

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, January 2, 1973

Present: Commissioner J. Wilmer Bowles, President  
Commissioner George R. Aud  
Commissioner J. S. Guy, Jr.  
Paul R. Raley, Administrative Officer  
Joseph Weiner, County Attorney  
B. Harris Sterling, Finance Director  
Judith Mullins, Recording Secretary

Also present were Patty Muchow, WPTX, Jack Kershaw, The Enterprise, Christie Selph, Beacon and Dick Myers, WKIK.

The meeting came to order at 9:45 A.M.

MINUTES OF DECEMBER 12, 1972

The final draft of the minutes of December 12, 1972 were read and corrected.

BIDS ON INVESTMENTS

Harris Sterling reported on the bids of December 28, 1972 on \$1,475,000 investments. Those present at the bid were:

- Mr. B. K. Abell, Branch Assistant, Vice-President, of Maryland National Bank
- Mr. John T. Daugherty, President of Maryland Bank and Trust Company
- Mr. J. Wilmer Bowles, Chairman of the Board of County Commissioners
- Mr. B. Harris Sterling, Director of Finance, St. Mary's County

The bids were as follows:

<u>Amount</u>	<u>Maturity</u>	<u>First Nat'l</u>	<u>Md. Nat'l.</u>	<u>Maryland Bank and Trust</u>
\$300,000	60 days	-0-	5.27%	5.46%
300,000	90 days	-0-	5.32%	5.82%
425,000	120 days	-0-	5.38%	5.98%
450,000	150 days	5.45%	5.52%	6.16%

Following the opening and review of all bids, Commissioner Bowles telephoned Commissioners Guy and Aud and advised them of

the bids received. The bid was unanimously awarded to the highest bidder. The highest bidder on all Certificates of Deposit was Maryland Bank and Trust Company. Arrangements for the purchase of the above stated Certificates of Deposit have been completed.

STUDY ON CRIME-SHERIFF'S DEPARTMENT

Harris Sterling stated that the Sheriff has not completed his study on the increase or decrease of crime in St. Mary's County. Also there is no report on the crime lab costs.

LETTER FROM ATTORNEY GENERAL, RE: UNPAID PRINTING COSTS

Commissioner Bowles mentioned a letter of December 29, 1972 from the Attorney General concerning unpaid printing costs in criminal appeals cases. Mr. Weiner stated that the cases mentioned in the letter is the obligation of the County Commissioners to pay the bills pertaining to therein and the obligation of the States Attorney to collect from the attorneys in the cases and reimburse the County. Mr. Weiner said he would attempt to collect the money and reimburse the County.

LETTER FROM STATES ATTORNEY, RE: STATE VS. TRAVIS

Commissioner Bowles mentioned a letter of December 20, 1972 from the States Attorney enclosing a bill in regards to an audit made in this case. Mr. Weiner is to check to see if Judge Sterling authorized the audit. Harris Sterling conferred with Mr. Weiner and Judge Sterling and is now waiting for a letter of explanation from Judge Sterling. Mr. Weiner is to determine who is to pay this bill.

BILL FROM H. VERNON ENEY

Commissioner Bowles discussed the bill received from Mr. H. Vernon Eney of Venable, Baetjer and Howard for services to assist the then County Attorney, Mr. Robert Wigginton, in connection with the case of County Commissioners of St. Mary's County vs. Sound Media, Inc. The total bill is in the amount of \$9,500 for his fee plus expenses. Commissioner Bowles asked Mr. Weiner if we are entitled to ask for a more detailed breakdown of his bill. Mr. Weiner was in agreement to this. Harris Sterling is to send a letter to Mr. Eney asking for this more-detailed breakdown of the statement,

including time spent on the case, and to have this statement and/or attached letter to bear Mr. Eney's signature (previous letter of December 19, 1972 or statement did not include signature). Harris Sterling is also to write a letter to Robert Wigginton, former County Attorney, to see if an agreement had been made concerning Mr. Eney's fee.

QUESTIONS OF TAXPAYERS ASSOCIATION OF DECEMBER 12, 1972

Commissioner Bowles asked Mr. Weiner about the questions brought up by the Taxpayers Association at the December 12, 1972 meeting. First question concerned the Harry Lundeberg School. Mr. Weiner stated that in 1971 the Tax Court reversed the decision that the School should be compelled to pay personal property taxes for the year 1970. All stock was held in trust for the benefit of the school. Mr. Weiner said he wrote a letter to Mr. Albert W. Ward of the State Department of Assessments and Taxation to get Attorney General's opinion whether the 1971 decision would be binding for the 1968-1969 personal property taxes. He stated that he has not yet received a reply. Commissioner Bowles requested Mr. Weiner to verify the \$127,000 figure quoted by Mr. Claude Jarboe from the Taxpayers Association. Mr. Weiner had copies of the tax bills and said this was a correct figure.

Second question concerned the Board of Education. Commissioner Bowles asked Mr. Weiner about the Board of Education's operating deficit at the end of each fiscal year. What, if any, is the legal obligation of the County to provide monies to make up the deficit? Does the law require the County to pick up this deficit? Mr. Weiner said he would check this out.

STATE POLICE BARRACKS

Commissioner Bowles requested a follow-up to Robert Wigginton's work done on the land for the State Police barracks. Mr. Weiner said he called Mr. Glenn Wood, Jr., Chairman of the Fair Board. Members of the Board have been contacted but have not actually had a meeting concerning relinquishing the corner property located at the intersection of State Route 5 and Wise-St. Andrew's Church Road, also known as Fairground Road. Paul Raley should give Mr. Weiner a copy of the lease. The County Commissioners want a reverter clause in the lease in case the State Police did not actually utilize the land for the intended purpose. Then the land would revert back to the County.

JANE HENDERSON-GOLDEN BEACH ROAD

Commissioner Bowles stated that he had asked Michael Davis of Weiner and Davis to review the case and determine the County's

legal obligation, if any, concerning Jane Henderson's sight distance of her property due to the construction of the Golden Beach Road. Mr. Weiner said Michael Davis is doing a research on this. Commissioner Bowles said to determine whether or not there was a right-of-way agreement signed by Mrs. Henderson. Mr. Bowles said if there was an agreement Paul Raley should provide Mr. Weiner with it.

#### CATV

Commissioner Bowles stated that about a month ago CATV approached the County concerning use of County right-of-way. Mr. Robert Wigginton had been requested to draw up an agreement between the County and CATV in the event CATV crossed over or under a County road or used a portion of the County's right-of-way. Commissioner Bowles asked Mr. Weiner to check this out with Mr. Wigginton.

#### METROPOLITAN COMMISSION-SANITARY DISTRICTS

Commissioner Bowles mentioned a request from Metropolitan Commission pertaining to monies to use for work in other sanitary districts throughout the County. Mr. Weiner was asked to verify our authority and see what amounts of money we can legally appropriate per sanitary district.

#### B. F. DIAMOND CONSTRUCTION COMPANY

Commissioner Bowles said Robert Wigginton was to have prepared an agreement between the County and B. F. Diamond Construction Company as to the use of the pier and bulkhead at Seven Gables during the construction of the Patuxent River Bridge. Mr. Bowles asked Paul Raley to check with Mr. Wigginton to see if an agreement was prepared. Mr. Weiner is to bring this up to date.

#### INDIANTOWN FARM

Commissioner Bowles stated that Robert Wigginton was to have written a letter to Department of Natural Resources to determine who had jurisdiction over the point of discharge of animal waste at Indiantown Farm into the Wicomico River. Mr. Weiner, County Attorney, is to verify with Mr. Wigginton, the status of this request.

#### TOOL SHED AT ST. ANDREWS LANDFILL

Upon the request of Mr. Bowles to follow up the situation concerning the shed at St. Andrews Landfill, Paul Raley stated

that the shed is being used by the maintenance men to get out of the weather when necessary. The trailer that is there is a home for John Thomas, the caretaker at the landfill. John Norris, Assistant County Engineer, plans to do away with the trailer in the spring. Commissioner Bowles requested Paul Raley to ask John Norris for a written report on the situation.

#### McKAY'S BEACH PROJECT

Commissioner Bowles asked Paul Raley about the progress being made on McKay's Beach Project. Paul Raley said the plans and specifications are 90% complete. He talked to Gary Wicks of Shore Erosion Program, Department of Natural Resources. Commissioner Bowles said to make sure the residents wish to go through with the shore erosion program, then the Commissioners would sign the project agreement on behalf of the residents.

#### LETTER FROM METROPOLITAN COMMISSION

Paul Raley presented a letter from the Metropolitan Commission of December 22, 1972 with list of projects which should be undertaken to forestall deterioration. They request \$165,000 from Revenue Sharing Funds which supersedes their request of December 5, 1972 for \$50,000. No action was taken at this time pending a decision that had been requested of Mr. Weiner earlier in the meeting.

#### PRESS CONFERENCE

A copy of tape is on file in the Commissioners' Office.

#### KITTS POINT PROJECT

Present: Victor Reynolds, Developer  
Stanley Holmes, from the firm of Buckmaster, White,  
Mindel and Clarke  
Walter Schroeder, Business Associate

Mr. Stanley Holmes, Attorney, representing Victor Reynolds, read the letter of December 28, 1972 from Victory Reynolds setting forth terms and conditions upon which he was willing to agree for the approval of his project and requesting the Commissioners to schedule a public hearing on the point of discharge for the sewage treatment plant. Said letter is on file in the Office of the County Commissioners.

Commissioner Guy raised the question concerning Item 1 of the letter and asked if the sewage discharge point distance was in-

creased from the original proposal. Mr. Reynolds said it was. The depths of the water at the 600 foot point would be six feet and at the mile point 24 feet.

Commissioner Guy asked about Item 6 in reference to park areas. He said that the amount of area was not specified. Mr. Reynolds said there is an 18-acre pond just north of the condominium area around which a recreational area will be provided. Also, 30 acres at Sage Pond would be a recreation area. Six or nine acres adjacent to Sage Point would be a wildlife preserve. There will be a marina available.

Commissioner Guy inquired as to all the water-front property being privately owned. There does not seem to be any public areas to the water. Mr. Reynolds said around Sage Point, the area is public.

Mr. Schroeder said in the condominium area they propose to take one of the lower inland water areas off of some of the creek and develop this into a park area. Mr. Schroeder stated that the Commissioners would have an opportunity to review their plans in accordance with their general development plans.

Commissioner Bowles discussed review and approval by the County Commissioners and Planning Commission of all plans. Mr. Reynolds stated that if the Commissioners would like a stipulation made that each of the sections be approved by the Commissioners, he would be agreeable to this. Commissioner Bowles said the Commissioners would not have an opportunity to see and approve plans unless they had the right to review the final plan. Mr. Reynolds said he had no objection to the Commissioners reviewing and approving final plans. The individual lots have been laid out to the best of their ability and there is no great degree of variance to the present plan. All were in agreement that the Commissioners would have the right to approve final plans.

Mr. Reynolds stated that other agencies would be looking at the plans also, including the Army Corps of Engineers. He said it would be good for all to work hand in hand.

Commissioner Bowles asked about the maintenance of the bulkheads. Mr. Reynolds stated he proposed to set up a group of home-owners within the area and a fund would be set up to cover the expenses of maintenance and care of the bulkhead over a period of years. The bulkhead should have a 30-year life and he said he would want assurance of this 30-year life for it. The protection of the shore line would be of interest to all.

Commissioner Bowles asked if the funds would be by assessment per family unit. Mr. Reynolds said it would be.

Commissioner Bowles asked about the number of units per acre. Mr. Schroeder said there would be no lots less than  $1\frac{1}{4}$  acres which would be held at 28% and 72% would be  $1\frac{1}{2}$  acres or larger.

Commissioner Bowles stated the Commissioners have placed a maximum lot development of 20 lots on any County Road until a policy has been developed as to the specifications to upgrade and construct County roads. We have suggested that this would be complete in 12 months or less from December 26, 1972. We are concerned about the developments on County roads that would overtax a County road, construction and traffic-safety wise. A policy may be developed that it would be the developer's responsibility to update and improve the road.

Mr. Reynolds said that in connection with Beachville Road he had made provisions to upgrade this road. He stated that he would be willing to upgrade the road all the way back to Route 5. However, he would like a bit of leniency on this. Beachville Road through the development would be upgraded immediately and he would like to see in the agreement that he would be able to complete the first section by the first year. If absolutely necessary, the second section of Beachville Road up to Route 5 would be upgraded immediately also, but the expenses for the first year would be great. Commissioner Bowles asked what period of time would be needed for the second section to be upgraded. Mr. Reynolds said before the end of the second year. Mr. Reynolds said he would provide a bond or other necessary guarantees to the County to ensure the upgrading of this road.

Mr. Holmes mentioned the sewage system plant for the project. He feels it is an advanced and sophisticated one. According to the FDA's evaluation, this plant would exceed any of their specifications by a factor of three. Also oysters would not be in danger.

Mr. Reynolds asked if it would be in order for him to consider the points raised at this meeting and resubmit a new letter to the Commissioners.

Commissioner Bowles said he should feel free to do so. Also, the Commissioners would like to review all correspondence which the office had received from them before giving Mr. Reynolds an answer.

HOUSING FOR THE ELDERLY

Present: Mr. F. Elliott Burch  
Mr. Joseph Carter, Director, Social Services

Mr. Elliott Burch stated that some time ago he received a letter from the County Commissioners indicating willingness to accept a sum of money in lieu of taxes on the proposed Home for the Elderly. Mr. Burch stated they are at a point where a firm commitment to HUD is needed since they have a letter from them stating estimates of total costs of the entire project. Mr. Burch requested a letter of commitment to the Home for the Elderly to pay \$650.00 per year in lieu of real estate and personal property taxes. All Commissioners were in agreement. The total cost of the project is \$2,161,834.00.

Estimates are:

Efficiency & 1 Bedroom	- 95 units	\$104 monthly rent
1 Bedroom & 1 Bath	- 11 units	118 monthly rent
1 Bedroom & 1 Bath	- 1 unit	0 rent
(For manager & Wife)		
Personal Care Units	<u>- 22 units</u>	<u>104 monthly rent</u>
Total Units 129		\$13,466 Total Monthly Rentals

Commissioner Bowles questioned our authority to abate State taxes. Mr. Weiner said the statute stated that the Home can be exempt from State taxes by the County Commissioners.

LETTER FROM DEPT. OF TRANSPORTATION

RE: ENERGY COSTS

Paul Raley read the letter of December 26, 1972 from the Maryland Department of Transportation concerning the signal energy costs of Maryland Route 5 and Cedar Lane, and Maryland Route 5 and Midway Drive. Commissioner Bowles stated he was advised by Commissioner Bernie Fowler that Calvert County pays no energy costs, however, it could have been charged to their maintenance fund. Who should pay this needs to be clarified. Commissioner Guy suggested raising this question to the Maryland Association of Counties as to the policy in other Counties throughout the State. Paul Raley was requested to write said letter.

BIDS ON 3/4 TON TRUCK

McKay Implement & Truck Company	\$4,098
Suburban Chrysler & Plymouth	3,236 (Does not include #18 Maintenance Storage Body)



Paul Raley called Suburban Chrysler and Plymouth concerning the cost of the storage body, and was told it would be \$250.00. Paul Raley is to check further into this and have John Norris verify bid specifications.

Commissioner Bowles said Paul Raley should handle all bids and specifications for all vehicles in the future before advertising.

#### VOLUNTEERS FOR COMMISSIONS

Commissioner Bowles requested the secretary to develop a file for each Commissioner on people interested in serving on Commissions.

#### CONTRACT CHANGE ORDER

Contract Change Order No. 8, dated December 15, 1972, Project MD-HPR-3, Restoration and Improvement of Tudor Hall, was presented to the Commissioners and recommended for approval by Paul Raley. The Commissioners unanimously approved the Change Order and Commissioner Bowles signed same.

#### APPOINTMENTS TO PLANNING COMMISSION

Commissioner Bowles stated that General Robert Hogaboom's term to the Planning Commission expired as of the end of December, 1972 and he recommended J. Frank Raley, Jr., as a replacement because of his legislative experience and the fact that he lives in St. Mary's City and is very interested and knowledgeable of the St. Mary's City Commission's work. He also serves on the Tri-County Council. All Commissioners were in unanimous agreement.

Commissioner Aud expressed an interest in being the Commissioner member of the Board and Commissioner Guy also expressed an interest. In view of the stalemate created by Commissioner Aud and Commissioner Guy, both expressing an interest and both refusing to nominate the other, Commissioner Bowles nominated George Aud as the Commissioner member to the Board of Planning Commission because of his past experience with the Planning Board. Commissioner Aud seconded the motion. Commissioner Guy made it unanimous.

#### RECREATION AND PARKS

Present: John Baggett

John Baggett, Director of Recreation and Parks, asked permission to transfer \$2,500 of funds in the Department's mainte-

nance budget from salaries category to contractual services, so as to employ contractors to build five temporary ball diamonds at various locations throughout the County. Commissioner Bowles requested a detailed cost breakdown from Mr. Baggett.

Mr. Baggett also informed the Commissioners that the Soil Conservation Service analyzed the soil at Great Mills High School. The results were that without some alteration the soil is not suitable for a ball diamond and picnic area. Mr. Baggett suggested either using top soil and seeding or sludge and seeding. There is \$1,000 in the budget for contractual services and he planned to use the money from this fund for this purpose.

Mr. Baggett mentioned the Carver Heights (Therle A. James property), playground site being purchased from the State. One appraisal has been received at \$2,800.00. Another appraisal is due within a week. Mr. Baggett was concerned that the other appraisal would be higher than the first appraisal. Commissioner Bowles said if it is, Mr. Baggett should get together with a representative from the State to resolve differences.

Mr. Baggett stated he received verbal word from the Department of Interior that the radar equipment at Hermanville Radar Gap may be disposed of. The Navy said it is completely obsolete except for the metal. There is a diesel unit that may be operational. Mr. Baggett requested permission to go ahead and accept bids for the equipment at the site. The Commissioners stated that as soon as he received a letter from the Department of the Interior authorizing the County Commissioners to sell the equipment and determining what use could be made of the money, Mr. Baggett should report back to the County Commissioners prior to advertising equipment for sale.

Mr. Baggett mentioned looking for a building to rent as a teen center. George Hopkins, owner of a building located on Route 235, requested \$400 a month rent if the County would bear the cost of renovation and maintenance of the building. The Commissioners instructed Mr. Baggett to obtain cost estimates for putting the building in comfortable, usable condition and to present George Hopkins with an agreement that would allow the County 60 days to have estimates made on costs of repairs to the building. Said agreement is to include a one-year lease with nine one-year options. Depending on this cost estimate, the County will then make a decision on renting the building on a yearly contract which would be renewable each year for \$400 a month at the option of the County.

CREATING SECRETARY B POSITION  
IN COMMISSIONERS' OFFICE

Commissioner Bowles said that Mrs. Viola Gardner had advised the County Commissioners that she was seeking other employment, and therefore her position as Administrative Assistant would become vacant. It was unanimously decided by the Commissioners that the position of Administrative Assistant be abolished at the time the position is vacated by Mrs. Gardner, and the position of Secretary B be created. Paul Raley is to advise Harris Sterling of the Personnel Office.

APPOINTMENT TO SEDIMENTATION CONTROL TASK FORCE

Mr. Aubrey Mattingly has accepted appointment to the Sedimentation Control Task Force.

DUKEHART'S CREEK

Letter from Thomas E. Downs thanking Commissioners for the dredging of Dukehart's Creek and stating need for channel markers and speed limit in Dukehart's Creek. Paul Raley is to write a letter to the Department of Natural Resources requesting same.

The meeting adjourned at 5:00 P.M.

Approved,

*J. Wilmer Bowles 3/13/73*  
J. Wilmer Bowles  
President