednesday, August 21, 1974 meeting to Custom Metals, Inc., the lowest bidder, in the amount of \$13,576; therefore, Mr. Norris presented the Contract for the Commissioners' signatures. Commissioner Aud made a motion to approve and sign the Contract between Custom Metals, Inc. and the County Commissioners of St. Mary's County, seconded by Commissioner Guy.



AWARDING OF BID - ST. GEORGE ISLAND ROADS

Present: John Norris, County Engineer

Mr. Norris stated he reviewed the bids that were opened September 3 on the above project and recommended awarding the bid to Dean Construction, the lowest bidder, in the amount of \$36,375.00. Commissioner Aud made a motion to accept Mr. Norris' recommendation, seconded by Commissioner Guy.

BIDS ON RESURFACING OF COUNTY OAK ROAD - GOLDEN BEACH

Present: John Norris, County Engineer

Bids on the above project were opened September 16, 1974. Three sealed bids were received as follows:

Bates Paving Co.	\$26,310.50
McGuire & Rolfe	\$27,435.00
Arundel Asphalt Products	\$24,024.00

Mr. Norris stated he reviewed the bids and recommended that the bid be awarded to Arundel Asphalt Products, the lowest bidder, in the amount of \$24,024.00. Commissioner Aud made a motion to accept Mr. Norris' recommendation, seconded by Commissioner Guy.

PINEY POINT WHARF

Present: John Norris, County Engineer

John Norris brought to the attention of the Commissioners the fact that the lowest bidder on the above project, Delahay's Pile Driving Service, was unable to qualify for the bonding requirements and therefore, requested the Commissioners to rescind their motion of May 14, awarding the bid to Delahay in the amount of \$15,900. Commissioner Aud made a motion rescinding said motion, seconded by Commissioner Guy.

Mr. Norris recommended awarding the bid to the second lowest bidder, Colliflower & Peterson, Inc., and signing of Contract for same, in the amount of \$16,860 with payments to be made as follows: \$8,430 paid upon delivery of materials to job site; \$4,215 paid upon completion of driven piles of soil; and \$4,215 payable upon completion of total project. Funding source for this project is the grant from the Department of Natural Resources. Commissioner Aud made a motion accepting Mr. Norris' recommendations, seconded by Commissioner Guy.

RIDGE DISPOSAL AREAOPENING AND CLOSING OF DISPOSAL AREA

Present: John Norris, County Engineer

Mr. Norris stated that the Engineer's Office has been using Richard Clark to open and close the Ridge Disposal Area at a



rate of \$1.25 per day and recommended that Mr. Clark now be paid under contractual services the sum of \$1.90 per day, with an increase to \$2.00 per day, effective January 1, 1975. Commissioner Aud made a motion to accept Mr. Norris' recommendation, seconded by Commissioner Guy.

SATAV ESCROW AGREEMENT

Present: John Norris, County Engineer

Mr. Norris stated a letter was received from Stephen Young, President, SATAV Corporation stating that the escrow agreement between SATAV and St. Mary's County expired August 1974 and therefore was requesting an extension in order for the road work to be completed for Section I and II in the fall. Commissioner Aud made a motion granting this extension, seconded by Commissioner Guy.

RAILROAD RIGHT-OF-WAY - SMECO

Present: John Norris, County Engineer

John Norris inquired if the Commissioners wished him to continue with the procedure as set forth in his memorandum of August 9 to the Commissioners concerning the right-of-way for County-owned railroad property from Laurel Grove to Hillville in light of the litigation from SMECO. The Commissioners reaffirmed their position as set forth in the minutes of August 20, 1974.

BROWN VS. COUNTY COMMISSIONERS

A letter dated September 10, 1974 was received from the County Attorney, Joseph Weiner, stating that Clarke Raley dismissed the case of Brown vs. County Commissioners, and requested that the County reimburse him for the filing fee of \$27.00. Mr. Weiner recommended in his letter that this payment be made to Clarke Raley. Commissioner Aud made a motion to reimburse Clarke Raley \$27.00 for the filing fee, seconded by Commissioner Guy.

ESTIMATE NO. 5 - HERMANVILLE ROAD

The County Engineer's Office forwarded Estimate No. 5 payable to McGuire & Rolfe in the amount of \$10,308.78 for the reconstruction of Hermanville Road and recommended payment of same. Commissioner Aud made a motion to accept Mr. Norris' recommendation, seconded by Commissioner Guy.



ESTIMATE NO. 11 - ST. ANDREWS CHURCH ROAD

The County Engineer's Office forwarded Estimate No. 11 payable to Regal Construction Company, Inc. in the amount of \$84,463.29 for the reconstruction of St. Andrews Church Road, and recommended payment of same. Commissioner Aud made a motion to accept Mr. Norris' recommendation, seconded by Commissioner Guy.

BILL APPROVED

The following bill was approved by Commissioners Aud and Guy:

Deputy Sheriffs for coverage at Ridge Carnival - 71 hours.

CHANGE ORDERS CO-1 through CO-5  
NURSING HOME ADDITION/ALTERATIONS

The County Engineer's Office forwarded CO-1 through CO-5 for the Commissioners' signature. Commissioner Aud made a motion to approve signing of said Change Orders, seconded by Commissioner Guy. Commissioners Aud and Guy signed same.

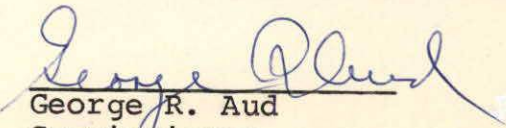
SUBSCRIPTION TO MARYLAND REGISTER

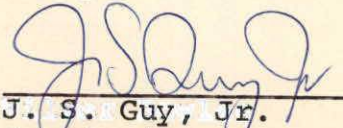
Ed Cox stated correspondence was received from the Secretary of State's Office stating that the Maryland General Assembly created a new Division of State Documents and one of its primary functions is to publish the Maryland Register, which will include proposed and adopted rules and regulations, notices of public hearings, synopses of all laws enacted each year by the General Assembly, etc. The annual subscription rate to the Maryland Register is \$25. Commissioner Aud made a motion approving the subscription for St. Mary's County, seconded by Commissioner Guy.

BOARD OF APPEALS  
ST. MARY'S COUNTY ZONING ORDINANCE

The Commissioners approved the creation of the Board of Appeals in accordance with Article 66B, Section 407(a) and to be effective September 17, 1974. Terms of office are as follows: Joseph C. Ellis, term to expire, September 17, 1977, Edwin Peregoy, term to expire September 17, 1977, Joseph E. Bean, term to expire September 17, 1977. John C. Benson was selected to serve as alternative for a three year term. Said term expires September 17, 1977. Commissioner Aud made a motion to approve the above actions, seconded by Commissioner Guy.

The meeting adjourned at 3:15 p.m.

  
George R. Aud  
Commissioner

  
J. S. Guy, Jr.  
Commissioner



BOARD OF COUNTY COMMISSIONERS' MEETINGTuesday, September 24, 1974

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

(Commissioner J. S. Guy, Jr. was not present.)

The meeting came to order at 10:00 a.m.

READING OF MINUTES

The minutes of September 17, 1974 were read and corrected.

APPROVAL OF MINUTES

Commissioner Aud made a motion to approve the minutes of the Special Meeting of August 15, 1974 - Refinery Construction, seconded by Commissioner Bowles, who signed same.

Commissioner Aud made a motion to approve the minutes of August 20-21, 1974 seconded by Commissioner Bowles, who signed same.

PRESENTATION OF COMMENDATION PLAQUES

Present: Michael Allen Pilkerton  
 Joseph Lawrence Parlett  
 John Knight Parlett  
 Randy Buehler, Beacon

Michael Allen Pilkerton and Joseph Lawrence Parlett were awarded commendations by the County Commissioners for their heroic volunteer service at the September 13, 1974 fire at the Oakville Landfill in which both were injured and required hospitalization.

MT. PLEASANT SUBDIVISION

Present: Nick and Patsy Downs  
 Richard Platt, Zoning Administrator  
 Joe Garner, Zoning Technician  
 Robert Willard, Planning Director  
 Joseph Ernest Bell, Planning Attorney

Mr. and Mrs. Downs came before the Commissioners to discuss their problem in obtaining building permits for the above project, consisting of five lots. The plat for Mt. Pleasant Subdivision was approved by the Planning Commission April 16, 1974, prior to the adoption of the Zoning Ordinance, May 28, 1974; however,



the plat has not been recorded, and a building permit cannot be issued until recordation of the plat. Mr. Bell explained that the Planning Commission had not been recording plats in order for the staff to work on the Zoning Ordinance and he was of the opinion that a developer should not be penalized because of this.

The Commissioners agreed that Mr. Downs could have the plat recorded and be issued building permits. Commissioner Aud recommended that the Commissioners accept the economic impact fee of \$200 per lot for five lots and if another policy is developed the money would be refunded. Mr. Downs stated he would be willing to pay this fee.

Mr. Platt requested that the Planning Commission include his office among the agencies that sign off on the plats prior to recordation. Mr. Willard agreed to this.

Commissioner Bowles requested Mr. Willard to supply Mr. Platt with a list of all subdivisions in process prior to the adoption of the Zoning Ordinance.

#### FISCAL '76 SCHOOL CONSTRUCTION PLAN

Present: James Ogden, Asst. Superintendent of Schools  
James Raley, Board of Education

Mr. Ogden and Mr. Raley presented an application to the State, Form No. 102.1a - Summary of Local Education Agency Current and Five Year Program Requests, dated October 1, 1974 and a Resolution for the Commissioners' signature for the Board of Education approving the application in the amount of \$10,504,351 - FY '76 for the Board of Education, St. Mary's County to the Board of Public Works, State of Maryland, for the purpose of financing school construction projects in St. Mary's County. Commissioner Aud made a motion to approve and sign said Resolution, seconded by Commissioner Bowles who signed same.

#### REFINERY CONSTRUCTION SUIT

A letter was received from Joseph Weiner, County Attorney, stating that the law firm of Sasscer, Claggett, Channing and Bucher of Upper Marlboro is willing to represent St. Mary's County in the suit - County Commissioners, St. Mary's County vs. Steuart Petroleum Company, et al for a fee of \$40.00 per hour. A member of the firm, James P. Salmon will be assigned to the case. Commissioner Aud made a motion that the County hire the above law firm for a fee of \$40.00 per hour, seconded by Commissioner Bowles.



COUNTY EMPLOYEES' GROUP INSURANCE

Commissioner Aud made a motion that the County make application for the group insurance with John Hancock Mutual Life Insurance Company, effective October 1, 1974 for county employees and to approve the payment of estimated monthly premium for said group insurance in the amount of \$2,274.48. Commissioner Bowles seconded the motion.

SPRING VALLEY SUBDIVISION - ZONING

Present: James Kenney, Attorney (representing Tim Casey, developer)  
Richard Platt, Zoning Administrator  
Robert Willard, Planning Director  
John Norris, County Engineer

Mr. Kenney came before the Commissioners on behalf of Mr. Tim Casey to discuss what he considered to be a zoning mistake with regard to Spring Valley Subdivision and the inability to obtain building permits on certain lots. He did not believe the Ordinance could apply to prerecorded subdivisions.

Mr. Kenney cited justifications for his opinion that said zoning should be R-4 instead of R-3 as shown on the official Zoning Maps. Mr. Willard agreed and stated that he felt a zoning mistake was involved.

After discussion regarding this matter, Mr. Kenney said he and Mr. Weiner would check the law and send the Commissioners a letter. Mr. Kenney said he would relay this information to his client.

The Commissioners requested Mr. Platt to develop a standard procedure for cases involving mistakes in zoning designations.

At the conclusion, John Norris stated it should be noted for the record that Mr. Casey had been made aware of the County's concern relative to storm water management, the flooding of the lots in that subdivision and the improper construction of the roads.

PINEY POINT WATER COMPANY PURCHASE

Present: John Pliesse, Attorney representing Metropolitan Commission

Mr. Pliesse appeared before the Commissioners to report that all conditions as set forth in the letter dated December 21, 1973 from the County Commissioners had been satisfied and therefore requested approval of the purchase of the Piney Point Water Company and the release of a check in the amount of \$20,000. Mr. Pliesse pointed out that the well which furnishes the main



supply of water is located on the Harry Lundeberg School property and is not part of the purchase. A public works agreement is being finalized between the Metropolitan Commission and the Harry Lundeberg School. Mr. Pliesse presented documents for all items showing compliance with the conditions of the December 21, 1973 letter from the Commissioners. The Commissioners accepted said documents and directed Mr. Sterling, Finance Director, to determine the source of funds for the \$20,000 and report same at the next scheduled County Commissioner Meeting.

LEASE AGREEMENT

OFFICE SPACE FOR RECREATION AND PARKS

Present: John Baggett, Director, Recreation and Parks

A Certificate of Insurance had been obtained from Frank A. Combs, the County's Insurance agent, as had been requested by the Commissioners at their August 13, 1974 meeting in order to comply with Paragraph 7, Page 3 of the Lease Agreement between Clarence T. Melvin and Nancy L. Melvin and the St. Mary's County Commissioners and the Board of Recreation and Parks of St. Mary's County for the use of office space for the Recreation and Parks Supervisor. Therefore, Commissioner Aud made a motion to approve and authorize Commissioner Bowles to sign said Lease Agreement, seconded by Commissioner Bowles, who signed same.

CONSULTING ENGINEERING SERVICES - STREET DESIGN, GOLDEN BEACH RD.

Present: John Norris, County Engineer

The County Engineer's Office solicited proposals from several major engineering firms. Seven proposals were received; Lorenzi, Dodds & Gunnill, Free State Land Surveying, Assoc., J. R. McCrone, Inc., MCA, Inc., Hugh Wilkerson & Assoc., John E. Harms & Associates and Barton-Aschman Associates, Inc. In accordance with the Commissioners' decision to extend the reconstruction of Golden Beach Road from its intersection with All Faiths Church Road to its intersection with Hillview Drive excepting the section constructed by Patuxent Knolls Partnership Limited, the County Engineer's Office requested two of the seven firms (Barton-Aschman, Assoc. and Free State Land Surveying) listed above to revise their proposals and resubmit.

The estimate of cost for the two firms was essentially the same; however, Barton-Aschman had included in their cost 28 necessary soil borings and had estimated fewer days to complete the work. Mr. Norris recommended that the Commissioners accept the proposal of Barton-Aschman in the amount of \$40,471.00 to perform the work, prepare the plans and specifications. This project should be advertised and contracted by February or March 1975.

Commissioner Aud made a motion to accept Mr. Norris' recommendation, seconded by Commissioner Bowles.



EXTRA WORK AUTHORIZATION - HERMANVILLE ROAD RECONSTRUCTION

Present: John Norris, County Engineer

John Norris requested extra work authorization in an amount not to exceed \$6,000 for three entrances on Hermanville Road. Commissioner Aud made a motion granting this request and said amount is to be transferred from the Contingency Fund, seconded by Commissioner Bowles.

POST OAK ROAD - ANCIENT OAKS LIMITED PARTNERSHIP

Present: John Norris, County Engineer

Mr. Norris presented a Deed by and between Ancient Oaks Limited Partnership and the County Commissioners of St. Mary's County accepting Post Oak Road (south of St. Mary's City) into the County system. Commissioner Aud made a motion accepting Post Oak Road into the County system, seconded by Commissioner Bowles.

LEONARD HALL SCHOOL - COUNTY OFFICES

Present: John Norris, County Engineer  
Paul Raley, Administrative and Logistic Officer

Mr. Norris presented plans to the Commissioners showing space utilization for the Office of County Engineer, Zoning Office and Planning Office. For the Engineer's Office it would take seven weeks with two men to complete at a cost of approximately \$2,000. Mr. Norris recommended hiring additional men to assist Joseph "Skip" Jones and James McElhenny to expedite the project in a more timely fashion.

The Commissioners authorized Paul Raley to hire the necessary men and report back to the Commissioners with recommendations and salary.

FUEL OIL BIDS - COUNTY OFFICE BUILDINGS

Present: Paul Raley

Mr. Raley stated that several bids were received for oil for the county office buildings; however, the Federal Energy Office advised him that the County should remain with the same supplier of oil used last year in order to guarantee a sufficient supply. Therefore, the Commissioners requested Mr. Raley to remain with Thrift Oil, who supplied the county last year, and also the lowest bidder, in an amount of .34¢ per gallon.



STATEMENT OF GRANT AWARD AND CONDITIONS

Ed Cox presented the above form to the Commissioners for a Full-time Special Prosecutor in the State's Attorney's Office, from the Governor's Commission on Law Enforcement and the Administration of Justice, and requested the Commissioners' approval of same. The State's Attorney has given his approval to the grant award conditions. The total cost of the project is \$10,417 and the County's share is \$677. Commissioner Aud made a motion to approve said form and authorize Commissioner Bowles to sign same, seconded by Commissioner Bowles.

ROAD RESOLUTION - PATUXENT BEACH ROAD

The County Engineer's Office forwarded the above Road Resolution designating Patuxent Beach Road adjacent to and in front of Town Creek Marina and Seven Gables Hotel as a "No Overnight Parking or Overnight Camping" zone. Commissioner Aud made a motion to approve this Resolution, seconded by Commissioner Bowles, who signed same.

BILLS APPROVED

The following bills were approved by Commissioners Aud and Bowles:

Ketch-All Company, dated September 11, 1974 for one four foot standard Ketch-All Pole for Dog Warden - \$31.67;

Alban Tractor, dated August 30, 1974, for landfill equipment parts - \$253.36;

Gulf Oil, for Dog Warden Truck for month of August - \$146.27;

Thrift Oil, for diesel fuel, oil, etc. for landfill - \$1,032.37;

State Highway Administration, dated August 22, 1974, Project "BW 801-512" - for work at Golden Beach Road and County landfill - \$2,421.82.

CLERK TYPIST B - COUNTY ENGINEER'S OFFICE

Present: John Norris, County Engineer

John Norris stated that Cindy Pilkerton has been a temporary employee in his office and he recommended that she be placed on permanent status subject to completion of probationary period as Clerk Typist B, Grade 5, Base, effective this date. Commissioner Aud made a motion to accept Mr. Norris' recommendation, seconded by Commissioner Bowles.



ZONING ADMINISTRATOR'S OFFICE - NEW POSITIONS

Present: Richard Platt, Zoning Administrator

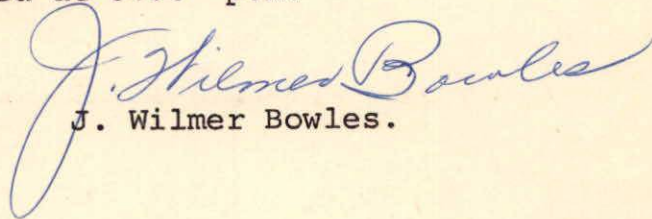
Mr. Platt stated that the position of Zoning Inspector had been placed at a Grade 9 position and he requested that it be changed to Grade 9/10. Commissioner Aud made a motion to approve this change, seconded by Commissioner Bowles.

Mr. Platt requested approval to hire a secretary for his office (Board of Appeals Recorder and Zoning Records Administrator) at a Grade 6/7 level and requested budget authorization in the amount of \$5,415.00 for the balance of FY '75. Mr. Platt also requested approval to hire a Building and Zoning Inspector at a Grade 9/10 level and requested budget authorization in the amount of \$6,750 for the balance of FY '75. Mr. Platt stated he is requesting approval at this time for these two positions because of the time lapse between time of authorization and the time of filling the positions. Commissioner Aud made a motion approving these two positions, seconded by Commissioner Bowles.

Mr. Platt requested budget approval in the amount of \$1,500 for office and operating equipment for the Zoning Office. Commissioner Aud made a motion approving this request, seconded by Commissioner Bowles.

The secretary position and Building and Zoning Inspector position and office equipment source of funding would be the Contingency Fund.

The meeting adjourned at 5:50 p.m.

  
J. Wilmer Bowles.