

BOARD OF COUNTY COMMISSIONERS' MEETINGWednesday, April 18, 1979

Present: Commissioner George R. Aud, President
Commissioner Richard D. Arnold
Commissioner Ford L. Dean
Commissioner Larry Millison
Commissioner David F. Sayre
Edward V. Cox, County Administrator
Alice V. Bailey, Recorder

The meeting was called to order at 9:02 a.m.

READING AND APPROVAL OF MINUTES

The minutes of the County Commissioners' meeting of April 11, 1979 were read. All Commissioners were in concurrence with the minutes as read.

(Commissioner Dean left the meeting at 9:15 a.m.)

ENCUMBRANCE VOUCHERS

Present: Harris Sterling, Director of Finance

Mr. Sterling presented the encumbrance vouchers for the Commissioners' review and approval. (Mr. Dean returned to the meeting.) Mr. Sterling stated that voucher number 25101 payable to the Tri-County Animal Shelter was submitted in the amount of \$18,815. This amount was over the budgeted amount for this fiscal year and would need a contingency transfer in the amount of \$9,815. After review by the Commissioners, Commissioner Dean made a motion to approve the bills as submitted with the addition that the Contingency Account Number 2410-20810 be decreased by \$9,815 in order to increase the Tri-County Animal Shelter account number 1145-29210 to make full reimbursement to the Tri-County Animal Shelter, seconded by Commissioner Aud, all Commissioners voted in favor.

NURSING HOME BUILDING ACCOUNTS

Present: Harris Sterling, Director of Finance

Mr. Sterling stated that when the construction of the Nursing Home was being done, three or four accounts were turned over to his office, and in order to close these accounts he would like to draw a check in the amount of \$17,435.61 payable to the Nursing Home. The closing of the accounts was and is due to the completion of the construction of the Nursing Home.

Commissioner Dean made a motion to authorize the President of the Board to execute the draft in the amount of \$17,435.61, and then for the Director of Finance to forward the draft to the appropriate individual at the Nursing Home, seconded by Commissioner Arnold, All Commissioners voted in favor of the motion.

JOHN C. AND WILLIAM A. GUY
INDUSTRIAL SITE PLAN NO. 79-20

Present: Frank Gerred, Director Planning & Zoning
Mr. and Mrs. William A. Guy

Mr. Gerred stated that approval has been obtained for the set-back requirements; site plan has been approved by all TEC agencies; Planning Commission has recommended approval as well as the Board of Appeals, and it is the recommendation of the above agencies, as well as his office that this request be approved.

Commissioner Millison made a motion to approve Industrial Site Plan No. 79-20, John C. and William Guy, seconded by Commissioner Arnold. All Commissioners voted in favor of the motion.

APPOINTMENT TO ENERGY COMMITTEE AND APPOINTMENT OF THE OFFICE
OF PLANNING AND ZONING AS THE COUNTY'S ENERGY COORDINATOR

Present: Edward V. Cox, County Administrator

Mr. Cox stated that the League of Women Voters recommended that Paula Willoughby be appointed to the Energy Committee. He also stated that Mr. Otis Wood has been acting in the capacity as Energy Coordinator for St. Mary's County, and that Mr. Wood is at the present time in the process of phasing out of county employment. Mr. Cox recommended that the Office of Planning and Zoning be designated as the County's Energy Coordinator.

After much discussion it was decided to table the matter of the Office of Planning and Zoning being the County's Energy Coordinator until a future date to be designated by the Commissioners, possibly the week of April 25th.

Commissioner Dean made a motion to appoint Paula Willoughby to the Energy Committee, seconded by Commissioner Arnold. All Commissioners voted in favor of the motion.

ST. MARY'S AIRPORT CONTRACT
BGS ASSOCIATES ERROR IN CONTRACT

Present: Edward V. Cox, County Administrator

Mr. Cox presented an addendum of amendments to the county's contract with BGS Associates stating that errors were in the contract for the Capital Improvement Project at the St. Mary's County Airport, and that these errors were generally typographical.

Commissioner Millison made a motion to authorize the President to sign the addendum to the Airport Contract due to typographical errors after a review by the County Engineer, seconded by Commissioner Arnold. All Commissioners voted in favor.

APPOINTMENT TO GOVERNING BODY OF THE SOUTHERN MARYLAND HEALTH
SYSTEMS AGENCY - MRS. JANETTA B. JACKSON

Present: Mr. Edward V. Cox, County Administrator

Mr. Cox recommended the appointment of Mrs. Janetta B. Jackson to the Governing Body of the Southern Maryland Health Systems Agency, term to expire December 31, 1981.

Commissioner Aud made a motion to appoint Mrs. Janetta B. Jackson to the Southern Maryland Health Systems Agency in the capacity of a consumer position, seconded by Commissioner Millison. All Commissioners voted in favor of the motion.

OVERTIME SHERIFF'S DEPARTMENT

Present: Mr. Edward V. Cox, County Administrator

Mr. Cox presented correspondence from the Sheriff's Department recommending payment of overtime. Mr. Cox pointed out that there were three individuals that had performed work on the equipment of the sheriff's department cars, and in his opinion this was not to be considered for the payment of overtime. The purpose of the overtime was for emergency situations. After discussion it was also the concurrence of the Board that these were not items for overtime payment.

Commissioner Dean made a motion to pay the amount of \$684.37 representing overtime for the deputies in the CID; further to pay the overtime requested by the Sheriff's Department minus the following amounts: \$106.92 for PFC Stewart; \$127.58 PFC Copado, and \$135.27 PFC Cooper. The total amount to be paid for both the deputies in the CID (\$684.37) and the other deputies (\$1,345.17) is \$2,029.54, seconded by Commissioner Arnold. All Commissioners voted in favor of the motion.

LICENSES AND PERMIT REVIEW:

Present: Mr. Edward V. Cox, County Administrator

Mr. Cox stated that a general review is necessary of the issuing of licenses and permits, both state and county, because of a lack of overall coordination. After discussion by the Commissioners it was decided to have a general meeting with the departments involved on a regular Commissioner meeting day to discuss this situation.

CONTINUATION OF SERVICES - FLEISCHAKER

After discussion, Commissioner Millison made a motion to continue the support as in the past on the litigation headed up by Attorney Fleischaker, seconded by Commissioner Arnold. All Commissioners voted in favor of the motion.

STATE STORE - POINT LOOKOUT STATE PARK

Commissioner Millison introduced the subject of the opening of a state-owned store in the Point Lookout State Park and stated that the store was a great concern to local merchants in the Park's area. After much discussion it was decided that Mr. Cox would draft a letter to the Maryland Park Service stating that hopefully an equitable solution both with the Park Service and the local merchants could be realized. Mr. Dean stated that he had spoken with the merchants in the area, as well as the state officials and was attempting to work out a solution to this problem. Mr. Millison stated a letter should also be forwarded to the merchants involved to let them know the Commissioners' view point on this situation.

STREAM AT GREAT MILLS

Commissioner Sayre brought up the fact that the residents of Great Mills have contacted him about the streams being clogged up with trees, trash, etc. and this could possibly be the reason why the Great Mills area sometimes floods. Mr. Cox was directed to contact the appropriate agency to have the debris removed.

JUNK YARDS

Mr. Sayre brought up the issue of amending the Zoning Ordinance with regard to junk yards and the desire to do this as expeditiously as possible.

Commissioner Dean stated that he has written to the County Attorney for his determination of the authority of the Board and he is anticipating a reply by next week. The Commissioners agreed to await for the County Attorney's response before taking further action.

(At this point Judith Mullins became the recorder)

ASSOCIATION FOR THE RETARDED

LOAN APPLICATION TO HUD - SECTION 202 HOUSING

Present: Ed Guthrie, Association for Retarded Citizens

Mr. Guthrie reported to the Commissioners the residential needs for the retarded citizens in St. Mary's County and requested the County's support for a loan application to the Department of Housing and Urban Development for Section 202 Housing. The 202 Program is a long term, low interest loan for non-profit organizations to provide housing for elderly or handicapped and the Association is requesting a loan to construct ten homes throughout the county to provide residences for 30 retarded citizens. Mr. Guthrie stated that this type of program is being developed as an alternative to institutionalization. Association for Retarded Citizens will administer the program.

The Commissioners' support was requested by way of a Resolution to be included in the loan application package. The Commissioners agreed to review the package after which time a decision would be made as to the County's support.

EMPLOYEES' ASSOCIATION

Present: Joe Anderson, President
Gene Pellillo, Vice-President
Harris Sterling, Director of Finance
Edward V. Cox, County Administrator

Mr. Anderson stated that the Employees' Association would like to submit recommendations with regard to the insurance package that is presently available to the employees.

Mr. Anderson advised that the recommendations relate to the following: President Carter's guidelines for 7% cost of living increase (which would be 6% cost of living increase plus 1% fringe benefits); increase in maternity benefits; 90% dependents hospitalization coverage and further that the insurance package available to employees be continually under review.

The Commissioners agreed to review and discuss these recommendations during the budget review process and make a decision at that time.

CLEARINGHOUSE PROJECT NO. 97-FSL-9
FEDERAL SURPLUS PROPERTY

The County Administrator presented the referenced clearinghouse project and federal surplus property notice, both pertaining to the same three parcels and received the concurrence from the Board for action as follows:

1. 4.13 acres East side of Hermanville Road - express the County's tentative interest as a recreational site;
2. Cedar Point Lighthouse - The County does not express an interest; however, recommending a group like Maryland Historical Trust to acquire it.
3. Railroad Right-of-Way - The County does not express an interest, but urge the State to effect its acquisition.

COMMENDATION - MINTEC

Present: Jim Marsh, President, Minitec
Bob Graves

The Commissioners presented a Commendation recognizing Minitec for improving the economic base of the community and providing growing opportunities for employment to our citizens.

ZONING VIOLATION
CASE NO. 78-00016

Present: Frank Gerred, Director, Planning and Zoning

Mr. Gerred referred to the referenced Zoning Violation case which he had previously discussed with the Commissioners on January 10, 1979 and at which time the Commissioners directed that the Zoning Ordinance be enforced.

Mr. Gerred stated that upon inspection, it was noted that the "Stop Work Order" was removed and there was further construction. Therefore, Mr. Gerred recommended that the Commissioners authorize the County Attorney to initiate legal action in this matter. The Commissioners concurred.

PROPOSED EEL PROCESSING PLANT

Present: Gordon Yamada, proposer
Arthur "Buck" Briscoe, Director, EDC
Walter Raum, Director, Environmental Hygiene

Mr. Yamada appeared before the Commissioners to discuss his proposal for an eel processing plant to be located in the County preferably in the Piney Point Area. He explained the process whereby wild eels would be taken from the local waters by the watermen and processing at the plant for shipping overseas. Mr. Yamada displayed photographs and plans of the type of plant that he intends to have constructed and equipment that will be used in the process.

Mr. Yamada stated that the property he would like to use for this processing plant is located in the Piney Point area and consists of 80 acres; however, the land will not perc, and therefore inquired if the County or State would allow any type of sanitation system other than a septic system.

The Commissioners discussed various alternatives with Mr. Raum such as a waiver of the "no new construction" clause of the mound system requirements, outside privies, holding tanks, etc.

The Commissioners expressed interest in this project and directed that certain information be gathered and the matter will be further discussed on Friday, April 20 at 4:00 p.m. Mr. Raum stated he will try to obtain information on the following:

1. Determine from Metropolitan Commission as to approximate length of time the Piney Point Sewage Treatment plant would be extended to the area in question;

2. Determine condition of septic system at the old house on the property;

3. Determine from State Health Department possibility of waiver of "no new construction" provision for mound system requirements;

4. Determine from State Health Department possibility of use of holding tanks until Piney Point Sewage Treatment Plant is extended to the area.

ENTRANCE PERMITS AND BONDING FOR COMMERCIAL LOGGERS

Present: John Norris, County Engineer
John D. Raley, Resident Maintenance Engineer

Mr. Raley requested authorization from the Board to impose certain controls on commercial loggers requiring that they restore the roads in the County back to the condition they were prior to their use. Mr. Raley recommended that they be required to obtain an entrance permit and bonding and that his office would accept the applications and set the bond.

After discussion, Commissioner Dean moved, seconded by Commissioner Arnold, to accept Mr. Raley's recommendation and require entrance permit and a bond in an amount not to exceed \$2,000. All Commissioners voted in favor.

HYDRAULIC EXCAVATOR

Present: John Norris, County Engineer
John D. Raley, Resident Maintenance Engineer

Mr. Raley advised that the County is in need of replacing the hydraulic excavator and SHA has received a quotation of \$75,000 plus the old piece of equipment valued at \$28,000. The County would be reimbursed by the State \$12.00 a hour for each hour the equipment is used on state roads.

The Commissioners agreed to discuss this with the Budget Officer and advise of their decision later today.

Later in the meeting, the Commissioners approved the request by Mr. John D. Raley, Resident Maintenance Engineer, to allocate county funds in the FY '80 budget for the replacement of necessary road equipment in the amount of \$103,000 which represents purchase price and trade in allowance on present equipment.

ADDENDUM NO. 1 TO PUBLIC WORKS AGREEMENT INDIAN RIVER ESTATES - SECTION 2

Present: John Norris, County Engineer

Mr. Norris presented Addendum No. 1 to the Public Works Agreement by and between John T. Daugherty and Golden G. Upole and Board of County Commissioners of St. Mary's County along with appropriate

letter of credit, extending the deadline for the completion of streets and roads in Indian River Estates, Section 2, Fifth Election District to April 10, 1980. Commissioner Dean moved, seconded by Commissioner Sayre to accept said Addendum and Letter of Credit. All Commissioners voted in favor.

PROJECT NO. SM 79-1-4
RENTAL AGREEMENT

Present: John Norris, County Engineer

Mr. Norris presented the agreement by and between Commissioners of St. Mary's County and B.F. Asher for rental of certain equipment and personnel for county projects and recommended the Commissioners' approval of same. Commissioner Millison moved, seconded by Commissioner Dean, to accept said Rental Agreement. All Commissioners voted in favor.

ACCEPTANCE OF DEED
DEER RUN SUBDIVISION

Present: John Norris, County Engineer

Mr. Norris presented a Deed dated March 19, 1979 by and between Bates and Associates, Inc. and County Commissioners of St. Mary's County accepting Dogwood Lane located in Deer Run Subdivision, Second Election District, into the County Highway Maintenance System. Commissioner Millison moved, seconded by Commissioner Dean, to accept Deed. All Commissioners voted in favor.

RAILROAD RIGHT-OF-WAY AGREEMENT

Present: John Norris, County Engineer

Mr. Norris presented for the Commissioners' review the final draft for the Railroad Right-of-Way Agreement among the County, State Highway Administration and SMECO and a draft agreement prepared by the County Attorney which would rebate to SMECO the value of state and local real estate taxes on property they would acquire on the two sections of the railroad right-of-way - Laurel Grove to Hillville and St. Andrews Road to Hollywood.

The Commissioners agreed to review these documents and take action at next week's meeting.

PROJECT NO. SM 76-7-1
SPRING VALLEY SUBDIVISION ROADS

Present: John Norris, County Engineer

Mr. Norris advised that bids were opened April 9 on the referenced project and although plans were picked up by ten contractors, only one bid was received; namely, Anthony Contractors

from Oxon Hill in the amount of \$682,606.60. Mr. Norris recommended that the project could be done for less using the rental contract crew.

Therefore, after discussion, Commissioner Dean moved, seconded by Commissioner Millison, to accept the recommendation of the County Engineer and reject the bid for this project and use the rental contract crew and further to acquire the services of John Harms Associates for inspector and general foreman. All Commissioners voted in favor.

PART-TIME INSPECTORS AND RIGHT-OF-WAY ACQUISITIONS

Present: John Norris, County Engineer

After discussion with the County Engineer regarding inspections and rights-of-way acquisitions, Commissioner Arnold moved, seconded by Commissioner Millison to use Dale Cropper as inspector on right-of-way work and other projects assigned by the County Engineer; to use Joe Harris for acquisition of right-of-way easements for St. Johns's Road and George Payne for inspection services for the Surface Treatment Program, all to be part-time at the rate of \$8.00 per hour. All Commissioners voted in favor.

ACCOUNT TRANSFERS - CAPITAL PROJECTS

The Commissioners reviewed a list of Change Orders affecting the FY 79 Capital Fund prepared by the Budget Officer and were informed as to reasons for same.

Commissioner Dean moved, seconded by Commissioner Millison, to approve the transfers as submitted. All Commissioners voted in favor.

ANIMAL SHELTER

The Commissioners reviewed the proposal to expand the Tri-County Animal Shelter at Hughesville and agreed with the necessity as demonstrated by the submitted documentation. The Commissioners directed that the County's 37½ share of capital costs in the amount of \$37,500 be entered in the FY 79-80 budget and that an agreement be initiated to provide for any future disposition of the facility.

NESEA - VILLA ROAD

The Commissioners reviewed the request by the Commanding Officer at Naval Electronics Systems Engineering Activity (NESEA) regarding certain improvements on Villa Road. Because of the estimated amount (over \$400,000) to provide the requested improvements, the Commissioners decided to delay major improvements on Villa Road until the capital improvement bond issue was formulated and presented to the citizens for vote. The County Administrator was directed to prepare correspondence to the Commanding Officer explaining this action.

FINAL BUDGET REVIEW

Present: Joseph P. O'Dell, Budget Officer

The Commissioners reviewed various budget requests and the recommendations of the Budget Officer during which time several preliminary decisions were reached. The Commissioners will review the final recommended budget and approve same on April 25, 1979.

The meeting adjourned at 6:15 p.m.

Approved,



George R. Aud, President