

BOARD OF COUNTY COMMISSIONERS' MEETINGTuesday, June 25, 1974

Present: Commissioner J. Wilmer Bowles, President
 Commissioner George R. Aud
 Commissioner J. S. Guy, Jr.
 Edward V. Cox, Chief Clerk
 Judith A. Mullins, Recording Secretary

The meeting came to order at 9:30 a.m.

READING OF MINUTES

The minutes of June 18, 1974 were read and corrected.

APPROVAL OF MINUTES

Commissioner Guy made a motion to approve the minutes of June 4, 1974, seconded by Commissioner Aud. Commissioners Aud and Guy signed same. (Commissioner Bowles was not present at the June 4, 1974 meeting.)

Commissioner Guy made a motion to approve the minutes of June 11, 1974, seconded by Commissioner Aud and made unanimous by Commissioner Bowles, who signed same.

BILLS APPROVED

The following bills were approved by the Commissioners:

State Highway Administration, dated May 1, 1974 for construction inspection and material testing for Project No. SM 599-1-512, St. Andrews Church Road for the month of February 1974 - \$2,229.76;

C & P Telephone Co., dated April 29, 1974 for work done on St. Andrews Church Road - \$8,383.00;

Martin P. Callan (Engineer's Office) mileage expenses for the period of June 3 through June 16, 1974 - \$4,80;

Lorenzi, Dodds & Gunnill, dated December 29, 1973, for inspection of Scotch Mill Road - \$45.00;

Lorenzi, Dodds & Gunnill, dated January 15, 1974 for inspections and samplings on Scotch Mill Road - \$300.00;

Alban Tractor, dated May 9, 1974, for parts and repairs on landfill equipment - \$3,671.21;

General Electric, dated April 18, 1974, for radio for Health Department automobile - \$950.30;

The Radio Shop, dated May 7, 1974 for installation of radio in Health Department automobile - \$40.00;

BILLS APPROVED (continued)

Ford L. Dean, Refinery Study Committee, reimbursement for expenses incurred by the Committee - \$531.40;

Dan Watters, Refinery Study Committee, reimbursement for expenses incurred by the Committee - \$440.18;

Sheriff's Deputies, for coverage of the Mechanicsville Carnival - 25 hours;

St. Mary's Nursing Home, budget appropriation for the period July 1, 1973 to June 30, 1974 - \$30,000;

John Norris, County Engineer, mileage expenses for the month of May 1974 - \$38.48;

David M. Gruber, dated June 10, 1974, for preparation of Assessment Rolls, Tax Rolls Class Report, Treasurer's Cards, Tax Bills - \$26,300.00;

David M. Gruber, dated June 10, 1974, for paper and forms in preparation of the above - \$1,142.72.

ESTIMATE NO. 8 - ST. ANDREWS CHURCH ROAD

Commissioner Guy made a motion to approve Estimate No. 8 to Regal Construction Co., in the amount of \$43,634.07 for Project No. 599-1-518, reconstruction of St. Andrews Church Rd.

SUMMERTIME EMPLOYMENT
STATE HIGHWAY ADMINISTRATION

Ed Cox advised the Commissioners that Douglas Bond, Resident Maintenance Engineer, State Highway Administration, recommended that the Commissioners hire six people to work for state road maintenance during the summer months. Commissioner Guy made a motion to approve the hiring of six people for summer employment for state road maintenance, seconded by Commissioner Aud and made unanimous by Commissioner Bowles.

NURSING HOME BOARD

Commissioner Aud made a motion to select Elizabeth Frances Taylor to the Nursing Home Board, subject to Mrs. Taylor's willingness to serve, seconded by Commissioner Guy and made unanimous by Commissioner Bowles.

NURSING HOME BOARD

Mrs. Julia Richardson and Mr. George Raley forwarded acceptances to serve on the Nursing Home Board.

ST. MARY'S NURSING HOME - FUTURE FUNDING

Ed Cox advised the Commissioners that Mr. McGlade had expressed concern about the operational deficit of the Nursing Home increasing and the future funding required to support this deficit operation.

Commissioner Bowles requested Mr. McGlade to meet with the Nursing Home Board president and the auditor to discuss future financial needs of the Nursing Home and report back to the Commissioners.

PURCHASE OF DOG TAGS

Ed Cox stated that presently, dog tags can only be obtained from the Animal Warden, Wayne DeLozier, or from the Treasurer's Office, and Paul Raley suggested that the County re-establish the procedure as had been in the past which is to set up a place in each district where dog tags can be purchased. The Commissioners approved.

SOCIAL SERVICES BOARD

A letter dated June 12, 1974 was received from Joseph Carter, Director, Social Services, requesting nominees for vacancies on the Social Services Board to be forwarded to the State. The Commissioners unanimously agreed to select for reappointment Mr. Purnell Frederick, Sr. and Mr. Vincent Biscoe. In addition, the Commissioners agreed to select Jeanne Daywitt from Golden Beach for appointment to the Board to fill the unexpired term of Mary Helen Woodland, which expires June 30, 1975.

BICENTENNIAL COMMISSION

A letter was received from Marvin Joy, Chairman, St. Mary's Bicentennial Commission, recommending the following two people to be appointed to membership on the Commission: Mrs. Theresa Young, Morganza and Mr. David N. Maxon, Lexington Park. Commissioner Guy made a motion to accept Mr. Joy's recommendation, seconded by Commissioner Aud and made unanimous by Commissioner Bowles.

METROPOLITAN COMMISSION LOAN
PINE HILL RUN SANITARY DISTRICT

A letter was received from Joseph D. Weiner, County Attorney, stating that the previous loan to the Metropolitan Commission of \$100,000 has been repaid and, therefore, the loan of \$100,000 requested meets all the provisions of Section 161 of the 1973 Supplement to the County Code. In addition, verification was received from Mr. Weiner that the Resolution providing for the expenditure of an amount not to exceed \$100,000 for the Pine Hill Run Sanitary District was in proper form and content.

MOSQUITO CONTROL PROGRAM

A letter dated June 24, 1974 was received from Ralph Brown, Mosquito Control regarding the discrepancy of \$26,325.88 in their budget and in reviewing their budget from 1962-63 to 1972-73, it was noted that this amount had not been collected from the County. Mr. Cox is to request Mr. McGlade, Comptroller, and Mr. Sterling, Finance Director, to determine if this figure is accurate and how the situation can be corrected and report back to the Commissioners.

TOURIST INFORMATION CENTER

As had been requested by the Commissioners, Ed Cox met with representatives from the Bicentennial Commission, Recreation and Parks, Economic Development Commission, and Chamber of Commerce to discuss the possibility of a tourist information center to be located on Route 5, Charlotte Hall and contiguous with the railroad right-of-way. Four requests were made as a result of this meeting:

1. What would be the best method of obtaining the land for the center; fee simple deed or by lease. The Commissioners were of the opinion that it should be in fee. Mr. Gardner of the State Highway Administration will be contacted by F. Elliott Burch, Bicentennial Commission, to work this out;
2. That a tourist grant be applied for, which the Commissioners agreed to;
3. That there be a commitment of funds for the future, if necessary to provide either local share or supplemental funds. The Commissioners agreed to this;
4. And could the railroad right-of-way be used for parking facilities. The Commissioners will make a decision on this depending upon details submitted at a later time.

ST. MARY'S RIVER WATERSHED PROJECT - SITE 1

Commissioner Guy made a motion that the Commissioners transfer the property in St. Mary's River Watershed Site 1 from St. Mary's County to the State of Maryland by deed and that Commissioner Bowles be authorized to sign same subject to it being read and reviewed by Ed Cox and Paul Raley. Commissioner Aud seconded the motion and Commissioner Bowles made it unanimous.

CEDAR COVE
HOUSE BILL 1497 - ECONOMIC IMPACT FEE

A letter dated June 3, 1974 was received from Byron Koste, Urban Systems Development Corporation stating that US-A Partnership (Cedar Cove Project) had entered into a Development Agreement March 5, 1974, prior to the passage of House Bill 1497 - Economic Impact Fee, and that this project should not be subject to the proposed additional fees.

The Commissioners requested Ed Cox to ascertain a legal opinion of House Bill 1497 from the County Attorney.

COUNTY ATTORNEY
PLANNING COMMISSION ATTORNEY

The Commissioners requested Ed Cox to forward a letter to Joseph Weiner, County Attorney and Ernest Bell, Planning Commission Attorney requesting them to reconsider their resignation and remain as Attorney to their respective Commissions until the end of calendar year 1974.

YOUTH CONSERVATION CORPS PROPOSAL

Present: Dan Raley, Executive Secretary Youth Commission
 James Hickey, Assistant to Chief Clerk
 H. D. McGlade, Comptroller

Dan Raley stated that after meeting with Mr. McGlade, their original proposal as had been presented June 11, 1974, has been changed and they are now recommending that the position of Project Leader for the Youth Corps Project be filled and that this individual be brought on to determine whether there are definite projects that are worthwhile for the youths to work on, and if projects are found they would recommend that the project be implemented.

Mr. McGlade stated that the project would work in connection with Recreation and Parks, the Engineer's Office and State Roads to determine what projects are needed.

Dan Raley explained that if the project was not set up that Steve William Spedden, the individual selected for Project Leader, would be the type of person that would be effective with youths in other areas for the balance of the summer. Commissioner Bowles requested that a meeting be set up with the appropriate departments and Steve Spedden to determine what projects are needed. Projects should be identified, budgeting necessary to cover the project and the time to complete the project.

Commissioner Guy made a motion that Steve William Spedden be hired as Project Leader of the Youth Corps Project at a salary of \$3.50 per hour effective July 1, 1974, seconded by Commissioner Aud and made unanimous by Commissioner Bowles. The meeting was set up for Monday July 1, 9:30 a.m.

EXTENSION OF KATHY KENNEDY'S EMPLOYMENT

Present: Robert Willard, Planning Director

Mr. Willard requested that Kathy Kennedy, temporarily employed as Secretary in the Planning Office, have her temporary employment extended until such time as a permanent job description is obtained and Merit System rules followed.

PURCHASE OF LEONARD HALL SCHOOL

Present: Mr. John O. Herrmann, Attorney (Xaverian Brothers)
Joseph Weiner, County Attorney
Harris Sterling, Finance Director
H. D. McGlade, Comptroller
Paul Raley, Administrative and Logistic Officer

Commissioner Guy made a motion that the Fee Simple Deed correction be initialed by Commissioner Bowles and that the minutes so note that the correction was included in the Quit Claim Deed of June 24, 1974, seconded by Commissioner Aud and made unanimous by Commissioner Bowles.

Commissioner Guy made a motion that the Commissioners agree to the 10% adjustment in the rent paid by the Committee to Preserve Leonard Hall School to Leonard Hall School, Inc. for personal property such as furniture, teaching equipment, etc., and that Ed Cox be instructed to develop an Agreement between the Committee to Preserve Leonard Hall School and the County Commissioners; that it set forth the method of payment that would be used in the future and the amount of rent to be paid to the County and divorce the County from the rent to the Brothers, seconded by Commissioner Aud and made unanimous by Commissioner Bowles.

Commissioner Guy made a motion that the County exercise their option and purchase Leonard Hall School property from Leonard Hall School, Inc. at a cost of \$1,250,000; cash at settlement to be in the amount of \$100,000 and the balance of \$1,150,000 by Purchase Money Mortgage dated June 24, 1974 and the Mortgage Note dated June 24, 1974 on the terms and conditions set forth therein and that same be signed by all three Commissioners, seconded by Commissioner Aud and made unanimous by Commissioner Bowles.

Mr. Sterling is to arrange for a binder to be put on the County insurance policy for the Leonard Hall building until such time as the buildings can be appraised for insurance purposes.

DRAINAGE PROBLEM
FEDDERS PROPERTY

Present: Mr. Joseph Weiner, County Attorney

The Commissioners, John Norris and Mr. Weiner will visit the Fedders property to look at the situation on Friday, June 28, 1974 at 3:00 p.m.

BIDS ON GENERAL CONTRACT FOR HANGAR AT COUNTY AIRPORT

Present: F. Elliott Burch, Sr.
Robert Gabrelcik
Austin White
John Norris, County Engineer

No bids were received on the General Contract for the hangar at the St. Mary's County Airport.

John Norris stated that at the bid opening for the construction of the hangar at the Airport on May 28, 1974, Steel Building Systems submitted the lowest bid for the building in the amount of \$69,900; however, the bid does not include a bid bond and they required payment of a building prior to erection, which was not in compliance with the specifications and, therefore, he and the Airport Committee recommended that the bid be awarded to Whalen & Purdy, Inc., the second lowest bidder, in the amount of \$70,498, and that the County should solicit or negotiate for a separate contract to provide the foundation and footings for the building. Commissioner Guy made a motion that the Commissioners accept John Norris' and the Airport Committee's recommendations and award the bid to Whalen & Purdy, in the amount of \$70,498, seconded by Commissioner Aud and made unanimous by Commissioner Bowles. The Airport Committee gave a letter to the Commissioners setting forth their recommendations.

YOUTH COMMISSION ANNUAL REPORT

Present: Les George, Chairman, Youth Commission
Rev. Stephen Sigmon
Dan Raley, Executive Secretary, Youth Commission

The above persons submitted the annual report for the Youth Commission for the period July 1, 1973 to July 1, 1974 including the by-laws that were adopted April 20, 1974. The above report is on file in the Commissioners' Office .

Les George's resignation from the Commission and Chairman of the Commission was discussed. Rev. Sigmon, Vice-Chairman will act as Chairman until a replacement is found.

(Later in the Commissioners' meeting, Ed Cox received a telephone call from Les George withdrawing his resignation.)

CERTIFICATE OF TAX LEVY

Commissioner Guy made a motion that Commissioner Bowles be authorized to sign the Certificate of Tax Levy for St. Mary's County; the levy being \$4,688,519 and the census figures being 47,388, which figures would indicate our tax per capita is \$98.93, seconded by Commissioner Aud and made unanimous by Commissioner Bowles, who signed same.

UNITED STATES FLAG AND MARYLAND FLAG

Commissioner Guy made a motion that the Commissioners authorize Paul Raley to purchase a new Maryland Flag and United States Flag for the Commissioners' Office, seconded by Commissioner Aud and made unanimous by Commissioner Bowles.

PLUMBING ORDINANCE AMENDMENTS
PUBLIC HEARING

Present: John Norris, County Engineer
Walter Raum, Plumbing Board

As per the public notice, a public hearing was held on the amendments to the Plumbing Ordinance as recommended by the Plumbing Board. The amendments are as follows:

Amendment No. 1 - 09.20.12 (.01A) Sanitary Drainage Systems (Materials)

Amendment No. 2 - 09.20.08 (.25A) Plumbing Fixtures (Water Saving Devices)

There being no one in opposition to the amendments and no one present to speak against the amendments, the Board of County Commissioners will make a final decision at least ten days from the date hereof.

MAINTENANCE AND STORAGE BUILDING
ST. ANDREWS LANDFILL

Present: John Norris, County Engineer

Mr. Norris stated that his office needed to carry over funds in the amount of \$20,500 from his 1974 budget to the 1975 budget for the maintenance and storage building at St. Andrews Landfill. Commissioner Guy made a motion to authorize this carry-over, seconded by Commissioner Aud and made unanimous by Commissioner Bowles.

VALLEY LEE DISPOSAL AREA

Present: John Norris, County Engineer

John Norris stated that there is no attendant at the Valley Lee Disposal Area on Wednesdays and Sundays and there is a problem with the neighborhood children in that area. Mr. Norris recommended hiring an attendant on these days to curtail this problem. Commissioner Guy made a motion to accept Mr. Norris' recommendation, seconded by Commissioner Aud and made unanimous by Commissioner Bowles. This part-time attendant will be paid at a salary of \$2.00 per hour. *

JOHN AUD'S PROPERTY - HERMANVILLE ROAD

Present: John Norris, County Engineer

Mr. Norris explained that John Aud's property is located in a valley and he is unable to see the road. The cost to correct this situation would be approximately \$6,000 to \$7,000; however, no right-of-way was acquired from him for the reconstruction of Hermanville Road and his entrance was not being harmed; therefore, Mr. Norris could not recommend it. The Commissioners said they would visit the site to look at the situation on Friday afternoon.

WATHEN ROAD - SURFACING

Present: John Norris, County Engineer

The Commissioners approved the surfacing of Wathen Road, located off of Dynard Road in the Seventh Election District.

VAN WARD ROAD - RESURFACING

Commissioner Guy recommended that Van Ward Road, Seventh Election District, was on the list to be resurfaced last year and was not done and was on the list again this year and has not been done. The Commissioners agreed that Van Ward Road should be resurfaced this year and should be put on the list.

TANNER CREEK SHORE EROSION DISTRICT

Present: Louise Blosser, Tanner Creek Association
Harold Duffy, " " "
Margaret Duffy, " " "
Philip Wilkerson " " "
Peter J. Lomedico " " "
Tillie D. Monroe " " "
Charles Monroe " " "
Len Cassanova, Department of Natural Resources
Harris Sterling, Finance Director
H. D. McGlade, Comptroller
Michael Davis, County Attorney (Weiner and Davis)

Mr. Davis discussed his letter of June 19, 1974 concerning the method of assessment for the Tanner Creek Shore Erosion District. The method to be used and that had been agreed on at the Public Hearing held May 19 was to set a real estate tax rate of the property depending upon their proximity to the Bay which is then multiplied by the total assessed value of the property, including land and improvements. Mr. Davis, in his letter, stated it was his opinion that this proposed method of assessment is questionable and subject to attack and other methods should be explored. Mr. Davis stated that Article 25 165-B in his opinion speaks about benefit to the land and it would seem unfair to tax one property owner with an expensive house at a higher rate than an adjacent property owner whose lot is unimproved. Mrs. Blosser explained that all property owners had been made aware of the method of assessment and were in agreement. Only 75% of the property owners were required to form the District and they had obtained approximately 85% of the property owners for the District.

Commissioner Bowles explained to the Tanner Creek Association that if there is a risk, the property owners should be aware of what it is and it is the Commissioners' responsibility to inform them.

Mr. Davis stated that the contract is between the County Commissioners and the Department of Natural Resources and the primary risk would be on the County Commissioners. The revenue comes from the taxpayers in this District. If taxes are not collected, the County could sell the property.

Mr. Sterling advised the property owners about the maintenance assessment. If there has been no maintenance on the seawall, there would be no tax for that year; however, if there is maintenance, the property owners would be taxed accordingly. Maintenance will continue for the life of the wall.

After a lengthy discussion of the method of assessment, the Commissioners were of the opinion to continue with the assessment procedure as had been set forth at the public hearing.

Commissioner Guy made a motion that on behalf of Tanner's Creek Citizens Association, that the County Commissioners establish an agreement between the Department of Natural Resources and St. Mary's County in the Tanner Creek Shore Erosion Control Project No. 1-74 in the amount of \$207,948, this 25th day of June and that Commissioner Bowles sign same, seconded by Commissioner Aud and made unanimous by Commissioner Bowles.

REQUESTS FOR CHANGES IN COMPREHENSIVE WATER AND SEWER PLAN

Present: John Norris, County Engineer
 Walter Raum, Health Department
 Thomas and Patricia Downs
 Jack Fletcher

MT. PLEASANT SUBDIVISION - Mr. and Mrs. Downs came before the Commissioners to request that Mt. Pleasant Water Company, Inc. be included in the update of the Comprehensive Water and Sewer Plan as it has been left out in last year's update.

ESPERANZA FARMS - Mr. Fletcher, on behalf of Franklin W. and Robert G. Dean, came before the Commissioners to request a correction of an error in the Comprehensive Water and Sewer Plan with regard to the category for Esperanza Farms. According to the Plan, the area is designated W-4 and Mr. Fletcher said it should be W-1.

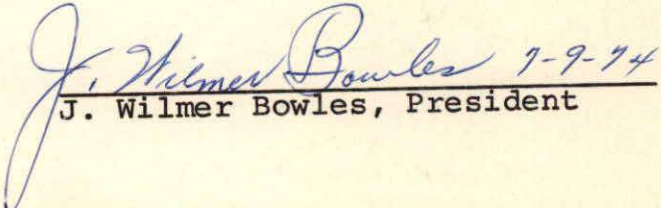
After discussion of which would be the quickest method to have these changes included in the Plan, either by advertising for a public hearing themselves or waiting until the County advertises for the annual update of the Plan, it was decided that they would advertise themselves. The Commissioners agreed to the above requests and instructed John Norris to process the applications for the changes and prepare the necessary advertisements.

Walter Raum stated he would contact the State Health Department to request that they take care of these requests as soon as possible.

COUNTY COMMISSIONERS' MEETING - JULY 23, 1974

The Commissioners agreed that there would be no appointments scheduled for the Commissioners' meeting on July 23 as there will be a meeting in Ocean City during the MACO Convention.

The meeting adjourned at 5:30 p.m.


 J. Wilmer Bowles, President

* The correct salary for the part-time attendant at Valley Lee is \$1.90 per hour not \$2.00. (See minutes of July 9, 1974)