

BOARD OF COUNTY COMMISSIONERS' MEETING

November 5-6, 1975

Present: Commissioner James M. McKay, President
Commissioner Ford L. Dean
Commissioner Larry Millison
Commissioner John K. Parlett
Edward V. Cox, Chief Clerk
Judith A. Mullins, Recording Secretary

(Commissioner Jarboe was not present)

The meeting came to order at 9:10 a.m.

READING AND APPROVAL OF MINUTES

The minutes of October 29-30, 1975 were read and corrected. Commissioner Dean made a motion to approve the minutes as corrected, seconded by Commissioner Parlett. All Commissioners voted in favor of this motion.

PRESENTATION OF ENCUMBRANCE VOUCHERS (BILLS)

Present: Harris Sterling, Director of Finance

Mr. Sterling presented the encumbrance vouchers for the Commissioners' review and approval.

Commissioner Parlett made a motion to approve payment of Voucher No. 5349 payable to Larry Millison for reimbursement for overpayment of taxes, seconded by Commissioner Dean. Three Commissioners voted in favor of this motion with Commissioner Millison abstaining.

Commissioner Dean made a motion to approve payment of the remaining encumbrance vouchers as submitted, seconded by Commissioner Parlett. All Commissioners present voted in favor of this motion.

SHERIFF'S ACCOUNTS

Present: Harris Sterling, Director of Finance

Mr. Sterling requested the Commissioners' approval to allow the Sheriff to expend appropriated funds from the Narcotics Account and the Stolen Properties Account on an emergency basis, after which time encumbrance voucher would be submitted to the Commissioners for approval.

Later in the meeting, after review of this request, Commissioner Millison made a motion to grant this request, seconded by Commissioner Parlett. All Commissioners voted in favor of this motion.

REQUEST FOR ONE-DAY'S AUDITOR SERVICES

Present: Harris Sterling, Director of Finance

Mr. Sterling presented a memorandum to the Commissioners dated November 4 requesting permission to employ an auditor from Wooden and Benson for one day at \$20 per hour, in order to establish the capital improvement funds on the current year's books and review the procedures for administering same and possibly a review of the encumbrance voucher system.

The Commissioners will make a decision on this matter later today.

TALL TIMBERS SHORE EROSION DISTRICT

Present: John Norris, County Engineer

Mr. Norris advised the Commissioners that a section of the sea wall at Tall Timbers is in need of repair and that Colliflower and Peterson, Inc. submitted a proposal dated October 28, 1975 in the amount of \$3,000 to accomplish this work.

Mr. Norris stated that the Tall Timbers Shore Erosion District would repay the County and recommended that the Commissioners transfer the \$3,000 from the Contingency Fund and establish an account to charge it to the Tall Timbers Shore Erosion District. In addition, Mr. Norris requested authorization to accept the proposal from Colliflower and Peterson to repair the sea wall.

Commissioner Dean made a motion to accept Mr. Norris' recommendation, and that this account will be paid by the Tall Timbers Shore Erosion District, seconded by Commissioner Parlett. All Commissioners present voted in favor of this motion.

THOMAS ROAD BULKHEAD

Present: John Norris, County Engineer

Mr. Norris stated that in connection with the Thomas Road Bulkhead Project, plans are complete, specifications are complete, permits have been secured and that his office is now ready to proceed with the advertisement of the project. Mr. Norris requested the President of the Board's signature on the plans. Commissioner McKay signed same.

TANNERS CREEK JETTY PROJECT

Present: John Norris, County Engineer

Mr. Norris stated that the contractor for the Tanners Creek Jetty Project, Williams Enterprises is ready to begin and before the County Engineer's Office can issue a notice to proceed, the contract between Williams Enterprises and the St. Mary's County Commissioners must be signed.

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

CIVIL ENGINEER - COUNTY ENGINEER'S OFFICE

Present: John Norris, County Engineer

Mr. Norris stated that interviews were held for the position of Civil Engineer to replace Joseph Kennedy who has resigned and that it was the recommendation for the Selection Committee to hire Burton S. Lesser, in the position of the Civil Engineer I at Grade 14, Step 2, effective November 10, 1975.

Commissioner Dean made a motion to accept this recommendation, seconded by Commissioner Parlett. All Commissioners present voted in favor of this motion.

ENGINEERING ASSOCIATE VI - COUNTY ENGINEER'S OFFICE

Present: John Norris, County Engineer

Mr. Norris stated that the applications for the position of Engineering Associate VI have been processed and that one individual took the test and passed. It is, therefore, the recommendation of the Selection Committee to hire Walter Wise in the position of Engineering Associate VI, Grade 14 Base to be hired approximately 30 to 45 days, with two stipulations:

1. That he would terminate existing business because it would be in conflict of interest with the County; and
2. That he would refrain from any activity, should he terminate his employment with the County, for six months, that would be in conflict with the County.

Commissioner Millison made a motion to accept this recommendation, contingent upon an Agreement with Mr. Wise being worked out with the County Attorney, seconded by Commissioner Parlett. All Commissioners present voted in favor of this motion.

AREAS OF CRITICAL STATE CONCERN AND INTERVENTION PROCEDURES

Present: Leon Etzler)
 Ed Thomas)
 John Murphy) Department of State Planning
 Scribner Sheafor)
 Richard Platt, Director, Land Use and Development

Mr. Etzler explained that the purpose of this meeting was to discuss the intervention notification procedures and the areas of critical state concern, which came about as a result of legislation in the last session of the General Assembly.

Regarding intervention Mr. Murphy explained the legislation which authorizes the Office of State Planning to participate as a party in proceedings of local government relative to land use. The State would have no authority to veto or overrule the local decisions by the Planning Commission, Board of Appeals or County Commissioners. It would be State Planning's responsibility to provide information which would be helpful in reaching a decision. The views of the State would have no more legal significance than the neighboring property owner, Planning Commission or other participants.

Mr. Murphy, continued, stating that the State would look at the projects of the County that would have a major impact on the entire County; such as adoption or amendment of Land Use Plan, Zoning Ordinance, Subdivision Regulations, and establishment of zoning maps.

In order to implement this authority, Mr. Murphy stated that the legislation requires the local government to establish procedures to notify the Department of Planning of zoning decisions which could possibly have a jurisdictional or State impact. Representative from State Planning have met with Mr. Platt and developed a draft of procedures. These procedures require Mr. Platt to forward zoning application, amendments to Plan, etc. Mr. Etzler, and if it is of interest to State Planning, they would notify Mr. Platt that State Planning would like to enter into the proceedings and offer their views. Mr. Murphy was hopeful that this process could begin in approximately a month.

With regard to the Area of Critical State Concern, Mr. Sheafor explained that the purpose of this is to identify those areas, and if necessary, take steps to preserve or enhance or protect that critical area. If the local government takes steps to implement the critical areas, the State will intervene in that area, because the County had recognized that area of concern.

Mr. Thomas explained the guidelines of the intervention legislation pertaining to areas of critical concern.

Mr. Platt will return before the Commissioners next week to further discuss this matter.

PRESS CONFERENCE

Present: Jack Kershaw, Enterprise
Richard Polk, "
Bill Caffey, "
Randy Buehler, Beacon
Dick Myers, WKIK
Brian Murphy, Guardian

At this time the regular semi-monthly Press Conference was held. A tape of the Conference is on file in the Commissioners' Office.

SIGNING OF MDIA AGREEMENT

Present: Mr. James DeHaver)
Mr. James Heinsburg) Middle Department Inspection Agency
Mr. Paul Hause)

In view of the fact that the Electrical Examiners Board and the Office of Land Use and Development were of the opinion that the Agreement between the County and the Middle Department Inspection Agency was mutually beneficial to both, and that said Agreement was approved by the County Attorney, Commissioner Dean made a motion that the Commissioners enter into an Agreement with MDIA, seconded by Commissioner Parlett. All Commissioners present voted in favor of this motion. It was noted that Commissioner Jarboe signed this Agreement prior to his leaving, indicating his approval.

A meeting is to be set up by the Land Use Office with Mr. Wiggin of the MDIA to discuss the Agreement.

WICOMICO SHORES

Present: Michael Davis, Attorney
Mel Reed, Wicomico Shores Citizens Association
Pete Castello " " " "
Leo King " " " "
Tom Holland " " " "

Mr. Davis, speaking on behalf of the Wicomico Shores Citizens Association, which is being formed, appeared before the Commissioners to discuss the poor road conditions and the water and sewer problems at Wicomico Shores. There are several different sections within the entire proposed development and several have been reduced. Housing in this development requires a centralized water and sewer system as it will not accommodate septic tanks. Mr. Davis stated that it appeared that there are no plans in the foreseeable future for a water and sewer system or adequate roads. There are three road bonds, one of which is possibly enforceable; however, it is of dubious value, covering a small portion of road. There appears to be no financial means in the corporation that is developing this property to take care of these problems. The corporation, RR & G, are presently operating at a loss and Mr. Davis stated that the property owners

are turning to the Commissioners for assistance. There was discussion as to the County's responsibility and suggestions in handling this problem, including a special taxing district. The Commissioners will take this matter up with the County Attorney for his opinion.

COST-SAVING PROGRAM FOR MAINTENANCE OF SHERIFF'S VEHICLE

Present: Scott Morris, Patuxent Motors

Mr. Morris, representing Patuxent Motors in a promotional capacity, appeared before the Commissioners to offer a cost-saving program for the maintenance of the Sheriff's Department vehicles. Patuxent Motors is willing to offer 25% discount on parts and a 10% discount on labor and would offer a "loaner" vehicle when a vehicle is in for repairs.

Commissioner Parlett stated that the opportunity to submit proposals for the maintenance of these vehicles should be given to all reputable dealers.

Commissioner Millison added that the opportunity should be given to all dealers, including the dealer to whom the bid was awarded for the purchase of automobiles for the Sheriff's Department.

The Commissioners took this matter under advisement and will make a decision at a later date.

TELEPHONE SERVICE

Present: Edward Cox, Chief Clerk
Paul Raley, Director, Administrative and Logistic Services

Mr. Cox and Mr. Raley reported on the WATS telephone lines and the savings it would accrue to the County. It was their recommendation to install the WATS Line for Ban 0 and Ban 1. Ban 0 provides one line going to six states (Delaware, New Jersey, Pennsylvania, Virginia, West Virginia and District of Columbia). Using this service would provide approximately a \$1500 savings per year.

Commissioner Dean made a motion to accept this recommendation, seconded by Commissioner Parlett. All Commissioners voted in favor of this motion.

ASSESSMENT OFFICE LEASE AGREEMENT

Present: Paul Raley
Edward V. Cox

Mr. Cox presented the Lease Agreement between St. Mary's County and the Department of Assessment and Taxation for office space for the Assessment Office in the Courthouse located in the storage area next to the Assessment Office for 75% of current rental fee. Commissioner Dean made a motion to approve and sign said Lease Agreement, seconded by Commissioner Parlett.

All Commissioners present voted in favor of this motion. Mr. Cox and Mr. Raley directed to continue looking for additional space for the Assessment Office.

JANITORIAL POSITIONS

Present: Paul Raley
Edward Cox

Applicants for the position of Janitor were screened and interviewed and it was the recommendation of the Selection Committee, composed of Paul Raley, Ed Cox, John Baggett and Otis Wood to hire Edward Dubinok as principal custodian in the Courthouse and William L. Buckler as custodian of Leonard Hall and the Control Center, with Mr. Dubinok being supervisor of the full-time and part-time custodian. Both positions would be Grade 6 Base, effective November 10, 1975.

Commissioner Dean made a motion to accept the recommendation of the Selection Committee to employ Edward Dubinok and William L. Buckler as custodians for the County, seconded by Commissioner Parlett. All Commissioners present voted in favor of this motion.

POSITION OF PLANNER

At this time the Commissioners conducted an interview for an applicant for the position of Planner.

MONTHLY REPORTS PROPOSAL
PROJECT MONITORING PROCESS

Mr. Cox presented two memoranda dated November 5, 1975 one pertaining to a proposal for monthly reports from the various department heads and the other pertaining to a Project Monitoring Process which the various department heads would establish a monthly reporting system on their projects.

The Commissioners were in agreement with the recommendations set forth in the two memoranda and directed the Chief Clerk to set the procedures in motion.

QUIT-CLAIM DEED

Mr. Cox presented the Quit-Claim Deed between Mount St. Joseph College, Inc. and the County Commissioners of St. Mary's County for the option of the National Guard Armory property. Commissioner Parlett made a motion to accept the Quit-Claim Deed, seconded by Commissioner Millison. All Commissioners present voted in favor of this motion.

LEASE FOR FACILITIES FOR "WINGS OF THE MORNING"

Mr. Cox presented a six-month lease in the amount of \$150 per month between Phillip C. Bowman and John W. McClean and the St. Mary's County Commissioners for the use of a trailer for the "Wings of the Morning" office. Commissioner Dean made a motion to approve and sign said lease, seconded by Commissioner Parlett. All Commissioners present voted in favor of this motion.

TURKEY BOWL DAY

Mr. Cox stated that he had received a telephone call from Al Bartheleme from Recreation and Parks pertaining to Turkey Bowl Day activities scheduled for November 22. Mr. Bartheleme has requested the Commissioners' participation in a ceremony whereby the Mattapany Indians provided to the governing body a gift of token in appreciation for land grants. This ceremony will take place at 1:00 in the Leonardtown Square.

USE OF PERSONS IN JAIL FOR VARIOUS JOBS

Mr. Cox stated that he had discussed the possibility of using persons in jail to perform various custodial and other duties for the County with the Sheriff and he had no objections as long as he knew under whose custody the prisoner would be placed and that the Sheriff would be the one to decide who would be released. The Commissioners were in agreement.

COMMUNITY DEVELOPMENT ASSISTANCE GROUP

Mr. Cox presented a sample agreement that could be used with the Community Development Assistance Group for the Commissioners review. Commissioner Millison raised two questions that should be discussed with the County Attorney for inclusion in the Agreement: (1) What protection the County would have if the Group would come up with a grant the County was not in favor of (2) the possibility of release clause. Three things need to be done:

1. Development of a list of projects in order of priority;
2. Public hearing scheduled;
3. Contract to be worked out with Community Development Assistance Group.

POSITION OF PERSONNEL OFFICER

Mr. Cox advised the Commissioners that Mr. Mozer will be before the Commissioners next week to announce that St. Mary's County has been awarded the grant for the hiring of a Personnel Officer. The position has been advertised and Mr. Cox was of the opinion that it would now be in order to appoint a selection committee. The Commissioners will make a decision on the members of the Committee next week.

MCEA OFFICERS - ADMINISTRATIVE LEAVE

Correspondence was received from Mr. Kreiner, MCEA President, requesting two days administrative leave for local MCEA President and Vice-President to attend a conference. Mr. Cox is to request the local President to make the request for administrative leave rather than a field representative.

SITE PLAN APPROVAL - STEUART PETROLEUM COMPANY

Mr. Cox advised that the Planning Commission is compiling documentation on the request for site plan approval by the Steuart Petroleum Company which must come before the County Commissioners. Michael Davis, Attorney representing Steuart, had request a meeting with the Commissioners on this subject and Mr. Cox recommended that the Commissioners delay this meeting until they are in receipt of the Planning Commission's recommendation. The Commissioners agreed.

METRIC SYSTEM - ROAD SIGNS

Present: George Thorn, mathematics teacher, Chopticon

Mr. Thorn appeared before the Commissioners to request the Commissioners' permission to place kilometer sign posts along various roads in the County in order to create an awareness of the people in the County of the metric system. The County Engineer has offered to provide the necessary posts.

Commissioner Dean made a motion to authorize John Norris, County Engineer, to assist Mr. Thorn in accomplishing the installation of the kilometer signposts on selected county roads, seconded by Commissioner Parlett. All Commissioners voted in favor of this motion.

The meeting recessed at 4:55 p.m.

Thursday, November 6, 1975

Present: Commissioner James M. McKay, President
Commissioner Ford L. Dean
Commissioner Larry Millison
Commissioner John K. Parlett
Edward V. Cox, Chief Clerk
Judith A. Mullins, Recording Secretary

The meeting reconvened at 9:15 a.m.

WICOMICO SHORES

Present: Joseph Ernest Bell, II, County Attorney

The Commissioners advised Mr. Bell of the presentation by Mr. Davis at yesterday's meeting concerning the road and water and sewage problem at Wicomico Shores, and requested his opinion as to the County's legal obligations. Mr. Bell will return to the Commissioners on this matter.

RECORDATION OF DEEDS FOR PROPERTY

Present: Ernie Bell, County Attorney

Commissioner McKay stated that Dorothy Kucher, Clerk of the Court, has requested the establishment of a formal method for the recording of deeds for property. It was agreed that the Deed would include the motion as set forth in the Commissioners' minutes indicating acceptance.

WILDEWOOD SUBDIVISION

Present: Joseph Ernest Bell, II, County Attorney

With regard to the developers of Wildewood Subdivision's request for a variance to design standards for streets within the subdivision, Commissioner Dean advised that the Planning Commission has decided they did not want to change the subdivision regulations pertaining to the road policies at this time, they did not want to do the regulations piecemeal.

Commissioner Dean inquired if the County Commissioners are bound to wait for the Planning Commission to act on the Subdivision Regulations or could the Commissioners initiate independent action. Mr. Bell informed the Commissioners that some Counties have a Road Policy Regulations Book separate from the Subdivision Regulations.

CONFISCATED AUTOMOBILES

Present: Ernie Bell, County Attorney

In discussion of the disposition of the confiscated automobiles located at the State Road Garage, Mr. Bell advised the Commissioners that it was his recommendation that these vehicles be released to the owners, subject to a hold harmless to protect the County. The Commissioners agreed.

OFF-DUTY DEPUTIES AT SCHOOL FUNCTIONS

In discussing the Memorandum of Understanding between the Sheriff, the Board of Education and the County Commissioners regarding off-duty deputies at school functions, Mr. Cox referred to the Attorney General's opinion which stated that an off-duty deputy may not be employed as a policeman but must be assigned in an official capacity by the Sheriff.

It was agreed that Mr. Bell, County Attorney and Mr. O'Dell, Budget Officer should review the Memorandum of Understanding and Dr. King, Superintendent of Schools, Sheriff Sanger and the County Attorney should be invited to appear before the Commissioners to discuss this issue.

ST. MARY'S COUNTY NATURAL DISASTER PLAN

Present: Otis Wood, Acting Director, Civil Defense

Mr. Wood stated he provided the Emergency Medical Service Council with the emergency health section of the Natural Disaster Plan at their last meeting, and that Dr. Marek was of the opinion that the Council should act as an advisory group in a case of a disaster.

Commissioner McKay stated that County Health Officer should be the director for the Emergency Section of the Plan. The Commissioners directed Mr. Wood to have the Plan typed in final and prepared for the Commissioner's signature.

COMMISSION ON AGING - TITLE III

Present: Mrs. "Billie" McGaharn, Executive Secretary
Commission On Aging

Mrs. McGaharn appeared before the Commissioners to obtain Commissioner McKay's signature on the title page of the Title III Commission On Aging Grant Application. The originally signed cover page had been misplaced and Mrs. McGaharn indicated there were no changes in the document. Commissioner McKay signed same.

INSURANCE BUYERS' COUNCIL REPORT

Present: Paul Raley, Director, Administrative and Logistic Services

Mr. Raley submitted a preliminary report in response to the Insurance Buyers' Council's Report dated March 26, 1975 and reviewed same with the Commissioners. Mr. Raley stated that he is waiting for further information regarding the County's policy from Mr. Breck of Continental Insurance, the county's insurance carrier, after which time, Mr. Raley will make recommendations to the Commissioners.

AWARDING OF CONFISCATED CARS TO THE COUNTY

Present: Paul Raley

Mr. Raley stated that when the Court awards a vehicle to the County, a Court Order is sent to him. Commissioner Dean mentioned the request of the teacher of automobile maintenance at the Tech Center obtaining some of the cars for the students to work on. Mr. Raley will look into this.

PROCUREMENT PROCEDURES

Present: Paul Raley

The Commissioners discussed the proposed procurement procedures as had been set forth in a memorandum from Mr. O'Dell, Budget Officer, and directed Mr. Raley to proceed. Commissioner Dean suggested that perhaps Maryland Technical Advisory Service could be of assistance. Mr. O'Dell will also work with Mr. Raley on this.

DISTRIBUTION OF INFORMATION TO NEWS MEDIA

After discussion of distribution of certain information and reports to the news media, Commissioner Dean stated he would draw up a memorandum to the County Department Heads setting forth a course of action to follow pertaining to this.

HIGHWAY ADEQUACY RATING PROGRAM

Present: John Norris, County Engineer
Dr. Hall) University of Maryland Engineering Dept.
Dr. Mulinazzi)

The abover persons appeared before the Commissioners to present an additional report to the proposal initially made to the Commissioners in July and again in September. 80 miles of county roads will be studied, including primary, secondary and gravel roads.

Mr. Norris distributed a copy of a letter from Dr. Hall pertaining to the County Highway Evaluation Program and the Technical Study Agreement between Dr. Hall and St. Mary's County for the Commissioners' review. Mr. O'Dell, Budget Officer and Mr. Bell, County Attorney are to review this Agreement prior to the Commissioners' making a decision.

AMERICAN EDUCATION WEEK - PROCLAMATION NO. 75-71

Present: Dr. Robert King, Superintendent of Schools
Marvin Joy, Board of Education
Bob Nicholas, President, Teachers Association
Board of Education members

The Commissioners presented Proclamation No. 75-71 proclaiming November 16 through November 22, 1975 as American Education Week in St. Mary's County.

COMMUNITY DEVELOPMENT ASSISTANCE GROUP

The Commissioners agreed to the following tentative list of projects for the Community Development Assistance Group's assistance in obtaining Title I HUD funds.

Drainage problem at Lexington Park

Drain problem at Fairgrounds property

Home for the Elderly

rehabilitation of existing housing stock

Water and Sewage for Airport Industrial Park

The Commissioners deferred action on this list until next week's meeting.

The meeting adjourned at 12:07 p.m.

Approved by,


James M. McKay, President