

BOARD OF COUNTY COMMISSIONERS' MEETINGTuesday, October 30, 1973

Present: Commissioner J. Wilmer Bowles, President  
Commissioner George R. Aud  
Commissioner J. S. Guy, Jr.  
H. D. McGlade, Director of Administration  
Judith A. Mullins, Recording Secretary

The meeting came to order at 9:00 A.M.

READING OF MINUTES

The minutes of October 16, 1973 were read and corrected.

VOUCHERS APPROVED

Vouchers No. 6023 through 6208, dated September 18, 1973 through September 28, 1973 were approved by the County Commissioners.

BILLS APPROVED

The following bills were approved by the County Commissioners:

Thomas Moore & Son Bonded Roofing Company, for repair of roof of Courthouse - \$695.00;

John B. Norris, Jr., mileage expenses for the month of September, 1973 - \$36.80;

Ridge Supply, dated October 25, 1973, for repair of wharf at Wynne - \$8.31;

Tom's Electric Company, dated October 24, 1973, for work at Leonard Hall building No. 4 (contract) - \$1,844.00;

Tom's Electric Company, dated October 24, 1973, for air-conditioning wiring at Leonard Hall building No. 4 (contract) - \$398.59;

Enterprise, dated September 28, 1973, for advertisement of Technician for Engineer's Office - \$18.60;

Enterprise, dated October 18, 1973, for advertisement of Building Permit Ordinance - \$50.00;

Enterprise, dated October 18, 1973, for advertisement of Plumbing Permit Ordinance - \$96.00;

J. R. McCrone, Jr., Inc. dated October 24, 1973, for prints of Smith Creek and Piney Point Wharf - \$4.00;

Robert Willard, expense account for the month of October, 1973 - \$39.30;

Expenses for Bob Lentz for the month of October, 1973, (charged to Planning Office) - \$42.00;

Wayne McLeod for one angus cow and one roan cow killed by dogs - \$463.00;

Wayne McLeod for one hamshire pig killed by dogs - \$70.00;

St. Mary's Historical Society for operating expenses for the operation of the St. Mary's County Tourist Information Center for the month of October, 1973 - \$416.66.

MENTAL HEALTH SERVICES (TRI-COUNTY AREA)

Mr. McGlade presented a letter from the Charles County Commissioners requesting that St. Mary's and Calvert County be included in an investigation of the need for and existing facilities for mental health in the County, and that our health officer be designated as liaison to the study committee. Mr. McGlade is to forward a copy of this letter to Dr. Marek, Health Officer, requesting his recommendations concerning the committee and if he would be willing to participate in the study.

TRI-COUNTY COMMUNITY CORRECTION CENTER

A letter was received from Clark G. Gravelle, Criminal Justice Planner, Tri-County Council, forwarding resolutions passed by Calvert and Charles County regarding a tri-county community correction center at Hughesville. Mr. Gravelle requested that St. Mary's County join in this effort. Mr. McGlade is to forward copies of the letter and attachments to Sheriff Williams and Mr. John Bailey, State's Attorney, for their review and recommendations. A copy is to be sent to Will Broms, Assistant State's Attorney, for his information.

ENVIRONMENTAL PROTECTION OF THE POTOMAC RIVER

A letter was received from the Potomac River Fisheries Commission enclosing a resolution - "General Policy Statement Relative to Environmental Protection of Potomac" which was adopted at the Commission's meeting of September 21, 1973. The resolution was submitted to the Commissioners for their consideration. Mr. McGlade is to acknowledge receipt of said letter and thank them for same.

HOUSING AUTHORITY LEGAL FEES

A letter was received from Dr. J. Patrick Jarboe enclosing statements from R. Richard Clark for legal services to the Housing Authority. Said statements are in the amounts of \$132.00, \$776.60, \$1,000.20, and \$120.60 - totalling \$2,029.40. Said statement was referred to County Attorney, Weiner, for his review and certification for appropriateness of payment.

CONSULTANT SERVICES

In response to a letter from Mr. Joseph Murnane, Maryland Association of Counties, requesting advice on the methods and procedures our County uses in the selection and awarding of contracts to consultants, Mr. Bowles forwarded a letter to Mr. Murnane recommending that all consulting firms providing technical assistance be required by law to submit competitive bids.

OPEN SPACE - TAX CREDITS

A letter was forwarded to Mr. Paul Allen, Maryland Environmental Trust, stating that the authority of Article 81, paragraph 12E(e) has not been used by the Board of County Commissioners to establish open spaces or open area categories upon which tax credits can be granted.

FEDERAL ASSISTANCE - MAJOR DISASTERS

A letter was forwarded to Mr. Rinaldo Van Brunt, Maryland Civil Defense and Emergency Planning Agency designating Mr. Otis Wood, Civil Defense Director, as a point of contact and coordinator for disaster planning and procedures. Mr. McGlade will handle the budget and estimating along with Mr. Harris Sterling.

MARYLAND STATE CLEARING HOUSE

A letter was forwarded to Mr. Valdimir Wahbe, Secretary of State Planning, designating Mr. McGlade as the point of contact for Clearinghouse matters and requesting a clearinghouse process briefing.

LAND USE MEETING SCHEDULE

Present: Larry Goldstein,  
Robert Willard, Planning Director

Mr. Goldstein presented a letter from Angelos C. Demetriou submitting a revised schedule for public hearings on the Comprehensive Land Use Plan. An additional meeting to the originally proposed schedule is requested with the Planning Commission to review to the Comprehensive Plan in its entirety prior to the submission of recommendations to the County Commissioners.

A copy of Mr. Demetriou's letter is to be forwarded to Joseph Ernest Bell, II, Attorney to the Planning Commission, and Joseph D. Weiner, County Attorney, requesting their comments to its adequacy and appropriateness from both the State and local code and procedures viewpoint.

ANGELOS C. DEMETRIOU CONTRACT

Commissioner Aud made a motion that a letter be forwarded to Dr. John Mills, Tri-County Council, authorizing the release of payment #2 in the amount of \$9,094.78 and payment #3 in the amount of \$5,219.43 for Contract P-1008.

APPROVAL AND SIGNING OF MINUTES

Commissioner Aud made a motion to approve the minutes of July 17, 25-26, 1973, seconded by Commissioner Guy and made unanimous by Commissioner Bowles, who signed same.

Commissioner Aud made a motion to approve the minutes of August 1, 7, 14, 15, 21, and 29, 1973, seconded by Commissioner Guy and made unanimous by Commissioner Bowles.

Commissioner Aud made a motion to approve the minutes of September 4-5, 11, 18, 26, 1973, seconded by Commissioner Guy and made unanimous by Commissioner Bowles, who signed same.

SECRETARIAL HELP IN THE COMMISSIONERS' OFFICE

Mr. McGlade brought to the attention of the County Commissioners that additional help is needed in the Commissioners' Office. Mrs.

Margaret Childs is to be Secretary to Mr. McGlade, and a replacement will be needed for her. In addition, Mr. McGlade suggested a register of eligibles should be made available for future employment. Mr. McGlade further recommended that a secretarial pool be developed for part-time help when needed. Commissioner Aud made a motion to accept Mr. McGlade's recommendation, seconded by Commissioner Guy and made unanimous by Commissioner Bowles. Mr. McGlade will suggest additional and more formal recommendations next week.

#### VOUCHERS APPROVED

Present: John Little, CPA (Gruber and Company)

The Commissioners unanimously approved the following vouchers:

<u>Voucher Dates</u>	<u>Voucher Numbers</u>
July 5, 1972 - Oct. 6, 1972	2581 - 3265
Nov. 2, 1972 - Nov. 22, 1972	3469 - 3717
Feb. 7, 1973 - Feb. 16, 1973	4221 - 4318

These vouchers were omitted in previous sets of minutes.

#### BID OPENING - SMITH CREEK WHARF

The following sealed bid was received for the above project:

Delahay's Pile Driving Service -	A. \$8,880.88
	B. \$ 375.00
	C. \$ 95.00

A certified check in the amount of \$200.00 accompanied the bid. John Norris, County Engineer, will review the bid and make recommendations to the Commissioners.

#### AUDIT REPORT - JUNE 30, 1973

Present: John Little, CPA  
Harris Sterling, Finance Director

Mr. Little presented the Audit Report for St. Mary's County as of June 30, 1973. A copy of said report is on file in the County Commissioners' Office.

TRANSFER OF FUNDS

Present: John Little, CPA  
 Harris Sterling, Finance Director

The Commissioners unanimously approved the transfer of budgeted line items which were not expended during 1972-1973 fiscal year to offset any amounts over expended within the applicable department. They further approved the transfer of an amount from the Reserve for Contingency to offset the net amounts over expended in the budgets of applicable departments or functions shown below:

<u>Department/Function</u>	<u>Excess of Expenditures Over Original Appropriation</u>
Legislative & Executive (Schedule D-1)	\$ 25,004
Finance (Schedule D-4)	18,429
General Government Buildings (Schedule D-6)	9,370
Other General Government (Schedule D-8)	10,785
Sheriff (Schedule D-9)	38,974
Other Protection (Schedule D-10)	4,441
Landfill (Schedule D-12)	16,683
Conservation of Health (Schedule D-13)	3,895
Recreation & Parks (Schedule D-16)	36,706
Agricultural Extension (Schedule D-19)	2,794
Misc. Other than Reserve for Contingency (Schedule D-20)	139,267
Debt Service (Schedule D-22)	<u>79,659</u>
Total	\$ 386,007

BID OPENING - TRACKS AND TIES

The following sealed bids were received for sale and removal of rails and ties along the railroad right-of-way from St. Andrews Church Road, St. Mary's County to Mile Post 12 near Hughesville, Charles County, Maryland:

<u>Name:</u>	<u>Amount of Bid</u>	<u>Time to Complete Work</u>
Midwest Corporation	\$240,100.00	Approximately 120 days from starting date -
The Radio Shop	\$ 61,000.00	6 Months
Trak Lease, Inc.	\$ 71,717.17	120 Working days
A & K Railroad Material	\$133,763.63	60 days

Continued:

<u>Name</u>	<u>Amount of Bid</u>	<u>Time to complete work</u>
John A. Combs	\$ 2,800.00	6 Months
B. F. Asher	\$ 37,030.00	6 Months
R R Ties, Inc. (Herbert G. Matthews, Jr.)	\$101,320.00	No time specified

John Norris, County Engineer, will review bids and make recommendations to the Commissioners.

ST. CLEMENTS SHORES SUBDIVISION-SEWAGE PROBLEM

Present: Dr. William Marek, Health Officer  
Walter Raum, Director, Environmental Hygiene  
Chauncey Karstens, Metropolitan Commission

Dr. Marek and Walter Raum appeared before the Commissioners to discuss the Health Department's concern of the sewage disposal problem at St. Clements Shores Subdivision. There is 105,000 gallons of sewage a day from the 176 homes in this subdivision. Dr. Marek stated that a sanitary survey was made and water samples were taken from drainage ditches and the results of these tests showed an extremely high count of coliform and fecal coliform organisms. Continuing, Dr. Marek said septic tank failures were not evident, but the problem is waste water effluent feeding into the network of ditches and then to St. Clements' Bay. The Bay cannot be opened to shellfishing until the problem has been solved with chlorination. The water supply is protected since it is a community system. Therefore, Dr. Marek said the Health Department will no longer issue health permits for construction in the area. In addition, Dr. Marek recommended that the area presently designated as S-4 in the Comprehensive Water and Sewage Plan should be changed to S-2 and a feasibility study should be made by the Metropolitan Commission. Dr. Marek said that in reviewing the Plan, he noted that the water system was in the wrong category by being W-4 and since there is a public water supply in existence, it should be W-2.

Commissioner Bowles asked what measures of correction did the Health Department recommend. Dr. Marek said not issuing

health permits and also plans should be made for a public system into the area. Commissioner Guy mentioned the possibility of banning the use of washing machines in the area to which Dr. Marek replied that any cutback would benefit.

Dr. Marek said there is a safeguard because there is a public water system and this is an example of what can happen when marginal type land reaches a saturation point.

#### CHOPTICON HIGH SCHOOL-SEWAGE TREATMENT PLANT

Present: Dr. William Marek  
Walter Raum

Commissioner Bowles asked what corrective measures have been taken concerning the sewage treatment plant problem at Chopticon High School. Dr. Marek said he discussed the situation with James Raley and Dr. King of the Board of Education and the plant has been monitored over two years on a monthly basis. The results were that some days chlorine levels were adequate and some days not. Dr. Marek said he asked Dr. King three questions; why the erratic results, the status of the operation of this particular plant regarding the licensing of the operator and the plans to update the plant. The first solution was to have the school board engineer look at the problem and then the Health Department would take it from there after receiving a report from the engineer. Also the Health Department would continue to monitor on a regular basis.

#### COMPREHENSIVE WATER AND SEWAGE PLAN

Present: Benjamin E. Beavin, Consultant  
Robert Willard, Planning Director  
Adm. Thurston B. Clark, Director Metropolitan Commission  
Mike Marlay, Metropolitan Commission  
Lewis C. Merchant, Metropolitan Commission  
Francis Taylor, Metropolitan Commission

Mr. Beavin stated that the purpose of his visit was to try to come to an acceptable solution so that he may complete the printing of his report. Mr. Beavin stated that the report and maps that were submitted to the State on September 21 had his signature and his seal impressed on the mylar and he felt that it met the requirements of his contract. He said he later learned of changes in the report some of which he felt were within the purview of the County Commissioners and the fact that his report represented the best things that he could bring to it and he accommodated



himself concerning the County Comprehensive Land Use Plan. He further stated he put into his report the very best thoughts and recommendations. Mr. Beavin said he signed the report because Mr. Willard said the County was in a bind as to claims that were being presented to the Commissioners because of holdups. Mr. Beavin said there was a cutoff date of July 1, 1973 and things that came to pass after that should not be included in the report. They would be subject to next year's report. Mr. Beavin said he warned Mr. Willard that he would not sign the report that was prepared in his name by other people unless there was such merit that he would have to agree that they were well-founded. Four copies were sent to the State Health Department. Mr. Beavin said Mr. Willard was told by the State Health Department that if the Commissioners signed the report, everything in it would become law, whether recommendations or informational matter. Mr. Beavin said he disagreed with this because in his 1969 report there were dozens of recommendations that have not been put into law. Mr. Beavin said he read to Mr. Willard a suggested clause to include in the Resolution which stated that "this report contains recommendations, suggestions and advisory material for informational purposes only and they may not be implemented except by specific affirmative action by the Board of County Commissioners."

Mr. Beavin said if he allowed his report to be circulated over his signature, he could lose his license. He felt that his professional ethics were being violated and he said he felt that this could be upheld in court. Mr. Beavin stated he would be willing to use the format that was used in his original report, add appropriate footnotes, sign the report and have it printed and affix his impressed seal. Mr. Beavin said state law requires that the Comprehensive Water and Sewage Plan be done by a registered engineer. Mr. Willard stated he worked with Mike Marlay and Charles Pessagno, Metropolitan Commission Engineer, when the changes were made and the Metropolitan Commission staff typed the final report.

Mr. Beavin said the County was not obligated to accept what was written in the report but there is an obligation on his part to bring to the attention of the Commissioners what he felt would cost the County money.

Commissioner Bowles stated the plan was late because Mr. Beavin was two months late in starting and his refusal to come to an agreement and understanding with the State Health Department.

Commissioner Guy said concern was expressed at the public hearing relative to the St. Mary's City interceptor line and subsequent to that hearing, the area was changed. Mr. Beavin agreed

that this change was justified.

Commissioner Guy said that in the course of the many meetings the County Commissioners have consistently taken a very conservative viewpoint in regards to areas outlined on the map on areas needing a category change. The Commissioners had to reduce these areas down to the size they felt they should be. Commissioner Guy further stated that he felt that the changes that were made in the Plan that were submitted to the State Health Department, as the recommended plan for St. Mary's County, most accurately reflected his personal feeling as County Commissioner as to the water and sewage situation in St. Mary's County. He said he also recognized there will be a major modification of the Plan in the next four months. He felt that it was within the law, and if there is any need to apologize to Mr. Beavin, that the County may have violated some of the ethics in his profession, then he would apologize. Commissioner Guy added that the report may have been too advanced for the County and the Commissioners only modified it to the circumstances of the moment. Commissioner Guy suggested that perhaps the report should state that the report was done in consultation with Mr. Beavin.

Mr. Beavin said he would be ready to prepare the report as originally submitted. Commissioner Bowles asked Mr. Beavin to put what he wanted in writing; however, Mr. Beavin said that would not be necessary. Mr. Beavin stated he could not accept what a group of people got together over a weekend and put in a report bearing his name. He said he would be subject to severe criticism.

#### BID OPENING - BOARD OF EDUCATION HOUSE AT REDGATE

On October 17, 1973, one sealed bid was opened for the purchase of the house at Redgate built by students from the Tech Center. Those present were: Henry Kanowicz, Board of Education; Cecelia Adams and Judith Mullins, County Commissioners' Office. The bid was from Jack E. Greer in the amount of \$27,800. Mr. Greer had previously submitted a \$500 deposit and endorsed by the Board of Education, leaving a balance of \$27,300. The Commissioners unanimously agreed to award the bid to Mr. Jack Greer. The Board of Education requested that the money received from the purchaser go towards continuing the construction program. Mr. McGlade is to contact the Board of Education to determine the procedure used for the budget.

TEMPORARY CUSTODIAL HELP

The Commissioners agreed that Mrs. Ella Louise Price should be paid for the first week she worked during Mr. Gatton's (custodian) vacation - October 1, 1973 through October 6, 1973.

RIGHT-OF-WAY-SARATOGA DRIVE

Deed for additional right-of-way on the north side of State Route 246 was forwarded to the Commissioners' Office by Attorney Ernest Bell. Commissioner Aud made a motion to accept the deed, seconded by Commissioner Guy.

LEASE FOR OFFICES IN SOCIAL SERVICES BUILDING FOR EMPLOYMENT SECURITY

Commissioner Aud made a motion to approve and sign the Agreement between Oliver and Betty Guyther, landlords, and the County Commissioners of St. Mary's County, Tenants for Office No. 1, 2 and 3 located in the lower level of the Social Services Building in Leonardtown, Maryland for a term of one year beginning October 4, 1973 and ending October 3, 1974, for a sum of \$1,800 per term payable monthly in advance at the rate of \$150 per month, seconded by Commissioner Guy and made unanimous by Commissioner Bowles, who signed same.

BUS SEAT RAIL PADS

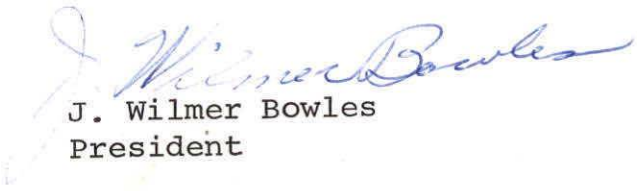
Present: Paul Raley, Administrative Officer

Paul Raley recommended that the County pay for bus seat rail pads for parochial school buses at \$4.25 per seat for all buses manufactured prior to January 1, 1969. Commissioner Aud made a motion to accept Mr. Raley's recommendation, seconded by Commissioner Guy and made unanimous by Commissioner Bowles.

TRAFFIC SIGNAL-ROUTE 5 AND CAMP CALVERT ROAD

The Commissioners unanimously agreed that a letter should be written to the State Highway Administration, Baltimore, recommending that the blinking yellow light at St. Route 5 and Camp Calvert Road be replaced by a manually operated Stop and Go light, which will be operated by Ryken High School at the times when needed.

The meeting adjourned at 5:30 P.M.

  
J. Wilmer Bowles  
President