

BOARD OF COUNTY COMMISSIONERS' MEETING

Wednesday, July 5, 1978

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

The meeting was called ot order at 9:00 a.m.

READING AND APPROVAL OF MINUTES

The minutes of the County Commissioners' meeting of June 28, 1978 were read and corrected. Commissioner Parlett moved, seconded by Commissioner Jarboe, to approve the minutes as corrected. All Commissioners voted in favor.

ENCUMBRANCE VOUCHERS

Present: Harris Sterling, Director of Finance

Mr. Sterling presented the encumbrance vouchers for the Commissioners' review and approval. Commissioner Jarboe moved, seconded by Commissioner Parlett to approve payment of the bills, as submitted. All Commissioners voted in favor.

WALDEN-SIERRA DRUG ABUSE TREATMENT CENTER

The County Administrator apprised the Commissioners of certain remaining items recommended by the Walden Advisory Committee to be done at Walden-Sierra Drug Abuse Treatment Center such as: sink in laundry room, sediment tank along water line, outside faucet, walkway along lower level door, and electrical outlets on lower level for a total amount of \$2895. Since \$1700 remains to be committed this fiscal year, the Committee has requested \$1200 from the Reserve for Contingency in order to complete the project.

After discussion, Commissioner Jarboe moved, seconded by Commissioner Parlett, to approve the above-referenced additional items and further to approve a Reserve for Contingency transfer in an amount not to exceed \$1200. All Commissioners voted in favor.

REQUEST FOR BUILDING PERMIT FEE REBATE
CHURCH OF THE ASCENSION

The County Administrator presented a request from the Church of the Ascension requesting a refund in the amount of \$185.80 for a building permit for an extension to the church. In view of the Church's compliance with the County's Resolution No. 75-53, Commissioner Jarboe moved, seconded by Commissioner Millison to approve said rebate. All Commissioners voted in favor.

MARYLAND ASSOCIATION OF COUNTIES
NATIONAL POLICY-SETTING COMMITTEES

The County Administrator advised the Commissioners that correspondence was received from MACO inquiring if the Commissioners were interested in serving on any of the national policy-setting committees.

AUDIT OF PERMITS AND INSPECTION OFFICE

In response to correspondence from the Budget Officer relative to performing an audit in the Office of Permits and Inspection for the purpose of looking at the permits receipt process, as well as several other new activities placed in this office, the County Administrator presented a letter from Wooden and Benson stating that the cost to perform this audit would be approximately \$500 to \$700.

The Commissioners directed the County Administrator to obtain additional information from the Budget Officer on this matter before taking any action.

AUTHORITY TO HIRE
POSITION OF JANITOR III

The County Administrator presented correspondence from the Personnel Officer requesting authority to hire Mr. Gregory Ridgell, presently a custodian under the CETA Program, to the position of Janitor III, Working Foreman, Grade 7-0, effective July 12, 1978.

Commissioner Jarboe moved, seconded by Commissioner Parlett to approve this request. All Commissioners voted in favor.

REMOVAL OF TIMBER - LAUREL GROVE MORGANZA ROAD

The County Administrator advised the Commissioners that there is timber in the construction area of Laurel Grove Morganza Road and only one proposal was received for the removal of this timber; namely, Bailey Lumber Company, offering \$750.

Commissioner Dean moved, seconded by Commissioner Jarboe to accept the proposal from Bailey Lumber Company in the amount of \$750 for the harvesting of the timber in the construction area of Laurel Grove Morganza Road. All Commissioners voted in favor.

SIGNING AT RUE PURCHASE ROAD
(SAYSF CHAPEL)

Regarding the request by the pastor of SAYSF Chapel for appropriate road signing for the Chapel, Commissioner Dean recommended that the name of Rue Purchase Road not be changed; however, he suggested that a sign be affixed to the road sign indicating the name of the church, the name of which may be changed. The Commissioners agreed to this suggestion if also agreeable to Pastor of SAYSF Chapel. Once the name of the church has been determined, Commissioner Dean will request the County Engineer to have the sign placed.

SCHOOL BUS CONTRACTS

Present: Paul Raley, Director, Purchasing and Logistics

At the request of the County Commissioners at last week's meeting, Mr. Raley appeared before the Commissioners to comment on points raised by the Budget Officer relative to terms and conditions of parochial school bus contracts and public school bus contracts. Mr. Raley disagreed with some of the facts and figures presented in Mr. O'Dell's memorandum and stated that the same basic formula and rates are used for parochial school bus contracts as is used for public school buses.

The Commissioners thanked Mr. Raley for his very informative presentation.

PRESS CONFERENCE

Present: Jack Kershaw, Enterprise
Sunny Schust, "
Ingrid Buehler, Beacon
Dave Fox, WKIK

The regular twice-monthly press conference was held at this time. A tape of the conference is on file in the Commissioners' Office.

(Commissioner McKay left the meeting - 12:00 Noon)

PUBLIC HEARING

ST. MARY'S COUNTY ELECTRICAL CODE

Present: Frank Gerred, Director, Land Use and Development

At this time the Commissioners conducted a public hearing for the purpose of considering the adoption of the 1978 update of the National Electrical Code as the update Electrical Code for St. Mary's County.

The secretary read the notice of public hearing.

After a brief explanation of the changes to the Code by Mr. Gerred, Commissioner Parlett inquired if anyone present had any further comments for or against. Hearing none, the public hearing was closed. Commissioner Parlett noted for the record that the file will remain open for at least ten days prior to adoption.

PLANNING COMMISSION ATTORNEY

In response to direction given at last week's meeting regarding a request for an increase in salary for the Planning Commission Attorney, the County Administrator presented a memorandum setting forth the salaries for various attorneys to other Boards, Committees and Commissions.

After review and discussion, Commissioner Jarboe moved, seconded by Commissioner Dean to approve the salary increase of the Planning Commission Attorney to \$3,000 per year. Three Commissioners voted in favor, with Commissioner Millison voting against.

During the discussion of the referenced request and the fact that the Attorney to the Board of Appeals may also make the same request, Commissioner Millison stated the following for the record:

"Mr. Pliesse is a personal friend of mine and I have admiration for Mr. Pliesse, but he did not get his request in prior to the budget as has pretty much been our procedure. I feel that coming this close to election, his appeal for a increase, now coupled by another attorney who wants a salary increase would be colored somewhat by the fact that if you do not vote for these increases, pretty much insuring you will lose the support of those people in the coming election. This should be the reason why we should not entertain requests. The last budget we made should be the last pay increases until after the election is over. No criticism of Mr. Pliesse. There are certain members of this Board that might vote against this if they were not facing an election, and I will not vote for it."

Commissioner Dean stated that the above is Commissioner Millison's opinion.

CAMP ERNEST BROWN

With regard to discussion at last week's meeting concerning a holding tank at Camp Brown, the Commissioners directed the County Administrator to draft a letter for the Commissioners' signatures addressed to Secretary Coulter of the Department of Natural Resources stating that only Camp Brown can use the holding tank and only Camp Brown can haul sewage to Point Lookout transfer station and that this is only an interim measure until they can hook up to the Point Lookout Treatment plant.

DISCUSSION

ZONING AMENDMENT NO. 78-119 - LESLIE L. GOULD

Having conducted a public hearing on the application for Zoning Amendment No. 78-119 (Leslie L. Gould) on June 7, 1978, the Commissioners, at this time, held a discussion session on the findings of fact for this case. A transcript of the discussion will be provided to the County Attorney who will in turn prepare a resolution to be considered and adopted by the Board of Commissioners.

MENTAL HEALTH TASK FORCE

Commissioner Dean moved, seconded by Commissioner Jarboe, to appoint Dr. Josephine Garner to the Mental Health Task Force. All Commissioners present voted in favor.

LETTER TO DEPARTMENT OF NAVY
(PURCHASE OF LAND IN AICUZ)

Commissioner Dean stated that the Commissioners have received correspondence from Senators Mathias and Sarbanes and Congressman Bauman, with a copy of a letter from the Department of Navy regarding the purchase of land in the AICUZ and all letters refer to the figure of \$6,000,000 as the amount needed for the purchase of this land. Therefore Commissioner Dean recommended that a letter be forwarded to the Department of Navy with copies to the U. S. Congressional Delegation that the amount needed to handle the immediate problem is \$500,000. The Commissioners gave their concurrence and agreed that Commissioner Dean prepare such a letter for their review and signature.

COLLECTION OF CHILD SUPPORT

Relative to discussion at last week's meeting regarding the placement of the function of collection of child support, Commissioner Jarboe moved, seconded by Commissioner Dean, that the State be requested to handle the administration of the collection of child support. All Commissioners present voted in favor.

MATTER IN THE DECISION OF D.J.'S ONE-STOP SHOP

Commissioner Dean stated that the Planning Commission Attorney and Director of Land Use and Development appeared before the Commissioners on June 21 seeking some direction as to what the county should or should not do with regard to the non-conforming situation in the Zoning Ordinance in light of the Judge's decision in the D.J. One Stop Shop case. Commissioner Dean stated there were three alternatives open to the County:

1. To appeal the Court's decision in the D.J.'s case;
2. Request the Court for a Declaratory Judgment relative to non-conforming uses as set forth in the County's Zoning Ordinance;
3. To do none of the above and have the Zoning Administrator continue to administer the Zoning Ordinance on the basis of the interpretation of the Zoning Ordinance.

In view of the fact that the Court did not rule that the expansion provision in the County's Zoning Ordinance is unlawful and it did not rule that the change in non-conforming use in the Zoning Ordinance is unlawful, Commissioner Dean moved that the County not note an appeal in the matter of the court's decision in the D.J.'s non-conforming use case, nor should the County ask the Court for a Declaratory Judgment, but that any request for application for change in non-conforming use or expansion of non-conforming use be reviewed and evaluated according to a narrow and strict interpretation as to what the County Zoning Ordinance says. Commissioner Jarboe seconded the motion. All Commissioners present voted in favor. Commissioner Millison stated he was in favor of the motion, but not for the reasons expressed by Commissioner Dean.

HISTORIC DISTRICT COMMISSION

By letter dated June 30, 1978, the Chairman of the Historic District Commission requested approval of the expenditure of \$150 for expenses for Mr. Plavnick to come to the County to attend the July 18 meeting of the Historic District Commission in order to explain the criteria used in developing the proposed Historic District for the St. Mary's City Commission.

Commissioner Jarboe moved, seconded by Commissioner Millison to approve funding of \$150 as requested above and further to direct the County Administrator to effect the necessary budgetary allocation. All Commissioners voted in favor.

GOLDEN BEACH ROAD INSPECTION

Present: John Norris, County Engineer

In light of last week's discussion concerning the problems surrounding the application of seed in excess of the amount required by the job specifications on the Golden Beach Road reconstruction project, Mr. Norris presented various documentation relative to this matter, giving a detail background of the project.

Mr. Norris stated that the County has followed the specifications and agreements that Maryland State Highway Administration utilizes in dealing with consulting inspectors.

Mr. Norris reviewed with the Commissioners each Extra Work Order for this project, stating that the main reason for the EWO's had been the County's inability to acquire rights-of-way coupled with two severe winters.

He stated that the present inspector on the project, John E. Harmes Associates has gone over the records and these records indicate that the material was applied to the job.

Further, Mr. Norris indicated that the County should pay for applying the contract rate of seeding at the contract price and only pay for the material that was applied in excess of the seeding rate.

At this time Mr. Norris explained that Extra Work Order No. 6, which was approved last week by the Commissioners had been revised to a lesser amount and went on to explain the changes made.

Commissioner Dean recommended, and the Commissioners concurred, that the County Engineer prepare a talley sheet of all the EWO's, indicating total amount, breakdown of each item in the EWO and the reason.

After discussion, Commissioner Dean moved that Extra Work Order No. 6, dated June 26, 1978 as submitted last week be superseded by EWO No. 6, dated July 5, 1978 in the amount of \$53,094.70, and approved in its place, seconded by Commissioner Jarboe. All Commissioners present voted in favor.

Commissioner Dean moved, seconded by Commissioner Jarboe to approve Voucher No.09103, for progress payment No.22 to B.F. Asher in the amount of \$25,438.97. All Commissioners voted in favor.

Regarding payment of Larry Day and Associates, previous inspector on this project, the Commissioners agreed to withhold payment until an explanation is received from this firm as to the cost overruns for seed and asphalt.

PITCH-IN PROGRAM

Present: John Norris, County Engineer

Mr. Norris advised the Commissioners that he discussed the insurance issue with the low bidder for this project, John H. Curtis and that he has arrived at negotiated prices as follows:

\$340 per month for once a week pick up service in Areas A and B;

\$542.50 per month for twice a week pick up service in Areas A and B.

Commissioner Jarboe moved, seconded by Commissioner Dean to award the Pitch-In contract to the low bidder, John H. Curtis, at the above-referenced negotiated price, and further to authorize the President of the Board to sign necessary documents. All Commissioners present voted in favor.

LEXINGTON PARK HEALTH DEPARTMENT BUILDING RENOVATIONS

Present: John Norris, County Engineer

Mr. Norris stated that the awarding of the bid on the referenced project was withheld until reviewed by the Budget Officer, which has now been done. Mr. Norris recommended awarding the bid to the lowest bidder, Bates and Associates in the amount of \$97,475. Commissioner Jarboe moved, seconded by Commissioner Parlett to accept the County Engineer's recommendation. All Commissioners present voted in favor.

PROJECT NO. SM 78-1-8
ASHALT OVERLAY PROJECTS
VARIOUS COUNTY ROADS

Present: John Norris, County Engineer

Mr. Norris presented the bid talley sheet for the above referenced project and stated that two bids were received. Mr. Norris recommended awarding the contract to Dean Construction Company, the lowest bidder, in the amount of \$1,026,562.00. Commissioner Jarboe moved, seconded by Commissioner Millison to accept the County Engineer's recommendation. Three Commissioners voted in favor, with Commissioner Dean abstaining.

APPROVAL OF ENCUMBRANCE VOUCHERS
PROJECTS IN COUNTY ENGINEER'S OFFICE

Present: John Norris, County Engineer

Mr. Norris presented the following encumbrance vouchers for the Commissioners' review and approval:

Rental of Pan for Use at Landfill - Voucher No. 18312 in the amount of \$2,970 payable to Clark Construction Co.;

Asphalt Overlay of Certain Roads in Third, Fifth and Seventh Districts - Voucher No. 14831 in the amount of \$61,780.57 and Voucher No. 18243 in the amount of \$2,437.40 representing Progress Payment No. 3 to B.F. Asher;

Patuxent Park Concrete Improvements - Voucher No. 17896 in the amount of \$39,022.51 payable to Dean Construction Company.

Commissioner Dean moved to approve payment of the above-referenced vouchers, seconded by Commissioner Jarboe. All Commissioners present voted in favor.

COPY CENTER OPERATOR

The County Administrator explained to the Commissioners that the Copy Center Operator position has been filled under Title VI of the CETA Program by an individual on a temporary basis. After speaking with the Supervisor of that position, it was the recommendation of the staff to create a permanent county position entitled Copy Center Operator/Supply Clerk, and therefore it is requested that the Commissioners give consideration to this request.

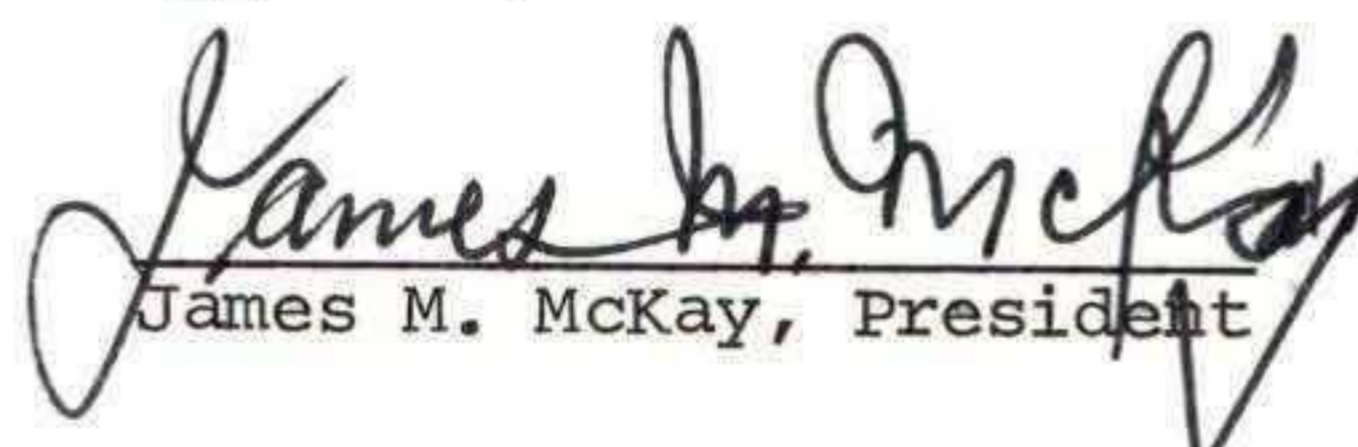
After discussion of disadvantages of keeping this position a CETA position, Commissioner Dean moved, seconded by Commissioner Jarboe that the position of Copy Center Operator/Supply Clerk be established in the Office of Purchasing and Logistics and that a job description and classification be obtained and that the position be advertised and filled following the County's Merit System procedures. Three Commissioners voted in favor with Commissioner Millison voting against.

The meeting adjourned at 4:17 p.m.

EXECUTIVE SESSION

The Commissioners agreed to meet in Executive Session in order to consider appointments to Boards, Committees and Commissions. The Session was held from 4:25 p.m. to 5:00 p.m.

Approved,


James M. McKay, President