

April 9, 1968

Present: F. Elliott Burch
J. Wilmer Bowles
George R. Aud

Meeting convened at 9:30 a.m.

E.O.C. Building

Mr. W. M. Loker, Mr. O. Guyther, Messrs. John and Fred Passarelli, Mr. F. Tilp, Architect, Gen. R. E. Hogaboom, and Mr. O. Wood.

Mr. Loker said that the purpose of the meeting is regarding the request for payment to Bacon & Passarelli, Payment #16, which has not been made. They are relying on a letter sent by Mr. Tilp to the office of Civil Defense, dated March 20th, wherein he recommends that this payment be made. This is for 5%, and as was pointed out to the commissioners, certification of completion was made by the architect by the letter mentioned. Mr. Loker said they are asking that Bacon & Passarelli be paid to date. He stated that placement of top soil over the building was left to be done, and the \$9,000 retainage would be sufficient to cover this cost. He explained that the commissioners were told that there were leaks in the building, and Civil Defense took the position that no further funds would be paid until the leaks were fixed. Mr. Loker feels this is a violation of the contract, as the architect is the discretionary agent in the matter and the commissioners are bound by his recommendations.

Gen. Hogaboom stated that one of the statements from Mr. Tilp said the building was 99.9% complete. If this were true, there would only be \$170 left unpaid, and what still needs to be done in the building cannot be done for this amount of money. He also pointed out that the job is 367 days late, but Civil Defense has made no complaints, and have sympathized with delays they were told were necessary, etc. If the penalty clause were applied, it would amount to \$9,197.00. There are things that need to be done in the building, and there is no sign of anything being done about them, nor any tendency to fully complete the building. Mr. Loker said there will be several thousand dollars left to complete items on the punch list, if this has not been completed.

Mr. Burch informed those present that Mr. Tilp has withdrawn his approval of the payment in question because of the many leaks in the building, and this has been officially recorded in the minutes. Mr. Tilp said he is trying to protect his client, and that the payment is not due now. Mr. Loker stated that it was obvious that nothing can be worked out as Mr. Tilp has said nothing can be paid and has refuted his approval for payment.

Mr. Guyther then stated that this matter does not belong before the commissioners, as they can only follow the recommendations of the architect. The commissioners agreed, and Mr. Burch said that this should be worked out between the Office of Civil Defense, Bacon & Passarelli, etc., and if payment is approved, the commissioners will honor this.

Roads

Mr. Bond came into the meeting and was informed that the SRC people are cleaning the ditches on Cedar Lane and are hauling the debris to Hollywood instead of dumping it in an area near the work. Mr. Bond said he will take care of this immediately.

Public Hearing - Aiello

Mr. Guyther, Mr. P. Raley, Mr. W. S. Donaldson. Public hearing duly advertised as required by law on application of Peter Aiello, Johanna Aiello (wife) and Samuel Needle, Inc., to have 2.373 acres of land located on Route 235 near Lexington Park, Md., rezoned from "B-Residential" to "Commercial". There were no protestants present, and one protest which had been made by Club Properties, Inc., owners of adjacent property, has been withdrawn by letter dated April 5, 1968. The Planning and Zoning Commission, after holding the required public hearing, denied the application.

After general discussion and review, the commissioners unanimously approved the rezoning requested by Mr. Aiello.

Lexington Park Library

The commissioners approved payment of Req. #10, March 1 through March 31, in the amount of \$3,987.00, to M. Dean, Inc., for work on this facility, as approved by Mr. S. Arthur, architect.

Master Water and Sewage Plan - FHA Grant

The commissioners approved and signed application to FHA requesting a grant of \$9,000 for the County Master Water and Sewage Plan.

Proclamation - King

The commissioners issued proclamation declaring Tuesday a day of mourning for Dr. Martin Luther King, Jr., and closing the courthouse for half day.

Approved,

F. Elliott Burch

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President