

BOARD OF COUNTY COMMISSIONERS' MEETING

Wednesday, October 16, 1974

Present: Commissioner J. Wilmer Bowles, President
Commissioner George R. Aud
Edward V. Cox, Chief Clerk
H. D. McGlade, Comptroller
Cecelia B. Adams, Recording Secretary

Members of the Press:

Mrs. Patty Muchow, Guardian Review
Mrs. Sunny Schust, The Enterprise
Mr. Dick Myers, Radio Station WKIK

Commissioner Guy was not present on this meeting day.

READING OF MINUTES

The minutes of Tuesday, October 8, and Wednesday, October 9, 1974 were read and corrected.

APPROVAL OF MINUTES

Commissioner Aud made a motion to approve the minutes of October 1, 1974, seconded by Commissioner Bowles, who signed same.

FEDDERS LAW SUIT

Present: Mr. Joseph D. Weiner, County Attorney

Mr. Weiner stated that Commissioners Aud and Guy had made an offer to the attorneys for the Fedders family to settle the case for \$12,000.00. The attorneys had accepted and had sent the necessary papers for Mr. Weiner to sign. The County had later decided to have Mr. Spence Howard appraise the property. The appraisal given in the amount of \$13,000.00 was for possible damages to the house, property and all the improvements thereon (including well, septic tank, etc.). It then appeared that the \$12,000.00 offer was too high. The attorneys for Fedders now contend that an offer was made and accepted and the County had no right to rescind the original offer. Mr. Weiner inquired as to whether the Commissioners now want to make an offer of \$10,000 or would they prefer having the matter settled in Court.

Commissioner Bowles stated that when the other Commissioners had made the original offer, they made it without an appraisal. Later, when they met to discuss the case, he had suggested that the County obtain an appraisal so as to have some basis. This was agreed upon by all Commissioners. In Commissioner Bowles' opinion, the Commissioners had acted in good faith.

Commissioner Aud stated that the reason he had originally approved the \$12,000.00 offer was because the Department of Natural Resources had indicated that they would provide funding for half of the bill.

Mr. Weiner stated that if the Commissioners desire, this could be tabled until Commissioner Guy returns. The Commissioners were in agreement that this be done. Mr. Weiner stated that the case would be postponed.

CARVER HEIGHTS SUBDIVISION - NAME CHANGE

Present: Mr. Henry T. Waring and Mr. James Waring, his son

Mr. Henry T. Waring stated that he was appearing before the Board of County Commissioners to obtain approval of a change in the subdivision named "Carver Heights" to "Southampton". Mr. Edward Cox stated that the County Attorney, Mr. Joseph Weiner, had advised that there is no increase in the density and, therefore, this subdivision change of name should not be liable to the economic impact fee.

Commissioner Aud made a motion to allow Mr. Waring to change the name of Carver Heights Subdivision to Southampton and to change the names of the streets in accordance with the revised subdivision plat. The motion was seconded by Commissioner Bowles.

BIRCH MANOR

Mr. Henry T. Waring stated that some time ago when the Commissioners began reviewing for the new zoning at the public hearings, it was asked by Mr. Robert Willard, Planning Director, what effect would the new zoning have on subdivisions that have been approved but have not been recorded. At that time the statement was made that the subdivision law did not apply to the plats that were being worked on and they would be exempt from the rules and regulations that the Zoning Ordinance would call for. He continued, stating that Birch Manor was recorded shortly after July 1. The statement was made that they would not issue building permits on this subdivision because it does not conform to the lot size requirement in the Zoning Ordinance. It had been approved in February by the Planning and Zoning Commission. Mr. James Waring stated that they were asking for a clarification from the County Commissioners to the persons who administer this on a day-to-day basis.

The Commissioners stated that they would confer with the Planning and Zoning Offices to make certain that this proposed development was, in fact, within the necessary guidelines and conformed to the Briscoe lot size legislation of 1973.

COURT REPORTER'S POSITION

Present: Judge Joseph A. Mattingly
Mr. Albert Szal, Court Administrator

Judge Mattingly informed the Commissioners that the present Court Reporter for the St. Mary's County Circuit Court, Mrs. Norma Miller, has submitted her resignation effective October 18, 1974. The court is actively seeking a replacement for Mrs. Miller but to date has received only one inquiry since court reporters are in short supply this far from the Metropolitan Washington area. The salary levels for court reporters are higher in and around metropolitan Washington. Judge Mattingly continued, stating that Mrs. Rita Henning, a court stenographer in Prince George's County, has expressed a desire to come down to St. Mary's County. She has had 15 years of experience in the field. Mr. Szal added that they did not advertise for the position because very few people are interested in coming down to St. Mary's County. The present rate for court reporters is \$150.00 per day plus their mileage.

Judge Mattingly stated that Mrs. Henning has stated that she can come to the County at any time. Preliminary discussion with the reporter has revealed that she probably would accept a salary equivalent to Grade 16, Step 3 of the St. Mary's County pay scale (\$16,965.00). This would mean an increase over the amount currently budgeted but the alternative in the Judge's opinion would be a disrupted court operation.

Commissioner Aud made a motion that the Commissioners hire Mrs. Rita Henning at a salary of \$16,965.00 per year. Commissioner Bowles seconded the motion. The extra funds are to be taken from the contingency fund.

Mr. Szal stated that they are attempting to regulate all Circuit Court employees' salaries for the Tri-County area. A proposal had been forwarded to the Commissioners concerning adoption by the Commissioners of this proposal. Judge Bowen of Calvert County and Judge Mitchell of Charles County have also approved this proposal.

The Commissioners will take this under advisement.

BILLS APPROVED

The following bills were approved by the County Commissioners:

J. R. McCrone, Inc. - Cross-sectioning and location of Laredore Road on 50 ft. intervals - \$3,000.00;

Free State Surveying and Land Planning - Inspection Services for month of September, 1974, Hermanville Rd. - \$2,787.20.

HEALTH DEPARTMENT - LEXINGTON PARK
REQUEST FOR SECURITY LIGHT

Mr. Edward Cox, Chief Clerk, presented an application for a security light at the Lexington Park Health Department. Mr. Cox stated that night clinics are held there as well as counseling by Mr. Harrison, the alcoholics' counselor. Commissioner Aud made a motion to install the security light, seconded by Commissioner Bowles, who signed same.

JOHN HANCOCK PROPOSAL
EMPLOYEES CONSULTATION SERVICES

Mr. Edward Cox, Chief Clerk, stated that he had received a proposal from the John Hancock Insurance representative to provide a service which they call "Employees Consultation Services". This gives them the right to enter County business and inform the County employees of the amount of coverage that they have, etc. Mr. Cox continued, stating that at the present time the County pays 75% of the employees' health and life insurance. The County would be offering additional benefits to the employees.

Commissioner Bowles stated that, prior to making a decision, he would suggest that the Commissioners confer with Mr. B. Harris Sterling, Director of Finance, to obtain his feelings on same.

RECREATION AND PARKS
LEONARD HALL LEASE NEGOTIATIONS

The Commissioners reviewed a letter from Mr. John V. Baggett, Director of Recreation and Parks, concerning the final negotiations of the Leonard Hall lease. Mr. Baggett stated that the drill hall holds many recreation possibilities. He continued, stating that to fully utilize this building for recreation purposes could be disruptive to the operation of the school and he was, therefore, not recommending this. If there was any way possible, he would like to see something worked out with the school whereby the drill hall could be used as a combination teen center and roller skating program. In his opinion, the operation of the drill hall for roller skating, as well as other teen activities going on at the same time, would provide the County with a little practical experience as to whether this type of program will be effective before making a large expenditure of money for the construction of facilities. It was concluded that negotiations between Mr. Baggett and the Committee to Preserve Leonard Hall is to work out any arrangements for use.

CENTER GARDENS TAX ABATEMENT
COUNTY RESOLUTION 74-40 AND 74-41

Present: Mr. B. Harris Sterling, Director of Finance

Mr. B. Harris Sterling, Director of Finance, presented two resolutions for the Commissioners' signatures and approval. Resolution #74-40 "Center Gardens Tax Abatement" stated that the real estate taxes for the year 1973/1974 are abated and #74-41 "Center Gardens Tax Abatement" stated that the real estate taxes for the year 1974/1975 are abated. Mr. Sterling stated that this year the County had received the Navy's determination in time to write it off and this will bring their books up-to-date. Commissioner Aud made a motion to sign the resolutions, seconded by Commissioner Bowles. The Commissioners signed same.

RIDGE DISPOSAL AREA ATTENDANT
CONTRACT AGREEMENT

Mr. Edward Cox, Chief Clerk, presented the contract agreement for the Ridge disposal area attendant, Mr. William Richard Clarke, dated September 23, 1974. This contract was previously approved by the Commissioners and was being presented for the Commissioner President's signature. Commissioner Aud made a motion that Commissioner Bowles sign the agreement. Commissioner Bowles signed same.

D. MAURICE DIXON AGREEMENT
HERMANVILLE ROAD

Mr. Edward Cox, Chief Clerk, presented an agreement dated October 16, 1974, for the slope and drainage easement related to the construction of Hermanville Road between D. Maurice Dixon, his wife, and the County Commissioners. This agreement was being presented for the Commissioner President's signature. Commissioner Aud made a motion that Commissioner Bowles sign the easement agreement. Commissioner Bowles signed same.

BIDS ON INVESTMENTS

Present: Mr. B. Harris Sterling, Director of Finance

The following bids on Certificate of Deposit were opened:

	<u>First</u> <u>National</u>	<u>Md. Nat'l</u> <u>Bank</u>	<u>Md. Bank</u> <u>and Trust</u>
<u>Comm. General Fund</u> \$900,000 - 90 days	10.20%	9%	9.125%
<u>Comm. General Fund</u> \$550,000 - 90 days	10.30%	9%	9.125%

Bids on Certificate of Deposit (cont'd):

	<u>First National</u>	<u>Md. Nat'l Bank</u>	<u>Md. Bank and Trust</u>
<u>Comm. Road Fund</u> \$350,000 - 90 days	10.35%	9%	9.125%
<u>Comm. Revenue Sharing</u> \$800,000 - 90 days	10.25%	9%	9.125%
<u>Md. Treasury a/c</u> \$1,000,000 - 75 days	10.15%	9.10%	9.125%

Commissioner Aud made a motion to award the investment bids to First National Bank of St. Mary's, seconded by Commissioner Bowles.

DUKEHART CREEK - JETTIES

Present: Mr. John B. Norris, Jr., County Engineer

Mr. John B. Norris, Jr., County Engineer, presented the plat for the proposed jetty work to be performed at Dukehart Creek. Mr. Norris added that the office was awaiting the Department of Natural Resources approval. Commissioner Aud made a motion for the Commissioners to approve same. Commissioner Bowles signed the plat.

VALLEY LEE TRANSFER STATION

Present: Mr. John B. Norris, Jr., County Engineer

Mr. Norris stated that he had received two bids for the retaining wall at the Valley Lee transfer station:

Stroud Concrete	-	\$16,250.00
Melvin Construction		16,088.00

Mr. Norris stated that he had originally estimated and budgeted the construction of the wall for \$9,000.00 but, with the prices of steel and construction constantly rising, the bids were considerably higher. He stated that the advantage of this transfer station would be the lower operating cost as compared with locating a sanitary landfill in that area. He had talked with officials at the State Highway Administration regarding the possibility of their forces constructing the road and found that this would result in a savings of approximately \$2,000.00. If the contract for the hauling services is within the amounts previously budgeted for that item, he felt that they will be able to finance the project with a request for \$4,000.00 additional. Mr. Norris was instructed not to proceed with the project until he had obtained prices on trans-

porting material from the transfer station to the County landfill, at which time he would then present to the County Commissioners the total cost, meaning retaining wall and transportation, for a decision. The Commissioners were advised of the critical timing and the possibility of reverting to an open dump if the project is delayed.

PLUMBING INSPECTOR - MILEAGE EXPENSES

Mr. Norris stated that the plumbing inspector, Mr. Dale Cropper, is currently driving in excess of 2,000 miles per month. It is evident that the amount will exceed the amount originally budgeted for mileage. He requested the Commissioners' approval to transfer \$600.00 from the plumbing board expenses (account #57-59351) to the transportation (account #57-59341). Commissioner Aud made a motion to transfer these monies, seconded by Commissioner Bowles.

HERMANVILLE ROAD RE-CONSTRUCTION
ESTIMATE #6 - MCGUIRE AND ROLFE, INC.

Mr. Norris presented Estimate #6 from McGuire and Rolfe, Inc., for the reconstruction of Hermanville Road, in the amount of \$20,870.71. Commissioner Aud made a motion to approve this amount for payment, seconded by Commissioner Bowles.

TENTATIVE AGREEMENT FOR WASTEWATER DISPOSAL
FROM THE PROPOSED LEONARDTOWN HIGH SCHOOL

The Commissioners reviewed a tentative agreement concerning the wastewater disposal from the proposed Leonardtown High School. After reviewing the recommendations of St. Mary's County Metropolitan Commission, Commissioner Aud made a motion to sign the agreement, seconded by Commissioner Bowles. The Commissioners signed the agreement which was then delivered to Dr. Marek, County Health Officer, to be sent to the State Health Department officials.

LEONARD HALL PROPOSED LEASE

Present: Mr. Ben Burroughs, Jr., and Brother Peter Campbell

The Board of County Commissioners and the representatives of Leonard Hall School Junior Naval Academy, Inc. reviewed the tentative lease for Leonard Hall, during which time several corrections and amendments were made to be included in a finalized form yet to be agreed upon.

OPTION TO PURCHASE PROPERTY - WILLOWS ROAD COMMUNITY PARK
20 ACRES FROM KATHERINE AND GEORGE T. DAUGHERTY

Present: John V. Baggett, Director, Recreation and Parks

Mr. Baggett presented an option contract for a period of six months with Katherine W. Daugherty and George Thomas Daugherty, dated February 20, 1974, to purchase some twenty acres of property located in the eighth election district of St. Mary's County. The County has an option to purchase this property for \$25,000.00. The property has originally been appraised for \$40,000 to \$44,000.

Mr. Baggett explained that the Daughertys have agreed to an extension of this option for an additional three months. He had obtained approval from the County Attorney, Joseph D. Weiner, for same.

WILLOWS ROAD COMMUNITY PARK - ACQUISITION

Mr. Baggett presented a project proposal questionnaire for program open space acquisition for the Willows Road Community Park. This project had been previously approved by the Commissioners and the project proposal had originally been signed in March of 1974. Due to the delay in the processing of the option to purchase this property, it was now necessary to change the original date of this project.

LEONARDTOWN TENNIS COURT LIGHTING

Mr. Baggett stated that the bids for the lighting for the tennis court at Leonardtown total \$9,000.00. The estimate was originally \$8,000.00. Mr. Baggett gave the following breakdown of costs:

Installation (labor) So. Md. Mechanical Contr.	\$2,028.00
Devoe Lighting System (including freight)	4,828.00
Davit arm posts (B & J Nursery)	1,420.00
SMECO - estimated electrical hook-up	<u>724.00</u>
TOTAL	<u>\$9,000.00</u>

Mr. Baggett stated that the Commissioners have already approved this project and he felt that time was of the essence.

Mr. McGlade stated that, in fact, what Mr. Baggett was requesting is that the Commissioners approve this project with the understanding that it will be accessible within the FY 75 Capital budget. Mr. Baggett will select an item to be eliminated or reduced at a later date.

Commissioner Aud made a motion to approve Mr. Baggett's request, seconded by Commissioner Bowles.

BID FOR SHRUBBERY AT CHAPTICO WHARF

Mr. Baggett stated that on October 7, 1974 he had opened bids for the shrubbery at Chaptico Wharf (natural screen). This shrubbery will be placed between the Yowaiski property and the County property. The bids received were as follows:

B. A. Garner	\$956.00
B & J Nursery	575.00

Mr. Baggett requested that the Commissioners reject all bids and he will grant the project to B & J Nursery. Commissioner Aud made a motion to reject the bids, seconded by Commissioner Bowles.

RECREATION SUPERVISOR - RESIGNATION OF EDWARD ATKINS

Mr. Baggett stated that he would like to inform the Commissioners that he has received a letter of resignation from Mr. Edward Atkins, Recreation Supervisor. A copy of this letter had been sent to the Director of Finance and the Chief Clerk. Mr. Baggett requested the Commissioners' approval to work with Mr. Edward Cox, Chief Clerk, on personnel procedures for a replacement. The Commissioners approved same.

ZONING INSPECTORS

Present: Mr. Dick Platt

Mr. Platt stated that he had received permission from the State Commissioner of Personnel to use the State rating to select two Zoning Inspectors for his office. After reviewing all resumes received, Mr. Cox and Mr. Platt have chosen Mr. James K. Raley, Jr. and Mr. Daniel H. Raley. Mr. Platt stated that Mr. James K. Raley, Jr. is available to report for work on October 21, 1974, and Mr. Daniel H. Raley is available to report for work on November 4, 1974. Commissioner Aud made a motion to approve the employment of same, seconded by Commissioner Bowles.

DEFERRED COMPENSATION PLAN

Present: Mr. H. D. McGlade, Comptroller

Mr. McGlade presented a proposed resolution entitled "Deferred Compensation Plan" for the Commissioners' review. Mr. McGlade stated that this plan would provide that, through a tri-party contract, the employee then making an agreement with the Commissioners, a percentage of his designated annual salary

would be set aside annually. The advantage would be that current income taxes and social security, etc. would be based on the current compensation. This is available to employees whether or not they have a retirement plan. Mr. McGlade continued, stating that he has designated the President of the Board to sign the trust agreements with these people. The plan is made available by the International City Management Association Retirement Corporation. Commissioner Aud made a motion to approve the resolution, seconded by Commissioner Bowles. The Commissioners signed same.

H. D. McGLADE - ADDENDUM TO EMPLOYMENT CONTRACT

Mr. McGlade presented an addendum to his employment contract that he had prepared for the Commissioners' approval. Mr. McGlade stated that his employment contract originally stated that he was Acting Budget Officer and Director of Administration and his title has now been established as Comptroller. The Commissioners reviewed the document. Commissioner Aud made a motion to approve same, seconded by Commissioner Bowles who signed the addendum.

TECHNICAL EVALUATION COMMITTEE

Present: Mr. Dick Platt

Mr. Platt presented a proposed resolution entitled "Technical Evaluation Committee" for the Commissioners' review. Mr. Platt stated that currently under the auspices of the Planning Commission there is a Technical Review Committee. He was requesting that the Commissioners establish this new committee which would be totally separate from the Planning Commission. The meetings would be called when business could not be taken care of at a regular meeting. The establishment of the committee would not entail funding and is merely an expansion of the present Technical Review Committee. Commissioner Aud made a motion to sign the resolution, seconded by Commissioner Bowles. The Commissioners signed same.

SOCIAL SERVICES APPOINTMENTS

The County Commissioners appointed the following persons as members of the Department of Social Services Board:

- Joseph E. Bell, II - for a term expiring 6/30/77
- Benjamin J. Bonnici, Jr. " " " " 6/30/75
- Purnell Frederick - " " " " 6/30/77
- Oakley Winters - " " " " 6/30/77

The meeting adjourned at 5:45 p.m.

J. Wilmer Bowles 12/31/74
J. Wilmer Bowles, President