

February 18, 1969

Present: F. Elliott Burch
J. Wilmer Bowles
George R. Aud

Metropolitan Commission

Mr. Lewis C. Merchant, Mr. Francis Taylor, Mr. Ted McKee, Mr. Jim Kenney and Mr. Walter Miles met with the Commissioners to discuss the Patuxent Water Company. Mr. Burch requested that the copy of the resolution signed by the Commissioners in 1963 be read. Mr. McKee commented that the Patuxent Water Company bought the sewer lines from the Federal project and the Navy owned the plant. Mr. Merchant felt that this matter between the Metropolitan Commission and Patuxent Water Company should be thoroughly investigated by an attorney before a decision is made. It is too difficult and too complicated to give a definite answer at this time. He felt that Patuxent Water Company should not be permitted to expand. Mr. Kenney stated that Patuxent Water Company has informed them that everything they have was on file with the Public Service Commission but it did not show sewage. He feels this is a legal problem because of the fact that it shows only water. Mr. Kenney stated that they were not aware that the franchise had been extended more than a mile until the last couple of weeks. The Metropolitan Commission did not know the two mile contract existed. This, he feels, would throw in great problems with the Bond Issue. Mr. Merchant stated that the Public Service Commission has the reports of the Patuxent Water Company but one cannot determine how they arrived at their figures. It would be necessary to get to the base of their income rather than their assets. Mr. Kenney stated that the Patuxent Water Company has not been willing to discuss the sale until lately. Mr. Burch asked if the Metropolitan Commission was ready and willing to negotiate. Mr. Merchant said they were willing to negotiate what would be considered a fair deal for both sides. Mr. Kenney will contact Mr. Ed Clarke to discuss this.

Patuxent Water Company

Mr. Tommy Waring met with the Commissioners in order to resolve this problem. A letter was read from Mr. Waring regarding the deletion of the word sewage from the two mile extension agreement. Mr. Waring felt that there was no conflict in who or which company will serve within the two mile radius. Mr. Waring stated that the Metropolitan Commission ~~has not tried to make a settlement.~~ The Patuxent Water Company intends to contest in court the rates presently set by the Metropolitan Commission. Mr. Waring stated that the Metropolitan Commission is spending the money. Mr. Burch stated that this was public information and the latest budget report was June 30, 1968. The new rate of \$4000 charged to the Patuxent Water Company will be passed on to the customer. Mr. Burch asked if the Patuxent Water Company was willing to negotiate with the Metropolitan Commission and if they would be willing to show the revenues ~~from Patuxent Water Company to Mr. Waring~~ stated they are willing to sell at a satisfactory price and agreed they would show their revenues provided it did not involve too much work on their part.

Colvin and Burroughs are the bookkeepers and Patuxent Water Company would have to grant permission for this information to be given out. Mr. Waring stated that money was in the water business and not in the sewage. They would take bonds rather than cash for the sale of this company. They asked the Public Service Commission to arbitrate and set the rate. Mr. Burch asked if the Metropolitan Commission had complete authority over the entire sanitary district. Attorney, David Williams, stated that the Metropolitan Commission would have to recognize the existing franchise. Mr. Burch asked Mr. Waring if he had written to the Public Service Commission regarding the regulations and so forth. Mr. Waring said he felt the Public Service Commission would be willing to do this as only the County Commissioners have the power to grant the franchise. Mr. Williams said he feels the Patuxent Water Company has an implied franchise on the sewage lines even though it is not specified in the agreement. No one denies that the Patuxent Water Company operates the existing sewage lines. Mr. Aud asked if the Metropolitan Commission would control the Queen Anne Apartments. Mr. Waring stated that this was not practical as the Patuxent Water Company has a line in this area. It would be entirely too costly for the Metropolitan Commission to furnish the lines. Mr. Waring stated that one cannot refuse anyone water if they are within the required distance. Patuxent Water Company provides the first 60 feet. Over and above that, the customer pays \$200. Mr. Burch stated that he has requested the Metropolitan Commission to send a letter stating what is at stake. Mr. Burch stated to Mr. Waring that he had asked the Metropolitan Commission to send the Commissioners a letter regarding the present status and, therefore, the Commissioners are not in a position to give an answer at this time.

Drainage Route 245

Mr. David Fisher, State Roads Commission, Mr. A. W. Tate, District Engineer, SRC, Mr. F. Latham, Mr. Bob Moore from J. R. McCrone, Inc., and Mr. Ray Hall, Town Commissioner, met with the Commissioners to discuss the drainage problem on Route 245 across from the Leonardtown Armory. Mr. Latham stated that this project including engineer's fees would be between \$115,000 and \$125,000. Mr. Fisher stated there were no provisions for funds available for this project but the legislators are working to get additional funds. On an emergency basis some help could possibly be given on drainage since there are 20 acres which drain into this area. Mr. Bowles presented pictures that were taken at the request of Mr. Duncan, District Engineer for the State Roads Commission's consideration and stated that work was promised back in 1956. The Town Commissioners want to put sidewalks on the right side coming into town but have been advised not to begin work because of possible future construction.

Mr. Burch asked the progress report on Route 235 from Lexington Park to the St. Andrews Church Road. Mr. Fisher said the bids would be let out this year. Mr. Fisher said he was not certain of the status from Ridge to Point Lookout. Mr. Fisher said the bid for the Route 5 to Loveville would be let this summer. Mr. Burch discussed the problem regarding the intersection next to the Chicken House

in Charlotte Hall. Mr. Fisher and Mr. Tate will check this out today. Because of the number of petitions and opposition from the residents of St. Mary's County, there will be a public hearing in the near future on the Patuxent River Bridge.

CATV

Mr. Robert Gotshall requested an exclusive franchise which would serve Greenview Knolls, California and Lexington Park and would expand. Mr. Burch stated that the County could give a franchise but not an exclusive franchise. Mr. Gotshall stated that there were approximately 4,000 homes in this area and estimated that 50% of the people would use the service. The average cost per house would be approximately \$5.00 per month plus the installation charge. Since the people are not able to get all channels at the present time, this service would provide a picture on every t.v. channel. News would be brought in immediately over a teletype. It would take approximately one year to provide this service after a franchise was given. The Telephone Company does not require a franchise but the Gerald Electronics would require a franchise and would do the complete engineering, installation and subscription contracts. A franchise would be granted to Mr. Gotshall who would be responsible for the service. Mr. Burch asked if it would not be advisable for the County to go into this service and hire someone to run it for us. Mr. Williams inquired who Mr. Gotshall was regulated by. Mr. Gotshall stated the FCC has the guidelines as to what they can and cannot transmit. Since they are outside of the 45 mile radius of a station, they could own and operate their own t.v. studio and provide shows, movies and educational t.v. Mr. Gotshall stated that they would need two acres for a 100 foot tower. They have not chosen a site at the present. Mr. Williams asked if any counties have exclusive franchises. Mr. Gotshall was not aware of any exclusive franchises but stated that a county in North Carolina had pursued this on their own. The County cannot restrict anyone else the right to provide this public utility. Mr. Gotshall stated he would be in agreement with the County setting the percentage of rate to be paid to the County. Mr. Gotshall stated that even though the letter referred to 1% which may be possible that they could pay 15% after taxes. Mr. Williams suggested that Mr. Gotshall have a lawyer draw up a contract. It was suggested that Mr. Gotshall contact the Gerald Electronics to meet with the Commissioners at a future date.

Jones Wharf Road

Mr. Robert Wigginton, Mr. A. Cusic, SRC, Mr. B. Schmalgemeyer, Mr. R. Thompson, Mr. V. Swales and Arland Stevens met with the Commissioners to join with them in an appeal to the decision handed down by Judge Bowen. Judge Bowen had ruled that only those present in the court room at that time could have the use of this road and the permission was not to the general public nor to all the signers of the petition. The opposing counsel was not aware that they were to file an opinion. Judge Bowen had signed the decree without the knowledge of opposing counsel. Mr. Wigginton stated this is most unusual that the opposing counsel is not made aware of a judge's decision and, therefore, requests the Commissioners to file an appeal in the Court of Appeals. Mr.

Schmalgemeyer stated that even though he was given an individual right to use that road because of this decree he was more interested in the public right and felt the County should establish the rights for the general public by taking an appeal. After reading the decree, Mr. Burch stated that it was incorrect as it states that Jones Wharf Road runs to private property. Actually, it goes to the river. Mr. Wigginton stated that if this was done to defraud, he could not say, but no one was aware that the decree had been filed. Mr. Swales stated that without this landing, there is no place on the Patuxent River along that area for the general public to use. A petition was submitted and read by Mr. Schmalgemeyer to keep the Jones Wharf Road open to the general public. Mr. Wigginton suggested that the County Attorney, David Williams, get together with Mr. Sterling and himself, then with Judge Bowen. Judge Bowen said he would do all he could to help them as he was concerned when he learned no one had been contacted. Mr. Burch stated that the County had tried to buy at least four acres of land for the general public adjacent to this landing for parking but was unable to do so.

Roads

Mr. D. Bond referred to a letter from Mr. A. W. Tate, District Engineer, regarding the railroad crossing project which will be done by April 1.

Mr. Bond was requested to make every effort to clean up the road sides especially near the dumps. Mr. Bond will get prison labor for this.

St. George's Creek Dredging

Mr. David Sayre and Mr. Jack Koegel met with the Commissioners to shed some light on the dredging operations in St. George's Creek. Although the dredging has been ordered to stop, Mr. Sayre stated that he had done some study on this. The first dredging was done near the school and Swann's. The spoil continually ran back into the creek. The application made by the Harry Lundeberg School of Seamanship for dredging on the north side was approved. Watermen reported that the pipes were leaking. It covered two oyster beds and also one seed bed owned by the State. Mr. Sayre and others took pictures of the leaks and presented them to Mr. Shoefield. When the report reached the Department of Chesapeake Bay Affairs, they stopped the dredging operation. At the present time they have buoyed out the area especially where the leaks are and have checked the oysters and feel there has been a considerable amount of damage. The divers are working there to determine the damage. There are several areas leaking and the silt is a foot deep in some cases. Mr. Sayre stated that the application calls for 150 feet from the shoreline to the school house branch. He feels they are digging up the oyster beds and actually putting them behind the bulkhead. There are two contractors; one belonging to the school. Mr. Sayre contended if the application is approved it will be the end of the oyster business in St. George's Creek. The Water Resources is the department who determines if seafood is being damaged.

Occupancy Fees

The Commissioners discussed at great length the need for raising the cost of occupancy fees. Mr. Burch suggested that since the present fee was \$2.00 he would not go over \$5.00 per trailer space. Mr. Aud stated he would go as high as \$7.00. Mr. Bowles stated that he felt it should be \$15.00 but would be willing to compromise at \$10.00. No decision was reached.

Security Lights on Boat Ramp

Mr. Robert Swann requested security light be placed at the County boat ramp at Piney Point. The Commissioners felt that such a light should be installed not only at the Piney Point ramp, but also the Bushwood, Tall Timbers, Leonardtown and St. George's Island boat ramps. Mr. Pantaleo will take care of this.

Planning and Zoning Appointment

Mr. Aud moved that Mr. John Hodges be reappointed, seconded by Mr. Burch. Mr. Bowles voted against said motion.

Cattle Guard

Mr. Pantaleo presented an estimate from the Smith Cattle Guard Co., Midland, Virginia, to replace, deliver and install one cattle crossing for \$200. It was unanimously agreed to purchase this for the Norris property on the St. Andrews Church Road.

Ragan Road

Mr. Pantaleo presented the estimate cost from Mr. J. D. Raley, Jr. on the Ragan Road for fill, pipe and so forth totalling a cost of \$979.13. Mr. Ragan will do the surveying if the County will do the road. It was agreed to hold the decision until next week.

Mr. Pantaleo informed the Commissioners that the specifications for the road equipment are ready for advertising. Included in this advertising will be a front-end loader and trailer. The bulldozer would not be advertised at this time. Mr. Pantaleo will check prices on the dump truck.

Mr. Pantaleo stated that the Department of Chesapeake Bay Affairs requested the County Commissioners to oppose House Bill No. 39 regarding shore erosion control. The Maryland Geological Survey would not guarantee the Dept. of Chesapeake Bay Affairs any erosion funds. Neither would it earmark any said amount for specific projects nor place any priorities. After stating the reasons, the Commissioners felt they would oppose the bill if this were true. Mr. Burch will contact Delegate Briscoe.

Potomac Marine Electronic Co.-Civil Defense

The Commissioners unanimously agreed to accept and award the bid of Potomac Marine Electronic Company of Tall Timbers. This company was the low bidder for the radio repair contract for the maintenance service

of the St. Mary's County Civil Defense Warning System and fire service. Said contract will commence March 1, 1969 at \$457.50 per month. The St. Mary's County Fire Board and Civil Defense both recommended that the contract be awarded to this company.

Bills approved

Approved payment of \$2,000 to Rader and Asscts. in reference to the County Airport. Said bill was approved by Mr. Burch and Mr. Aud.

Mr. Burch and Mr. Aud approved payment of \$16,596.00 to Dean and Beavers in reference to the County airport. Applied for \$10,220.00 grant on Airport Project #3.

Approved payment of \$18.87 to the Southern Maryland Wood Treating Corporation for material for the Tall Timbers Wharf.

Approved payment of \$49.45 to the Southern Maryland Wood Treating Corporation for fencing Norris property on St. Andrews Church Road.

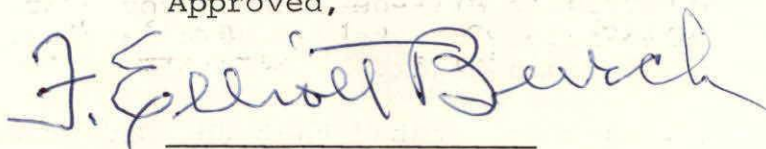
Payment was approved for the Court Reporter in the amount of \$64.20 for case of State vs. James Morgan.

Payment was approved to Oliver Guyther in the amount of \$200 for case of State vs. James L. Morgan. Payment was also approved to Oliver Guyther in the amount of \$50 for the case of State vs. Frances Briscoe.

Mr. Burch signed three copies of license agreement from GSA permitting the construction of a crossing 50 feet wide over the government owned and leased railroad. Said crossing will be part of new public road leading to the airport.

The meeting adjourned at 5:45 p.m.

Approved,



F. Elliott Burch