

PERMIT

SEWAGE DISPOSAL SYSTEM

MARYLAND STATE DEPARTMENT OF HEALTH

HOWARD COUNTY

ELLICOTT CITY

DISTRICT 3rd & 4th

DATE 5/3/76

INDEXED

Costello Builders

IS PERMITTED TO INSTALL ☒ ALTER

ADDRESS Box 2201, Route 94, Woodbine, Maryland

PHONE 442-2288

A SEWAGE DISPOSAL SYSTEM LOCATED AT _____

SUBDIVISION Owenlee Estates

ROAD 3281 Sharp Road

LOT 6, Blk. C, Sec. 2

PROPERTY OWNER Costello Builders

ADDRESS same as above

SPECIFICATIONS 3 bedrooms

DRAIN FIELD _____ DEPTH _____ FEET, BOTTOM AREA _____ SQ. FT.

SEEPAGE PITS _____ ABSORBENT SIDE-WALL AREA _____ SQ. FT.

SEPTIC TANK CAPACITY 1000 GALLONS

FOR GARBAGE GRINDER, INCREASE DISPOSAL AREA 22% & TANK CAPACITY 50%.

OTHER TRENCH(ES) - The trench(es) will begin at a point 105 ft. in from the right property line, as seen from the road, and 150 ft. in from the rear property line. The trench(es) will follow the contour of the land and be constructed so as to be 2 ft. wide, 10 ft. deep, and contain 5 ft. of slope. There will be no less than 125 sq. ft. of sidewall area per bedroom. No trench is to exceed 100 ft. in length, and all trenches are to be connected in a series, running parallel to each other, and spaced no closer than 20 ft. center-to-center. CALL FOR INSPECTION OF TRENCH BEFORE PLACING STONE IN TRENCH. NOTE: ALL PIPE FROM HOUSE TO DISPOSAL SYSTEM MUST BE CAST IRON. PERMIT VOID AFTER THREE YEARS. NOTE: INSTALL STAND PIPE ON SEPTIC TANK. STAND PIPES MUST BE 6 INCHES IN DIAMETER. CAST IRON, CONCRETE OR TERRA COTTA.

PLANS APPROVED BY Robert T. Moorefield

DATE 2/19/76

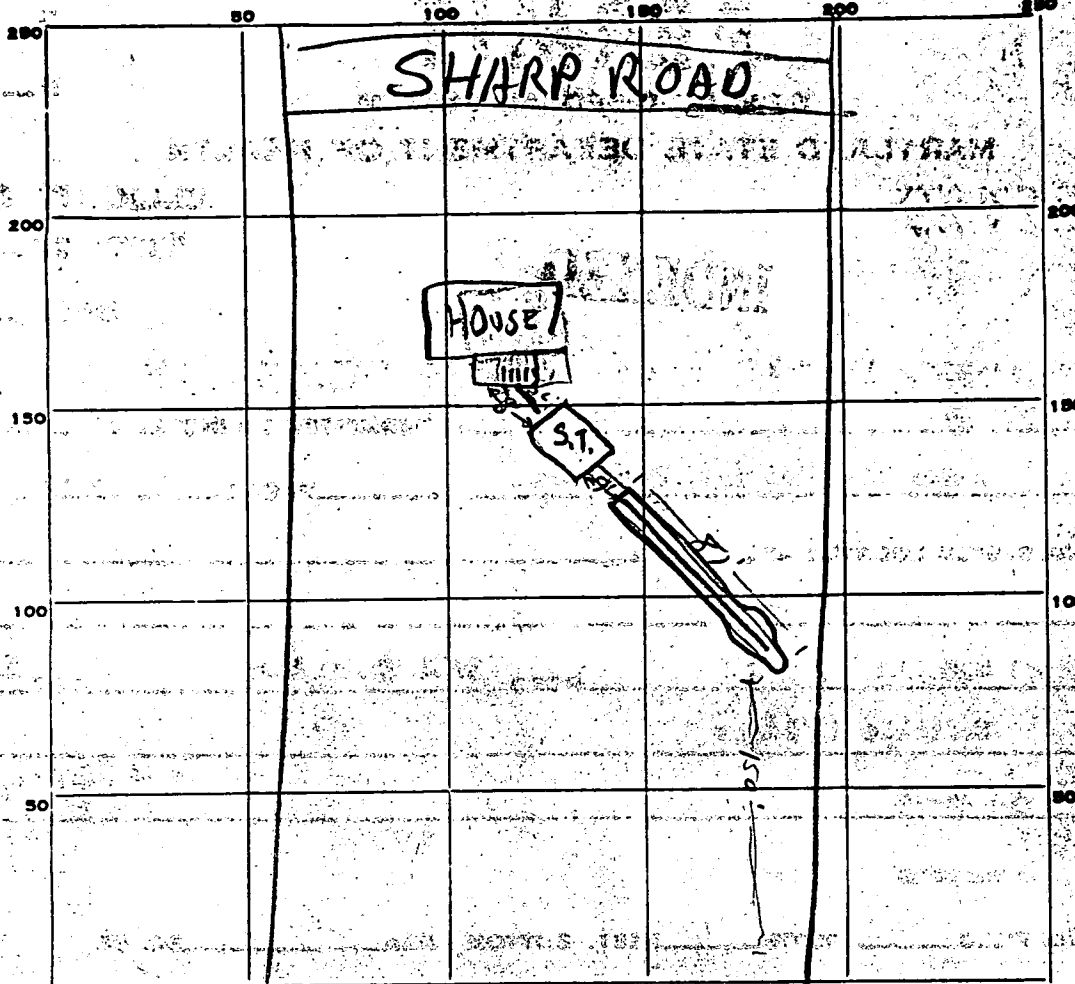
ACCEPTED.

FILL SEPTIC TANK AND DISTRIBUTION BOX WITH WATER BEFORE CALLING FOR AN INSPECTION. COVER NO WORK UNTIL INSPECTED AND APPROVED.

NEITHER THE HOWARD COUNTY COMMISSIONERS NOR THE HEALTH DEPARTMENT IS RESPONSIBLE FOR THE SUCCESSFUL OPERATION OF ANY SYSTEM.

445676B
1976

355'



INDICATE NORTH - NAME ADJOINING ROADWAY AS BASE LINE.

PERMIT CARD (verbal) work satis continue given 5/26/76 ST dw trench
 SEPTIC TANK, LEVEL ✓ CLEANOUTS ✓ na

DISTRIBUTION BOX, LEVEL NA

TILE FIELD, DEPTH 11-12' FT. TRENCH WIDTH 2' FT.

GRAVEL DEPTH ~5-6 FT. TOTAL LENGTH 81' FT.

NUMBER OF TRENCHES 1 TOTAL BOTTOM AREA ~400⁺

SEEPAGE PITS, INSIDE DIAMETER — FT. DEPTH BELOW INLET — FT.

ABSORBENT AREA ~400⁺ SQ. FT.

REMARKS 0704 absorbent soil, 3-12' 5/26/76
5/26/76 install cleanouts, cement pipe to tank add more gravel to
trench, call for inspection when complete F.S.

DATE SYSTEM APPROVED 5/27/76 INSPECTOR F. Skinner

HOWARD COUNTY HEALTH DEPARTMENT

JOYCE M. BOYD, M.D., M.P.H.
DEPUTY STATE AND
COUNTY HEALTH OFFICER



P.O. BOX 476
ELLCOTT CITY, MARYLAND 21043
TELEPHONE 992-2333

August 6, 1979

Mr. Anthony Chrysovergis
3273 Sharp Road
Glenwood, Maryland 21738

Dear Mr. Chrysovergis:

Section 12.104 of the Howard County Code states: "The Board of Health, the County Health Officer, Sanitarian or his representative, shall take cognizance of all conditions dangerous to health and may on their own initiative institute an investigation."

An inspection was made on Wednesday, May 9, 1979, of lot 9C, (3273 Sharp Road) Gwenlee Estates - Section 2. This inspection indicated according to the newly installed property line stakes that your sewage disposal system transgresses the property line onto the adjacent property.

In my capacity as a Sanitarian with the Howard County Health Department, I have determined that this installation is or may become an eminent hazard creating a condition dangerous to the health of the persons occupying this adjacent property.

To correct this eminent health hazard you must:

1. Disconnect the sewage line from the septic tank.
2. Have this drywell pumped out by a scavenger.
3. Have this drywell filled in to prevent possible future caving.
4. Secure a permit and install a new dry well system with proper inspections by the Health Department.

I would like to point out to you that according to our records that Mr. L. Boring, the developer, was the owner and Mr. Costello, the installer. The law states that the owner and installer are jointly responsible for permits, inspections and approvals. It should also be noted that unless this system is corrected, it would be impossible for subsequent owners to obtain a clear title should you desire to sell the property.

Mr. Anthony Chrysovergis

page 2

You must comply with the provisions of this notice within thirty (30) days from the date of this notice, or apply to the Executive Secretary of the Board of Health for a hearing within ten (10) days from the date of this notice. If you do not apply for a hearing within the prescribed time and if you do not comply with this directive, a summons will be issued directing you to appear before the District Court of Howard County for a trial.

A copy of the Howard County Code is available for you to see at the Howard County Health Department.

Very truly yours,

Fred Frommelt, Director
Water and Sewage Program

FF:jr

cc: Costello Builders
Box 2201 Route 94
Woodbine, Maryland 21797

LAW OFFICES

PAIRO & HENRY

8090 MAIN STREET

ELLCOTT CITY, MARYLAND 21043

301-461-1800

PRESTON A. PAIRO, JR.
EDWIN M. HENRY, JR.

PRESTON A. PAIRO 1926-1973

August 9, 1979

Timothy E. Welsh, Esquire
County Solicitor
for Howard County
George Howard Building
Ellicott City, Maryland 21043

RE: Costello Builders Inc. ats
Howard County Health Dept.

Dear Tim:

Pres and I represent Costello Builders Corporation in various matters, and including the present difficulties that our client is experiencing with the Howard County Health Department.

For your information, I am enclosing herewith, copies of their letters of May 18, 1979, July 17, 1979, and August 6, 1979.

I first entered my appearance in this matter when I began to attempt to reach Mr. Frommelt by telephone on July 25, 1979, and subsequently had telephone conversation with him on July 26, 1979, and as well with Mr. Wine.

In addition, I have had several telephone conferences with the attorney for the Conrads, that apparently initiated the complaint, and as well the surveyor who performed the various surveys of the subject premises.

Every effort has been made to determine what in fact is the real problem, and the real dispute, and upon whom the responsibility must lie. From the beginning, Mr. Wine has admitted that he is under considerable political pressure in this matter.

In a further attempt to resolve this, I scheduled a meeting with Mr. Wine for 9:30 a.m. on August 8, 1979, and upon my arrival with my client at that time, Mr. Wine informed me that he really did not wish to meet with me, and that further, I should meet with Mr. Frommelt. We then met with Mr. Frommelt, and only upon my insistance did Mr. Wine join in the meeting. Also present was one of the property owners, Mr. Chrysovergis, and at that time, Mr. Frommelt handed to me the notice of August 6, 1979 which is enclosed herewith, and at which time he alleged that he was making service of the notice. Under all of the circumstances of this case, I would point out that I believe that the service of process

PAIRO & HENRY

Timothy E. Welsh, Esquire
County Solicitor
Re: Costello Builders Corporation
August 9, 1979
page two

must fail. (The case is in RE KROL, 11 Md. app. 400.) however, in the spirit of compromise, and without prejudice to either party, it is still our attempt to get this matter resolved but it becomes almost difficult if not impossible, especially upon the allegation of Mr. Wine that the reason for the notice is to remove the political pressure for him, and not because in fact there is really any health hazard. Mr. Wine further stated that he is tired of the Health Department being caught in the middle. At this point, I must further say that it was most disappointing as to the inconsistency from time to time as to the position of the Health Department.

In any event, referring you to the letter of July 17, 1979, and in particular the 4th and last paragraph, it is our allegation that in fact the Health Department has carried through with their threat, and that further, there is no basis in law to support their withholding of permits in other matters based on the bald allegations of Mr. Frommelt, and Mr. Wine that Costello Builders Incorporated has a "propensity" to "foul up every job".

Therefore, it is respectfully requested that you direct the Howard County Health Department to deal fairly with Mr. Costello and or any other agents of Costello Builders Corporation, and to confirm same in writing, among others retracting their letter of July 17, 1979.

At this time, we will reserve our right to raise the issue of service in the matter of the letter of August 6, 1979, and further will reserve the right, what if any action we may take against the complaining property owner, and or Howard County and its employee with respect to any damages in the matter of the business of our client. However, be assured that we are still making every reasonable attempt to resolve this matter in the best interest of all parties, but same has been difficult if not impossible because of the attitude and actions of the Health Department.

Very truly yours,

PAIRO & HENRY

COPY

Edwin M. Henry, Jr.

EMH, JR.:eng

cc: Mr. Wine
Mr. Frommelt

Mr. Murphy
Mr. J. Costello

Mr. Chrysovergis

Ms. Bobo

LAW OFFICES

PAIRO & HENRY

8090 MAIN STREET

ELLCOTT CITY, MARYLAND 21043

301-461-1800

PRESTON A. PAIRO, JR.
EDWIN M. HENRY, JR.

PRESTON A. PAIRO 1926-1973

August 9, 1979

Edward P. Murphy, Esquire
ALLEWALT & MURPHY, P.A.
805 N. Calvert Street
Baltimore, Maryland 21202

RE: COSTELLO BUILDERS ats
HOWARD COUNTY HEALTH DEPT.

Dear Mr. Murphy:

Enclosed herewith, please find my correspondence with the County Solicitor in Howard County, and as well a copy of the exhibits attached thereto.

In the meantime, in a continuing effort to attempt to resolve this problem with the minimal of difficulty for all parties concerned, and in the spirit of compromise and without prejudice to either party, I would inquire if either by voluntary action on the part of Costello Builders or by Order, if in fact Costello Builders should proceed to relocate the dry well regardless of whose property in fact it may be located. Will the Conrads provide in writing their permission for Costello Builders to enter onto the property of the Conrads for purposes of "deactivating" the present dry well?

I might further point out to you that the enclosed notice to Mr. Costello is a duplicate of that supplied to the neighbor, Mr. Chrysovergis, but there has been no such notice given to your clients. In fact further the Health Department has refused to assist in any way in getting any necessary occurrence in this matter as to your clients. As your clients had made the initial complaint, I believe that it may be necessary that they enter into this matter to their concurrence as to what is satisfactory to them, and as well permission for entrance upon their property for this purpose.

Your prompt response is invited, and notwithstanding the attitude and conduct of the Health Department, we are making every effort to resolve this problem.

Very truly yours,

PAIRO & HENRY

Edwin M. Henry, Jr.

EMH, JR.:eng

cc: Mr. Wine, Mr. Frommelt, Mr. Chrysovergis, Ms. Bobo, Mr. Costello

HOWARD COUNTY HEALTH DEPARTMENT

JOYCE M. BOYD, M.D., M.P.H.
DEPUTY STATE AND
COUNTY HEALTH OFFICER



P.O. BOX 476
ELLCOTT CITY, MARYLAND 21043
TELEPHONE: 992-202X 2330

August 9, 1979

TO: Elizabeth Bobo
- Chairperson, Board of Health
County Council Office

FROM: Joyce M. Boyd, M.D.

RE: Drainage system problem for Jim Conrad, 3281 Sharp Road, Glenwood

Since Mr. Wine's recent telephone conversation with you concerning the Conrad drainage problem, the following has transpired:

On August 8, 1979 an Administrative hearing was held at the Health Department with Mr. Costello; Mr. Henry, his attorney; Mr. Chrysovergis, property owner; and Mr. Wine and Mr. Frommelt, Health Department.

The meeting resolved very little except to get most of the concerned parties together to express their views.

The Environmental Health section is awaiting the time period spelled out in their letter, issued under the County Health Code (see attached letters). Mr. Wine has informed me, that in the event the affected parties do not apply to the Board of Health for a hearing, his department would have no recourse except to swear out a summons directing both parties to appear before the District Court for a trial.

We will keep you advised as to the outcome of this case. Hopefully, we will be able to resolve this matter without a hearing before the Board of Health.

JMB/PFW:hs

BERNARD F. GOLDBERG
COUNSELLOR AT LAW
3691 PARK AVENUE - P. O. BOX 69
ELLCOTT CITY, MARYLAND 21043

(301) 465-2772

August 21, 1979

✓ Mr. Fred Frommelt, Director
Water & Sewage Program
Howard County Health Department
P.O. Box 476
Ellicott City, Maryland 21043

Thomas N. Clifford, Esquire
8370 Court Avenue
Ellicott City, Maryland 21043

Edwin M. Henry, Jr., Esquire
Pairo & Henry
8090 Main Street
Ellicott City, Maryland 21043

Edward P. Murphy, Esquire
Allewalt & Murphy, P.A.
805 N. Calvert Street
Baltimore, Maryland 21202

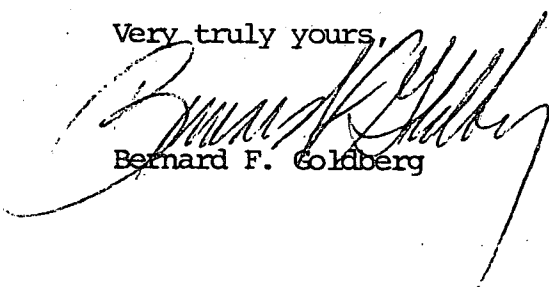
RE: Costello Bldrs. Corp., et al

Gentlemen:

Please be advised that I have been retained to represent the interests of Mr. Anthony Chrysovergis in the above matter.

It would be appreciated if all further correspondence and contact be made directly with me in the future.

Very truly yours,


Bernard F. Goldberg

BFG:dcl
cc: file

T. O. d'Amico

LAW OFFICES
PAIRO & HENRY

8090 MAIN STREET

ELLCOTT CITY, MARYLAND 21043

301-461-1800

PRESTON A. PAIRO, JR.

EDWIN M. HENRY, JR.

MICHAEL T. SHUTTERLY

PRESTON A. PAIRO 1926-1973

August 24, 1979

Dr. Joyce M. Boyd
HOWARD COUNTY HEALTH DEPARTMENT
P.O. Box 476
Ellicott City, Maryland 21043

RE: Costello Builders Corp., et al.

Dear Dr. Boyd:

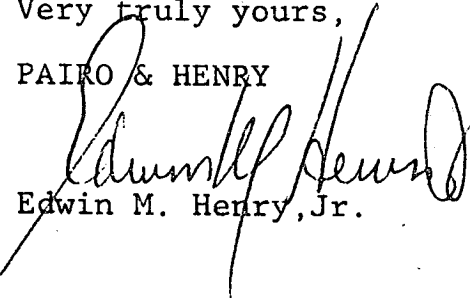
This will confirm my telephone conversation with Ms. O'Connor, and Timothy Welsh, Esquire on Tuesday, August 23, 1979, with respect to the hearing in the above captioned matter, and to inform you that we waive the thirty (30) day requirement as set forth in the Howard County Code.

Every attempt is being made to settle this matter without the necessity of hearings or any litigation, and in fact a meeting has been tentatively set for August 29, 1979, between Messrs. Welsh, B. Goldberg, Esquire and myself, and it is therefore, respectfully requested and we further waive a right to a hearing until such time as the attempts to resolve this problem prove unsuccessful.

Thank you for your cooperation in this matter.

Very truly yours,

PAIRO & HENRY

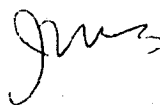

Edwin M. Henry, Jr.

EMH, JR.:eng

cc: Ms. Elizabeth Bobo, Chairman, County Council
Russell Sadler, Esq., Sec. County Council
Timothy Welsh, Esquire
B. Goldberg, Esquire
Mr. James Costello

8-27-79

Postponed





Office of Law

TIMOTHY E. WELSH
COUNTY SOLICITOR

ALAN M. SCHWARTZ
DEPUTY COUNTY SOLICITOR

GEORGE HOWARD BUILDING
3430 COURT HOUSE DRIVE
ELLICOTT CITY, MD. 21043
(301) 992-2100

October 24, 1979

Mr. Fred Frommelt
Environmental Health
Howard County Health Department
Ellicott City, Maryland 21043

RE: Costello Builders Corp., et al.
Letter of August 6, 1979

Dear Mr. Frommelt:

In accordance with our several discussions and after reviewing all of the information in the above captioned matter, it is my legal opinion that the installation of a sewage disposal system on the property line does not present an imminent health hazard creating a condition dangerous to the health of the persons occupying adjacent property, but rather presents a civil matter which must be remedied between the parties, that is, between Mr. & Mrs. Anthony Chrysovergis and Mr. & Mrs. Conrad.

The parties can either agree that the drywell system be removed and rebuilt at an estimated cost of \$2,000.00, or let the drywell remain where it is with the securing of an easement from the necessary parties, or file suit and allow the Court to decide the fate of the parties. There is evidence that the original survey was off by approximately 10 feet which, in turn, allowed for the error to be made in the placement of the drywell, which placement was based upon the erroneous survey. The essence of the matter might be liability on the part of the surveyor, however, I do not see "...an eminent (sic) hazard creating a condition dangerous to the health of the person occupying this adjacent property."

TO: Mr. Fred Frommelt

2

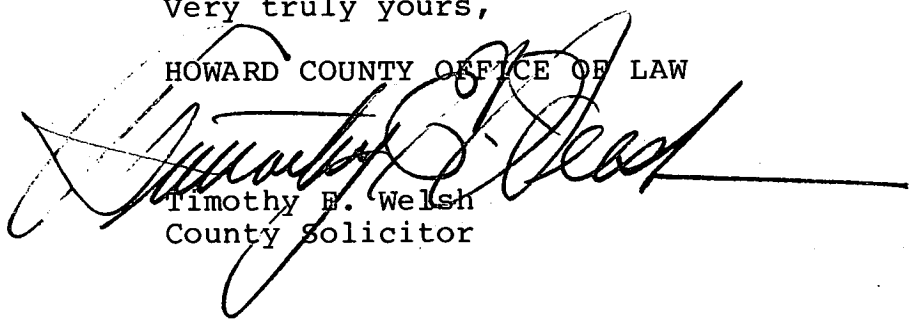
October 24, 1979

I trust that you will notify all of the parties of your decision in this matter based upon our legal opinion.

If you have any questions concerning any of the enclosed information, please do not hesitate to call me.

Very truly yours,

HOWARD COUNTY OFFICE OF LAW



Timothy E. Welsh
County Solicitor

TEW:iw

cc: Elizabeth Bobo, Chairperson-Health Board
Dr. Joyce Boyd
Palmer Wine

3281 Sharp Road
Glenwood, MD 21738
(301) 442-1194 or
(301) 594-7940

Mr. Fred Frommelt
Director, Water and
Sewage Program
Howard County Health Department
P.O. Box 476
Ellicott City, Maryland 21043

OCT 25 1979

Re: Costello Builders, Inc. et al

Dear Mr. Frommelt:

Last month Mr. Wine of your staff, called asking whether the "dry well" matter had been settled to our satisfaction. I replied that nothing had been done and further that my attorney had failed to keep me apprised of any progress toward that end. I told Mr. Wine that I would again try to contact my attorney and would get back to him.

After repeated unsuccessful attempts to contact Mr. Murphy, I was compelled to discharge Mr. Murphy as my counsel. On October 24, 1979, I was sent my attorney's file on this matter. I was astounded at the number and content of the letters that have been going back and forth between involved and concerned parties. Unfortunately, because of other priorities I was not notified of the proposals, accommodations, recommendations, surmountable veiled threats of suit against me, criticisms, and pleas for reason, equity, and compromise.

I am in the process of seeking more than competent counsel who is closer to our present residence and who has the fortitude, interest, and time to pursue this matter to my satisfaction. In the interim, I want you and all involved and interested parties to know that I am willing and eager to discuss this matter with any or all of the attorneys involved. I am confident in my own ability to protect my own best interests and to pursue this matter on my own. In view of what has happened thus far, I will involve our new counsel only if this matter should become litigious. Militating against a speedy resolution, however, is my reluctance to discuss this matter with Mr. Chrysovergis who, in the past, has displayed total apathy to my concerns and recalcitrance towards compromise.

My position which I believe is sustainable, is essentially what it was in May 1979. If the property line survey which inadvertently disclosed encroachment was correct, and apparently it was, there is encroachment. Encroachment is unacceptable not only in principle but in terms of its effect on the titles of both properties. I want, free and clear, what I purchased when I settled on this property.

Page 2 - Mr. Fred Frommelt

Further, the idea of granting an easement is a form of compromise which I do not find commensurate with the past intransigence displayed by my neighbor on other matters. Although I am philosophically opposed to granting an easement in this situation I am open to negotiation.

Finally, I, and perhaps my neighbor remain the only aggrieved parties in this matter, allegations to the contrary, notwithstanding. It is of no advantage to me that the guilty party be flogged in the county square or be penalized in anyway. I am convinced that allegations that I acted to restrain or impede in anyway, Mr. Costello's right to make a living cannot be persuasively argued and, in general, are unfounded, irresponsible, and inflammatory.

In any event, I am available and receptive to contacts made in the interest of bringing this matter to an equitable conclusion.

Sincerely,



James J. Conrad, Jr.

cc:

Joyce M. Boyd, M.D., M.P.H.

Mr. Wine

Edwin M. Henry, Jr., Esquire

Timothy E. Welsh, Esquire

William G. Hastell, P.L.S.

Bernard F. Goldberg, Esquire

Ms. Elizabeth Bobo

file

November 6, 1979

TO: Mrs. Elizabeth Bobo
Chairperson, Board of Health
County Council

FROM: Fred Frommelt, Director
Water and Sewerage Program

RE: Conrad - Chrysovergis
Property line septic dispute

This memorandum is to confirm this department's position on the above captioned matter. Per Mr. T. Welsh's, County Solicitor, letter of October 24, 1979 giving his legal opinion, this office is taking no further action at this time.

If you feel further action is warranted, please contact Palmer F. Wine or myself to discuss possible direction.

Thank you for your concern in this matter.

FF:ds

cc: Dr. J. Boyd
A. Chrysovergis
J. Conrad
B. Goldberg
E. Henry
T. Welsh
J. Costello

WILKINSON & GUIDA
ATTORNEYS AT LAW
THE CLARK BUILDING, SUITE 120
COLUMBIA, MARYLAND 21044

RICHARD J. WILKINSON
VINCENT M. GUIDA
MARGARET G. RICHLIN

TELEPHONE
(301) 992-4545
(301) 596-5511

November 21, 1979

Edwin M. Henry, Jr., Esquire
Pairo & Henry
8090 Main Street
Ellicott City, Maryland 21043

Bernard F. Goldberg, Esquire
P.O. Box 69
Ellicott City, Maryland 21043

RE: James Conrad
Lot 9C, Section 2, Gwenlee Estates

Gentlemen,

Please be advised that we have been retained to represent Mr. and Mrs. James Conrad concerning a property encroachment problem. It is our understanding that the dry well being utilized by Mr. Chrysovergis is partially located on the Conrad property. Based upon past correspondence, we further understand that Mr. Goldberg represent the Chrysovergis and Mr. Henry represent Costello Builders, Inc., the contractor who constructed the private sewage system in question.

Our clients would like to get this matter resolved with the least inconvenience to all concerned. They will not agree to any easement because of the nature of the use and its close proximity to their home.

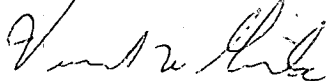
Our clients are clearly the innocent parties in this situation. Therefore, we are requesting that the dry well be disconnected and filled in. If this cannot be done our clients will have no choice but to file suit for damages and to have the encroachment removed.

Page Two
James Conrad

11/21/79
Lot 9C, Section 2, Gwenlee Estates

We are looking towards getting this resolved. Please get back to me as to what you are willing to do to correct this problem. If I do not hear from you within ten days of the date of this letter I will assume that you do not wish to resolve this matter without litigation.

Very truly yours,



Vincent M. Guida

VMG/klm

cc: M/M J. Conrad
Dr. Joyce Boyd
F. Frommelt

PERMIT

SEWAGE DISPOSAL SYSTEM

MARYLAND STATE DEPARTMENT OF HEALTH

HOWARD COUNTY

ELLICOTT CITY

DISTRICT 3rd

DATE 12/2/75

INDEXED

also check
Castello Builders

IS PERMITTED TO INSTALL X ALTER

ADDRESS Box 2201 Route 94, Woodbine, Maryland

PHONE 442-2288

A SEWAGE DISPOSAL SYSTEM LOCATED AT _____

SUBDIVISION Glenlee Estates

³²¹⁵
ROAD Sharp Road

LOT 9, Blk. C, Sec.

PROPERTY OWNER W. L. Boring

ADDRESS Burntwoods Road, Glenwood, Md.

Phone: 442-2483

SPECIFICATIONS 4 bedrooms

Chryseveris - 442-2906

DRAIN FIELD _____ DEPTH _____ FEET, BOTTOM AREA _____ SQ. FT.

SEEPAGE PITS _____ ABSORBENT SIDE-WALL AREA _____ SQ. FT.

SEPTIC TANK CAPACITY 1250 GALLONS

FOR GARBAGE GRINDER, INCREASE DISPOSAL AREA 225 G. TANK CAPACITY 50G.

OTHER DRY WELL AND TRENCH - 156 sq. ft. absorbent sidewall area per bedroom to begin at 4 1/2 ft. below original grade. Locate dry well 200 ft. from rear lot line and 10 ft. from right side line as seen from Sharp Road. Maximum depth 11 ft. below original grade. Locate dry well 200 ft. from rear lot line and 10 ft. from right side line as seen from Sharp Road. (If trench is used call for two inspections.)

NOTE: ALL PIPE FROM HOUSE TO DISPOSAL AREA MUST BE CAST IRON.

PERMIT VOID AFTER THREE YEARS.

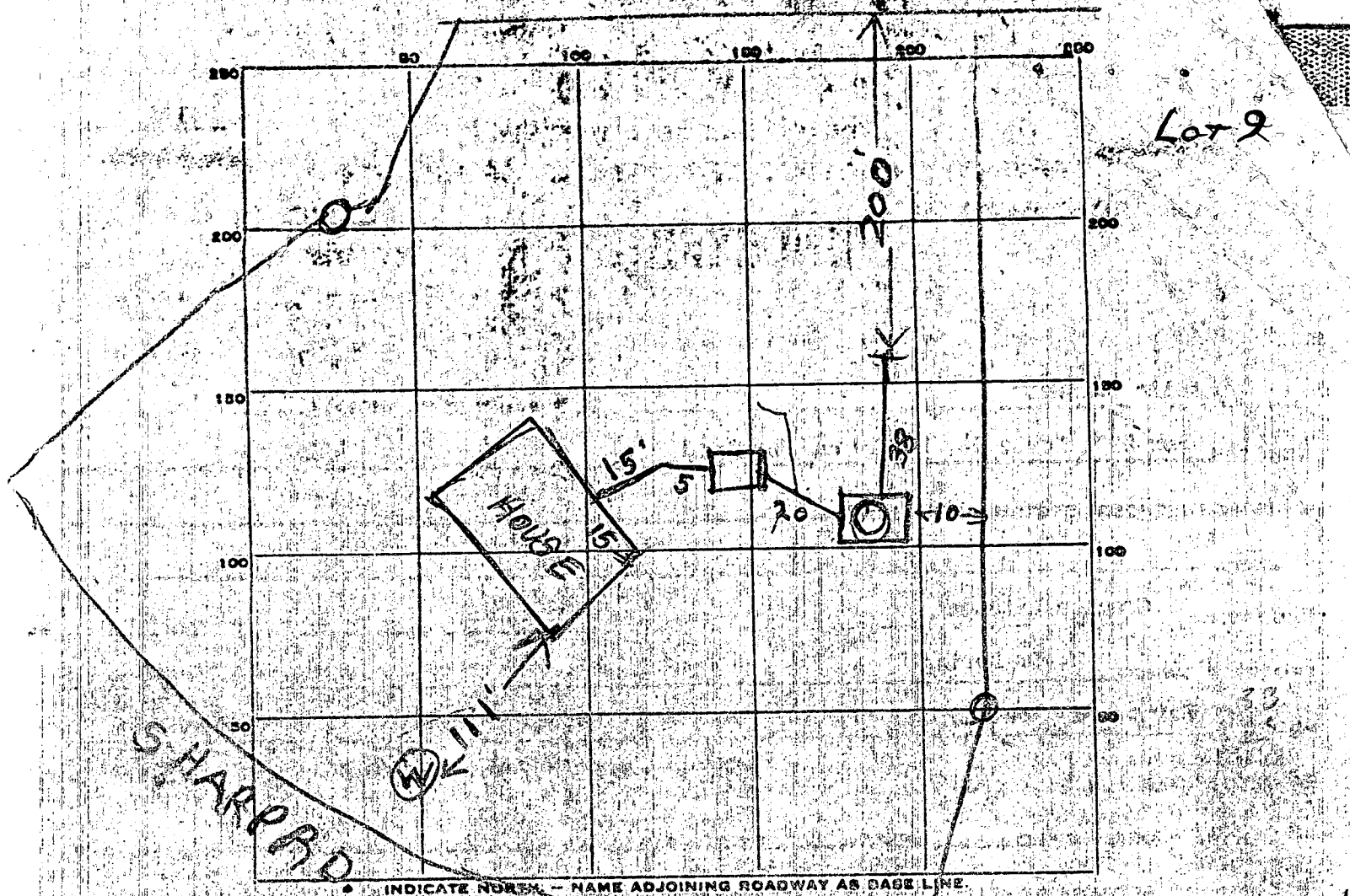
NOTE: INSTALL STAND PIPE ON SEPTIC TANK AND DRY WELL. STAND PIPES MUST BE 6 INCHES IN DIAMETER. CAST IRON, CONCRETE OR TERRA COTTA ACCEPTED.

PLANS APPROVED BY Robert V. Torre

DATE 10/20/75

FILL SEPTIC TANK AND DISTRIBUTION BOX WITH WATER BEFORE CALLING FOR AN INSPECTION. COVER NO WORK UNTIL INSPECTED AND APPROVED.

NEITHER THE HOWARD COUNTY COMMISSIONERS NOR THE HEALTH DEPARTMENT IS RESPONSIBLE FOR THE SUCCESSFUL OPERATION OF ANY SYSTEM.



PERMIT CARD

SEPTIC TANK LEVEL OK 1250 CLEANOUTS OK
TOP 2 FT. BELOW GRADE
 DISTRIBUTION BOX, LEVEL OK

TILE FIELD, DEPTH 11 FT. TRENCH WIDTH 2 FT.

GRAVEL DEPTH 5 1/2 FT. TOTAL LENGTH 38 44

NUMBER OF TRENCHES 1 SIDEWALL TOTAL BOTTOM AREA 242

SEEPAGE PITS, INSIDE DIAMETER 49 FT. DEPTH BELOW INLET 6 1/2 FT.

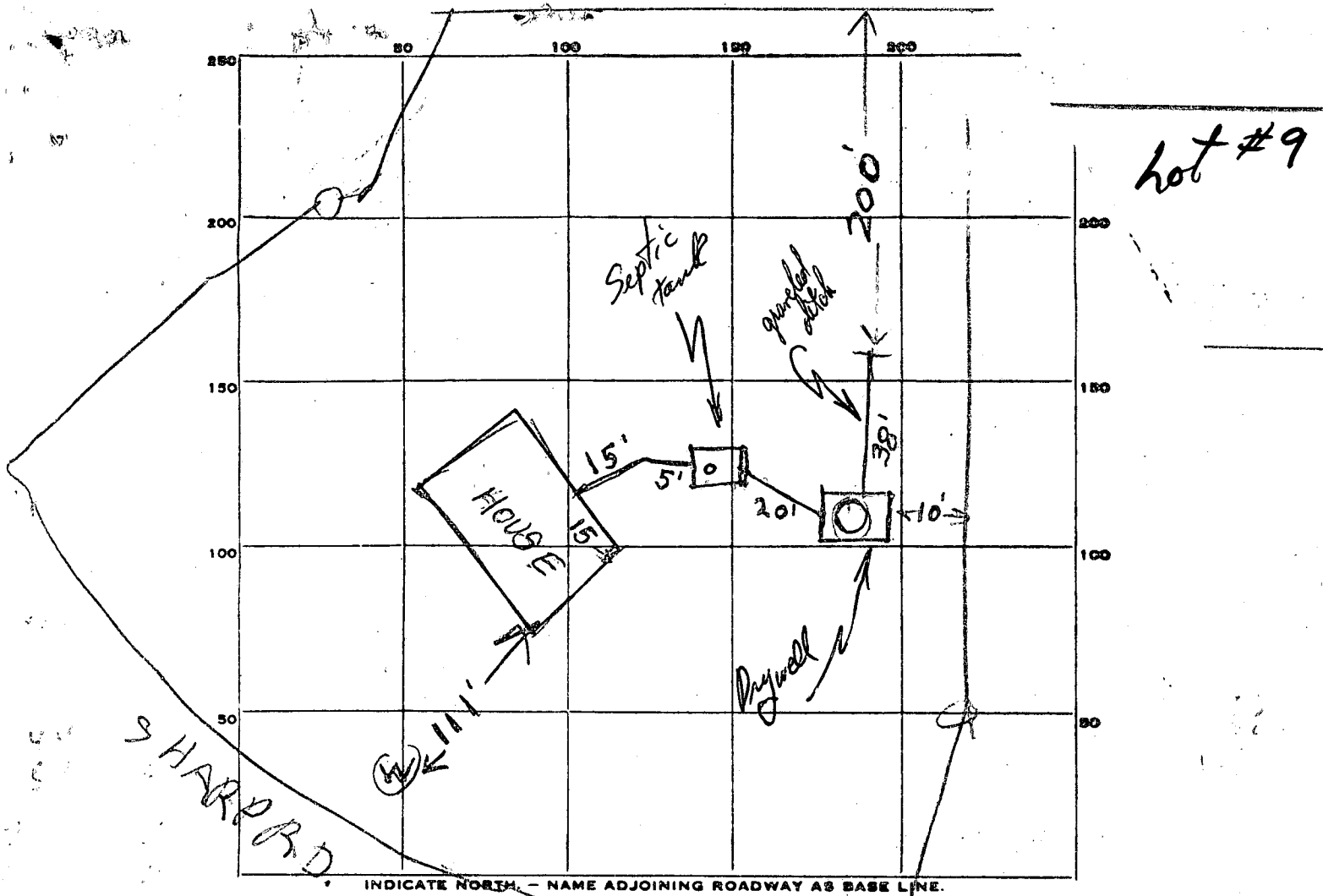
ABSORBENT AREA 498 SQ. FT.

REMARKS 2/25/76 AM DW INLET 5 FT. DEEP PERIMETER
DW 49 FT. HOUSE HAS 488 624 SQ. FT. REQUIRED
624 MINUS 418 = 206 SQ. FT. NEEDED, LENGTHEN DITCH
PIPE TO DITCH TO COME IN 6 FT. BELOW GRADE
PUT STONE IN DITCH COVER TANK & DRY WELL

2/25/76 PM - DITCH COVER & STONE ADDED

DATE SYSTEM APPROVED 2/25/76 INSPECTOR R. H. Hodge

- 79- Sept 19 Henry Confirmation of amaturas against Costello lefts ①
- 79- Oct. 25 Conrad letter indicating Murphy no longer his attorney ②
- 79- July 20 Edg Bobo to Dr. B. re Call from Conrad outlining problem ③
- 79- Oct. 24 Tm Walsh ^{Co} office of law by opinion that not health hazard but Civil Matter ④
- 79- Nov. 6 F.F. to E. Bobo per Mr. Walsh opinion this office no action ⑤
- 79- Aug. 24 Henry to Dr. B. letter warning hearing ⑥
- 79- Aug. 21 Goldkey to F.F., Clifford Eng, Henry Eng indicating his representing changes ⑦
- 79- Aug 17 Dr. B. to P. Sollec Sec Co Council asking Bd of H. to set hearing ⑧
- 79- Aug. 16 Henry to Dr. B. asking for hearing and asking ^{Costello} others be present ⑨
- 79- Aug 10 Chyragis to Dr. B. asking for hearing date to discuss problem ⑩
- 79- Aug 9 Dr. B. to E. Bobo informing M's Bobo of progress of situation ⑪
- 79- Aug 8 Note to file office meeting Costello, Henry, Chyragis, Wrie & F. ⑫
- 79- Aug 7 Henry to Murphy admitting dry W seems on prop line but about fault ⑬
- 79- Aug 6 F.F. to Chyragis (Reported) letter to claim drywell & install new ⑭
- 79- Aug 6 H. to Costello Indicating hard service problem as work ⑮
- 79- July 14 H. to Costello Indicating no action his post service suspended ⑯
- 79- May 18 ^{DM} FF to Costello initial letter to come to office ⑰
- 79- July 20 Note to FF for Sec re: Costello called ⑱
- 79- Aug 9 Henry to T. Walsh progress of him to this point & asking intervention for ^{#P} service ⑲
- 79- Aug. 9 Henry to Murphy contract @ Co Solicitor.



lot #9

PERMIT CARD _____
 SEPTIC TANK, LEVEL OK 1250 CLEANOUTS OK
70' 2 FT BELOW GRADE
 DISTRIBUTION BOX, LEVEL _____

TILE FIELD, DEPTH 11 FT. TRENCH WIDTH 2 FT.
 GRAVEL DEPTH 5 1/2 FT TOTAL LENGTH 38 44 FT.
 NUMBER OF TRENCHES 1 SIDEWALL TOTAL BOTTOM AREA 242
PERIMETER TOP
 SEEPAGE PITS, INSIDE DIAMETER 49 FT. DEPTH BELOW INLET 6 1/2 FT.
 ABSORBENT AREA 418 SQ. FT.

REMARKS 2/25/76 AM - D.W. INLET 5 FT DEEP PERIMETER
D.W. 49 FT. HOUSE HAS 4 BR 624 SQ. FT. REQUIRED
624 MINUS 418 = 206 SQ. FT. NEEDED. LENGTHEN DITCH
PIPE TO DITCH TO COME IN 6 FT BELOW GRADE
PUT STONE IN DITCH COVER TANK & DRY WELL
2/25/76 PM - DITCH EXTENDED & STONE ADDED
658 SQ. FT. TOTAL AREA
 DATE SYSTEM APPROVED 2/25/76 INSPECTOR B. Hooley

Feb. 15, 83.

called May 9

On or about ~~July~~ ^{early May} ~~late July~~ ^{May} Don Monaghan & myself ^{since deceased} visited prop.

surveyor Stakes ^{4 or 5 in a line} were present indicating property line -

Informed by owner ~~owner~~

establish in ~~July~~ ^{late April - early May} surveyor installed
peg type wooden stakes along property

line between lot 6 & lot 9

Establish that in late April early May a
survey was made & peg/stakes were installed
along the Conrad/Chyporegis property line

(2)

3281 Sharp Road
Glenwood, MD 21738
(301) 442-1194 or
(301) 594-7940

Mr. Fred Frommelt
Director, Water and
Sewage Program
Howard County Health Department
P.O. Box 476
Ellicott City, Maryland 21043

OCT 25 1979

Re: Costello Builders, Inc. et al

Dear Mr. Frommelt:

Last month Mr. Wine of your staff, called asking whether the "dry well" matter had been settled to our satisfaction. I replied that nothing had been done and further that my attorney had failed to keep me apprised of any progress toward that end. I told Mr. Wine that I would again try to contact my attorney and would get back to him.

After repeated unsuccessful attempts to contact Mr. Murphy, I was compelled to discharge Mr. Murphy as my counsel. On October 24, 1979, I was sent my attorney's file on this matter. I was astounded at the number and content of the letters that have been going back and forth between involved and concerned parties. Unfortunately, because of other priorities I was not notified of the proposals, accommodations, recommendations, surmountable veiled threats of suit against me, criticisms, and pleas for reason, equity, and compromise.

I am in the process of seeking more than competent counsel who is closer to our present residence and who has the fortitude, interest, and time to pursue this matter to my satisfaction. In the interim, I want you and all involved and interested parties to know that I am willing and eager to discuss this matter with any or all of the attorneys involved. I am confident in my own ability to protect my own best interests and to pursue this matter on my own. In view of what has happened thus far, I will involve our new counsel only if this matter should become litigious. Militating against a speedy resolution, however, is my reluctance to discuss this matter with Mr. Chrysovergis who, in the past, has displayed total apathy to my concerns and recalcitrance towards compromise.

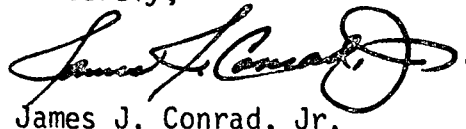
My position which I believe is sustainable, is essentially what it was in May 1979. If the property line survey which inadvertently disclosed encroachment was correct, and apparently it was, there is encroachment. Encroachment is unacceptable not only in principle but in terms of its effect on the titles of both properties. I want, free and clear, what I purchased when I settled on this property.

Further, the idea of granting an easement is a form of compromise which I do not find commensurate with the past intransigence displayed by my neighbor on other matters. Although I am philosophically opposed to granting an easement in this situation I am open to negotiation.

Finally, I, and perhaps my neighbor remain the only aggrieved parties in this matter, allegations to the contrary, notwithstanding. It is of no advantage to me that the guilty party be flogged in the county square or be penalized in anyway. I am convinced that allegations that I acted to restrain or impede in anyway, Mr. Costello's right to make a living cannot be persuasively argued and, in general, are unfounded, irresponsible, and inflammatory.

In any event, I am available and receptive to contacts made in the interest of bringing this matter to an equitable conclusion.

Sincerely,

A handwritten signature in dark ink, appearing to read "James J. Conrad, Jr.", with a stylized, cursive flourish at the end.

James J. Conrad, Jr.

cc:

Joyce M. Boyd, M.D., M.P.H.

Mr. Wine

Edwin M. Henry, Jr., Esquire

Timothy E. Welsh, Esquire

William G. Hastell, P.L.S.

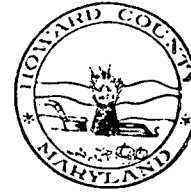
Bernard F. Goldberg, Esquire

Ms. Elizabeth Bobo

County Council of Howard County

ELLICOTT CITY, MARYLAND 21043

992-2001



COUNCILMEMBERS

Ruth Keeton

Chairperson

Elizabeth Bobo

Vice Chairperson

Lloyd G. Knowles

Virginia Thomas

Thomas M. Yeager

R. Russell Sadler

Executive Secretary

Jeanne E. Stephens

Administrative Assistant

July 20, 1979

TO: Dr. Joyce Boyd,
Health Officer

FROM: Elizabeth Bobo,
Vice Chairperson

RE: Drainage system problem for Jim Conrad, 3281 Sharp Road, Glenwood

Mr. Conrad called the Council office yesterday with several concerns he wished to discuss. One dealt with a problem relating to the placement of the dry well for his neighbor's septic system. Apparently the builder of the two homes erroneously placed a portion of the neighboring dry well on Mr. Conrad's property, with the stand pipe coming up at the property line.

Mr. Conrad originally contacted the Health Department on May 9. As a result, Fred Fromelt, of Environmental Health, investigated the problem and wrote to Mr. Costello, the builder, indicating that he must correct the situation.

When the builder did not meet with Mr. Conrad within 30 days, Mr. Fromelt followed up with another registered letter, which apparently stated strongly that the builder was responsible for correcting the problem and should meet with Mr. Conrad to develop an acceptable solution.

On July 17 the builder met with Mr. Conrad and proposed only removing the stand pipe but allowing the dry well to continue to serve his neighbor's septic system. Because he fears future problems with a dry well he doesn't own or control being located partially on his property and only about 25 feet from his house and because of the possible cloud on clear title for re-sale and title insurance, Mr. Conrad doesn't find this solution acceptable.

He has hired an attorney who recommends that this dry well be sealed off and a replacement be installed by the builder on the neighboring property. It is his hope that the Health Department will back up this proposal in accord with the earlier notice to the builder of his responsibility to correct the error.

TO: Dr. Joyce Boyd,
Health Officer

RECEIVED
HOWARD COUNTY
HEALTH DEPT.
ELLCOTT CITY, MD.

JUL 24 10 04 AM '79

page 2
7/20/79

I would appreciate any appropriate action from the Health Department. Mr. Conrad's lawyer has indicated he will wait for a week to 10 days to see what action the Health Department may take before he proceeds. If you wish to get any further information from Mr. Conrad, he may be reached at 594-7940 (work) or 442-1194 (home).

Thank you for the service the Health Department has already provided in this matter and any other action you may take to bring about a solution of the problem.

EB:ac/t

cc: Fred Fromelt, Env. Health



Office of Law

TIMOTHY E. WELSH
COUNTY SOLICITOR

ALAN M. SCHWARTZ
DEPUTY COUNTY SOLICITOR

GEORGE HOWARD BUILDING
3430 COURT HOUSE DRIVE
ELLICOTT CITY, MD. 21043
(301) 992-2100

October 24, 1979

Mr. Fred Frommelt
Environmental Health
Howard County Health Department
Ellicott City, Maryland 21043

RE: Costello Builders Corp., et al.
Letter of August 6, 1979

Dear Mr. Frommelt:

In accordance with our several discussions and after reviewing all of the information in the above captioned matter, it is my legal opinion that the installation of a sewage disposal system on the property line does not present an imminent health hazard creating a condition dangerous to the health of the persons occupying adjacent property, but rather presents a civil matter which must be remedied between the parties, that is, between Mr. & Mrs. Anthony Chrysovergis and Mr. & Mrs. Conrad.

The parties can either agree that the drywell system be removed and rebuilt at an estimated cost of \$2,000.00, or let the drywell remain where it is with the securing of an easement from the necessary parties, or file suit and allow the Court to decide the fate of the parties. There is evidence that the original survey was off by approximately 10 feet which, in turn, allowed for the error to be made in the placement of the drywell, which placement was based upon the erroneous survey. The essence of the matter might be liability on the part of the surveyor, however, I do not see "...an eminent (sic) hazard creating a condition dangerous to the health of the person occupying this adjacent property."

TO: Mr. Fred Frommelt

2

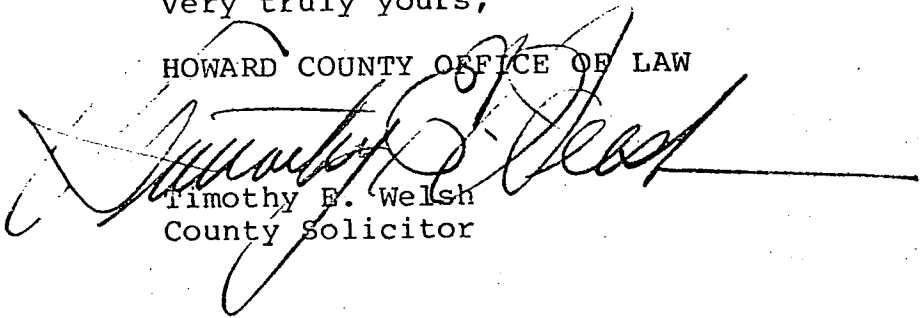
October 24, 1979

I trust that you will notify all of the parties of your decision in this matter based upon our legal opinion.

If you have any questions concerning any of the enclosed information, please do not hesitate to call me.

Very truly yours,

HOWARD COUNTY OFFICE OF LAW



Timothy B. Welsh
County Solicitor

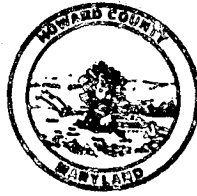
TEW:iw

cc: Elizabeth Bobo, Chairperson-Health Board
Dr. Joyce Boyd
Palmer Wine ✓

(5)

HOWARD COUNTY HEALTH DEPARTMENT

JOYCE M. BOYD, M.D., M.P.H.
DEPUTY STATE AND
COUNTY HEALTH OFFICER



P.O. BOX 476
ELLCOTT CITY, MARYLAND 21043
TELEPHONE: 992-2333

November 6, 1979

TO: Mrs. Elizabeth Bobo
Chairperson, Board of Health
County Council

FROM: Fred Frommelt, Director *FF*
Water and Sewerage Program

RE: Conrad - Chrysovergis
Property line septic dispute

This memorandum is to confirm this department's position on the above captioned matter. Per Mr. T. Welsh's, County Solicitor, letter of October 24, 1979 giving his legal opinion, this office is taking no further action at this time.

If you feel further action is warranted, please contact Palmer F. Wine or myself to discuss possible direction.

Thank you for your concern in this matter.

FF:ds

cc: Dr. J. Boyd
A. Chrysovergis
J. Conrad
B. Goldberg
E. Henry
T. Welsh
J. Costello

HOWARD COUNTY HEALTH DEPARTMENT

JOYCE M. BOYD, M.D., M.P.H.
DEPUTY STATE AND
COUNTY HEALTH OFFICER



P.O. BOX 476
ELLICOTT CITY, MARYLAND 21043
TELEPHONE: 992-2333

August 6, 1979

Mr. Anthony Chrysovergis
3273 Sharp Road
Glenwood, Maryland 21738

Dear Mr. Chrysovergis:

Section 12.104 of the Howard County Code states: "The Board of Health, the County Health Officer, Sanitarian or his representative, shall take cognizance of all conditions dangerous to health and may on their own initiative institute an investigation."

An inspection was made on Wednesday, May 9, 1979, of lot 9C, (3273 Sharp Road) Gwenlee Estates - Section 2. This inspection indicated according to the newly installed property line stakes that your sewage disposal system transgresses the property line onto the adjacent property.

In my capacity as a Sanitarian with the Howard County Health Department, I have determined that this installation is or may become an eminent hazard creating a condition dangerous to the health of the persons occupying this adjacent property.

To correct this eminent health hazard you must:

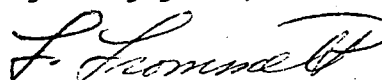
1. Disconnect the sewage line from the septic tank.
2. Have this drywell pumped out by a scavenger.
3. Have this drywell filled in to prevent possible future caving.
4. Secure a permit and install a new dry well system with proper inspections by the Health Department.

I would like to point out to you that according to our records that Mr. L. Boring, the developer, was the owner and Mr. Costello, the installer. The law states that the owner and installer are jointly responsible for permits, inspections and approvals. It should also be noted that unless this system is corrected, it would be impossible for subsequent owners to obtain a clear title should you desire to sell the property.

You must comply with the provisions of this notice within thirty (30) days from the date of this notice, or apply to the Executive Secretary of the Board of Health for a hearing within ten (10) days from the date of this notice. If you do not apply for a hearing within the prescribed time and if you do not comply with this directive, a summons will be issued directing you to appear before the District Court of Howard County for a trial.

A copy of the Howard County Code is available for you to see at the Howard County Health Department.

Very truly yours,



Fred Frommelt, Director
Water and Sewage Program

FF:jr

cc: Costello Builders
Box 2201 Route 94
Woodbine, Maryland 21797

LAW OFFICES

PAIRO & HENRY

8090 MAIN STREET

ELLICOTT CITY, MARYLAND 21043

301-461-1800

PRESTON A. PAIRO, JR.

EDWIN M. HENRY, JR.

MICHAEL T. SHUTTERLY

PRESTON A. PAIRO 1926-1973

September 19, 1979

Dr. Joyce M. Boyd
Howard County Health Department
P.O. Box 476
Ellicott City, Maryland 21043

Re: Costello Builders Corp. et. al.
vs. Mr. Anthony Chrysovergis

Dear Dr. Boyd:

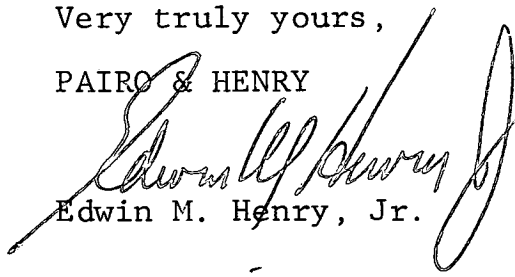
With reference to my letter of August 24, 1979 it is now my understanding that, in fact, as far as the Health Department is concerned, the above captioned matter is now resolved in that the notice of August 6, 1979 is now being withdrawn.

Accordingly, this is to inform you that our request for hearing now becomes moot and that the request for same is therefore withdrawn.

Further, as this matter is no longer an issue before the Health Department, the sanctions proposed in the letter of July 17, 1979 by Mr. Frommelt are likewise moot and that there is every expectation that my client can expect that the full facilities of the Howard County Health Department are available to him as they are to any other developer or citizen in Howard County.

Very truly yours,

PAIRO & HENRY


Edwin M. Henry, Jr.

EMH, JR:km

CC: Timothy Welsh, Esquire
Bernard F. Goldberg, Esquire
Boender Associates
Edward P. Murphy, Esquire
James Costello

3281 Sharp Road
Glenwood, MD 21738
(301) 442-1194 or
(301) 594-7940

file²
EH

Mr. Fred Frommelt
Director, Water and
Sewage Program
Howard County Health Department
P.O. Box 476
Ellicott City, Maryland 21043

OCT 25 1979

Re: Costello Builders, Inc, et al

Dear Mr. Frommelt:

Last month Mr. Wine of your staff, called asking whether the "dry well" matter had been settled to our satisfaction. I replied that nothing had been done and further that my attorney had failed to keep me apprised of any progress toward that end. I told Mr. Wine that I would again try to contact my attorney and would get back to him.

After repeated unsuccessful attempts to contact Mr. Murphy, I was compelled to discharge Mr. Murphy as my counsel. On October 24, 1979, I was sent my attorney's file on this matter. I was astounded at the number and content of the letters that have been going back and forth between involved and concerned parties. Unfortunately, because of other priorities I was not notified of the proposals, accommodations, recommendations, surmountable veiled threats of suit against me, criticisms, and pleas for reason, equity, and compromise.

I am in the process of seeking more than competent counsel who is closer to our present residence and who has the fortitude, interest, and time to pursue this matter to my satisfaction. In the interim, I want you and all involved and interested parties to know that I am willing and eager to discuss this matter with any or all of the attorneys involved. I am confident in my own ability to protect my own best interests and to pursue this matter on my own. In view of what has happened thus far, I will involve our new counsel only if this matter should become litigious. Militating against a speedy resolution, however, is my reluctance to discuss this matter with Mr. Chrysovergis who, in the past, has displayed total apathy to my concerns and recalcitrance towards compromise.

My position which I believe is sustainable, is essentially what it was in May 1979. If the property line survey which inadvertantly disclosed encroachment was correct, and apparently it was, there is encroachment. Encroachment is unacceptable not only in principle but in terms of its effect on the titles of both properties. I want, free and clear, what I purchased when I settled on this property.

Page 2 - Mr. Fred Frommelt

Further, the idea of granting an easement is a form of compromise which I do not find commensurate with the past intransigence displayed by my neighbor on other matters. Although I am philosophically opposed to granting an easement in this situation I am open to negotiation.

Finally, I, and perhaps my neighbor remain the only aggrieved parties in this matter, allegations to the contrary, notwithstanding. It is of no advantage to me that the guilty party be flogged in the county square or be penalized in anyway. I am convinced that allegations that I acted to restrain or impede in anyway, Mr. Costello's right to make a living cannot be persuasively argued and, in general, are unfounded, irresponsible, and inflammatory.

In any event, I am available and receptive to contacts made in the interest of bringing this matter to an equitable conclusion.

Sincerely,

/s/

James J. Conrad, Jr.

cc:

Joyce M. Boyd, M.D., M.P.H. ✓

Mr. Wine

Edwin M. Henry, Jr., Esquire

Timothy E. Welsh, Esquire

William G. Hastell, P.L.S.

Bernard F. Goldberg, Esquire

Ms. Elizabeth Bobo

County Council of Howard County

ELLICOTT CITY, MARYLAND 21043

992-2001



COUNCILMEMBERS

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Chairperson

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Lloyd G. Knowles

Virginia Thomas

Thomas M. Yeager

R. Russell Sadler

Executive Secretary

Jeanne E. Stephens

Administrative Assistant

July 20, 1979

TO: Dr. Joyce Boyd,
Health Officer

FROM: Elizabeth Bobo
Vice Chairperson

RE: Drainage system problem for Jim Conrad, 3281 Sharp Road, Glenwood

Mr. Conrad called the Council office yesterday with several concerns he wished to discuss. One dealt with a problem relating to the placement of the dry well for his neighbor's septic system. Apparently the builder of the two homes erroneously placed a portion of the neighboring dry well on Mr. Conrad's property, with the stand pipe coming up at the property line.

Mr. Conrad originally contacted the Health Department on May 9. As a result, Fred Fromelt, of Environmental Health, investigated the problem and wrote to Mr. Costello, the builder, indicating that he must correct the situation.

When the builder did not meet with Mr. Conrad within 30 days, Mr. Fromelt followed up with another registered letter, which apparently stated strongly that the builder was responsible for correcting the problem and should meet with Mr. Conrad to develop an acceptable solution.

On July 17 the builder met with Mr. Conrad and proposed only removing the stand pipe but allowing the dry well to continue to serve his neighbor's septic system. Because he fears future problems with a dry well he doesn't own or control being located partially on his property and only about 25 feet from his house and because of the possible cloud on clear title for re-sale and title insurance, Mr. Conrad doesn't find this solution acceptable.

He has hired an attorney who recommends that this dry well be sealed off and a replacement be installed by the builder on the neighboring property. It is his hope that the Health Department will back up this proposal in accord with the earlier notice to the builder of his responsibility to correct the error.

TO: Dr. Joyce Boyd,
Health Officer

RECEIVED
HOWARD COUNTY
HEALTH DEPT.
ELLCOTT CITY, MD.

JUL 24 10 04 AM '79

page 2
7/20/79

I would appreciate any appropriate action from the Health Department. Mr. Conrad's lawyer has indicated he will wait for a week to 10 days to see what action the Health Department may take before he proceeds. If you wish to get any further information from Mr. Conrad, he may be reached at 594-7940 (work) or 442-1194 (home).

Thank you for the service the Health Department has already provided in this matter and any other action you may take to bring about a solution of the problem.

EB:ac/t

cc: Fred Fromelt, Env. Health



Office of Law

TIMOTHY E. WELSH
COUNTY SOLICITOR

ALAN M. SCHWARTZ
DEPUTY COUNTY SOLICITOR

GEORGE HOWARD BUILDING
3430 COURT HOUSE DRIVE
ELLICOTT CITY, MD. 21043
(301) 932-2100

October 24, 1979

Mr. Fred Frommelt
Environmental Health
Howard County Health Department
Ellicott City, Maryland 21043

RE: Costello Builders Corp., et al.
Letter of August 6, 1979

Dear Mr. Frommelt:

In accordance with our several discussions and after reviewing all of the information in the above captioned matter, it is my legal opinion that the installation of a sewage disposal system on the property line does not present an imminent health hazard creating a condition dangerous to the health of the persons occupying adjacent property, but rather presents a civil matter which must be remedied between the parties, that is, between Mr. & Mrs. Anthony Chrysovergis and Mr. & Mrs. Conrad.

The parties can either agree that the drywell system be removed and rebuilt at an estimated cost of \$2,000.00, or let the drywell remain where it is with the securing of an easement from the necessary parties, or file suit and allow the Court to decide the fate of the parties. There is evidence that the original survey was off by approximately 10 feet which, in turn, allowed for the error to be made in the placement of the drywell, which placement was based upon the erroneous survey. The essence of the matter might be liability on the part of the surveyor, however, I do not see "...an eminent (sic) hazard creating a condition dangerous to the health of the person occupying this adjacent property."

TO: Mr. Fred Frommelt

2

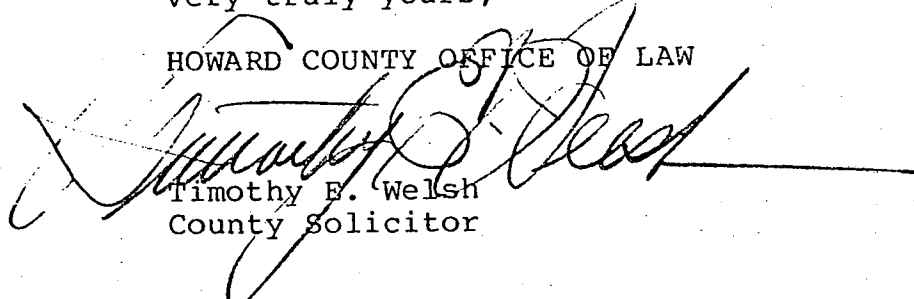
October 24, 1979

I trust that you will notify all of the parties of your decision in this matter based upon our legal opinion.

If you have any questions concerning any of the enclosed information, please do not hesitate to call me.

Very truly yours,

HOWARD COUNTY OFFICE OF LAW



Timothy E. Welsh
County Solicitor

TEW:iw

cc: Elizabeth Bobo, Chairperson-Health Board
Dr. Joyce Boyd
Palmer Wine

file

November 6, 1979

TO: Mrs. Elizabeth Bobo
Chairperson, Board of Health
County Council

FROM: Fred Frommelt, Director
Water and Sewerage Program

RE: Conrad - Chrysovergis
Property line septic dispute

This memorandum is to confirm this department's position on the above captioned matter. Per Mr. T. Welsh's, County Solicitor, letter of October 24, 1979 giving his legal opinion, this office is taking no further action at this time.

If you feel further action is warranted, please contact Palmer F. Wine or myself to discuss possible direction.

Thank you for your concern in this matter.

FF:ds

cc: Dr. J. Boyd
A. Chrysovergis
J. Conrad
B. Goldberg
E. Henry
T. Welsh
J. Costello

LAW OFFICES

PAIRO & HENRY

8090 MAIN STREET

ELLCOTT CITY, MARYLAND 21043

301-461-1800

PRESTON A. PAIRO, JR.

EDWIN M. HENRY, JR.

MICHAEL T. SHUTTERLY

PRESTON A. PAIRO 1926-1973

August 24, 1979

Dr. Joyce M. Boyd
HOWARD COUNTY HEALTH DEPARTMENT
P.O.Box 476
Ellicott City, Maryland 21043

RE: Costello Builders Corp., et al.

Dear Dr. Boyd:

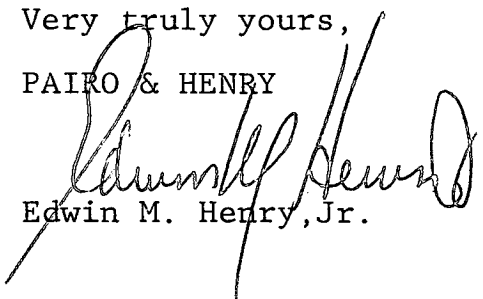
This will confirm my telephone conversation with Ms. O'Connor, and Timothy Welsh, Esquire on Tuesday, August 23, 1979, with respect to the hearing in the above captioned matter, and to inform you that we waive the thirty (30) day requirement as set forth in the Howard County Code.

Every attempt is being made to settle this matter without the necessity of hearings or any litigation, and in fact a meeting has been tentatively set for August 29, 1979, between Messrs. Welsh, B. Goldberg, Esquire and myself, and it is therefore, respectfully requested and we further waive a right to a hearing until such time as the attempts to resolve this problem prove unsuccessful.

Thank you for your cooperation in this matter.

Very truly yours,

PAIRO & HENRY


Edwin M. Henry, Jr.

EMH, JR.:eng

cc: Ms. Elizabeth Bobo, Chairman, County Council
Russell Sadler, Esq., Sec. County Council
Timothy Welsh, Esquire
B. Goldberg, Esquire
Mr. James Costello

8-27-79

Postponed



(7)

BERNARD F. GOLDBERG
COUNSELLOR AT LAW
3691 PARK AVENUE - P. O. BOX 69
ELLICOTT CITY, MARYLAND 21043

(301) 465-2772

August 21, 1979

✓ Mr. Fred Frommelt, Director
Water & Sewage Program
Howard County Health Department
P.O. Box 476
Ellicott City, Maryland 21043

Edward P. Murphy, Esquire
Allewalt & Murphy, P.A.
805 N. Calvert Street
Baltimore, Maryland 21202

Thomas N. Clifford, Esquire
8370 Court Avenue
Ellicott City, Maryland 21043

Edwin M. Henry, Jr., Esquire
Pairo & Henry
8090 Main Street
Ellicott City, Maryland 21043

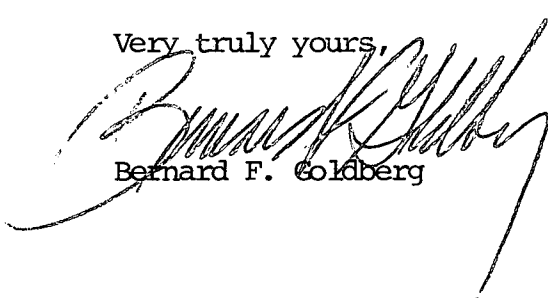
RE: Costello Bldrs. Corp., et al

Gentlemen:

Please be advised that I have been retained to represent the interests of Mr. Anthony Chrysovergis in the above matter.

It would be appreciated if all further correspondence and contact be made directly with me in the future.

Very truly yours,


Bernard F. Goldberg

BFG:dcl
cc: file

T.O. d'Conno

HOWARD COUNTY HEALTH DEPARTMENT

JOYCE M. BOYD, M.D., M.P.H.
DEPUTY STATE AND
COUNTY HEALTH OFFICER



P.O. BOX 476
ELLCOTT CITY, MARYLAND 21043
TELEPHONE: 992-~~233~~ 2330

August 17, 1979

Mr. Russell Sadler
Secretary of the County Council
3430 Court House Drive
Ellicott City, Maryland 21043

RE: Costello Bldrs. Corp., et al.
vs. Mr. Anthony Chrysovergis

Dear Mr. Sadler:

Pursuant to the provisions of Section 12.111 of the Howard County Code I am asking that you schedule a hearing for the above referenced case. If possible, we are requesting that Mr. Conrad and Mr. Jack Boender be subpoenaed to be present at the hearing.

As the attorney for Mr. Costello is meeting with Timothy Welsh the first of next week to attempt to resolve this matter without a hearing before the Board of Health; I suggest a tentative hearing date be set for the 10th of September.

Very truly yours,

Joyce M. Boyd, M.D.
Joyce M. Boyd, M.D.

PFW/JMB:hs

Enclosures

cc: *Timothy Welsh*
Edwin M. Henry
Elizabeth Bobo

LAW OFFICES

PAIRO & HENRY

8090 MAIN STREET

ELLCOTT CITY, MARYLAND 21043

301-461-1800

PRESTON A. PAIRO, JR.
EDWIN M. HENRY, JR.

MICHAEL T. SHUTTERLY

PRESTON A. PAIRO 1926-1973

August 16, 1979

Ms. Joyce Boyd, Executive Secretary
Howard County Board of Health
Ligon Building
P.O. Box 476
Ellicott City, Maryland 21043

RE: Costello Bldrs. Corp., et al.

Dear Ms. Boyd:

This is to inform you that this office represents Costello Builders Corporation in the matter of a notice as to Lot 9 C, Qwenlee Estate, Section 2, said premises also known as 3273 Sharp Road, in the 4th Election District of Howard County.

Pursuant to the Howard County Code, Section 12.111, this is to request a hearing with respect to said matter.

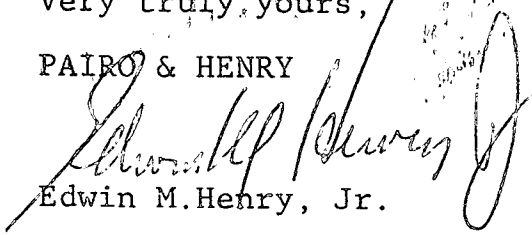
However, further be advised that it is our allegation that there is a genuine dispute as to whether or not there is a unhealthy nuisance or other condition dangerous to health in existence, and that further, if in fact this condition exists, there is a genuine dispute as to the person, persons, firm, firms, corporation or corporations by whose act, default or sufference said condition was cause to exist.

Therefore, it is alleged that no proper hearing may be held unless and until the following named and or others are also provided with notice and are made parties to any such hearing, and further, Costello Builders Corporation demands that any hearing must include all parties:

1. Anthony Chrysovergis, 3273 Sharp Rd., Glenwood, Md. 21738
2. Mr. & Mrs. Conrad, c/o Edward P. Murphy, Esquire, Allewalt and Murphy, P.A., 805 N. Calvert St., Baltimore, Md. 21202
3. Boender Associates, Baltimore Division Incorporated, Town and County Professional Building, Ellicott City, Md. 21043

Very truly yours,

PAIRO & HENRY


Edwin M. Henry, Jr.

EMH, JR.:eng

cc: Mr. Anthony Chrysovergis, Edward Murphy, Esquire
Boender Associates, Timothy Welsh, Esq., Mr. James Costello

Dr Joyce M. Boyd

August 10, 1977

Deputy State And
County Health Officer

Dear Dr Boyd.

Enclosed you will find a Zerox copy of the notice sent to me by the Howard County Health Department. It is the first notice I received even though the existence of the problem was known to all the other parties except me. for some time.

I would appreciate it, if you would set up a hearing date to discuss the matter.

Very truly yours,
Anthony Chrysorey

- SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).

- ☐ Show to whom and date delivered \$
☐ Show to whom, date, and address of delivery \$
☐ RESTRICTED DELIVERY
 Show to whom and date delivered \$
☐ RESTRICTED DELIVERY
 Show to whom, date, and address of delivery \$
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

*James Costello
 Costello builders
 Box 2201, Route 94
 Woodbine, Md 21797*

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	<i>497067</i>	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

4. *Dorothy L. Lander*

DATE OF DELIVERY

8/8/79

5. ADDRESS (Complete only if requested)



6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

MP

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP CODE in the space below.

- Complete items 1, 2, and 3 on the reverse.
- Moisten gummed ends and attach to front of article if space permits. Otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

**RETURN
TO**



(Name of Sender)
Howard County Health Dept.

P. O. Box 476

Ellicott City, Maryland 21043

(City, State, and ZIP Code)

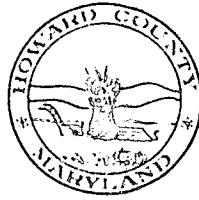
PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



RECEIVED
HOWARD COUNTY
HEALTH DEPT.
ELICOTT CITY, MD.

HOWARD COUNTY HEALTH DEPARTMENT

JOYCE M. BOYD, M.D., M.P.H.
DEPUTY STATE AND
COUNTY HEALTH OFFICER



P.O. BOX 476
ELLICOTT CITY, MARYLAND 21043
TELEPHONE: 992-2022 2330

August 9, 1979

TO: Elizabeth Bobo
Chairperson, Board of Health
County Council Office

FROM: Joyce M. Boyd, M.D.

RE: Drainage system problem for Jim Conrad, 3281 Sharp Road, Glenwood

Since Mr. Wine's recent telephone conversation with you concerning the Conrad drainage problem, the following has transpired:

On August 8, 1979 an Administrative hearing was held at the Health Department with Mr. Costello; Mr. Henry, his attorney; Mr. Chrysovergis, property owner; and Mr. Wine and Mr. Frommelt, Health Department.

The meeting resolved very little except to get most of the concerned parties together to express their views.

The Environmental Health section is awaiting the time period spelled out in their letter, issued under the County Health Code (see attached letters). Mr. Wine has informed me, that in the event the affected parties do not apply to the Board of Health for a hearing, his department would have no recourse except to swear out a summons directing both parties to appear before the District Court for a trial.

We will keep you advised as to the outcome of this case. Hopefully, we will be able to resolve this matter without a hearing before the Board of Health.

JMB/PFW:hs

Wed. 8-8-79 A.M.

Administrative meeting:

James Costello - Bldg/instello

Elwin Henry - attorney for Costello

Anthony Chrysosergis - owner of lot with problem

P. Wine

F. Frommelt } Health Dept.

Conversation brought out fact that Mr. Costello had not previously contacted Mr. Chrysosergis and Mr. Chrysosergis stated he had not denied entry onto his property (not contacted).

memo for Dr. Boyd to C. Council (F. Bobo)

Frommelt

LAW OFFICES

PAIRO & HENRY

8090 MAIN STREET

ELLCOTT CITY, MARYLAND 21043

301-461-1800

PRESTON A. PAIRO, JR.
EDWIN M. HENRY, JR.

PRESTON A. PAIRO 1926-1973

August 7, 1979

Edward P. Murphy, Esquire
ALLEWALT & MURPHY, P.A.
805 N. Calvert Street
Baltimore, Maryland 21202

RE: COSTELLO BUILDERS CORP. vs.
JAMES CONRAD

Dear Mr. Murphy:

This will confirm our telephone conversation of on or about July 26, 1979, with respect to my client Costello Builders Corp., and your client James Conrad, at Lot 9, Block C, Section 2, of Gwenlee, 4th election district of Howard County.

As you are aware, the Howard County Health Department alleges that Costello Builders installed a dry well on the property line which is contrary to the code, and we are attempting to determine is in fact the said dry well is on the property line, and in fact if that is the case, what person or persons must bear this responsibility.

In the meantime, however, although it is my opinion that they may be without jurisdiction, the Howard County Health Department is withholding all permits from my client and admits that this is because of the political pressure which has been exerted by your client through Ms. Bobo and the Howard County Council.

It is our position, that there is a genuine dispute based on the previous surveys that had been made by Boender Associates, and of course, the unfortunate matter is that there is no sanctions that the Health Department can bring against the surveyor, but my client at the present time must totally bear the blunt whether or not in fact he may be at fault.

● **SENDER:** Complete items 1, 2, and 3.

Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).

- ☐ Show to whom and date delivered \$
- ☐ Show to whom, date, and address of delivery \$
- ☐ RESTRICTED DELIVERY
Show to whom and date delivered \$
- ☐ RESTRICTED DELIVERY
Show to whom, date, and address of delivery . \$
- (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

Anthony Chrysovergis
3273 Sharp Road
Glenwood, Md 21738

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	<i>497066</i>	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

4.

DATE OF DELIVERY

8/7/79

POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S
INITIALS

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP CODE in the space below.

- Complete items 1, 2, and 3 on the reverse.
- Moisten gummed ends and attach to front of article if space permits. Otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



RECEIVED
HOWARD COUNTY
HEALTH DEPT.
ELLICOTT CITY, MD

AUG 8 9 08 AM '75

RETURN
TO



Howard County Health Dept.

P. O. Box 476

Ellicott City, Maryland 21043

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

PAIRO & HENRY

Edward P. Murphy, Esquire
Re: Costello Bldrs., vs. Conrad
August 7, 1979
page two

At the time of our telephone conversation, you indicated that although your client wanted this matter resolved, and the dry well to be relocated, it was not his intention that Mr. Costello should be permitted from getting any other permits for other projects in Howard County. Therefore, it is requested that you so notify the Howard County Department of Health to this effect, in order that we may avoid extensive litigation to free up my client in order that he may continue to do business in Howard County.

Very truly yours,

PAIRO & HENRY

COPY

Edwin M. Henry, Jr.

EMH, JR. :eng

cc: Mr. James Costello
Mr. Wine, Howard County Health Department
Ms. Elizabeth Bobo

HOWARD COUNTY HEALTH DEPARTMENT

JOYCE M. BOYD, M.D., M.P.H.
DEPUTY STATE AND
COUNTY HEALTH OFFICER



P.O. BOX 476
ELLCOTT CITY, MARYLAND 21043
TELEPHONE: 992-2333

August 6, 1979

Mr. Anthony Chrysovergis
3273 Sharp Road
Glenwood, Maryland 21738

Dear Mr. Chrysovergis:

Section 12.104 of the Howard County Code states: "The Board of Health, the County Health Officer, Sanitarian or his representative, shall take cognizance of all conditions dangerous to health and may on their own initiative institute an investigation."

An inspection was made on Wednesday, May 9, 1979, of lot 9C, (3273 Sharp Road) Gwenlee Estates - Section 2. This inspection indicated according to the newly installed property line stakes that your sewage disposal system transgresses the property line onto the adjacent property.

In my capacity as a Sanitarian with the Howard County Health Department, I have determined that this installation is or may become an eminent hazard creating a condition dangerous to the health of the persons occupying this adjacent property.

To correct this eminent health hazard you must:

1. Disconnect the sewage line from the septic tank.
2. Have this drywell pumped out by a scavenger.
3. Have this drywell filled in to prevent possible future caving.
4. Secure a permit and install a new dry well system with proper inspections by the Health Department.

I would like to point out to you that according to our records that Mr. L. Boring, the developer, was the owner and Mr. Costello, the installer. The law states that the owner and installer are jointly responsible for permits, inspections and approvals. It should also be noted that unless this system is corrected, it would be impossible for subsequent owners to obtain a clear title should you desire to sell the property.

Mr. Anthony Chrysovergis

page 2

You must comply with the provisions of this notice within thirty (30) days from the date of this notice, or apply to the Executive Secretary of the Board of Health for a hearing within ten (10) days from the date of this notice. If you do not apply for a hearing within the prescribed time and if you do not comply with this directive, a summons will be issued directing you to appear before the District Court of Howard County for a trial.

A copy of the Howard County Code is available for you to see at the Howard County Health Department.

Very truly yours,

Fred Frommelt, Director
Water and Sewage Program

FF:jr

cc: Costello Builders
Box 2201 Route 94
Woodbine, Maryland 21797

HOWARD COUNTY HEALTH DEPARTMENT

JOYCE M. BOYD, M.D., M.P.H.
DEPUTY STATE AND
COUNTY HEALTH OFFICER



P.O. BOX 476
ELLCOTT CITY, MARYLAND 21043
TELEPHONE: 992-2333

August 6, 1979

Mr. James Costello
Costello Builders
Box 2201 Route 94
Woodbine, Maryland 21797

Dear Mr. Costello:

Section 12.104 of the Howard County Code States: "The Board of Health, the County Health Officer, Sanitarian or his representative, shall take cognizance of all conditions dangerous to health and may on their own initiative institute an investigation."

An inspection was made on Wednesday, May 9, 1979, of lot 9C, (3273 Sharp Road) Gwenlee Estates - Section 2. This inspection indicated, according to the newly installed property line stakes, that your sewage disposal system transgresses the property line onto the adjacent property.

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Hand delivered to Mr. Costello 8/8/79 9:45 A.M. J. Lomax

Mr. James Costello

page 2

You must comply with the provisions of this notice within thirty (30) days from the date of this notice, or apply to the Executive Secretary of the Board of Health for a hearing within ten (10) days from the date of this notice. If you do not apply for a hearing within the prescribed time and if you do not comply with this directive, a summons will be issued directing you to appear before the District Court of Howard County for a trial.

A copy of the Howard County Code is available for you to see at the Howard County Health Department.

Very truly yours,

A handwritten signature in cursive script, appearing to read "F. Frommelt".

Fred Frommelt, Director
Water and Sewage Program

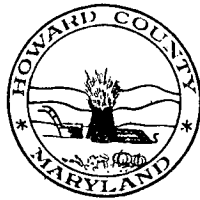
FF:jr

cc: Mr. Anthony Chrysovergis
3273 Sharp Road
Glenwood, Maryland 21738

(16)

HOWARD COUNTY HEALTH DEPARTMENT

JOYCE M. BOYD, M.D., M.P.H.
DEPUTY STATE AND
COUNTY HEALTH OFFICER



P.O. BOX 476
ELLCOTT CITY, MARYLAND 21043
TELEPHONE: 992-2333 ~~2330~~

July 17, 1979.

Mr. James Costello
Costello Builders
Box 2201 Route 94
Woodbine, Maryland 21797

Dear Mr. Costello:

Six weeks have elapsed since your visit and our conversation concerning the septic system of Lot 9-C, Gwenlee Estates, encroaching onto Lot 6-C, the Conrads. You informed me you would contact the concerned parties and report the action taken to resolve the problem.

Mrs. Conrad, the adjacent property owner, has contacted me again on Monday July 2, 1979 questioning the progress. She indicated that no one has contacted her concerning the problem.

In view of the time lapse and no word or sign of positive action this office has no alternative but to suspend services to your organization, Costello Builders. This suspension will be in effect until such time that the problem concerning the Conrad property, Lot 6-C, is resolved.

Very truly yours,

Fred Frommelt,
Sanitarian

P.S. You visited this office July 13, 1979 re. another problem and again assurances were given that you would make contact and report back to me.

FF;hs

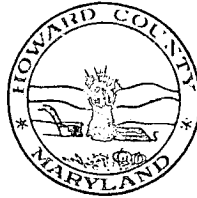
cc: Mrs. Conrad
Office of Planning & Zoning
County Building Office

7-13-79. Mrs. Conrad called office re. progress, reported none except letter sent. F.F.

file

HOWARD COUNTY HEALTH DEPARTMENT

JOYCE M. BOYD, M.D., M.P.H.
DEPUTY STATE AND
COUNTY HEALTH OFFICER



P.O. BOX 476
ELLCOTT CITY, MARYLAND 21043
TELEPHONE: 992-2113 2330

May 18, 1979

Mr. James Costello
Box 2201 Route 94
Woodbine, Maryland 21794

Dear Sir:

It has been brought to the attention of this department that there is a severe discrepancy re lot lines of Lot 6C and sewage disposal area of Lot 9C, both in Section 2 of Gwenlee Estates.

Since you were both builder and septic installer on these properties it is extremely urgent that you come into this office with your information re. these two (2) lots and attempt to correct these discrepancies.

Failure to contact this office could result in this department denying requests for services or permits until the situation is resolved.

Very truly yours,

Fred Frommelt,
Sanitarian

FF:hs

Donald W. Monaghan
Donald W. Monaghan,
Sanitarian

FF:DWM:hs

5-22-79. Mr. Costello called re. this letter, answered some of his questions & informed him he must bring his records in to comprehensively discuss problem. FF

5-23-79. Mr. C. in @ his records, he indicated that drywell on 9C located from certified foundation location on 6C (location by Brander Assoc.) he is to speak to all concerned & respond back ASAP. FF

July 20, 1979
11:15 a.m.

Mr. Frommelt:

Mr. Costello called today. He stated that he had contacted Mrs. Conrad on Tuesday evening and her lawyer, Mr. Murphy, was to call him. As of this date he has not received a call from Mr. Murphy. Apparently there is a neighborhood dispute going on between these two families over a dog and there is nothing he can do to alleviate problem until he gets permission from these people to come on their property and fix system. He has sold the property and it does not belong to him now so therefore he does not want to cause anymore problems by going on this property without permission.