

BOARD OF COUNTY COMMISSIONERS' MEETING

July 16-17, 1975

Wednesday, July 16, 1975

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

The meeting was called to order at 9:10 a.m. by Commissioner President McKay.

READING AND APPROVAL OF MINUTES

The minutes of July 9-10, 1975 were read and corrected. Commissioner Jarboe made a motion to approve the minutes as corrected, seconded by Commissioner Dean. All Commissioners voted in favor of this motion.

VOUCHERS APPROVED

Commissioner Parlett made a motion to void Checks and Vouchers No. 12663 through 12684, which were inadvertently destroyed, seconded by Commissioner Jarboe. All Commissioners voted in favor of this motion.

Commissioner Parlett made a motion to approve Vouchers No. 12234 through 12818, dated June 30, 1975, seconded by Commissioner Jarboe. All Commissioners voted in favor of this motion.

BAD CHECKS RECEIVED BY COUNTY TREASURER

Mr. Cox, Chief Clerk, presented a memorandum from Mr. McGlade Comptroller regarding bad checks received by the County Treasurer and outlining procedures to be taken to preclude further losses from similar events. The Commissioners requested that the County Attorney review Mr. McGlade's memorandum and make comments to the Commissioners.

PROJECT MANAGERS - CAPITAL ACCOUNTS

Mr. Cox, Chief Clerk, recommended to the Board of County Commissioners that the following capital accounts be assigned Project Managers as follows:

<u>Line Item Description</u>	<u>Account No.</u>	<u>Project Manager</u>
Tourist Center	90-90052	Chief Clerk
Leonard Hall	90-90212	Paul Raley
Courthouse paving	90-90322	Paul Raley
Courtroom renovation	90-90332	Paul Raley
"Dove" allotment	90-90002	Budget Officer
<u>(Airport Improvements)</u>		
Entrance	95-99011	County Engineer
Beacon-Radio	95-99021	" "
Wire Reils	95-90031	" "
Taxiway	95-99041	" "
Beacon-Relocation	95-99051	" "
Approaches-clearing	95-99061	" "
Tie Downs	95-99071	" "
Seeding	95-99081	" "
Parking-Airplanes	95-99091	" "

Commissioner Parlett made a motion to accept the Chief Clerk's recommendations, seconded by Commissioner Jarboe. All Commissioners voted in favor of this motion.

BILLS APPROVED

The Commissioners approved payment of the following bills:

Maryland Association of Counties for 1975-76 dues and Assessments - \$2389.00.

Tri-County Council for Southern Maryland, payment for fiscal year 1975-76 - \$9,000.

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

PUBLIC HEARING - COMPREHENSIVE WATER AND SEWER PLAN  
COUNTRY LAKES SUBDIVISION

Mr. Cox, Chief Clerk, advised the Commissioners that there will be a public hearing August 4, 1975 at 1:30 p.m. in the Commissioners' Conference Room for the Country Lakes Subdivision change in category in the Comprehensive Water and Sewer Plan from W-6 to W-3 for Section 1 and W-6 to W-4 for Section 2, 3, 4 and 5.

BICENTENNIAL LETTERHEAD

The Bicentennial Commission recommended that the Commissioners consider using on their letterhead the Bicentennial logo for the Bicentennial year. Commissioner Jarboe made a motion to accept this recommendation, seconded by Commissioner Dean. Four Commissioners voted in favor of this motion, with Commissioner McKay abstaining.

CHANGE ORDERS - COUNTY BUDGET

Present: Joseph O'Dell, Budget Officer

Mr. O'Dell recommended three changes relative to the budget to the Commissioners as follows:

County Attorney - Change Order No. 76-80 - To increase Account No. 15-16191 (Salaries General) and decrease Account No. 15-16281 (Contracting service for legal assistance) by an amount of \$9500. This would be an interim measure until a contract is worked out with County Attorney.



County Engineer's Office - Change Order No. 76-81 - To increase Account No. 57-57241 (Ad-legal notices - County Engineer) and decrease Account No. 36-36241 (Ad-legal notices - Administrative and Logistic Services) by an amount of \$3,000. This would be in keeping with the current county policy of permitting the respective department heads to handle ads and legal notices germane to his questions.

State's Attorney - Change Order No. 76-82- To increase Account No. 20-22101 (Salary Allotment Account) and decrease Account No. 20-22191 (Salarie General) by an amount of \$11,500.

Commissioner Jarboe made a motion to accept Mr. O'Dell's recommendation for Change Orders 76-81 and 76-82 (County Engineer and State's Attorney), seconded by Commissioner Parlett. All Commissioners voted in favor of this motion.

The Commissioners will discuss with the County Attorney his contract prior to their making a decision on Change Order 76-80.

REQUEST FOR FUNDS - CRIMINAL INVESTIGATION DIVISION

Present: Deputy George Sanger  
Deputy Don Purdy

Sheriff Sanger and Deputy Purdy came before the Commissioners to request \$1,000 for the Criminal Investigation Division to buy stolen property. Deputy Purdy cited several instances for which the money would be used and the money would be retrieved after an arrest is made. A log would be kept as to how much money was used, who it was given to, the case it relates to, and the date.

The Commissioners requested the Sheriff to put his request in writing and to set forth the accounting procedure as to how this money will be handled. Commissioner Millison inquired of the Sheriff as to the disposition of the confiscated narcotics once the case is closed.

Sheriff Sanger stated that the arrangements has been made with the hospital to burn the narcotics after the Judge issues a Court Order.

PRISONER SENT TO UNIVERSITY HOSPITAL

Present: Sheriff George Sanger

Sheriff Sanger brought to the Commissioners attention the fact that one of the prisoners, Ronald Thomas, had been complaining of severe headaches and was sent to St. Mary's Hospital. The house doctor recommended that he be transported to University Hospital in Baltimore where tests were given. The report came back that there was nothing physically wrong with him.

The Sheriff advised that a bill will be forthcoming from University Hospital. The County Attorney will be requested to comment on the County's responsibility for payment of medical bills for prisoners.

METROPOLITAN COMMISSION

Present: Mike Marlay, Director  
Charles Manders, Attorney  
Lewis C. Merchant, Chairman

Mr. Marlay explained that the purpose of this meeting was to announce an action which had been approved by the Metropolitan Commission regarding the Center Gardens project. St. Mary's Gardens (Center Gardens) owes the Metropolitan Commission for water service, and the Metropolitan Commission intends to turn off the water for the St. Mary's Garden project, effective August 15 at 6:00 a. m. if monies due are not received. Mr. Cestone, Secretary of Verona Housing, Inc. has been notified of this action by Registered Mail.

Mr. Marlay explained that he has been in touch with Captain Laney on this subject and Captain Laney said that the Navy could no longer act as an intermediary on this. Mr. Manders explained the chronological history of the litigation with Center Gardens.

Mr. McKay inquired of Mr. Marlay if he and their attorney were satisfied that they had legal authority to turn off the water.

Commissioner Parlett stated that the law states that the Metropolitan Commission, after all bills has been declared delinquent 30 days after due date, the water shall be turned off. However, because of litigation, which has now been terminated, the water had not been turned off at the Center Gardens.

The Metropolitan Commission will keep the Commissioners informed of the developments in this matter.



PRESS CONFERENCE

Present: Jack Kershaw, Enterprise  
Richard Polk, Enterprise  
Dick Myers, WKIK  
Randy Buehler, Beacon  
Patty Muchow, Guardian  
Brian Murphy, Guardian  
Cable Television

The regular bi-monthly Press Conference was held at this time. A tape of the Conference is on file in the Commissioners' Office.

20-YEAR AWARD PRESENTATION

Present: Mary Agnes Buckler  
Virginia Johnson  
County employees

At this time the Commissioners awarded Certificates of Commendation and long stem roses to Mary Agnes Buckler and Virginia Johnson for 20 years of dedicated service to St. Mary's County.

PROCLAMATION NO. 75-55 - EDWIN BEITZELL

Present: Edwin Beitzell

The Commissioners presented Proclamation No. 75-55 to Edwin Beitzell recognizing him for his many years of generous and dedicated service.

STEUART PIER EXTENSION

Present: Col. Walter Simpson

Col. Simpson came before the Commissioners to request that they taken a stand in the opposition to the Steuart Pier Extension at Piney Point.

Col. Simpson explained that the Chesapeake Bay is a retained body of water and for that reason any contamination of the Bay contaminates the whole area surrounding the Bay. He felt that spillages from barges at the Steuart Oil Terminal would create a problem, and recommended that there be slips to encompass the barges while unloading oil, which would give protection in case of spillage.

Commissioner McKay stated that the Commissioners intend to make some contribution with regard to comments on the pier, either as a group or individually, in response to the Corps of Engineers Environmental Impact Draft Statement.

In addition, Col. Simpson stated that the State of Maryland has the lowest percentage of engineers and because industry should be supervised in order that it does not affect the environment, engineers are needed on the staff of the State and the County.

ENVIRONMENTAL IMPACT STATEMENT REVIEW  
(STEUART PIER EXTENSION)

Present: Don McGlade, Comptroller

The Commissioners requested Mr. McGlade to try to get an extension of time from the State Clearinghouse for submission of comments on the Steuart Pier Extension at the Piney Point Oil Terminal.

Mr. McGlade returned later in the meeting to state that an extension of time was received and that our reply should be received on or before August 3.

The Commissioners called a meeting of the Environmental Committee for Friday, July 18 in order to give them an opportunity to review the Impact Statement and make comments.

DUALIZATION OF ROUTE 235

Commissioner Dean stated that since he will not be in attendance at the meeting with the State Highway Administration scheduled for Thursday, July 24, at 10:00 a.m., he requested that the other Commissioners bring to the SHA's attention a suggestion that gravel be brought up to the pavement along median strip along Rte 235 or that the shoulders should be surface treated to give definite edge to the grass.

BOUNDARY ROAD - GOLDEN BEACH SUBDIVISION

Present: Col Creighton B. Olson

Col. Olson submitted a petition from property owners on Boundary Road concerning the improvement of this road in the Golden Beach Subdivision. Col. Olson described the condition of the road in that it was becoming impassable. He suggested that Boundary Road be graded in order to keep water in the right direction.



Commissioner Parlett stated that this had been discussed with Mr. Benson, Chairman, Roads Committee, Golden Beach, and that John Norris, County Engineer, had recommended that the road be closed off because of insufficient sight distance.

Boundary Road is not the County System and therefore, Commissioner Jarboe stated that since it may take approximately a year to resolve the matter of taking roads into the County System, some emergency interim measure should be taken for roads that are in a hazardous condition.

Commissioner Parlett stated that since the corporation that originally started the Golden Beach Subdivision had dissolved, a determination would have to be made as to who holds the title for the roads in Golden Beach.

The County Attorney will be requested to make determination as to the ownership of roads. In addition, the Commissioners will obtain a copy of the Agreement between the County and the original developer to see what the road situation is.

Commissioner Dean stated that the County Engineer will be requested to make comments concerning a guideline to use as an emergency measure. Roads will have to have a reasonable likelihood of becoming a part of the County System and determined whether or not the road could be corrected for adequate passage during the winter months.

The Commissioners will make a decision on this at a later date and advise Col. Olson of their action.

#### POINT LOOKOUT WASTEWATER TREATMENT PLANT

Present: Richard Platt, Director, Land Use and Development  
Mike Marlay, Director, Metropolitan Commission  
Charles Pessagno, Engineer, Metropolitan Commission  
Walter Raum, Health Department

Mr. Platt presented a letter to the Commissioners enclosing information from local agencies and his department pertaining to the Point Lookout Wastewater Treatment Plant. The Metropolitan Commission presented two maps depicting two proposed routes for lines leading to the treatment plant that will be submitted to the Department of Natural Resources at their meeting on this subject on July 22. Mr Pessagno stated that Plan A was the most desirable; however, if the DNR was not receptive to Plan A, Plan B would be submitted to them.



In discussing the expansion of the Treatment Plant, Commissioner McKay stated that if DNR could be shown that the expansion would not affect the Park and that it would accommodate the Lake Conoy Sanitary District that they may be receptive to turning the plant over to the County and buy services from the County.

It was Commissioner McKay's opinion that if by expanding the treatment plant there would be loss of campsites, assurance should be given them that these sites would be replaced.

The Commissioners gave sanction to the Metropolitan Commission to proceed with presenting Plan A to DNR and if they are not receptive to this Plan present Plan B.

#### AICUZ COURSE

Present: Richard Platt, Director, Land Use and Development

Mr. Platt presented a memorandum requesting permission to attend the AICUZ Course October 7-8, 1975 at Pensacola, Florida at a cost of approximately \$300. The Commissioners will advise Mr. Platt of their decision at a later date.

#### ELM'S PROPERTY USE

Present: Dr. Frank VanAalst  
Roland Bonham

Dr. VanAalst came before the Commissioners to present recommendations from the Elms Property Committee with regard to the use of this property. Dr. VanAalst stated that it was not feasible to make use of this property this summer in that they could not get a favorable percolation test. He listed other uses, such as cement plant and farming for which this area was not suitable.

Recommendations from the Elms Property Committee were: 85 acres for timber forestry (50 acres for clearcut white pine and 35 acres for pulpwood); and hunting area for private sportman's club and public use by Wildlife Administration, which could utilize youngsters in the Youth Employment Program.

Commissioner Millison suggested that the Issac Walton League be contacted to see if they would be interested in leasing some of the land as a game preserve.

The Commissioners requested Dr. VanAalst to put the recommendations in writing and would like to see it used for public use rather than private.

The meeting recessed at 4:30 p.m.

Thursday, July 17, 1975

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

The meeting reconvened at 9:12 a.m.

DEMOLITION OF BUILDINGS - HEALTH DEPARTMENT  
SCHEDULE OF FEES

Present: Walter Raum, Health Department  
Richard Platt, Director, Land Use Office  
Dan Raley, Chief Permits and Inspection

In discussing the permit required by the County for demolition of buildings, Mr. Raum explained the permit required by the Health Department if the demolition is by burning. Dan Raley stated that when an individual comes to his office for a permit for demolition, he is sent to the Health Department if he intends to burn the building.

REVIEW OF SCHEDULE FEES

Present: Richard Platt, Director, Land Use Office  
Dan Raley, Chief Permits and Inspection  
Rubye Beaman, Chamber of Commerce  
Nick Smith, Chamber of Commerce

At this time the Commissioners reviewed and revised the Building Permit Fee Schedule, Fees for Occupancy Permits, and Schedule Fees (Planning and Zoning Actions).

Commissioner Dean made a motion that the Commissioners adopt the above-referenced Fee Schedules, and discussed and revised this date, to be effective August 1, 1975, subject to final review by the Board of final typed Schedule, seconded by Commissioner Jarboe. All Commissioners voted in favor of this motion.

EXECUTIVE SESSION

Present: Joseph Ernest Bell, II, County Attorney  
John Norris, County Engineer

At this time the Commissioners voted unanimously to go into Executive Session to discussion matters of litigation.



FEDDERS VS. COUNTY COMMISSIONERS

Present: Joseph Ernest Bell, II, County Attorney  
John Norris, County Engineer

Mr. Bell stated that the County had paid a Judgement of \$10,000 in Fedders vs. County Commissioners court case. The insurance company submitted a check in the amount of \$5,000 to reimburse the County for one-half of that settlement.

Correspondence from former County Attorney Weiner recommended that the County accept the \$5,000 check. Mr. Bell stated that based on his review of the case, he recommended that the County accept the \$5,000 from the insurance company. He stated he would write to the Department of Natural Resources to see if they would pay \$5,000 towards the settlement. Commissioner Jarboe made a motion to accept the \$5,000 check as recommended and to authorize Mr. Bell to contact the Department of Natural Resources, seconded by Commissioner Parlett. All Commissioners voted in favor of this motion.

COUNTY COMMISSIONERS VS. RILEY BROTHERS

Present: Joseph Ernest Bell, II, County Attorney

Relative to the suit filed by the County Commissioners against Riley Brothers with regard to Spring Valley Subdivision, the County Attorney requested the Commissioners' approval of Attorney Bennett Crane to serve as co-counsel in this matter. Bennett Crane was the former Attorney for Anne Arundel County and Mr. Bell stated that he has a great deal of expertise in this particular area of law.

Commissioner Dean made a motion to enter into a contract arrangement with Attorney Crane to assist County Attorney in that case of County Commissioners vs. Riley Brothers, seconded by Commissioner Jarboe. All Commissioners voted in favor of this motion.

METROPOLITAN COMMISSION - REVISION OF STATUTES

Present: Joseph Ernest Bell, II, County Attorney

With regard to the proposal of the Metropolitan Commission to retain the firm of Piper & Marbury to review and redraft their statutes at the cost of up to \$2500, the County Attorney was of the opinion that the Metropolitan Commission's statutes were in need of revision.

Commissioner Jarboe made a motion to authorize the Metropolitan Commission to proceed to have their section of the Code revised, using Piper & Marbury, and to make full use of the Legislative Reference in Annapolis to reduce the cost, seconded by Commissioner Dean. All Commissioners voted in favor of this motion.

PROPOSED AGREEMENT WITH BRISCOE AND KENNEY

Present: John Norris, County Engineer  
Joseph Ernest Bell, II, County Engineer

In discussing the proposed agreement submitted by Mr. Kenney and Mr. Kaminetz at last week's meeting with regard to the construction of their office building on Shangri-La Drive, Mr. Norris stated that by entering into an agreement, the engineering work and construction work will have to take place. He further stated that the site plan is not specific enough as to whether or not upstream property owners would be affected.

In response to a question from Commissioner Dean concerning responsibility of the water, Mr. Norris stated that the responsibility of the property owners would be to conduct the water through their property and it would be the County's responsibility to adequately carry the water down from the property.

In discussing the Hold Harmless clause to be included in the agreement, the County Attorney stated there should be adequate time period. Commissioner Jarboe suggested that the hold harmless clause should state "during period of construction plus one year". Mr. Norris stated that the hold harmless should include adjacent upstream property owners.

The Commissioners requested Mr. Norris to determine the cost and percentage of handling the water through applicant's property and return to the Commissioners with this figure and a revised agreement. The County Engineer and the County Attorney will negotiate with Briscoe and Kenney on the agreement.



RECLASSIFICATIONS - LANDFILL EMPLOYEES

Present: John Norris, County Engineer

Whereas, reclassification of positions at the County Landfills is requested on the basis that:

1. there has been both a qualitative and quantitative increase in the duties performed by those positions to the extent that the positions have changed;
2. the current pay grades for these positions do not reflect the adequate compensation for skills required and conditions of employment;
3. the reclassification of positions is necessary to retain present employees and to attract competent applicants as vacancies occur.

The County Engineer recommended the following reclassifications:

Equipment Operator I - Grade 5 to Grade 6

Equipment Operator II - Grade 6 to Grade 7

Equipment Operator Supervisor -Grade 7 to Grade 8

Commissioner Dean made a motion to approve the afore-mentioned reclassifications, effective date, July 1, 1975, seconded by Commissioner Jarboe. All Commissioners voted in favor of this motion.

SATURDAY WORK HOURS LANDFILL EMPLOYEES

Present: John Norris, County Engineer

Mr. Cox, Chief Clerk, and Mr. Norris, County Engineer, recommended the following revision for hours worked by landfill employees on Saturday: to pay time and half and guarantee four hours pay at time and half. Any time beyond four hours would be at time and a half. The Commissioners concurred with this recommendation.

PUBLIC MEETING -- ALIGNMENT OF GOLDEN BEACH ROAD

Present: John Norris, County Engineer

Mr. Norris requested the Commissioners to set a date for the public meeting to be held at the Mechanicsville Elementary School to discuss with the affected property owners the alignment of Golden Beach Road. The Commissioners scheduled July 29 at 7:30 p.m. for this meeting. Notice of the meeting will be sent to all affected property owners.

ENGINEER ASSOCIATE

Present: John Norris, County Engineer

Discussion was held concerning the possibility and means of acquiring the right-of-way on Golden Beach Road. Mr. Norris discussed the possibility of hiring an Engineer Associate and the Commissioners requested Mr. Norris to provide them with additional information.

MINUTES OF PUBLIC HEARINGS

(ANTI-PUBLIC DRINKING ORDINANCE)  
(CONDITIONAL USES)

Commissioner Jarboe made a motion to approve minutes of the public hearing on Anti-Public Drinking Ordinance dated July 9, 1975, seconded by Commissioner Dean. All Commissioners voted in favor of this motion.

MOVE TO LEONARD HALL - COUNTY ENGINEER AND LAND USE OFFICE

Paul Raley, Director, Administrative and Logistic Services, submitted a proposal from Anchor Van Lines in the amount of \$425 to move the County Engineer's Office and Office of Land Use and Development to Leonard Hall. The Commissioners agreed to accept this proposal.



APPOINTMENTS TO COMMITTEES

Commissioner Dean made a motion to appoint the following members to the following committees.

ECONOMIC DEVELOPMENT

Joseph W. Lloyd for a three-year term to expire 7-1-78

ENVIRONMENTAL COMMITTEE

Mrs. Gerlad Phillips - two year to expire 7-1-77

Oran Wilkerson " " " " " " "

Tucker Brown " " " " " " "

William A. Loker, Jr. " " " " " " "

Walter Raum " " " " " " "

Jerome Swann " " " " " " "

Commissioner Parlett seconded the motion. All Commissioners voted in favor of this motion.

The meeting adjourned at 1:15 p.m.

Approved,

  
James M. McKay  
President