

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, April 29, 1980

Present: Commissioner George R. Aud, President
Commissioner Larry Millison, Vice-President
Commissioner Richard D. Arnold
Commissioner Ford L. Dean
Commissioner David F. Sayre
Edward V. Cox, County Administrator
Judith A. Mullins, Recording Secretary

The meeting was called to order at 9:15 a.m.

STORAGE OF VOTING MACHINES

Present: Alfred Gatton, Chairman, Board of Election Supervisors
Marjorie Aud, Board of Election Supervisors
Michael Sirk, Board of Election Supervisors
Paul Raley, Director, Purchasing and Logistics

Mr. Gatton advised the Commissioners that proposals were solicited for the storage of all the County's voting machines and it was the Board of Election Supervisors' recommendation that these machines be stored at the Meidzinski building in Leonardtown at the rate of \$200 per month. Discussion ensued as to temperature control of the building and the Commissioners agreed that this should be taken care of if necessary.

Mr. Sirk pointed out, that although he is in favor of the storage of the machines at this location, that he did not feel that St. Mary's County was up to the State's standards with regard to storage of voting machines and perhaps this could be looked into in the future.

In conclusion, the Commissioners agreed to accept the proposal from Meidzinski for the storage of the machines and further directed Mr. Raley to work with the County Attorney in preparing the appropriate lease.

BID OPENING

PICK-UP TRUCK FOR JOHNSONGRASS PROGRAM

Present: Paul Raley, Director, Purchasing and Logistics

Mr. Raley presented the bid tally sheet for the purchase of a four-wheel drive pick-up truck for the Johnsongrass Program and advised that Ritter Chevrolet was the lowest bidder in the amount of \$7,350. The Johnsongrass Program will be billed for one-half the cost as agreed to previously.

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Commissioner Dean moved, seconded by Commissioner Arnold, to award the bid to the lowest bidder, Ritter Chevrolet. All Commissioners voted in favor.

COUNTY'S PURCHASING SYSTEM

Present: Paul Raley, Director of Purchasing and Logistics

In response to the Commissioners' inquiries at last week's meeting with regard to the County's purchasing system, Mr. Raley explained that the County's policy is to purchase all items locally whenever possible. However, there is always the necessity to obtain the best possible quality and service for the lowest amount. He also stated that when the County purchased office supplies locally, there was difficulty in receiving the items and there were fluctuating prices from one week to the next. He stated that he started purchasing items from a firm that is located in another County at a better price, but does own property in St. Mary's County.

With regard to printing projects, Mr. Raley stated that he obtains price quotations from Fortin and from George Klear and the project goes to the lower bidder. The Commissioners requested Mr. Raley to send a copy of the bid sheet to the printers that did not receive the bid so that they could have comparisons for the next bidding project. Mr. Raley advised that all large purchases were put out on bids; cars, trucks, etc., and copies of the bid sheets are sent to those who do not receive the bid, and he will do the same for printing projects.

In conclusion, the Commissioners agreed that all who can supply services should be given an opportunity to bid, but the project must be given to the lowest bidder.

BUDGET AMENDMENT NO. 80-45

The County Administrator presented Budget Amendment No. 80-45 which provides for additional repairs and alterations of the Headmaster's House at Charlote Hall as follows:

Increase Account #1092-2701 (Building Repairs and Alterations) in the amount of \$6,000;

Decrease Account #1061-2131 (Legal Fees and Contract Services) by like amount.

Commissioner Arnold moved, seconded by Commissioner Dean, to approve said Budget Amendment. All Commissioners voted in favor.

ECONOMIC IMPACT FEE AGREEMENT
SOUTHGATE PARK SUBDIVISION

The County Administrator presented the referenced Agreement setting forth the method of payment of the Economic Impact Fee and the Money in Lieu of Land Dedication for Park Sites, dated April 22, 1980 by and between Southern Maryland General Contractors, Inc., and Board of County Commissioners of St. Mary's County for Southgate Park Subdivision, Eighth Election District. Commissioner Dean moved, seconded by Commissioner Millison, to authorize Commissioner President Aud to sign said Agreement. All Commissioners voted in favor.

ROAD RESOLUTION NO. R80-19
OSCAR HAYDEN ROAD

On behalf of the County Engineer, the County Administrator presented the referenced Road Resolution changing the name of Broomfield Road to Oscar Hayden Road. Commissioner Arnold moved, seconded by Commissioner Millison, to approve and authorize Commissioner President Aud to sign said Road Resolution. All Commissioners voted in favor.

REQUEST FOR FILING FEE REFUND
CRAIG W. McDONALD
V#79-266

The County Administrator presented a request for a refund of the \$40 filing fee by Craig W. McDonald in that the Board of Appeals had indicated that an administrative waiver could be granted.

Commissioner Arnold moved, seconded by Commissioner Sayre, to grant said refund. All Commissioners voted in favor.

SETTLEMENT
KNOLLAND SUBDIVISION, SECTION TWO

The County Administrator presented correspondence from the County Attorney dated April 28, 1980, submitting an Agreement and Addendum relative to Knolland Subdivision, Section Two, incorporating the terms of the proposed settlement as agreed to at the Commissioners' meeting of April 15.

Commissioner Dean moved, seconded by Commissioner Arnold, to authorize Commissioner President Aud to sign the Agreement by and between Board of County Commissioners and Republic Insurance Company,

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John and Dorothy Yerkie in accordance with the settlement on Knolland Subdivision, Section Two. All Commissioners voted in favor.

LETTERS TO FAMILIES OF SERVICEMEN KILLED IN IRAN

As suggested by Commissioner Millison, the Commissioners agreed to fly the American flag at half mast for a week and further to write a letter to Maryland Association of Counties suggesting that they recommend that the other counties do the same. Also, the Commissioners agreed to forward letters to the families of the eight Armed Servicemen killed during the attempted rescue of the hostages in Iran.

ENCUMBRANCE VOUCHERS

Commissioner Millison moved, seconded by Commissioner Aud, to approve payment of the bills as submitted by the Director of Finance. All Commissioners voted in favor.

LETTER TO HEALTH DEPARTMENT SUPPLEMENTAL FUNDS

Commissioner Arnold suggested that the County Administrator prepare a letter for the Commissioners' signatures commending Dr. Marek, Walter Raum and Dr. Joseph Miller for their willingness to cooperate with the County by voluntarily requesting that the requested supplemental funds for their positions be withdrawn from their budget in order to assure that their programs would be curtailed. The Commissioners gave their concurrence.

SENIOR CENTER PROPOSAL

The County Administrator presented correspondence for the Commissioners' signatures relative to the establishment of a Senior Services Center in St. Mary's County. The letter formally commits the use of Building No. 2 at the Governmental Center for the Senior Center and secondly requests funds for the purpose of performing an architectural/engineering analysis of Building No. 2. The Commissioners agreed to sign and forward said letter.

VICTIM/WITNESS ASSISTANCE GRANT

The Commissioners reviewed the request by the State's Attorney at last week's meeting for approval of a Victim/Witness Assistance

Grant which would employ three individuals. Each of the Commissioners expressed his opinion of the grant request, and Commissioner Dean stated that there are various positions on the grant and that none of the Commissioners support the grant as submitted by the State's Attorney. Therefore, Commissioner Dean recommended, and the Board concurred, that the State's Attorney be advised that the grant request was denied as submitted; however, he should be given an opportunity to discuss and/or revise the grant if he so desires and return to the Commissioners.

SOTTERLY MANOR SUBDIVISION, SECTION III

Present: George Sparling, State's Attorney
Frank Gerred, Director, Planning and Zoning
John Norris, County Engineer

Mr. Sparling appeared before the Commissioners to request a waiver of a Road Ordinance requirement for the referenced subdivision; specifically that the shoulders of Vista Road, which fronts the seven lots, be improved along a ten-foot right-of-way. Mr. Sparling indicated that the developer, Kenneth Sumner, was agreeable to the dedication of the ten-foot right-of-way.

The Planning Commission's recommendations to the Commissioners was to grant the requested waiver.

After discussion, Commissioner Aud moved, seconded by Commissioner Millison, to grant the requested waiver of the Road Ordinance requirement if the developer would convey the ten-foot right-of-way to the County, and that this decision is only applicable to this particular case. Any other cases are to be handled on an individual basis. All Commissioners voted in favor.

SOTTERLY MANOR, SECTION II
EXPIRATION OF PUBLIC WORKS

Present: John Norris, County Engineer
George Sparling, Attorney

Mr. Norris advised the Commissioners that the Public Works Agreement for the referenced subdivision states that the pavement is to be completed by April 30 and the Agreement expires June 30. He stated that the work will not be completed by that time and a decision is needed as to whether or not to grant an extension. Mr. Norris and Mr. Sparling will return next week to discuss this further with the Commissioners.

ENCUMBRANCE VOUCHER APPROVAL
MATTAPANY ROAD

Present: John Norris, County Engineer

Mr. Norris presented Voucher No. 031020 payable to T. Charles Lancaster in the amount of \$695 for bank run gravel for Mattapany Road. The Commissioners unanimously approved payment of said Voucher.

MT. PLEASANT SUBDIVISION, SECTION IV

Present: John Norris, County Engineer

Mr. Norris stated that the Public Works Agreement and bond on the referenced subdivision became due May 2, 1980 and the developer has signed an Addendum to extend the Agreement for one year. However, the Commissioners had previously directed the County Engineer to request that the developer stabilize the bank of one property owner prior to an extension being granted and Mr. Norris advised that this has not been done.

In conclusion, the Commissioners directed the County Engineer to advise the developer that the County will claim the bond if the stabilization is not done by July 1, 1980.

NORTH INDIAN CREEK ESTATES

Present: John Norris, County Engineer

Mr. Norris advised the Commissioners that the Public Works Agreement for the referenced project states that the construction should be completed by June 1, 1980. He stated that there has been no activity since December. He stated that the property should be stabilized and the gravel road maintained; however, there is no need for an asphalt road at this time because there are not enough homes on it.

In conclusion, the Commissioners agreed to extend the deadline for asphaltting the road but that the stabilization work should be completed by July 1, 1980.

RELEASE OF BOND FOR CONSTRUCTION PERMIT
FORREST PARK

Present: John Norris, County Engineer

As recommended by the County Engineer, Commissioner Millison moved, seconded by Commissioner Arnold, to release the construction

permit bond on P & R Enterprises (Ray Runco) for the referenced project in that the work has been completed, and further to approve payment of Voucher No. 030875 payable to P & R Enterprises in the amount of \$2,000. All Commissioners voted in favor.

CEDAR COVE SUBDIVISION (RESUBDIVISION OF SECTION I)
LOTS 89 AND 91

Present: John Norris, County Engineer

Mr. Norris stated that a "Stop Work Order" is in effect for the referenced Resubdivision of Section I of Cedar Cove and Mr. Bob Chapman, developer of Lots 89 and 91 would like to obtain building permits for these lots. Inasmuch as the paperwork is in process, the County Attorney was of the opinion that the Stop Work Order could be lifted.

After discussion, the Commissioners agreed to lift the "Stop Work Order" for Lots 89 and 91 in that Mr. Chapman is not the original developer of Cedar Cove Subdivision, and to issue the building permits as requested.

ASPHALT CONTRACT PROJECT

Present: John Norris, County Engineer

Mr. Norris stated that the Asphalt Contract Project will begin on Monday and requested authorization for the President to sign the contract with J. Douglas Bond for inspection services at \$12.00 per hour. Commissioner Dean moved, seconded by Commissioner Arnold, to authorize Commissioner President Aud to sign said contract. All Commissioners voted in favor.

In addition, Mr. Norris requested authorization for the President of the Board to sign the contract for J.B. Love for scale inspections for the Asphalt Project at \$4.00 per hour. Commissioner Dean moved, seconded by Commissioner Arnold to authorize Commissioner President Aud to sign said contract. All Commissioners voted in favor.

MATTAPANY ROAD
RENTAL CONTRACT

Present: John Norris, County Engineer

Mr. Norris presented Voucher No. 030877 payable to Raymond Woodburn in the amount of \$26,224 for rental contract for

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Mattapany Road for the period of April 9, 1980 through April 25, 1980. Commissioner Millison moved, seconded by Commissioner Arnold, to authorize payment to Mr. Woodburn as set forth above. All Commissioners voted in favor.

DREDGING PROJECT
ST. JEROMES CREEK

Present: John Norris, County Engineer
Jeff McKee, Corps of Army Engineers

Mr. McKee appeared before the Commissioners to bring them up to date with regard to the County's request for the dredging of St. Jeromes Creek. He stated that because of budgetary restraints, this project will not be included until the FY 1982 Budget; however, in the event other projects may be cancelled in FY 1981, funds could possibly be transferred for the St. Jeromes Project.

The Commissioners advised Mr. McKee of the importance of St. Jeromes Creek to the watermen of the area. Mr. McKee responded that if the County can demonstrate damages and economic loss because of the lack of dredging, correspondence should be forwarded to our Congressman stating this as they are the ones who allocate the funds for these projects.

The Commissioners thanked Mr. McKee for his presentation and stated that they would forward correspondence to our Congressional delegation requesting that the funds be included in the FY 1981 Budget.

McDONALD'S CORPORATION
BOND ISSUANCE

Present: Joseph E. Bell, II, County Attorney

Mr. Bell stated that in response to several telephone inquiries, he is submitting a proposed resolution relative to the bond issuance endorsed by the Commissioners' previously. After review of the resolution, Commissioner Dean moved, seconded by Commissioner Arnold, that at the request of McDonald's Corporation and upon recommendation of the County Attorney that the Agreement to Issue Bonds approved by the County Commissioners on April 15, 1980 be amended to delete any mention of the issuance of trust agreements or mortgages to secure the bonded indebtedness, the same to be an unsecured indebtedness of McDonald's. In addition, the work "reasonable" shall be added before costs as the same applies to reimbursement to the County for costs and expenses

incurred with regard to the bond issuance. The requested changes will in no way affect the County's liability. All Commissioners present voted in favor.

(Commissioner Millison did not participate in the above discussion relative to McDonald's.)

CONFISCATED VEHICLE

Present: Joseph Densford, Assistant County Attorney

Mr. Densford appeared before the Commissioners to apprise them of the fact that a 1973 Capri that had been confiscated during an arrest of a juvenile for possession of drugs. He stated that the owner of the vehicle was not the juvenile, but a corporation owned by the juvenile's father, and unless the father had knowledge that the vehicle was being used by his son to transport drugs, he was of the opinion that the car was exempt from forfeiture. Mr. Densford stated he had an Affidavit signed by the father that he did not have this knowledge. Therefore, Mr. Densford requested the Commissioners concurrence that the vehicle be released to the juvenile's father. The Commissioners gave their concurrence.

COMMENDATION - JOSEPH DENSFORD

The Commissioners presented a Commendation to Joseph Densford, Assistant County Attorney for his dedicated service to St. Mary's County.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator

The Commissioner agreed to meet in Executive Session in order to discuss a matter of personnel (consideration of appointments to Boards, Commissions and Committees). The Session was held from 12:00 Noon until 1:00 p.m.

DRAINAGE PROBLEM - ROUTE 244

As a follow-up to last week's discussion relative to the drainage problem on Route 244 behind the Leonardtown School complex, Commissioner Dean stated that the report by D.H. Steffens indicates that a portion of the run-off problem was generated by the development of the schools. After discussion, it was the concurrence of the Board that St. Mary's Public Schools be directed to construct

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a Storm Management Pond which would alleviate some of the problem. In addition, the Commissioners recommended that the State ditch some of the road on the other side.

COPPAGE PROPERTY
ST. MARY'S RIVER WATERSHED SITE

Present: Joseph E. Bell, II, County Attorney
James Kenney, Attorney
Marvin Kaminetz, Attorney
Mary Calloway, et al property owners (Coppage heirs)

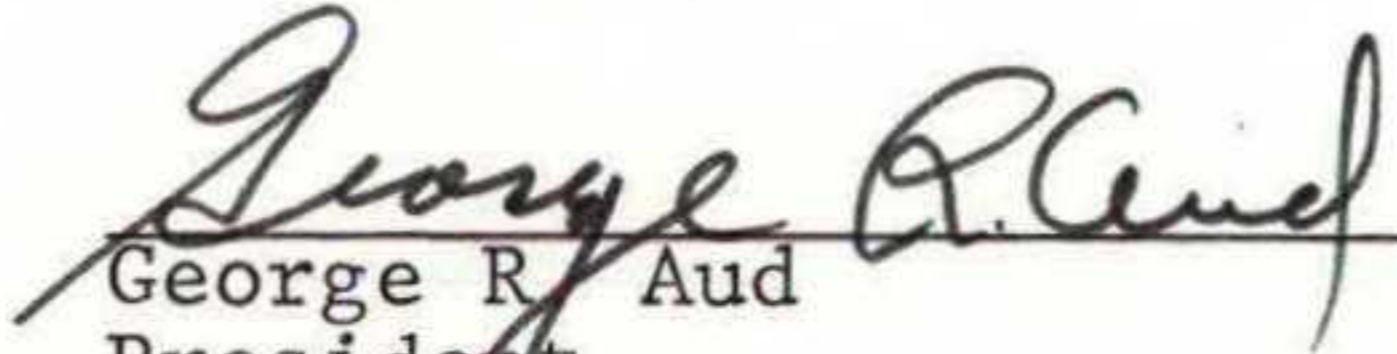
The referenced individuals appeared before the Commissioners to discuss and request a resolution to the discrepancy as to ownership of certain property purchased by the County for the St. Mary's River Watershed site.

Mr. Kenney explained that the Coppage heirs are of the opinion that property consisting of approximately 45 acres, that was purchased from the County from James N. Norris and William Bean actually belong to the Coppage family. Discussion ensued as to Assessment office maps and records and other documents that the Coppage family was aware of and Mr. Bell, County Attorney, stated that the attorneys have reached an impasse as to the findings of the surveying firm of Lorenzi, Dodds and Gunnill.

After lengthy discussion, it was agreed that Mr. Focer from Lorenzi, Dodds and Gunnill should be requested to appear before the Commissioners to discuss the survey of the property in question and the contention of the Coppage heirs that their property lies within the watershed.

The meeting adjourned at 3:30 p.m.

Approved,


George R. Aud
President