

Board of County Commissioners' Meeting

Tuesday, December 5, 1972

Present: Commissioner George R. Aud, President
Commissioner J. Wilmer Bowles
Commissioner J. S. Guy, Jr.
Paul R. Raley, Administrative Officer
Robert E. Wigginton, County Attorney
Cecelia B. Adams (Mrs.), Recording Secretary

The meeting was called to order at 9:50 A.M.

Change of County Attorney

Commissioner Aud stated that he was in favor of changing the County Attorney. He continued stating that the present County Attorney, Mr. Robert E. Wigginton, of the law firm Loker and Wigginton, was also the attorney to the Board of Education and in some instances, his position had been conflicting.

Commissioner Aud stated that he was in favor of terminating the contract with Loker and Wigginton to become effective the first of the year.

Commissioner Aud made a motion that Mr. Joseph D. Weiner be appointed to replace him.

Commissioner Bowles inquired as to whether Mr. Weiner was available, to which Commissioner Aud answered yes, he was. Commissioner Bowles then stated that he had no objection to Mr. Weiner and seconded the motion.

Commissioner Guy abstained from voting.

* It was agreed by the Board of County Commissioners that Commissioner Aud would meet with Mr. Wigginton at his convenience.

Commissioner Bowles stated, however, that he felt that Mr. Weiner should appear before the Board of County Commissioners to give all Commissioners an opportunity to discuss the duties, salary and effective date.

*See Page 290 (the above paragraph is incorrect)

Commissioner Aud then stated to the secretary that he wished to hold the motion that he had made, since he may want to change it. Commissioner Aud stated that he would call Mr. Weiner to request him to meet with the Commissioners.

David M. Gruber and Company

Commissioner Guy made a motion that a letter be sent to the firm of David M. Gruber and Company in Washington, D. C. requesting that they make a decision as to their relationship with St. Mary's County.

They are to be asked if they plan to continue to provide management consultant services to St. Mary's County. Then they will be informed that the County will have to obtain a separate auditing firm for all County agencies including the Metropolitan Commission.

Commissioner Bowles seconded the motion. The motion was unanimously passed. It was agreed that their decision would become effective as of January 1, 1973.

At this time, Mr. Robert E. Wigginton entered the meeting.

Graves Road

Mr. Paul R. Raley, Administrative Officer to the Commissioners, advised them that he had been contacted by Senator Paul J. Bailey regarding the recent Graves Road dispute between the Sydnor and Dixon families. Senator Bailey has requested that the Commissioners hold any action they plan to take until he had had an opportunity to work with the persons involved in hopes of a reconciliation between the two families.

The Commissioners agreed that they would withhold any further action until they had received additional information from Senator Paul Bailey.

Bills Approved

Loker and Wigginton, in the amount of \$959.30, for professional services rendered for the month of November.

Lorenzi, Dodds and Gunnill, in the amount of \$376.50, for professional services rendered at St. Andrews Landfill on October 31, 1972, to re-establish travers and boundaries.

Bussells and Company, for surveying and office engineering services in connection with Hewitt Road at Md. Rt. 235 through the pay period ending August 30, 1972, in the amount of \$575.00 and also for the pay period ending September 27, 1972, in the amount of \$331.50.

Tri-County Youth Services

Commissioner Aud informed the secretary (for the purpose of recordation in the minutes) that he and Commissioner Guy had approved the request of the Tri-County Youth Services Bureau for funds to allow them to strengthen and improve their program and to better serve the residents of the tri-County area. This approval means that the total St. Mary's County contribution for the fiscal year beginning March 1, 1973 would be \$14,573.50. This will be composed of \$13,000 that was allocated in the 1972-73 budget and \$1,573.50 that was allocated in the 1971-72 budget.

Mr. B. Harris Sterling, Director of Finance, will be notified of this decision.

Pine Hill Run Sewage Treatment Plant

The Commissioners reviewed a letter from Dr. William J. Marek, County Health Officer. Dr. Marek stated that it had come to his attention that the Pine Hill Run Sewage Treatment Plant was considering either moving or making available during certain hours, the sewage main into which the sewage collectors discharge their trucks. Dr. Marek pointed out that according to St. Mary's County Resolution #71-30, raw, untreated sewage collected from septic tanks must be disposed of at this sewage treatment plant.

The Commissioners requested that a letter be written to the St. Mary's County Metropolitan Commission stating that they are hereby directed that they are to maintain a 24 hour dumping arrangement with the "honey dippers".

Tri-County Council-Open Space Plan

The Commissioners reviewed a letter from Dr. John H. Mills, Executive Director of the Tri-County Council, regarding the open space plan revision process. Dr. Mills reminded the Commissioners of the contract negotiated by and between the Tri-County Council, Maryland State Planning Department and the Allen organization for open space planning purposes in behalf of each of the three

Counties. The terms of the agreement stipulate 50% of the work effort and/or monies allocated to this project would be encumbered by September 30. One half of that amount is \$833.00. He requested that the Commissioners approve payment of this amount to the Tri-County Council so that the obligations with the Maryland State Planning Department could be met. The Commissioners unanimously approved payment of the \$833.00.

Sedimentation Control Task Force

Since the Sedimentation Control Task Force has been inactive for a period of time and it would soon become necessary for the annual review of the Sedimentation Control Ordinance, the Commissioners reviewed the membership of the Task Force. It was unanimously agreed that Mr. Arthur Mirfield would replace Mr. John M. Hodges, Sr., Mr. Francis Abell would replace Mr. Robert Moore and Mr. John B. Norris, Jr., would replace Mr. August H. Wagener. The Commissioners requested that letters be written to the three new appointments requesting that they accept their appointments to the Sedimentation Control Task Force.

The Commissioners also requested that letters be sent to the remaining original members, requesting that they accept reappointment to same.

John B. Dexter-Request for Rezoning

Present: Mr. John B. Dexter, Mr. Jack Kershaw, Miss Christy Selph, Mrs. Patty Muchow and Mr. Dick Myers

Mr. John B. Dexter appeared before the Commissioners to request a change in the proposed zoning of the area adjacent to his grocery store from R-1 to C-2 (Neighborhood Commercial). Mr. Dexter's business is located on the corner of Rt. 235 and St. Andrews Church Road.

Commissioner Aud informed Mr. Dexter that the procedure for a request of rezoning of property, was to go to the Planning and Zoning Commission and to file an application for the type of zoning he desired.

Commissioner Bowles informed Mr. Dexter that if he wanted the land to be commercial then he should make application with the Planning Commission and they would then process his application and make their findings available to the Commissioners

who would then act on a final decision. He added that the Commissioners were working on an updating of the existing zoning plan.

First Tuesday Press Conference

At this time, the regular first Tuesday Press Conference was held.

Project Proposal-St. George Creek

Mr. John B. Norris, Jr., Asst. County Engineer, presented a project proposal being sent to the Dept. of Natural Resources, for the Commissioners review and approval. This project proposal was for the construction of a pier (approximately 6 foot wide and 100 foot long) for the use of the boating public, in conjunction with existing recreational area and boat ramp on St. George's Creek (leased Swann Property), at Piney Point, Maryland. The improvement would cost approximately \$5,000.00 or less which would come from the State in the form of a grant to the County. The Commissioners unanimously approved this project proposal and Commissioner Aud signed the necessary form designating same.

Project Proposal-Dukehart Creek

Mr. John B. Norris, Jr., Asst. County Engineer, presented a project proposal being sent to the Dept. of Natural Resources, for the Commissioners review and approval. This project proposal states that St. Mary's County plans to develop a recreational area, on the County property bordering Dukehart Creek (recently dredged). That plan would include: (1) Pier facilities, (2) Boat ramp launching and docking area, (3) Sanitary facilities and (4) Parking and recreational area.

The cost of this project was estimated to be \$25,000 (State money requested). The Commissioners approved this project proposal and Commissioner Aud signed the necessary from designating same.

St. Jerome Creek-Dredging Southern Prong

Commissioner Aud requested Mr. John B. Norris, Jr., Asst. County Engineer, to take the necessary steps to complete the dredging of the southern prong of St. Jeromes Creek. He informed Mr. Norris that the Dept. of Natural Resources had been concerned as to where the spoils would be placed when this additional dredging was done. Commissioner Aud stated that

Mr. Hamilton Trossbach, a resident of the area, had consented to giving them a place where the spoils could be deposited.

Emergency Operation Center-Addition to Transmitter

After a telephone call from Mr. Otis F. Wood, Acting Director of the Emergency Operation Center, the Commissioners unanimously approved of \$150.00 to Alford's Communications for an addition to the transmitter in the Emergency Operation Center being used by the Health Department.

Drainage Study-St. Clements Shores

Mr. John B. Norris, Jr., Asst. County Engineer, informed the Commissioners that he had been contacted by Mr. Robert Smith, a resident of St. Clements Shores, regarding the severe drainage problem existing in the area.

Mr. Norris explained that St. Clements Shores was a relatively low area.

He continued stating that the County needed to know what magnitude of money that might be needed for a comprehensive study. He recommended that the County obtain some estimates on having a drainage study made of this area. He would draw up specifications on what they would want done. He would then request various surveying firms in the County to submit bids to meet the specifications.

The Commissioners requested Mr. Norris to obtain some estimates and to bring them back to them.

St. Mary's County Filmstrip

At this time, the film "St. Mary's County-Mother County of Maryland" was viewed.

Maryland National Bank

Present: Mr. B. Kennedy Abell and Mr. Harry Gotwald

Mr. B. Kennedy Abell explained that the purpose for his meeting with the Commissioners was to make a presentation to them of Maryland National Bank's services and the conditions under which they might serve them. He informed the Commissioners that they had recently employed a gentleman from

Montgomery County who was a Director of Finance, and this gentleman might prove to be of assistance to the County in various ways.

Mr. Abell continued stating that he would like to see the County place additional funds in their bank, especially since the County will be receiving additional funds under the "Revenue Sharing Act".

Mr. Gotwald stated that their intentions were to keep the bank backing local so as to provide unlimited services to Countians. He continued saying that he thought the bank record stands very high as to its services to Countians.

Mr. Abell stated that he would like to meet with the finance persons to discuss areas of financing that they are involved in that Maryland National Bank might be able to assist them with. If it was acceptable, he would work tow rds a date to meet with the Finance Officer.

The Commissioners agreed that this would be an excellent idea and thanked the gentlemen for meeting with them.

Ponderosa Estates Subdivision-Road

Present: Mr. Clyde Rigsby and Mr. Marvin Kaminetz

Mr. Clyde Rigsby stated that in July of 1971, his subdivision had been preliminarily approved by the Planning and Zoning Commission with final approval given in October of 1971. He explained that he had built the road within the Ponderosa Estates Subdivision with a 50 foot right-of-way and had paved it with four inches of asphalt. In October of this year, Mr. John Norris, Asst. County Engineer, changed the road specifications. They have been told that they now need 24 foot of road with 6 foot of shoulders and proper drainage ditches.

Mr. John Norris stated that Mr. Rigby does have a 50 foot right-of-way and he has put in more than the thickness of asphalt that is required. His engineer did not prepare any road plans. He has only put in 20 foot of pavement and the shoulders are not in. There is drainage there but it is not constructed. He could not approve it as it is now under the existing road specifications.

Mr. Kaminetz, the legal counsel for Mr. Rigby, stated that this is why they had appeared before the Commissioners, to see exactly what must be done now.

After discussion among the Commissioners, Commissioner Aud stated that the Commissioners would grant a variance and allow the road pavement to remain at 20 foot.

Commissioner Bowles stated that since this road was near the Clarke's Trailer Park, with the amount of people that it was apparently serving, the Commissioners could give him consideration since 20 foot of pavement was sufficient. However, the shoulders must be 8 foot plus drainage in order to allow space for increasing the pavement four feet should it become necessary.

Commissioner Aud stated that the County would still require him to construct the shoulders and the ditches.

Mr. John Norris will work up a figure for a bond for the road.

Maryland Bank and Trust Company

Mr. Mark Miller of the Maryland Bank and Trust Company appeared before the Commissioners to present them with a copy of the booklet "The First Month is the Toughest", that his bank had recently prepared to be distributed to residents of the County. Mr. Miller explained that they have had 3,000 of the booklets printed and are already planning an updating and reprint. Among some of the listing within the booklet are: County churches, health service information, licensing information, etc.

The Commissioners felt that this booklet would be beneficial to all Countians as well as newly established Countians and thanked Mr. Miller for his efforts.

St. Mary's City Commission-Park Plan

Present: Gen. Robert E. Hogaboom and Mrs. Polly Barber

General Hogaboom explained to the Commissioners that in 1966, the St. Mary's City Commission had begun making plans to preserve and develop historic St. Mary's City. Systan, Inc., made a study of the economic analysis of the development of the

historical site as to the relation of cost vs. the benefits. Members of the St. Mary's City Commission have journeyed to other historical places of interest such as Harpers Ferry, Old Salem, Williamsburg and Jamestown and have found St. Mary's City to excell in beauty and recreation. He continued stating that there will be no question that the 200,000 visitors quoted in the original plan prepared will be surpassed. It is estimated that 50% of the visitors would come from out of the State. There would be an increase in employment, property value and heritage of the vicinity. With respect to land, they have a practice of buying only from those who are willing to sell. He stated that the St. Mary's City Commission was under pressure by the Governor's Office since they feel that negotiations of land should be stepped up. The St. Mary's City Commission had felt that they were acquiring the land as rapidly as possible even though it was quite a lengthy ordeal. The target date for this Park's completion is 1980.

At the present time, the St. Mary's City Commission has \$2,000,000 with which to acquire land. They believe the first thing is to acquire the waterfront property.

General Hogaboom stated that there are two considerations in establishing the park: (1) It was felt that it would be an excellent historic park and (2) Economically it would be an asset to St. Mary's County and southern Maryland.

General Hogaboom reminded the Commissioners that the "take line" was scheduled to go before the Board of Public Works in Annapolis on Wednesday and requested that the Commissioners attend the hearing.

The Commissioners assured General Hogaboom of their continuing support.

Ridge Dump-Payment Approved for Lease

The Commissioners approved the payment of \$1,200.00 to Mrs. Laura Courtney for leasing her property at Ridge to be used as one of the County dumps. The \$1,200 is for July 71-72 and July 72-73.

Scholarships-Payment Approved

The Commissioners unanimously approved the payment of \$4,200.00 to St. Mary's College of Maryland for the 14 students awarded County Commissioners' Scholarships.

Hewitt Road

The County Commissioners reviewed a letter from Mr. A. W. Tate, Highway District Engineer, for the Maryland State Highway Administration, regarding Hewitt Road. Mr. Tate explained that Mr. J. Dennis Raley, Jr., has estimated the cost of landscaping for Hewitt Road to be \$3,950.00. This amount was not programed with the original work.

The Commissioners unanimously approved \$3,950.00 to the State Highway Administration for the necessary work provided said funds are available within the State Highway Administration account.

Esperanza Drive-Speed Limit

The County Commissioners reviewed a letter from Mr. A. W. Tate, District Engineer, for the State Highway Administration, regarding a request to have a 30 M.P.H. speed limit sign erected on Esperanza Drive from beginning to end. Mr. Tate advised them that Mr. J. Douglas Bond of the Leonardtown State Highway Office, has been directed to have the necessary signs erected.

Nursing Home Board of Directors

Commissioner Bowles requested the secretary to send a letter to Mr. Chauncey W. Karstens, requesting that he accept appointment to the St. Mary's County Nursing Home Board of Directors. This appointment would fill the unexpired term of Dr. Alan D. Houser, deceased, and would expire July 1, 1973.

Mental Health Advisory Committee

Commissioner Guy requested that Rev. Joseph L. McDowell, Colton's Point, be requested to accept an appointment to serve on the Mental Health Advisory Board. Rev. Hugh Hall had been requested to accept appointment to same and had declined.

Thomas E. Wilson-Confiscated Vehicle

Mr. Paul R. Raley, Administrative Officer, to the Commissioners, presented a letter from Guyther and Raley, Attorneys, regarding the vehicle owned by Mr. Thomas E. Wilson that had been seized by the Sheriff's Department in a drug arrest.

Mr. Clarke Raley stated that in view of the fact that Mr. Wilson was found not guilty of any wrongful conduct involving controlled dangerous substances and in view of the fact that the taking of the car by the Sheriff's Department was not authorized (since the County attorney did not file papers for seizure of the car), it was requested that Mr. Wilson's vehicle be returned to him without further proceedings.

The Commissioners were in agreement that the vehicle be returned to Mr. Wilson.

Employment of Mr. Joseph D. Weiner

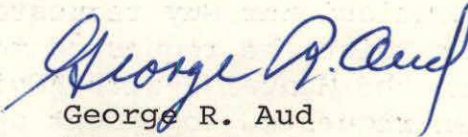
The Commissioners met in private with Mr. Joseph D. Weiner applicant for the job of County Attorney, representing the law firm of Weiner and Davis, and discussed with the County Commissioners the appointment to this position, the duties, the salary of \$9,500.00 and the effective date of the appointment.

At no time did any Commissioner raise any objection to Mr. Weiner during the meeting with him nor was any objection raised after Mr. Weiner left the meeting. Following that meeting, the Commissioners completed their days work.

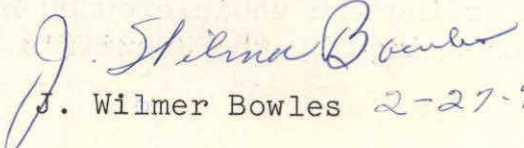
During the interview of Mr. Weiner, Mr. Guy did not participate in the discussion. He sat only as an observer.

Mr. Aud stated that he had an agreement for the past two years with the other Commissioners that if they remained silent it meant their approval.

Approved,


George R. Aud
President

It was unanimously agreed by the Board of County Commissioners that Commissioner Aud would meet with Mr. Robert Wigginton, County Attorney at 9:00 a.m., the next morning, Wednesday, December 6, 1972.


J. Wilmer Bowles 2-27-73