

Board of County Commissioners' Meeting

Tuesday, January 16, 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  
Judith Mullins, Recording Secretary

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

Bills Approved

(1) Department of Health and Mental Hygiene for required local appropriation for hospital in-patient services in the amount of \$25,482.00.

(2) Mechanicsville Building and Supply, Inc., for St. Andrews Landfill shack in the amount of \$323.66.

(3) Southern Maryland Electric Coop., for construction of underground electric service at the Walden Counselling Center at St. Andrews Church Road in the amount of \$539.24.

(4) County Commissioners of Calvert County in the case of Gary Lee Bochum vs. John Thomas in the amount of \$236.00.

County Engineer's Mileage Report

The Commissioners approved payment of \$74.30 to John Norris, Assistant County Engineer, for mileage incurred during the month of December 1972.

St. Mary's County Memorial Library

A letter was received from the Board of Library Trustees requesting the second half of the appropriations for St. Mary's County Memorial Library in the amount of \$39,542.00. All Commissioners approved payment of this.

Energy Costs for Traffic Signal at Route 5 and Cedar Lane and Route 246 and Midway Drive

Paul Raley submitted applications for electric service for traffic signal at Route 5 and Cedar Lane and Route 246 and Midway

Drive. Paul Raley said the County is obligated to pay the energy costs. A copy of a letter of January 2, 1973 from State Highway Administration to Southern Maryland Electric Coop was received stating the billing for meters of said traffic signals should be directed to St. Mary's County effective January 1, 1973.

#### Confiscated Kassatly Automobile

Paul Raley presented a letter from Senator Conroy dated January 8, 1973, requesting the return of the confiscated automobile (1969 Ford Mustang) to his client. Paul Raley checked with Leonardtown Gulf and the bill for storage of the car is \$925.20 - \$920 for storage and towing and \$5.20 for gas. Storage is \$2 a day. There is a Court Order awarding the car to St. Mary's County. Commissioner Bowles asked whether the owner was willing to take the car back and pay the costs. Paul Raley said he did not know. Commissioner Guy suggested leaving the car at the station and let the station owner obtain a mechanic's lien and sell the car at a public auction himself. Whatever he would get for it would pay his expenses. The owner may be able to buy the car for less that way. Blue Book value of the car is \$1,550 and the car could probably be sold for \$1,150. By the time we get title in the Commissioners' name, the storage costs would be more than the value of the car. Mr. Weiner suggested giving the car back to Kassatly and let him pay the storage charges. Paul Raley said legally the County could sell it, use it or abandon it.

Commissioner Bowles asked if we could advertise it for sale prior to getting title for it. Mr. Weiner said to go ahead and advertise it for sale. He is to call Senator Conroy and see if his client would pay the storage fees. It must be advertised for two weeks and sale should take place two weeks from the first advertisement.

Commissioner Bowles said for Paul Raley to make arrangements for sale and he should be auctioneer. The auction will take place on February 2, 1973.

#### Agreement for Construction of Pipeline

Paul Raley presented an agreement between Southern Maryland Electric and St. Mary's County and Stuart Investment Company regarding construction of a 12" pipeline which crosses over railroad tracks at Charlotte Hall and Newmarket. Commissioner Bowles said Item No. 1 does not call for any notice to the County and No. 4 does not say the County retains rights. The agreement is more protective to the electric company than to the County.

Mr. Weiner said that in the future the word "damages" should be inserted in Item No. 6 after the word "Liabilities".

Commissioner Aud made a motion to sign the agreement as it is. Commissioner Guy seconded the motion. Commissioner Bowles made it unanimous.

Confiscated Cars for Board of Education

Paul Raley said he prepared a letter dated January 15, 1973 to Dr. King, Superintendent of Schools with reference to the four confiscated cars which the Board of Education requested for their driver's education program. The four cars are:

1963 Oldsmobile, Serial #632W02543

1965 Ford, Serial #5F07F205384

1965 Chevrolet, Serial #164375Y197228

1968 Pontiac, Serial #242378P258175

Said letter included release forms and titles to be transferred over to the Board of Education. Paul Raley is to find out how much it cost to store the four cars.

Letter from Maryland State Police

A letter was received from the Superintendent of Maryland State Police regarding the offer of parcel of land on Route 5 and Wise-St. Andrews Church Road. They request that appropriate steps be taken to acquire land. Paul Raley said original lease was made in 1948 and another one in 1957. Paul Raley said it was his belief that the property is not leased to the Fair Board but in fact owned by the County. He said he was checking for more information to see if the County is letting the Fair Board use the property for parking. Commissioner Bowles said a letter should be sent to the Fair Board that research through land records show this property is not included in their lease.

Solid Waste Plan

Paul Raley presented a letter from John H. Mills, Executive Director of Tri-County Council for Southern Maryland stating he had met with a representative from Environ Plan, Inc. and stated that the Solid Waste Plan meets with MEB requirements. They would like to meet with the Commissioners to discuss solid waste planning and process involved. Tri-County Council will be in contact with the Commissioners to set up an appropriate meeting.

Election Board Employees

Present: B. Harris Sterling, Finance Director

Mr. Sterling stated that the raise to the Board of Election Employees - Mary M. Joy and Diane M. Moore must be paid by the County and would amount to \$324 each year.

St. Georges Beach (Lots 10, 11 Block 1)

Mr. Sterling stated a letter would be forthcoming from John Baggett, Director of Recreation and Parks to the County Commissioners regarding the sale of lots at St. Georges Beach.

Bill from Colvin and Burroughs and Cooke

Mr. Sterling stated he received a statement from Judge Sterling in regards to Travis vs. State and the bill of Colvin, Burroughs and Cooke must be paid in the amount of \$280.00.

Daily Record Bill

Mr. Sterling stated the Daily Record bill has been paid and he will prepare letter to States Attorney certifying that payment has been made and for him to start process to set up suit.

Revenue Sharing Check

At a special meeting on January 12, 1973, bids were opened on the investment of the \$547,148 revenue sharing check. Those present were Mr. B. K. Abell, Jr., Branch Asst. Vice-President of Maryland National Bank, Commissioner Bowles, Aud and Guy and B. Harris Sterling, Director of Finance. The bids were as follows:

<u>AMOUNT</u>	<u>MATURITY</u>	<u>FIRST NATIONAL</u>	<u>MARYLAND NATIONAL</u>	<u>MD. BANK &amp; TRUST</u>
\$547,148	6 months	5.60%	5.76%	5.87%

The highest bid on Certificate of Deposit was made by the Maryland Bank and Trust Company.

The Commissioners unanimously agreed to award the Certificate to the highest bidder, the Maryland Bank and Trust Company.

Mr. Sterling said the revenue sharing investments have been placed and security has been pledged.

Medical Scholarships

Mr. Sterling requested the approval for the medical scholarship awarded to James C. Boyd at George Washington University. Commissioners Bowles and Guy agreed to payment of the scholarship. Commissioner Aud was not present.

Tri-County Youth Services and  
Tri-County Group Home Budget

Mr. Sterling was requested to review the budget of the Tri-County Group Home and Tri-County Youth Services Bureau.

Energy Costs of Traffic Signal - Md. Rt. 5 and  
Cedar Lane and Route 246 and Midway Drive

Mr. Sterling was requested to budget for the energy costs of the above traffic signals.

Cost of Confiscated Cars

Mr. Sterling was requested to develop total costs to the County on all confiscated cars including towing fees, storage, transfer of title, advertisement, etc.

Collection of Money from Soft Drink Machines

Commissioner Bowles requested Mr. Sterling to check and see if the collection of money from the soft drink machines justified a County employee's time.

Sale of Railroad Tracks and Ties

Commissioner Bowles requested Harris Sterling to discuss with Paul Raley the agreement received from GSA concerning use of money from future sales of railroad tracks and ties.

Presentation of Proclamation

The County Commissioners presented a proclamation acknowledging the 50th anniversary of doing business in the County to J. Ernest Bell and Webster Bell.

Right-of-way for St. Andrews Church Road

Present: John Norris, Asst. County Engineer

John Norris, Asst. County Engineer submitted proposals to

obtain property from land owners on St. Andrews Church Road for the right-of-way of said road. Mr. Norris discussed with the Commissioners the problems involved with each owner.

Leonard C. Dement - Mr. Dement requested that certain work be done in lieu of money including: landscaping, timber cut and stacked, pave existing driveway and parking lot. Mr. Dement also requested that the Commissioners not encourage recreational activities at the roadbed crossing of the marsh and that fill removed from the marsh be deposited on his property. He requested that the portion of the existing road that will be bypassed due to reconstruction through the marsh will be maintained by the County in good condition.

Agnes Abell - The mobile home residence of Mrs. Agnes Abell will have to be relocated. Additional land in the neighborhood of 18,000 square feet will have to be purchased. The "perc" test to be run on this property is planned for January 18. This will be done prior to having the deed signed or the options from the 18,000 square feet taken. Then the sewage system could be installed and other arrangements made so that the trailer could be relocated in one day, thereby eliminating any off-site living costs. However, as there are many variables to be coordinated in this relocation, there may be a necessity for off-site living costs. Mr. Norris recommended that these costs be limited to \$200 and be authorized by the County before they are incurred.

Harry B. Abell - Mr. Harry Abell asked for \$6,000 consideration for the home and approximately \$1,000 consideration for 16,700 square feet of land. Option expires January 23, 1973.

Kinsey W. Burke - He has asked for \$7,500 for the County to relocate his five trailers.

Combs Property - Mr. Norris said he could not get Mr. Combs to visit the site. There is a matter of 2,000 square feet in this instance and Mr. Norris said he felt that he was no longer effective in dealing with Mr. Combs and he recommended that someone else get together with Mr. Combs to look at the property.

St. Andrews Church - They do not want to sell any of their property and would like the improvement of the road designed around them. Mr. Norris said it could be done if the State Highway Administration would approve. Paul Raley is to check and see if we have the deed to the old abandoned County Road leading from St. Andrews Church Road to Hollywood, adjoining St. Andrews Church property on the west boundary.

Charles Clements - He said he would sign the deed if the St. Andrews Church signed.

The three owners not living in this area (Mr. Robert H. Hall, Norfolk, James M. and Angela Ryan, California and Mrs. Marcella Benson, Baltimore) will not agree to give a power of attorney to a friend or relative. They want to see the deed. Commissioner Bowles asked if there could be two deeds and have one sent to them. Mr. Norris said he would check with the Attorney on this.

Commissioner Aud made the motion for approval of acquisition of land as to the right-of-way for reconstruction of St. Andrews Church Road from the following owners: Mr. Harry B. Abell, Leonard C. and Gladys Dement, Agnes E. Abell, Kinsey W. and Mary E. Burke. Also an option on Edward Abell's property of 18,000 square feet for the sum of \$1,100 subject to a "perc" test which will house Agnes E. Abell's trailer.

All Commissioners agreed unanimously. Said options are on file in the County Engineer's Office.

#### 3/4 Yard Bucket for Shovel Unit

The Commissioners unanimously agreed to accept John Norris' recommendation that the 3/4 yard bucket for the unit shovel used by the State Highway Administration be repaired.

#### Recreation and Parks

(St. Andrews Civic Association Recreation Area)

Present: John Baggett, Director of Recreation and Parks  
Mrs. Donald Collins, Secretary to St. Andrews Civic Asso.  
Mrs. Oscar Horton, Board member to Civic Association

John Baggett stated that at the last Recreation and Parks meeting, the St. Andrews Civic Association requested that the Civic Association be allowed to donate to the County property at St. Andrews Estates which is 4.318 acres that was given to the Civic Association by Reilly Brothers, Inc., for a recreational area. It is too large of a financial burden for the Association. Mrs. Collins stated the Civic Association had invested money into the area, grading it to a level condition for the development of a playground, had playground equipment installed and improved the drainage situation. John Baggett said it would be possible to use 75% of the appraised value of the donated land as the County's matching share for the development of the property. Under the present guidelines established by the Department of Natural Resources the County provides 25% of total development costs and the State provides 75%.

The Commissioners stated they would discuss this and make a decision and get back to them as soon as possible.

Housing Authority

Present: Dr. J. Patrick Jarboe

Dr. Jarboe stated that there are problems with implementing the development of 40 low income houses in St. Mary's County. The land that was originally planned for this project is within the A.I.C.U.Z. line around NAS which prevents the development of these units in most of the Lexington Park area. Also because of the concern by the County Commissioners about the development of any subdivision over twenty lots fronting on rural county roads, the prospective sites for these 40 homes for the poor are severely limited. Dr. Jarboe stated the bonds were to go on sale this week. Funds from HUD will not be forthcoming if bonds are not sold in a month. Commissioner Bowles asked about the construction date and Dr. Jarboe said within 30 days after the sale of the bonds. Dr. Jarboe said he had several tracts of land under consideration but because of the road policy, he did not know where the housing project could be located unless an exception was granted to the Housing Authority. He did not wish to name the property because negotiations would be impaired.

Dr. Jarboe asked for an executive session after which time it was requested that a letter be given to Dr. Jarboe stating the Commissioners are willing to make an exception to their Resolution of December 26, 1972 in order that the 40 low-cost housing units may be built. The Commissioners granted an exception to the Housing Authority due to the fact that it is a non-profit government agency.

Assessment Appeal Hearing

Present: Fay Rathbone

Rudy Baliko (representing Mrs. Rathbone)

William F. Herbert, Supervisor of Assessments

J. Wellington Hewitt, Assessor

Andrew J. McWilliams, Assessor

Mrs. Fay Rathbone came before the County Commissioners seeking reconsideration of the tax assessment of her property located at Dutchman's Point. She cited several comparables and felt that her assessment should be reduced. Also she felt that an appraisal from the outside did not take into consideration the interior of her house, which has no formal kitchen. She said the taxes were \$100 more now than before she sold half her land. The Commissioners stated they would consider her request and inform her of their decision.



Airport Commission

Present: Robert Gabrelcik, Chairman, Airport Committee  
Elliott Burch, Sr., Committee Member  
Dr. George Clarke, Committee Member  
Robert Morazes, Manager of Airport  
Lev Francis  
Bill McNamara  
Claude Jarboe, Taxpayers Association

Mr. Gabrelcik stated the Commission would like to find out what is acceptable to the Commissioners concerning the proposed hangar.

They had received sealed bids but had not advertised. Mr. Gabrelcik asked if they could get the hangar built for \$115,000 to \$120,000 and if the design is approved by the Engineer, would this be acceptable to the County Commissioners so that they could go ahead with the project. Commissioner Bowles stated that it should be advertised, and Commissioner Aud stated the bids should be returned unopened.

Mr. Morazes, manager for Professional Flight Service, presented information showing gross income for Professional Flight Service's operation of the Airport for 1972, projected gross income without hangar and promotion for 1973 and projected gross income with hangar and promotion for 1973.

Mr. Gabrelcik said in order to make an industrial park, it is imperative that an airport hangar be put up. If there are no other facilities the runway would never pay for itself. There has to be an enticement to make people come to this area, and they would like to hangar their plane and put it inside. The field will not pay for itself. We could supply t-hangars for local small planes.

The Commissioners mentioned a new lease should be drawn up and Mr. Burch said there was no lease now because it has terminated because the operator did not meet the terms. He stated it is up to the Commissioners to draw up a new lease.

Commissioner Bowles inquired about local management of the Airport. Mr. Gabrelcik said that the Commission had discussed this and that the County hire a local manager and lease the hangar on a percentage basis or flat fee.

Dr. George Clarke presented two proposals; one for public financed t-hangars and one for privately financed t-hangars. He said

he had a list of 16 people who would lease the t-hangars. He felt that the large hangar would not be profitable and no industry has been attracted to the area so far. Commissioner Aud stated the purpose of zoning for the Airport was to bring industry to St. Mary's County, and not making it a "playground" with t-hangars. We want to have the Airport for the purpose it was intended for.

Mr. Burch asked if they intended to operate the entire Airport themselves and Mr. Francis said they would like to.

At this time there was much discussion concerning the building of the big hangar and the small t-hangars.

Claude Jarboe stated there should be a public hearing concerning the hangars because he felt that 97% of the County was against the building of the hangar.

Commissioner Bowles asked the Airport Commission for more financial information and requested they present it to the Commissioners at a later date.

#### Sharon Lea Murder Investigation

Present: Lt. Henry Cumberland, Md. State Police  
Will Broms, Asst. States Attorney  
James Leete, Maryland State Police  
Ernest Upole, Calvert County State Police

Mr. Will Broms stated the murder of Sharon Lea is still being investigated. Trooper Leete has been assigned full time on this case. They would need money for expenses. Lt. Cumberland said the State does not have money other than for gas and use of vehicles. They will probably be going out of State to speak to various parties and they need the funds for overnight stays. Commissioner Aud made a motion that the County provide up to \$500 for their expenses. All Commissioners agreed. Commissioner Bowles requested a letter from the States Attorney's Office requesting this money.

#### Executive Meeting-Willard L. Broms, Asst. States Attorney and County Commissioners

As per the request of Mr. Broms, an executive meeting was held with the County Commissioners to discuss a subject of concern to the Office of the States Attorney for St. Mary's County.

Car Situation at Landfills

Present: John A. Combs

Mr. Combs said he had several questions to ask the Commissioners. He stated that the minutes of the Commissioners' meeting of May 2, 1972 were not correct. Mr. Maddox works for Park American and not for Mr. Walter Wise. He hauled cars to the dump on his own and Mr. Wise works for himself and brought cars to the dump from Carver Heights. He then asked Commissioner Bowles how many times he has told the Commissioners that he accepts junk cars. Commissioner Bowles stated that he understood that unless he was paid he would not pick up the cars. Numerous complaints have been received by this office from people who were interested in our environment and asked if we could provide a place where junk cars could be hauled. Unless there was a public place where they could be carried, we were told that the law relating to junk cars on public highways could not be enforced.

Mr. Combs asked if the County kept records of landfill operations and if so what was the cost to cover the 60 cars at the landfill. Commissioner Bowles said that we have records of the cost to operate the landfills. Commissioner Guy stated if Mr. Combs knew what day or week it took place, the Finance Office could tell the number of men who worked and were paid that week.

Mr. Combs asked if when these cars were covered up were the serial numbers taken off and who authorized the covering of the cars. He also asked why the Commissioners did not advertise for bids on the disposal of cars the legal way. The Commissioners said they have no knowledge of serial numbers being removed. Mr. Combs then asked the Commissioners if they had the right to deny a small businessman a right to make a living by not having the cars removed in a legal way.

Commissioner Aud stated that he has told many people that Mr. Combs was in the junk business but they did not want to pay to have them removed. Mr. Combs stated that if someone calls and asks him to pick up cars, he will pick them up if they can be backed up and hooked onto the truck. Commissioner Aud stated that the County is not taking any cars in the landfills and it does not give the general public a place to dump a car. Mr. Combs said every auto wrecker would take them if they were brought to them. Commissioner Aud asked who would take them and Mr. Combs said the Department of Motor Vehicles will give names of those auto wreckers who will take them. Mr. Combs asked how the Commissioners were going to come up with papers and proper inventory of the cars in the landfill to see if there were

any stolen cars. Mr. Combs said they were covered up without the proper papers on them.

Commissioner Guy stated that the Commissioners had discussed some of the ramifications of the law that was to be in effect in regard to titles, and that he had suggested either to Paul Raley or to J. Dennis Raley, Jr., that procedures to collect the titles of all automobiles be developed in the landfills but because of the caliber of help at the landfills, this could not be done. The cars were collected without titles. One way for the County to solve the junk car problem would be to reimburse the scrap processors for handling the automobile.

Mr. Combs asked if the Commissioners wanted to dig up the cars to get the serial numbers. Commissioner Guy stated that the cars have been covered up and the County should not spend money to dig them up. Mr. Combs said that Mr. Harris of the Department of Motor Vehicles said that the serial numbers were to be taken off the cars.

Mr. Combs stated that he had been asked to remove his junk car business from Great Mills Road by the Health Department. Commissioner Bowles said that is the State not the County. Mr. Combs said that there are other junk car yards on Great Mills Road and St. Andrews Church Road and it was an injustice to him by having to move out of Great Mills. Commissioner Aud said the County did not move him out.

Mr. Combs said that he would come back again and try to find a way to bring the cars at the landfill back up to get the serial numbers. Commissioner Bowles said that if the County had made a mistake that the Commissioners were sorry and that Mr. Combs' request had been granted to accept no more cars in the landfill. Mr. Combs said somebody ordered the 60 cars covered up and that he would not be satisfied until he found out who it was.

Clarification of Commissioners' Directive  
of December 26, 1972

Present: Oliver Guyther, Attorney  
Marvin Kaminetz, Attorney  
Tom Munz, Scotch Point Limited Partnership

Mr. Kaminetz stated he represented Tom Munz and that Scotch Point Sections 1 and 2 in the 6th Election District were presented to Planning Commission in October, 1972. Section 1 received pre-

liminary approval subject to two changes which they have complied with and then they tried to get approval for Section 2 which was never brought up at the Planning meeting. They are now concerned with the Commissioners' directive concerning 20 lots on a rural County road since County roads are involved in this project. Mr. Kaminetz said his client had already invested \$35,000 to \$40,000. Mr. Munz stated that he expected final general concept approval of Section 1 and preliminary approval of Section 2 at the December meeting, but these matters never came up at the meeting. There are 45 lots in each section.

John Norris stated because of his assignment to obtain right-of-way approvals for St. Andrews Church Road, all plans on his desk were not presented at the December meeting of the Planning Commission.

Commissioner Guy stated the directive refers to proposed subdivisions which Scotch Point is since preliminary approval has been given on one section.

Mr. Weiner said the Commissioners should decide whether the directive should be retroactive.

Mr. Guyther explained he represented a client whose subdivision had received concept approval and preliminary approval and whose plans were subject to further approval at the December Planning Commission meeting.

John Norris stated the plans were not presented at the meeting. Mr. Guyther then asked if the directive affected those projects in the mill, such as the case he represents.

Commissioner Bowles inquired of the Attorney, Mr. Weiner, what if a subdivision plan is delivered to the Planning Office and not presented at the Commission meeting. Mr. Weiner stated a project once received by that office should be considered as being in the mill.

Commissioner Bowles then asked would it be when it gets in the secretary's hand or in the Planning Commission Office.

Commissioner Guy suggested it be on the basis of plans on hand December 26, 1972.

The Commissioners directed John Norris to prepare a list of all proposed subdivisions fronting on rural county roads that were on his desk on December 26, 1972.

Commissioner Bowles advised Mr. Kaminetz and Mr. Guyther the Commissioners would respond to their request as soon as information was available.

Recreation and Parks  
(St. Andrews Estates Civic Association)

Present: Mr. Joseph Weiner, County Attorney

Mr. Weiner stated if the Association has a deed it can be deeded to the Commissioners. Commissioner Aud made a motion that the County accept the offer to give this area to the County. Commissioner Guy seconded the motion. Commissioner Bowles made it unanimous.

The meeting adjourned at 5:45 P.M.

*J. Wilmer Bowles* 9/6/73  
J. Wilmer Bowles  
President