

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, May 27, 1980

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

(Commissioner Dean was not present at the beginning of the meeting).

The meeting was called to order at 9:10 a.m.

APPROVAL OF VOUCHERS

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

ECONOMIC DEVELOPMENT COORDINATOR POSITION

Present: Mary Salisbury, EDC Chairman

Mrs. Salisbury appeared before the Commissioners to request that they reconsider their position with regard to the Economic Development Coordinator position and to restore funds for it in the budget. Mrs. Salisbury presented correspondence to the Commissioners setting forth reasons to support this request.

The Commissioners agreed to take this matter under advisement.

NURSING HOME BY-LAWS

The County Administrator presented correspondence from the Chairman of the Nursing Home Board requesting confirmation from the Commissioners for action they have taken with regard to their By-Laws. The Nursing Home Board is now allowing a member to serve two successive terms instead of just one three-year term. The Commissioners gave their concurrence.

OPEN AIR MARKET

The County Administrator presented correspondence from the Leonardtown Commissioners stating that the Open Air Market is scheduled to open June 14 and requesting permission to use the County-owned parking lot in Leonardtown. The Commissioners gave their concurrence.

REQUEST FOR AUTHORIZATION TO FILL POSITION

The County Administrator advised that since the Commissioners had granted Glen Gass, Engineering Assistant, in the County Engineer's Office an educational leave of absence, advertisement should begin to fill that position during his absence. The Commissioners gave their concurrence to fill the Engineering Assistant position, Grade 12, on a contractual arrangement until Mr. Gass returns.

QUIT CLAIM DEED
SOTTERLY MANOR, SECTION III

The County Administrator presented a Quit Claim Deed dated May 7, 1980 by and between Kenneth W. Sumner and the Board of County Commissioners of St. Mary's County conveying the ten foot right-of-way to the County as agreed to at the County Commissioners' meeting of April 29, 1980.

Commissioner Arnold moved, seconded by Commissioner Sayre, to authorize Commissioner President Aud to sign said Quit Claim Deed. All Commissioners present voted in favor.

BUDGET AMENDMENTS 80-50, 80-51, AND 80-52

The County Administrator presented the referenced Budget Amendments recommended for approval by the Budget Officer as follows:

80-50 - Increase Account No. 1011-20910 (Conferences, Conventions and Meetings) by \$1,000; Account No. 1011-21110 (Travel) by \$1,500; Account No. 1011-21210 (Advertisements and Legal Notices) by \$2,000; Account No. 1016-1111 (General-Intern Program) by \$1,960; Account No. 1052-2561 (Tax Sale Expense) by \$500.

Decrease Account No. 1061-1111 (Salaries-General) by \$5,000; and Account No. 1016-2801 (College Intern Program) by \$1,960.

80-51 - Increase Account No. 1051-2131 (Contract Services) by \$1,500; Account No. 1052-2561 (Tax Sales Expense) by \$500; Account No. 1145-2811 (Fuel, Oil & Service) by \$1,500; and Account No. 1145-3161 (Equipment-new) by \$2,695.

Decrease Account No. 1131-3101 (Equipment-Office and Communication) by \$5,000; and Account No. 1536-2981 (Battered Spouse Program) by \$1,195.

80-52 - Increase Account No. 1083-4201 (Salaries-General) by \$7,500; Account No. 1083-4211 (Travel) by \$1,500; Account No. 1083-4221 (Supplies) by \$1,000; and Account No. 1083-4231 (Contract Services) by \$5,000.

Decrease Account No. 1131-1111 (Salaries-General) by \$15,000.

Commissioner Arnold moved, seconded by Commissioner Aud, to approve Budget Amendments No. 80-50, 80-51 and 80-52. All Commissioners present voted in favor.

LETTER FROM DAVID FLEISCHAKER
PATUXENT RIVER LEGAL ACTION

The County Administrator presented correspondence dated May 21, 1980 from David Fleischaker, Attorney representing the Southern Maryland counties in the Patuxent River legal action, requesting the Commissioners' concurrence for a proposal for preliminary discussion with Tom Deming of the Assistant Attorney General's Office.

After discussion, the Commissioners authorized Commissioner Aud in conjunction with Charles and Calvert Counties to make the decision with regard to this proposed meeting.

APPOINTMENTS

Commissioner Arnold moved, seconded by Commissioner Aud, to appoint Joseph Tolson and Richard Carroll to the Nursing Home Board for terms to expire June 30, 1983. All Commissioners present voted in favor.

Commissioner Arnold moved, seconded by Commissioner Aud, to appoint Pearl Lee and Gordon Malkie to the Commission on Aging for terms to expire June 30, 1981. All Commissioners present voted in favor.

DEED OF EASEMENT AND AGREEMENT (REVISED) - WILDEWOOD

On behalf of the County Engineer, the County Administrator presented the referenced revised Deed which had previously been submitted on May 6, 1980, for extension of a sewer line (Three Notch Interceptor) along the abandoned railroad right-of-way which will provide a temporary force main to serve the Wildewood Subdivision PUD.

Commissioner Sayre moved, seconded by Commissioner Millison, to authorize Commissioner President Aud to sign said Deed.

Commissioner Arnold moved, seconded by Commissioner Aud to appoint Mr. Frank Fox to St. Mary's County Council on Children and Youth for a term to expire December 31, 1981. All Commissioners present voted in favor.

LETTER TO LIEUTENANT GOVERNOR
POTOMAC RIVER FISHERIES FUNDING

The County Administrator presented correspondence for the Commissioners' signatures addressed to Lt. Governor Bogley regarding the Potomac River Fisheries Commission's request for \$50,000 each from Maryland and Virginia, which was not granted. Inasmuch as an expanded oyster seeding program is a necessity, the Commissioners are requesting a reversal of the State's decision.

The Commissioners agreed to sign and forward said letter.

INDUSTRIAL SITE PLAN - STSP #80-1898
EVERETTE D. PINKERTON (ST. MARY'S INDUSTRIAL PARK - LOT 17)

Present: Everette D. Pinkerton, Applicant
Frank Gerred, Director, Planning and Zoning

Mr. Gerred presented the referenced Site Plan for Mr. Pinkerton who is requesting approval of a standard site plan to allow construction of a wood product business located on Airport View Drive on Lot 17 of Section 2 of the St. Mary's Industrial Park in the Sixth Election District on Tax Map 34, Block 1, a portion of Parcel 550.

Mr. Gerred stated that the site plan has been reviewed by all agencies and recommended for approval by the Planning Commission with a waiver of the 80 foot side yard as well as a waiver of paving of the parking and loading area since the business does not indicate a high volume of traffic.

Commissioner Millison moved, seconded by Commissioner Arnold, to approve Site Plan No. STSP #1898. All Commissioners present voted in favor.

BASHFORD MANOR SUBDIVISION

Present: Frank Gerred, Director, Planning and Zoning
John Imbres, Developer
James Kenney, Attorney for Developer
Alberta Hayden
Mrs. Howell
Mr. and Mrs. Pilkerton
Mrs. Elizabeth Cox

Mr. Gerred stated that the purpose of this meeting was a follow-up to previous discussion held with the Commissioners on May 6 in that the Agreement prepared by the Planning Commission has not been signed by the affected parties.

Mr. Kenney displayed a plat of the property and reviewed the background of the subdivision. He stated that at the time Mr. Imbres originally developed the property, there was a provision for a 20 foot right-of-way which goes across Mrs. Hayden's property, which appears to be the greatest point of concern. He further stated that the property owners wanted a 50 foot right-of-way constructed; however, there is a difference of opinion when that construction is to occur. Mr. Kenney stated it was his client's opinion that he can build on one more lot prior to constructing the road away from Mrs. Hayden's property towards Route 238 and Mr. Dufresne is of the opinion that Mr. Imbres should construct the road prior to building on another lot. Mr. Imbres indicated that the cost to construct the 50 foot right-of-way, which is about one mile in length, would be approximately \$100,000, and if he is only allowed eight lots in a minor subdivision, he could not afford to bear that cost, but would be able to if ten lots were allowed.

There was lengthy discussion regarding the following relative to this matter: minor subdivision regulations; the possibility of Mr. Imbres selling the remaining property; the consequences of an improperly recorded subdivision; Mrs. Hayden's concerns with traffic through her property; clarification of Planning Commission's August 1979 minutes and County Commissioner minutes of May 6 regarding Agreements.

Mr. Gerred stated that apparently this matter is not appropriate for the Commissioners at this time until it goes before the Planning Commission. He stated that the Agreement referred to in the May 6 County Commissioner minutes was developed by the Planning Commission and after discussion between the Planning Commission attorney and Mr. Imbres' attorney, it should receive Planning Commission approval prior to Commissioner approval.

(Commissioner Dean entered the meeting at this point.)

In conclusion, since there was disagreement as to the signing of the Agreement distributed on May 6, the Commissioners agreed that perhaps Mr. Gerred could meet with the affected parties and further refer the matter to the County Attorney to make a determination with regard to the time frame for construction of the new road. In addition, the Commissioners agreed that all parties concerned will be notified of any meetings or correspondence on this issue.

PROJECT NO. SM 80-1-7
SURFACE TREATMENT SEAL COAT

Present: John Norris, County Engineer

Mr. Norris presented the bid tally sheet for the referenced project and recommended that project be awarded to Dean Construction

Company, the lowest bidder, in the amount of \$246,600.05. Commissioner Arnold moved, seconded by Commissioner Sayre, to accept the County Engineer's recommendation to be effective July 1, 1980. Four Commissioners voted in favor with Commissioner Dean abstaining.

PROJECT NO. SM 80-5-8
LANDFILL ELEVATING SCRAPER PAN

Present: John Norris, County Engineer

Mr. Norris presented the bid tally sheet for the referenced project and recommended awarding the bid to Alban Tractor, the lowest bidder, in the amount of \$170,454.00. Commissioner Arnold moved, seconded by Commissioner Sayre, to accept the County Engineer's recommendation to be effective July 1, 1980. All Commissioners voted in favor.

PROJECT NO. 80-5-7
LANDFILL COMPACTOR

Present: John Norris, County Engineer

Mr. Norris presented the bid tally sheet for the referenced project and recommended awarding the bid to Alban Tractor, the lowest bidder, in the amount of \$73,474.00. Commissioner Arnold moved, seconded by Commissioner Sayre, to accept the County Engineer's recommendation. All Commissioners voted in favor.

ASPHALT PROJECT
INSPECTOR FOR PLACEMENT OF GRAVEL SHOULDERS

Present: John Norris, County Engineer

Mr. Norris requested authorization from the Board of County Commissioners to utilize the services of Dale Cropper for the inspection of the placement of gravel shoulders at his existing contract rate. The Commissioners gave their concurrence.

SURFACE TREATMENT CONTRACT
INSPECTION SERVICES

Present: John Norris, County Engineer

Mr. Norris requested authorization to utilize George Payne at his existing contract rate for inspection services for the Surface Treatment Contract. The Commissioners gave their concurrence.

REZONING HEARING
ZONE #80-1407 - SAFEWAY

Present: Robert Manzi, Attorney, Safeway, Inc.
Robert L. Morris, Traffic Engineer
James Brooks, Real Estate Agency, Safeway, Inc.
William D. Zantz
Mr. and Mrs. Ben Dyer
John Driscoll
Mrs. Coletta M. Haliscak
Alvis F. Mealy
Karen Abrams, Attorney for adjacent property owners
Frank Gerred, Director, Planning and Zoning
Anita Meredith, Recording Secretary

(Commissioner Millison excused himself from participating in the hearing because of possible conflict of interest.)

Application was made by Safeway, Inc., to rezone approximately 2.1120 acres located on the northeast corner of the intersection of Essex Road and Shangri-La Drive, Lexington Park, Maryland, in the Eighth Election District on Tax Map 43A, a portion of Parcel 98 from R-1, Residential to C-2, Commercial.

The complete minutes, tape and record are on file in the Office of Planning and Zoning.

SEAFARERS INTERNATIONAL UNION
REQUEST FOR VACATING GIDDINGS STREET

Present: John Norris, County Engineer

Mr. Norris reviewed with the Commissioners correspondence dated May 8, 1980, from Seafarers International Union requesting from the County condemnation of a portion of Giddings Street located in Andover Estates, Second Election District, in order to enable Seafarers Piney Point Corporation to make it a private road. He stated that this has to be done by a public hearing process.

The Commissioners agreed that the County Engineer make the necessary arrangements for a public hearing to consider the request for closing of a portion of Geddings Street as requested, after which a decision will be made.

RESOLUTION NO. 80-49
1980-81 OPERATING AND CAPITAL BUDGETS
AND PROPERTY TAX RATE

Present: Joseph P. O'Dell, Budget Officer

Mr. O'Dell presented the referenced Resolution and the final FY 1980-81 Budget Document for the Commissioners' approval. He stated that all changes that had been agreed to at last week's meeting have been incorporated into the final budget.

Commissioner Arnold moved, seconded by Commissioner Millison to approve Resolution No. 80-49 setting the County's Operating Budget at \$20,814,480, the Capital Budget at \$4,209,096 and the County's property tax rate assessed at \$1.99 per \$100.00 of assessed valuation. All Commissioners voted in favor.

ROAD RESOLUTION
R80-23

On behalf of the County Engineer, the County Administrator presented the referenced Road Resolution designating the following streets in Melody Acres Subdivision as Stop Streets:

Bach Drive at its most northly intersection with Gershwin Road making Bach Drive the Stop Street.

Commissioner Arnold moved, seconded by Commissioner Dean, to approve and authorize Commissioner President Aud to sign said Road Resolution. All Commissioners voted in favor.

LETTER TO ASSOCIATION FOR RETARDED CITIZENS

The County Administrator presented correspondence to Mrs. Renee Dixon, President, Association for Retarded Citizens, advising that the Commissioners are fully supportive of the proposal for the concept of deinstitutionalizing the care provided retarded citizens.

The Commissioners agreed to sign and forward said letter.

EMERGENCY COMMUNICATIONS SYSTEM

Commissioner Dean discussed with the Commissioners the Emergency Operations Center Communications System and the fact that the State Police may want their own communications system when they move to their new barracks.

The Commissioners reiterated their pervious policy that they were in favor of one central system in the County and requested the County Administrator to arrange a meeting with Capt. Gibbs in order to discuss the status of the Maryland State Police Barracks and the communications system at the County's Emergency Operation Center.

WATER SYSTEM FOR MARYLAND VETERANS HOME

Commissioner Dean discussed again with the Commissioners the proposed water system for the Maryland Veterans Home at Charlotte Hall. Because of the lack of plan or identified use and the cost of capital improvements, Mr. Dean proposed that the County indicate to the State that it will not participate in the design and construction of the system.

INSTITUTE FOR ENERGY SELF-RELIANCE

Mr. Hartjen, Director of the Institute, informed the Commissioners of receipt of grant funds in the amount of \$35,000 to be used in the tri-county area for the development of energy self-reliance. Since the grant is funded on a reimburseable basis, Mr. Hartjen requested the Commissioners to provide an interest-free loan in the amount of \$2,500 for a period not to exceed nine months. The loan will be repaid as soon as possible by the Institute for Energy Self-Reliance within the nine-month period. The Commissioners agreed to provide the loan on the condition that Charles and Calvert Counties agree likewise.

AREA AGENCY PLAN

Having conducted a public hearing on May 20, 1980, the Commissioners reviewed the Area Agency Plan as proposed and authorized the President of the Board to sign the related grant application documents when available in final form provided that the grant application process has been followed.

The meeting adjourned at 4:40 p.m.

Approved,



George R. Aud
President