

BOARD OF COUNTY COMMISSIONERS' MEETING

September 22-23, 1976

Wednesday, September 22, 1976

Present: Commissioner James M. McKay, President
Commissioner Ford L. Dean
Commissioner J. Patrick Jarboe, M.D.
Commissioner Larry Millison
Commissioner John K. Parlett
Edward V. Cox, County Administrator
Judith A. Mullins, Recording Secretary

The meeting came to order at 9:45 a.m.

READING AND APPROVAL OF MINUTES

The minutes of September 15-16, 1976 were read. Commissioner Jarboe made a motion to approve the minutes as read, seconded by Commissioner Parlett. All Commissioners voted in favor.

EXECUTIVE SESSION

Present: Joseph Ernest Bell, II, County Attorney

The Commissioners agreed to meet in Executive Session with the County Attorney in order to discuss matters of litigation. The Session lasted from 9:20 a.m. to 9:45 a.m.

JOAN DRIVE

Present: Joseph Ernest Bell, II, County Attorney

Commissioner Jarboe made a motion to authorize the County Attorney to forward a letter to the attorney for Containerization, Inc., setting forth the County's position concerning possible settlement on Joan Drive, seconded by Commissioner Parlett. All Commissioners voted in favor.

ATTORNEY TO PLANNING COMMISSION

Present: Joseph Ernest Bell, II, County Attorney

Mr. Bell advised the Commissioners of his intention to step down as Attorney to the Planning Commission because of limitations on his time. Therefore, Mr. Bell recommended that he be replaced by Mr. Joseph Densford, an attorney who has some background in zoning and is presently on the Leonardtown Planning Commission.

Commissioner Jarboe made a motion to accept the County Attorney's recommendation and appoint Mr. Joseph Densford as Attorney

to the Planning Commission, effective September 20, seconded by Commissioner Dean. All Commissioners voted in favor.

ENCUMBRANCE VOUCHERS

Present: Harris Sterling, Director of Finance

Mr. Sterling presented the encumbrance vouchers for the Commissioners' review and approval. Commissioner Jarboe made a motion to approve payment of the bills, seconded by Commissioner Dean. All Commissioners voted in favor.

YOUTH SUMMER EMPLOYMENT PROGRAM

Present: Robert Wentworth, Executive Secretary,
Youth Commission

Mr. Wentworth appeared before the Commissioners with a request to the Commissioners that the Youth Summer Employment Program be extended in order to have four youth workers help in cleaning up the grounds during and after the Fair. There are funds available in the Program and the cost of this extension would be \$202.40.

Commissioner Jarboe made a motion to accept Mr. Wentworth's recommendation, seconded by Commissioner Parlett. All Commissioners voted in favor.

DISTRICT COURT RENOVATION

Present: Paul Raley, Director, Purchasing and Logistics
Doris Jones, Clerk of District Court

The above persons appeared before the Commissioners to request certain renovations to the District Court offices and presented plans indicating same. Cost of materials for this project would be approximately \$500, and the County maintenance force would be able to do the necessary repairs. In addition, Mrs. Jones mentioned the need for additional electrical outlets.

Commissioner Dean made a motion to authorize the County maintenance force to do the necessary renovations, seconded by Commissioner Parlett. All Commissioners voted in favor.

COMMISSION ON AGING
TITLE III GRANT APPLICATION

Present: Mrs. Billye McGaharn, Executive Secretary,
Commission on Aging

Mrs. McGaharn presented the Application for Project Grant under Title III of the Older Americans Act, as amended, for the Transportation and Aid Project for the project period July 1, 1976, to September 30, 1977. Said Grant Application has been reviewed by the Commission on Aging and the Budget Officer.

In addition, Mrs. McGaharn requested the Commissioners to address correspondence to appropriate officials requesting increased funding for the Title III Program, and further that the Commissioners seek out an alternative funding formula more consistent with the County's financial needs rather than on a population distribution basis.

Commissioner Dean made a motion to authorize Commissioner President McKay to sign said Grant Application, seconded by Commissioner Parlett. All Commissioners voted in favor.

AGREEMENT FOR SERVICES - COMMISSION ON AGING

Present: Mrs. Billye McGaharn, Executive Secretary,
Commission on Aging

Mrs. McGaharn presented the Agreement for Services in connection with the Senior Citizens Lunch Program pursuant to a grant from the State of Maryland to provide meals for the elderly under Title VII of the Older Americans Act, said Agreement being by and between the Board of Education of St. Mary's County and the St. Mary's County Commission on Aging.

Commissioner Dean made a motion to authorize Commissioner President McKay to sign said Agreement, seconded by Commissioner Parlett. All Commissioners voted in favor.

SOUTHERN MARYLAND KENNEL CLUB
USE OF CHARLOTTE HALL SCHOOL

Present: Linda Smith, So. Md. Kennel Club
Ralph Bernazzani, So. Md. Kennel Club

The above persons appeared before the Commissioners to request the use of the Charlotte Hall School property next August or October for the purpose of conducting a dog show as had been done in the past. It was requested that the Commissioners give consideration to this matter should the County exercise the Option Agreement and would then have control over the property at that time. If not, Mrs. Smith stated they would be making the same request to the Board of Trustees of Charlotte Hall School. In addition, use of

the PX Building on the property was requested in order to hold the monthly meeting of the Kennel Club.

The Commissioners agreed to review these requests and would respond to them by letter.

TELEGRAM TO GOVERNOR MANDEL
INTERIM APPOINTMENT OF SHERIFF

Commissioner Parlett made a motion that the Commissioners recommend to Governor Mandel the interim appointment of Lt. Pellillo as Acting Sheriff until such time as a permanent appointment is made, and that a telegram be forwarded to the Governor to this effect, seconded by Commissioner Jarboe. All Commissioners voted in favor.

AFFIRMATIVE ACTION PROGRAM

Present: Nace Fresco, Personnel Officer

Mr. Fresco presented correspondence to the Commissioners for their signature which would appoint him as Manager of the St. Mary's County Government Affirmative Action Program and setting forth his duties and responsibilities in this capacity. In addition, Mr. Fresco presented a memorandum addressed to all Department Heads, Boards and Commissioners, Supervisors and Personnel in County Service setting forth the Equal Opportunity Employment Policy for the Commissioners' signatures.

Commissioner Parlett made a motion to accept the recommendations of the Personnel Officer and sign the above-mentioned letter and memorandum, seconded by Commissioner Dean. All Commissioners voted in favor.

OVERTIME POLICY

Present: Nace Fresco, Personnel Officer

As had been requested by the Commissioners, Mr. Fresco stated he devised a proposed overtime policy for the County, which had been presented to the department heads at the last staff meeting. Comments were received in writing from the Budget Officer and County Engineer, with the gist of their comments being that (1) the plan is too restrictive, and (2) that the list of people who are required to have overtime needs to be amended.

After discussion, Mr. Fresco recommended that the proposed draft be amended by deleting requirement for authorization of overtime in writing in advance and that the matter of the list of those who are exempt and not exempt be a matter for the Commissioners' determination. The Commissioners agreed that

Mr. Fresco should revise the policy and resubmit it to the Commissioners for their consideration for approval.

Commissioner Millison suggested that Mr. Fresco make a determination as to what policy the Board of Education follows with regard to overtime.

FEDERAL GRANTS FOR LAW ENFORCEMENT AGENCIES

Present: J. Claude Jarboe, President, Taxpayers Association

Mr. Jarboe appeared before the Commissioners and stated that last year the Taxpayers Association was opposed to the proposed Sheriff's bill and a merit system for the Sheriff's Department, and presented the Commissioners with a copy of an article in the September 1, 1976, Wall Street Journal which he stated explained a lot about federal grants that are issued for law enforcement.

USE OF CHARLOTTE HALL SCHOOL FOR DRUG ABUSE TREATMENT CENTER

Present: J. Claude Jarboe

Mr. Jarboe informed the Commissioners that he had heard at recent meetings concerning the above-referenced matter that 50% of all school children are involved one way or another with drugs, and that it was his opinion that the Board of Education and the law enforcement agencies are not doing their jobs properly, and that these agencies should work together in solving the problem.

REQUEST FOR OVERTIME FOR INSPECTORS FOR ASPHALT OVERLAY PROGRAM

Request for payment of overtime for Michael Mattingly and Walter Wise were presented by the County Administrator from the Office of the County Engineer for various inspection work beyond the normal work week.

Commissioner Dean made a motion to approve overtime payment as submitted by the County Engineer, seconded by Commissioner Jarboe. All Commissioners voted in favor.

LETTER TO POTOMAC RIVER MUSEUM COMMITTEE

The County Administrator presented correspondence addressed to the Chairman of the Potomac River Museum Committee for the Commissioners' signatures regarding a joint meeting with the Museum Committee and the Board of County Commissioners.

Commissioner Parlett made a motion to sign and forward said letter, seconded by Commissioner Jarboe. All Commissioners voted in favor.

COMMISSION ON WOMEN

The County Administrator reported that all appointments to the Commission on Women have been confirmed and suggested that this Commission appear before the Commissioners for a brief discussion of their duties. The Commissioners concurred.

ABATEMENT OF BUILDING PERMIT FEE
SOUTHERN MARYLAND DRUG ABUSE PROGRAM
RESIDENTIAL TREATMENT CENTER

The County Administrator presented correspondence from the Director of the Walden Counseling Center requesting reimbursement for certain costs with regard to the proposed Residential Treatment Center.

Commissioner Dean made a motion that the County Administrator ascertain whether or not the Southern Maryland Drug Abuse Program is eligible for abatement of building permit fee in compliance with the County's Resolution No. 75-53, and further the abatement of other costs not be considered as has been done with other organizations, seconded by Commissioner Parlett. All Commissioners voted in favor.

TITLE I HUD FUNDS

The County Administrator reported that the County is ending its first year grant for Title I HUD funds and preparing for the second year grant. The contract with Community Development Assistant Group, who has assisted the County in receiving grant funds is subject to renewal at the end of one year, unless given 60 days notice.

After discussion, Commissioner Parlett made a motion to give notice to Community Development Assistance Group that the County will terminate their contract with them at the end of the contract period, seconded by Commissioner Jarboe. All Commissioners voted in favor.

CHANGE ORDER NO. 8 - ST. MARY'S NURSING HOME

The County Engineer submitted the above-referenced Change Order for certain Nursing Home renovations, which would increase the contract by \$841.00.

Commissioner Dean made a motion to approve said Change Order, seconded by Commissioner Parlett. All Commissioners voted in favor.

WATER QUALITY MANAGEMENT PLAN
(POTOMAC RIVER AND PATUXENT RIVER)

The County Administrator stated that Phase I of the above-referenced Plan is nearing completion and will be starting Phase II. The Commissioners will need to give consideration to appointments to Phase II of the Plan during their next Executive Session on personnel.

ROAD RESOLUTIONS

R-77-9 - Mill Pond Road - The County Engineer's Office submitted the referenced Road Resolution posting Mill Pond Road at 25 miles per hour, and further that a Stop Sign be placed at the intersection of Mill Pond Road and Clarks Mill Road. Commissioner Jarboe made a motion to approve said Road Resolution, seconded by Commissioner Millison. All Commissioners voted in favor.

R-77-10 - Town Creek Manor Subdivision - The County Engineer's Office submitted the referenced Road Resolution posting TownCreek Drive at 30 miles per hour, and the remaining streets and roads in the Town Creek Manor Subdivision at 25 miles per hour. Commissioner Jarboe made a motion to approve said Road Resolution, seconded by Commissioner Millison. All Commissioners voted in favor.

STANDARD LETTER TO BUSINESS INTERESTED IN ST. MARY'S COUNTY

The Commissioners agreed to sign and forward a letter addressed to Mr. Pat Richards who has expressed an interest in setting up a business venture in St. Mary's County.

TRANSPORTATION OF NAVY CHILDREN TO LITTLE FLOWER SCHOOL

Correspondence was received from the Navy requesting the County to provide transportation for children residing at the Naval Air Station to Little Flower School. The cost of providing two buses for the 1976-77 school year will be \$3,754.98. Funds have been budgeted by the County for this purpose; therefore, Commissioner Millison made a motion to approve the funding to pay for this transportation, and that the Navy be reimbursed as set forth in their letter of September 16, seconded by Commissioner Jarboe. All Commissioners voted in favor.

RESIDENTIAL TREATMENT CENTER

Commissioner Dean raised several points in connection with the above-referenced project and cited various alternatives available to the County in order to move forward on providing this needed service to the community. After some discussion of the legal technicalities, Commissioner Dean agreed, with the Commissioners' concurrence, to consult with the County Attorney, the Attorney to the Board of Appeals, and others as to the most expeditious and feasible manner in dealing with this situation.

The meeting recessed at 12:45 p.m.

Thursday, September 23, 1976

Present: Commissioner James M. McKay, President
Commissioner Ford L. Dean
Commissioner J. Patrick Jarboe
Commissioner Larry Millison
Commissioner John K. Parlett
Edward V. Cox, County Administrator
Judith A. Mullins, Recording Secretary

The meeting reconvened at 8:45 a.m.

STORM DRAINAGE PROBLEM IN LEXINGTON PARK

Present: John Norris, County Engineer
Joseph O'Dell, Budget Officer

Mr. O'Dell and Mr. Norris explained to the Commissioners the approximate costs to correct the drainage problem at Lexington Park and the fact that the Commissioners had previously discussed the possibility of holding a public meeting in the area for community input. Mr. O'Dell stated the cost would be approximately \$550,000, and if the Commissioners wanted to pursue the project, it should be done either through a loan process or bonding process. After some discussion, the Commissioners requested the County Engineer to contact State Highway Administration and discuss the procedure for the correcting of the storm water drainage problem and the relationship between the County and the State relative to the project.

PURCHASE OF DIESEL ENGINE FRONT END LOADER
(PROJECT NO. SM-77-5-3)

Present: John Norris, County Engineer

The County Engineer stated that bids were opened September 20 on the above-referenced project and that one bid was received; namely, Alban Tractor Company, Inc., in the amount of \$52,000, which is \$2,000 over the budgeted amount. Therefore, Mr. Norris requested an indication from the Commissioners to award the bid to Alban Tractor and to authorize the additional allocation of \$2,000.

Commissioner Dean made a motion to award the bid to Alban Tractor in the amount of \$52,000 and further that the additional funds will come from an account recommended by the Budget Officer, seconded by Commissioner Parlett. All Commissioners voted in favor.

AMENDMENT TO ASPHALT OVERLAY PROJECT CONTRACT

Present: John Norris, County Engineer

Mr. Norris recommended adding a provision to the Asphalt Overlay Project Contract which would give the County the option to terminate the contract based on lack of satisfactory quality of performance of work.

Commissioner Dean made a motion that the Commissioners authorize Commissioner President McKay to sign an addendum to the Asphalt Overlay Contract No. 77-7-1 as prepared by the County Engineer and County Attorney, seconded by Commissioner Jarboe. All Commissioners voted in favor.

EMERGENCY OPERATIONS CENTER - WATERPROOFING PROJECT

Present: John Norris, County Engineer

Mr. Norris explained the work being done on the above project and the problems encountered. He requested authorization from the Commissioners to have installed drainage tile around the building at the depth of current construction. Cost would be approximately \$1,500.

The Commissioners agreed to view the site prior to making a decision.

TRI-COUNTY YOUTH SERVICES BUREAU

Present: Joe Cotton
Anne Larue

The above persons from the Tri-County Youth Services Bureau appeared before the Commissioners to brief them on the various program activities of the Bureau, progress being made in each area, and future plans, such as a group home for girls. Mr. Cotton mentioned the desire of having the Tri-County Youth Services Bureau located at Charlotte Hall School property rather than their present location in Hughesville.

Commissioner Millison questioned Mr. Cotton as to the way in which he learned Charlotte Hall was available, to which he replied he learned it in the paper. Commissioner Millison asked if anyone had contacted him, and Mr. Cotton replied "No".

In closing, Mr. Cotton stated that he would like to appear before the Commissioners on a quarterly basis in order to keep the Commissioners up to date on their programs.

NICOLET PARK

Present: John Baggett, Director, Recreation and Parks

Mr. Baggett discussed the meeting that was held with a group of citizens in Patuxent Park regarding improvements to Nicolet Park. Mr. Baggett stated that to bring the park back to its original condition would cost an estimate of \$11,585. However, in the meantime, the citizens did request that certain improvements be made immediately, one of which was security lights. Mr. Baggett recommended the installation of five security lights which would cost the County \$232.05 a year. After discussion, Commissioner Dean made a motion that Mr. Baggett contact immediately adjacent property owners to Nicolet Park and if there is no strong objection, that he proceed with the installation of the lights, seconded by Commissioner Parlett. All Commissioners voted in favor.

EXECUTIVE SESSION - PERSONNEL

Present: Edward V. Cox, County Administrator

At this time the Commissioners agreed to meet in Executive Session in order to discuss appointments to various Boards, Committees, and Commissions. The Session was held from 10:05 a.m. to 11:15 a.m.

VISIT TO CONTROL CENTER

The Commissioners visited the Control Center with the County Engineer to view the waterproofing project that is underway in order to decide on the proposal to install drain tile alongside the building.

PETITION IN OPPOSITION TO CHANGES TO MASTER PLAN AND ZONING ORDINANCE

Present: Karen Snidar, Committee to Restore Constitution
Fay Rathbone, " " " "

The above persons presented to the Commissioners petitions containing approximately 260 signatures requesting the Commissioners to nullify, rescind or delete all proposed changes to the County Master Plan and Zoning Ordinance as outlined at the Public Hearing held August 26, 1976.

SECTION 8 PROGRAM OF THE HOUSING ACT
(REVISED APPLICATION)

Present: Donald Curtis, Housing Coordinator

Mr. Curtis explained to the Commissioners the revised Section 8 application submitted by the Housing Authority which will provide additional housing units to St. Mary's County under Section 8 for a new total of 100 units. In order to complete the revised application, Mr. Curtis presented a required notice to be signed by the President of the Board of County Commissioners signifying that the Commissioners have reviewed the revised application and find no objections to it.

Commissioner Jarboe made a motion to authorize Commissioner President McKay to sign the letter to HUD recognizing acceptance of additional units, seconded by Commissioner Parlett. All Commissioners voted in favor.

MEMORANDUM TO RESCUE SQUAD ASSOCIATION

Commissioner Jarboe presented a memorandum for the Commissioners' signatures addressed to the Rescue Squad Association pertaining to their Fiscal '77 allocations. The Commissioners agreed to sign and forward same.

TRY-ME TAVERN BUILDING PERMIT

At this time the Commissioners discussed the paper presented by Commissioner Jarboe at last week's meeting pertaining to the decision by the Zoning Administrator and the Board of Appeals relative to the Try-Me Tavern (One Stop Shop) Building Permit case. After considerable discussion and after amendments were made to this paper, Commissioner Jarboe made a motion that the paper be typed in final form as a memorandum addressed to the

Zoning Administrator, County Attorney, John Slade, Members of the Planning Commission, Planning Commission Attorney, Board of Appeals Members and Board of Appeals Attorney, seconded by Commissioner Dean. Four Commissioners voted in favor, with Commissioner Millison voting against, stating it was his opinion that the Zoning Administrator has the right to make a decision the way he feels it should be.

LETTER FROM SCHOOL HEALTH COUNCIL OF ST. MARY'S COUNTY
(DENTAL PREVENTION PROGRAM)

Commissioner Jarboe referred to a letter from the School Health Council of St. Mary's County requesting funds in the amount of approximately \$520 from the County to transport third graders from public and private schools of the County to the Leonardtown Health Department Dental Clinic for a dental prevention program.

Commissioner Jarboe made a motion to appropriate the necessary funds for the transportation for the dental prevention program which will necessitate a Contingency Account transfer, seconded by Commissioner Parlett. All Commissioners voted in favor.

COMMUNITY COLLEGE - CHARLOTTE HALL

Present: Joseph O'Dell, Budget Officer

Mr. O'Dell reported that the question was raised by the Charlotte Hall Committee as to the possibility of the location of a community college on the Charlotte Hall School property. The Charlotte Hall Committee requested the Commissioners to meet with the Commissioners of Calvert and Charles County, if possible, to discuss this proposal. The Commissioners concurred with the idea of a joint meeting and directed the County Administrator to arrange for this item to be placed on the agenda of the October 20 meeting of the three Boards of County Commissioners.

BIDS ON INVESTMENTS

Present: Harris Sterling, Director of Finance

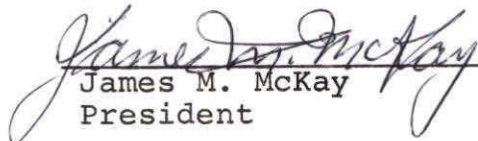
Mr. Sterling presented bids on investments as follows:

<u>AMOUNT</u>	<u>TERM</u>	<u>MD. NAT'L.</u>	<u>FIRST NAT'L.</u>	<u>MD. BANK & TRUST</u>
\$268,828.32	90 days	5.11%	5.285%	4.96%
\$450,000.00	90 days	5.11%	5.285%	4.96%
\$1,000,000.00	120 days	5.20%	5.385%	5.195%

Mr. Sterling recommended awarding the bid to the highest bidder for each amount, namely the First National Bank of St. Mary's. Commissioner Dean made a motion to accept Mr. Sterling's recommendation, seconded by Commissioner Jarboe. All Commissioners voted in favor.

The meeting adjourned at 12:45 p.m.

Approved by,



 James M. McKay
 President