

BOARD OF COUNTY COMMISSIONERS' MEETING

Wednesday, December 18, 1974

Present: Commissioner James M. McKay, President
Commissioner Ford L. Dean
Commissioner J. Patrick Jarboe
Commissioner J. Laurence Millison
Commissioner John K. Parlett
Edward V. Cox, Chief Clerk
Judith A. Mullins, Recording Secretary

The meeting came to order at 9:35 a.m.

READING OF MINUTES

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

ELECTION OF VICE-PRESIDENT TO BOARD OF COUNTY COMMISSIONERS

Commissioner Jarboe made a motion to nominate Commissioner Parlett to serve as Vice-President to the Board of County Commissioners seconded by Commissioner Dean. The Commissioners voted unanimously in favor of this motion.

GROUP INSURANCE PROGRAM

Present: Frank Combs, Jr., Insurance Agent, John Hancock
Art Bingham, General Agent, John Hancock

Mr. Combs came before the Commissioners to explain the group insurance plan to the Commissioners that has been made available to employees, effective October 1, 1974. He explained the benefits and premium procedures and stated that he would like to have recommendations from the County what they would like in a group package and his company would try to provide it, if possible. Mr. Combs provided the Commissioners with enrollment cards and stated that the policy would be effective 30 days from the start of employment. Commissioner Millison stated he was in favor of putting the group policy out on competitive bids each year.

Mr. Combs presented two amendments to be approved and signed by the Commissioners; a continuity of coverage amendment and an amendment concerning employees who reach the age of 65. There is no supplemental medicare coverage under the contract; however, their dependents would remain covered until dependent reaches 65.

DEFERRED COMPENSATION

Present: Art Bingham, General Agent, John Hancock

Mr. Bingham made a visual presentation on Deferred Compensation to the Commissioners and provided the Commissioners with leaflets explaining the Program.

COMPREHENSIVE WATER AND SEWER PLAN UPDATE REVIEW

Present: John Norris, County Engineer
Mike Marlay, Director, Metropolitan Commission
John Fortunato, Executive Assistant, Met. Com.
Curt Pronske, Consultant, Barton-Aschman

John Norris explained that Barton-Aschman was authorized to update the Comprehensive Water and Sewer Plan under the guidelines of the 1975 State Health Department Regulations. The preliminary plan has been submitted to the State Health Department and we are now awaiting their comments. After a public hearing is held, the final draft will then be submitted to the State Health Department with accompanying Resolution and they will have six months to approve or disapprove the Plan. Mr. Norris stated that there was a great deal of input from the Metropolitan Commission, Health Department and other county agencies in the review and preparation of the Plan.

Mr. Pronske reviewed the Water and Sewer Maps and pointed out according to sanitary districts, what the Plan entails.

Categories are as follows:

- W or S - 1 Existing community service is available
- W or S - 2 Those communities or areas wherein the plans and specifications have been prepared for a community system, but has yet to go into construction.
- W or S - 3 An area where a system is expected to be constructed within a two-year period immediately following adoption of the Plan. (Immediate priority category.)
- W or S - 4 Where construction of a system is expected in a three to six year period.
- W or S - 5 Where construction of a system is expected in a six to ten year period.
- W or S - 6 No planned service is anticipated.

The designations on the Water and Sewer maps are as set forth in the Commissioners' minutes of August 20, 1974.

John Norris stated he has received several late requests for inclusion in the update of the Water and Sewer Plan; Country Lakes Subdivision, Newtown Neck, Shetland Acres Trailer Park, Hollywood SMECO and Piney Point Elementary School. Dr. Marek stated that Shetland Acres was placed in an S-3 category in the Plan and that SMECO has decided

to use a holding tank and therefore, will not be required to be included in the Water and Sewer Plan update. Mr. Norris stated that the Newtown Neck project will be presented to the Commissioners this afternoon. Discussion was held concerning the advantage or disadvantage of including these requests in the update at this time or whether a separate public hearing should be held to amend the Plan, later in the year. The Country Lakes Subdivision and the Newtown Neck project were discussed in this light.

Mr. Fortunato stated that the law requires a minimum of one update of the Plan a year; however, it could be amended on a twice a year or quarterly basis.

Commissioner Jarboe made a motion that Piney Point Elementary School be upgraded from S-6 to S-3 and be included in the 1975 update of the Comprehensive Water and Sewer Plan, seconded by Commissioner Dean. The Commissioners voted unanimously in favor of this motion.

John Norris is to schedule a public hearing for the latter part of January, allowing four weeks of advertisement because of the significance of the Plan. The Commissioners agreed to this.

Mr. Norris stated he would like to revise the schedule of submission to the State by making this Plan the 1975 update and start the 1976 update July 1, 1975 for submission of the Preliminary Draft to the State Health Department by December 31, 1975.

HOUSING AUTHORITY

Commissioner Jarboe moved that inasmuch as the Housing Authority of St. Mary's County is a county agency, appointed by the County Commissioners, serving the needs of the people of St. Mary's County, and inasmuch as the Housing Authority, in implementing its program is having a serious cash flow problem, including a \$12,000 loan with a local bank (\$4,260.00 due in January 1975, \$4,260 due in July 1975) and interim utility expenses of over \$3,000, that the County Commissioners authorize the expenditure of \$10,000 from the Contingency Fund, or such other source as the Comptroller would recommend, to help the Housing Authority maintain good faith and good credit in the community by meeting its financial obligations. Commissioner Parlett seconded the motion. All Commissioners voted unanimously in favor of this motion.

Commissioner Jarboe made a motion that inasmuch as the Housing Authority of St. Mary's County is a county agency, appointed by the County Commissioners, serving the needs of the people of

of St. Mary's County, and inasmuch as the Housing Authority is inadequately funded by the usual federal sources to properly administer its programs, and inasmuch as housing is a problem of all income levels in St. Mary's County, with many ongoing as well as unexpected crises, and inasmuch as St. Mary's County currently has no one expert in problems and programs of housing, that the Housing Authority be included in the budgeting process of the County for FY '76 in an amount sufficient to finance the administration of its low income programs and representation of the County in the field of housing and that consideration be given to bringing the Executive Director of the Housing Authority into the employ of St. Mary's County, as a contract employee. Commissioner Parlett seconded the motion. All Commissioners voted in favor of this motion.

ELECTRICAL EXAMINERS BOARD

Commissioner Dean made a motion to reappoint Kirk Sterling and Robert A. Russell to the Electrical Examiners Board, effective December 10, 1974, terms to expire December 10, 1978, seconded by Commissioner Jarboe. All Commissioners voted in favor of this motion.

NEWTOWN NECK PROJECT

Present: Dennis Webster, Caledon Development Corp.
H. Nick Prillaman, Jr., Wilbur Smith and Assoc.
James B. Foss, Frederick Ward Assoc., Inc.
David H. deVilliers, Land Dev. Assoc. of Balt., Inc.
John Norris, County Engineer
Richard Platt, Director, Land Use and Development
Joseph Weiner, County Attorney
H. D. McGlade, Comptroller
Jack Kershaw, Enterprise

Mr. Webster came before the Commissioners to request inclusion of the Newtown Neck project in the Comprehensive Water and Sewer Plan update. This 812 acre project consists of 2800 units (garden type and townhouse units).

Mr. Prillaman presented a Visual and Environmental Analysis of the project and the basic concept of the type of development for this project.

Mr. Foss explained that it would be advantageous to the County to have a joint venture which would solve the problems of the St. Clement's Bay, by amending the Water and Sewer Plan to include Newtown Neck as a subsanitary district and allowing a point of discharge into the Potomac River to serve both Newtown Neck and St. Clement Shores.

Mr. Webster stated that the Newtown Neck project is scheduled to go before the Technical Evaluation Committee January 16 and the Planning Commission January 26.

The Commissioners deferred this matter pending a report from the Planning Commission and Commissioner McKay was of the opinion that there should be studies made by the Metropolitan Commission, Health Department and other related agencies.

CENTER GARDENS TAX ABATEMENT

Present: Joseph Weiner, County Attorney

The Commissioners discussed with Mr. Weiner the tax abatement issue at Center Gardens. Commissioner Millison questioned Mr. Weiner as to what could be done in getting the Center Gardens' ownership to share in the tax burden of the County. Ed Cox was instructed to provide the County Attorney with all appropriate documents pertaining to this matter.

COURT CASE - RAILROAD TRACKS AND TIES

Present: Joseph Weiner, County Attorney

Mr. Weiner referred to his letter of December 12, 1974 in which he discussed the upcoming court case with Southern Maryland Electric concerning the sale of the railroad tracks and ties and requested direction from the Commissioners. The Commissioners advised Mr. Weiner that they would take his presentation under advisement and discuss the matter at next week's meeting.

LEAA GRANT - TRAINING CONFERENCE ON JUVENILE JUSTICE

Present: Al Szal, Circuit Court Administrator, Seventh Circuit
Marvin Kaminetz, Juvenile Master
H. D. McGlade, Comptroller

Mr. Szal requested approval by the Commissioners of the LEAA grant to enable Mr. Kaminetz to attend the Training Conference on Juvenile Justice to be held in New Orleans, Louisiana March 9 through March 13, 1975. The Federal Government will fund 90% of the project, local will fund 6.5% and state will fund 3.5%, which would amount to approximately \$35 which would come out of the judicial budget.

Commissioner Dean made a motion to approve Mr. Kaminetz's attendance at the Conference in New Orleans March 9 through 13, 1974, and to approve the LEAA grant for his expenses, seconded by Commissioner Jarboe. All Commissioners voted in favor of this motion.

CIRCUIT COURT PERSONNEL

Present: Al Szal, Court Administrator, Seventh Circuit

Mr. Szal referred to his letter of June 18, 1974, addressed to Judge Mattingly in which he suggests aligning the various court personnel positions with those in the County personnel system of similar function and responsibility. Attached to this letter is the suggested pay grades for the circuit court personnel. Mr. Szal stated that the Circuit Court employees should be awarded cost of living increases and annual merit increases, when warranted. Mr. Cox stated that this proposal leaves the question of management of a system over which the County would have no control. County benefits would be awarded the employees but we would have no control over those employees.

The Commissioners took this matter under advisement.

BRICKS OF THE OLD LIGHTHOUSE
ST. CLEMENT'S ISLAND

Commissioner Parlett stated that as a result of the recent storm, the bricks of the old lighthouse on St. Clement's Island were uncovered by the erosion process. He stated that Michael Humphries, County Archaeologist, had contacted him with regard to having them picked up. Commissioner Parlett stated verbal approval had been received from Mr. Plocek, Department of Natural Resources, to have them removed. Commissioner Parlett made a motion to authorize Mr. Humphries to have the bricks picked up and stored, pending receipt of a letter from the Department of Natural Resources giving approval, and if any expenses are incurred, Mr. Humphries should inform the County Commissioners, seconded by Commissioner Dean. All Commissioners voted unanimously in favor of this motion.

BILLS APPROVED

The following bills were approved by the Commissioners:

Barton-Aschman and Associates, Inc., Invoice No. 13962 for services rendered from July 27 through November 2, 1974 for the update of the 1974 Comprehensive Water and Sewer Plan (Fiscal Year 1974 Accounts Payable) - \$2,001.00;

State Highway Administration, dated December 4, 1974, for material inspections and control at St. Andrews Church Road, Contract No. SM-599-1-512 - \$3,072.72;

Thrift Oil Company, dated November 30, 1974, for gas and oil for landfill operation - \$1,326.35;

Whalen and Purdy, Inc., Estimate No. 3, General Contractor Option, Construction of foundations of Metal Maintenance Hangar Building at St. Mary's Airport - \$5,969.00;

Free State Surveying and Land Planning, Inc., for inspection services for month of November, 1974 for Hermanville Road reconstruction, Contract No. SM-352-1 - \$2,222.80;

McGuire and Rolfe, Inc., Estimate No. 8, Hermanville Road reconstruction Contract No. SM-352-1 - \$61,806.28;

Commissioner Millison made a motion to approve payment of the above bills, seconded by Commissioner Jarboe. All Commissioners voted in favor of this motion.

BOND FOR SHERIFF

Ed Cox presented the Bond for the Sheriff to be approved by the Board of Commissioners. The Bond is to be submitted to the County Attorney for his review and approval as to legal sufficiency. The Commissioners approved acceptance of the Bond, pending approval by the County Attorney.

RAILROAD RIGHT-OF-WAY AGREEMENTS

Ed Cox presented two contrasting agreements among SMECO, C & P Telephone Co. and St. Mary's County regarding a deed of easement for the use of the railroad right-of-way by C & P Telephone Company. Mr. Cox stated he reviewed both agreements with the County Attorney and County Engineer and they were of the opinion that the Board of Commissioners should require adherence to the initially developed agreement rather than the one recently submitted by C & P. The Commissioners were in agreement that Mr. Cox should notify the C & P Telephone Company of this decision.

PRESS CONFERENCES

It was decided by the Board of Commissioners to hold the regular monthly Press Conference the first Wednesday of each month at 11:00 a.m. for an hour's duration. The January Press Conference will be held Thursday, January 2, 1975.

CIVIL SERVICE PERSONNEL STUDY

Ed Cox advised the Commissioners that he has received the completed personnel study conducted by the Civil Service Commission. It is now due for review by the Commissioners. The project leader from the Civil Service Commission, Philadelphia, will come before the Commissioners to review the study. The Commissioners decided to have an inhouse review of the study on January 3 at 1:00 p.m. prior to the Civil Service presentation.

NURSING HOME PERSONNEL

For informational purposes, Ed Cox advised the Commissioners that the Nursing Home has been making proposals since 1967 for inclusion of their employees on the County personnel system and recently submitted a letter reiterating this request and that legislative changes would be necessary. Ed Cox stated the file on this matter has been submitted to the County Attorney.

X-RATED MOVIES AT 235 DRIVE-IN

Ed Cox stated that Nick Smith, Executive Director, Chamber of Commerce, contacted him concerning X-rated movies at the 235 Drive-In. Complaints from the Town Creek Citizens Association have been received. The Commissioners were of the opinion that this was a matter for the State's Attorney and should be turned over to him.

DEPARTMENT BUDGETS

As had been requested by the Commissioners at last week's meeting, Ed Cox submitted a report on the budget of all Departments through the month of October 1974.

CONTINGENCY FUND

Ed Cox presented a report on the transactions involving the Contingency Fund and remaining balance of same, as had been requested at last week's meeting.

REVIEW OF AMENDMENTS TO 1954 SUBDIVISION REGULATIONS

Present: Richard Platt, Director, Land Use and Development

At this time the Commissioners reviewed the Amendments to the 1954 Subdivision Regulations with Mr. Platt prior to the public hearing.

PUBLIC HEARING
SUBDIVISION REGULATIONS

Present: Richard Platt, Director, Land Use and Development
Joe Garner, Zoning Technician
Robert Willard, Special Assistant

At this time the public hearing was held for consideration of the readoption of the 1954 Subdivision Regulations and the Procedures Governing the Submission and Approval of Land Subdivision Plans in St. Mary's County (Resolution No. 72-28, effective September 26, 1972).

The secretary read the Legal Notice of Public Hearing, a letter dated December 18, 1974 from the Office of Land Use and Development and the proposed Resolution adopting "Regulations Relating to the Control of Land Subdivision in St. Mary's County, January 12, 1954, and Resolution No. 72-28 entitled Procedures Governing the Submission and Approval of Land Subdivision Plans in St. Mary's County, Maryland, September 26, 1972," as an interim measure.

Mr. Platt submitted errata changes to the 1954 Subdivision Regulations.

Commission McKay asked if anyone present wished to speak for or against this subject. There were no opponents or proponents.

At this time the public hearing was closed. There must be a least a ten-day waiting period before the Commissioners can take any action on the adoption of the above.

SECRETARIES IN SHERIFF'S OFFICE

Mr. Sanger, Sheriff, forwarded a letter dated December 17 requesting consideration of the possibility of hiring a temporary secretary due to the illness of Catherine Mattingly, for the period of time Mrs. Mattingly would be out. Commissioner Dean made a motion to grant this request, seconded by Commissioner Millison. All Commissioners voted in favor of this motion.

Mr. Sanger also requested that Rebecca W. Norris, Secretary in the Sheriff's Office be paid for the remaining four days of leave she is unable to take due to the illness of Mrs. Mattingly. Commissioner Dean made a motion to grant the sheriff's request, seconded by Commissioner Jarboe. All Commissioners voted in favor of this motion.

LINE ITEM TRANSFER
(MISCELLANEOUS-TRANSPORTATION ACCOUNT)

Ed Cox stated there was no budget allocation for expenses and travel for the County Historian, Edward Beitzell nor the County Archaeologist, Michael Humphries, and therefore requested to include this under the Miscellaneous (transportation) Account No. 15-18341. He requested that \$200 (\$100 each) be taken from the Scholarship Account #15-18351 and transferred to Account No. 15-18341 for the remaining of the fiscal year.

Commissioner Jarboe made a motion to approve this transfer, seconded by Commissioner Millison. All Commissioners voted in favor of this motion.

LINE ITEM TRANSFER
DOG WARDEN - MILEAGE AND EXPENSES

Ed Cox stated that because of the expenses incurred by the upkeep of the Dog Warden's vehicle, the past Board of Commissioners authorized the purchase of a new vehicle. Mr. Cox requested a transfer in the amount of \$3,250 from the Scholarship Account #15-18351 and \$5,000 from the Contingency Fund to be placed in the Dog Warden's mileage and expenses Account No. 15-18221 for the purchase of a new vehicle. Commissioner Jarboe made a motion to approve the above transfers, seconded by Commissioner Dean. All Commissioners voted in favor of this motion.

MACO WINTER CONFERENCE

Mr. Cox brought to the Commissioners' attention the fact that the Annual Winter Meeting of the Maryland Association of Counties will be held January 15, 16, and 17 at the Hunt Valley Inn. Mr. Cox is to request the various Department heads to submit a request for attendance for approval by the Commissioners.

SOLID WASTE MANAGEMENT CONFERENCE

Ed Cox stated there will be a conference on Solid Waste Management and Resource Recovery in Smaller Municipalities January 25, at the Friendship Inn. Mr. Cox is to forward this information to John Norris, County Engineer, who will review the material and report to the Commissioners whether he will attend.

RESOLUTION - CHANGING STREET NAMES IN SOUTHAMPTON SUBDIVISION

Present: John Norris, County Engineer

John Norris explained the procedure in changing of street names, that such changes are submitted to the State Highway Administration for inclusion of their update of County maps.

Commissioner Dean made a motion to approve the change of names in Southampton Subdivision as set forth in last week's

minutes, subject to said changes being provided to the Control Center, seconded by Commissioner Jarboe. All Commissioners voted in favor of this motion.

SPEED LIMIT RESOLUTIONS

Present: John Norris, County Engineer

John Norris explained that procedures for setting speed limits are under the control of the County and are determined by requests from citizens, recommendation by State Police and traffic engineering consideration.

Commissioner Jarboe made a motion to approve the Resolutions setting the speed limit on the newly constructed portion of Hermanville Road at 40 miles per hour and the speed limit on the portion of Hermanville Road extending in a southerly direction of approximately 1.55 miles from its intersection with Rte 235 to 35 miles per hour, seconded by Commissioner Dean. All Commissioners voted in favor of this Resolution.

SIGNATURE APPROVAL OF VARIOUS BANK ACCOUNTS - CHECK SIGNING AUTHORITY

Present: Harris Sterling, Finance Director

Mr. Sterling requested that there be three signatures for check signing approval, but only the necessity of two; those being the President of the Board and the Chief Clerk and, in the absence of the President of the Board, the Vice-president.

VALLEY LEE COUNTY-OWNED PROPERTY

Commissioner McKay raised the question as to what had proceeded in regard to the county-owned property at Valley Lee since the former Board of County Commissioners had resolved to declare it excess property. After some discussion concerning the possible recreational use of said property, the situation should be re-evaluated and discussed with the County Attorney and John Baggett, Director, Recreation and Parks.

MARGARET BRENT SCHOOL

Commissioner McKay raised the question concerning the Board of Education's decision to demolish Margaret Brent School.

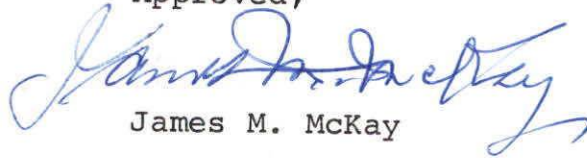
After some discussion, Commissioner Millison made a motion that the Commissioners request the Board of Education not

to demolish the school until such time as an evaluation could be made whether other county agencies would be able to make use of it, seconded by Commissioner Parlett. All Commissioners voted unanimously in favor of this motion.

Ed Cox is to forward a letter to the Board of Education stating the County's position and request an explanation of their plans with regard to the school.

The meeting adjourned at 5:30 p.m.

Approved,



James M. McKay

1/2/75