

County Commissioners' Meeting

Tuesday, August 11, 1970

Participants: F. Elliott Burch, President
 J. Wilmer Bowles, Commissioner
 George R. Aud, Commissioner
 Aleck Loker, Counsel
 Paul R. Raley, Administrative Assistant
 Helen M. Bailey (Mrs.), Admin. Asst. (Recording)

The meeting was called to order at 10:05 a.m.

The minutes of the previous meeting, which was held on August 4, 1970, were read, amended, and approved.

Payments Approved

\$3,145.00 to Delahay Boat Yard for work on Tall Timbers Shore Erosion Project, week of August 3 - 7, 1970.

\$2,838.59 to Orin M. Bullock, Jr., Architect, for work on Phase II of Tudor Hall Restoration.

Lorenzi, Dodds and Gunnill:

Pegg's Lane, staking centerline, \$631.00.

Bennett's Property Landfill, run traverse and stake out centerline, \$1,308.50.

J. Moakley Mattingly, Tall Timbers Shore Erosion Project, use of trucks and other equipment; gravel, \$665.00.

Insurance Buyers' Council, Inc., Service contract for the fiscal year ending June 30, 1971, \$450.00.

Chauncey W. Karstens

Mr. Chauncey W. Karstens, Republican Candidate for the Office of County Commissioner, appeared to discuss his letter of March 27, 1970 which was published in the Enterprise on June 23, 1970, concerning the appointment of a Study Group for the purpose of determining the desirability of establishing Charter Government for St. Mary's County. Mr. Karstens wanted

to know if the County Commissioners were seriously thinking about the appointment of such a group. Mr. Burch advised Mr. Karstens that the Board has had this subject under serious consideration for quite some time now and has been actively engaged in the process of accumulating information for evaluation. Further, Mr. Burch stated that he felt that the form of County Government we have now is certainly inadequate and that it has been for some years. When Mr. Karstens stated that he would report back to his people that the Board had the subject under favorable consideration, Mr. Bowles pointed out that he thought Mr. Karstens should report back that this Board has been gathering information for over two years and has been studying the Charters that have been adopted by other Counties and discussing the good and bad points. Mr. Bowles stated that any change is good only if it is carefully planned, and we should make as few mistakes as possible. Mr. Bowles stated that the law requires that we have a study group present their recommendations before the citizens for a vote. Public hearings would be held, and the plan would go to referendum. Mr. Karstens then stated that if the Board did not move, then "we can force you to move" by having the citizens circulate petitions, etc. Mr. Karstens stated that he hoped this would not be necessary. Mr. Bowles stated that he felt Mr. Burch had made it quite clear that such an action would not be necessary.

Boating Education Week
Proclamation No. 70-14

Proclamation No. 70-14, proclaiming the week of September 8 - 14, 1970, as Boating Education Week was signed by the Board of County Commissioners and the original copy presented to Commander Russell Hyde of the Patuxent River Power Squadron. The U. S. Power Squadrons are the largest nationwide educational organization for boatmen in the World. The time-tested curriculum is constantly up-dated and is taught by dedicated and experienced Squadron members. Among those free courses offered are Safety Afloat, Seamanship, Aids to Navigation, Charts and Piloting, Mariner's Compass, Government Regulations, Rules of the Road, and Small Boat Handling. Commander Hyde was accompanied by Clyde Margeson, Information Officer, and Frank Gorely, Squadron Education Officer.

Mr. Joe O'Brien, President, Hardee's Hamburgers

Mr. O'Brien, President of Hardee's Hamburgers, located in Lexington Park at the corner of Great Mills Road and Millison Lane, appeared to protest the so-called lack of law enforcement interest evidenced by the gathering of "hoodlums" at his place of business, and that these "hoodlums" drive away family trade, which is Hardee's stock-in-trade. Mr. O'Brien stated that his visit was not predicated on the basis of any political interest, but rather in the interest of protecting a \$250,000 investment in a \$100 million corporation having over 300 units in sixteen different states -- said company having been in business about ten years.

Mr. O'Brien said that his average payroll is approximately \$4,000 per month and that during the summer months he hired additional teen-agers, thereby improving the economy of St. Mary's County. Now, his business is suffering from the results of loitering -- some persons he alleges to be vagrants -- people who are not from the County -- users of pot and LSD -- pushers -- as bad-acting a lot of individuals as you can find anywhere in the whole country today. Mr. O'Brien stated that last Thursday (August 6) they assaulted his manager. He said he counted 160 of them out there at once last Sunday (August 9) and that 90% of them were from unknown parts. He stated that he really felt this County is becoming a haven for hippies or whatever you want to call them -- they know they can get away with murder and they do it. They defy police power -- they know there is no law -- if I do call the Sheriff, they go across the street and harass and holler and whoop. It looks like we have retrogressed 100 years in law and order. Mr. O'Brien alleged that it took the Sheriff 1½ hours to get to his place when called. He stated that he had spent many hours talking with the Sheriff and the Chief Deputy and has just started working with the Maryland State Police on it. "They keep kicking it up to me that there is nothing that they can do about it".

Mr. Burch pointed out that we do not lack the law to solve the problem, that warrants and no-trespassing notices would be served if they were sworn out. When Mr. Burch asked if Mr. O'Brien had talked with the States Attorney, Mr. O'Brien said he had not.

It was agreed to call another session on this subject at 3:30 p.m. and to invite the States Attorney, 1st Sgt. Muchow of the Maryland State Police, and the Sheriff and his Chief Deputy to the meeting.

Assessment Appeal (Leonard H. Berg)

Mr. Leonard H. Berg of 110 E. Sunrise Drive, Lexington Park, appeared to appeal his tax assessment for the year 1970. Messrs. William Herbert, Supervisor of Assessments, and Mr. Wellington Hewitt, Assessor, were present.

Mr. Berg stated that he originally paid \$10,000 for his house in October, 1952, and that he had not done anything to increase the value of it, other than the yard. He has 3/4 acre. He said that his first assessment in 1952 was around \$3,000 to \$4,000 which he considered to be reasonable. In 1969, he had a package assessment of \$7,250 and in 1970, it was increased to \$9,250.00. Mr. Hewitt explained the formula by which the assessment was set and stated that 10% depreciation had been allowed on the house -- the land being assessed at \$2,710 and the building at \$6,490 for a total assessed value of \$9,250.00 -- which represents 60% of the fair market value. The Board of County Commissioners reviewed the entire matter in detail and unanimously agreed that the assessment, as levied, had their approval. Mrs. Helen M. Bailey was requested to so advise Mr. Leonard H. Berg, in writing.

During the discussion, Mr. Berg said that he was really protesting the assessment on the land, rather than the house -- that he felt a \$1,000 assessment on the land would be sufficient since it held water and was subjected to a great deal of wash from the surrounding area.

Roads Meeting

Present: Mr. Douglas Bond, Resident Engineer,
State Roads Commission
Mr. August H. Wagener, County Engineer

Discussed the clearing of titches at St. Clements Shores for John E. Norris, at Liles (A & W Trailer Court) in Lexington Park, at Johnny Demko's in Dameron, and Marie Cruitt Road (off Webster Field Road). It was requested that the sign for Jones Wharf Road be moved to make it more visible. Mr. Burch reported a bad pot-hole on Route 235 at Sandy Bottom. Harold Graves Road was discussed -- it has been patched to the limit and Mr. Burch stated that something should be done about it this summer. Mr. Bond agreed to the foregoing requests.

The Board requested that Mr. Bond submit the oiling schedule, as revised, up-dated, and approved by the State Roads Commission.

Mr. Paul R. Raley reported that Mrs. Pullman could supply the 24 well-rings for Fresh Pond Neck for \$9.50 each. Price information was requested from the Mechanicsville Building and Supply and the Board was informed that they would supply well-rings for \$8.25 each, but none were available for delivery.

Bid Opening -- Painting of Jail

The following bids were opened and recorded for the painting of the Jail:

- G. & M. Painting Company, Baltimore, Maryland-----\$3,855.00
- Fred R. Tinsley, Hollywood, Maryland----- 1,379.00

The bid was awarded to the low bidder, Mr. Tinsley.

Sanitary Landfills - Mr. Walter A. Miles

Mr. Walter A. Miles, newly-appointed to the Maryland State Department of Health, Division of Solid Waste Disposal, appeared to discuss what progress St. Mary's County is making with Sanitary Landfill construction at three sites -- Oakville, Bennett property site and the Hewitt property site. Mr. Miles offered whatever assistance his office could give and stated that once his office had the plans for the development of a landfill, the next step would be to review the plan. He stated that it would be helpful to have a representative from St. Mary's, preferably the Commissioners, participate in such a review in order to offer suggestions and to get all possible conflicts ironed out prior to the public hearing which is required by H. B. 506. Mr. Miles stated that it was not necessary to submit an ordinance or resolution with presentation of the advance plans. So far, no plans or operating specifications have been received by the State, and they are required before the matter goes to public hearing. Mr. Miles offered to give whatever help is needed in the way of advance publicity to acquaint the citizens of St. Mary's prior to public hearing.

Mr. Joe O'Brien, President, Hardee's Hamburgers --
3:30 p.m. Session

The afternoon session on alleged law enforcement problems at Hardee's Hamburgers included Mr. O'Brien's partner, Mr. Roger W. Kisiel, the Sheriff and his Chief Deputy, 1st Sgt. Muchow of the Maryland State Police, Mr. Aleck Loker, Counsel for St. Mary's County, Mr. William O. E. Sterling, Assistant States Attorney, Mr. and Mrs. Jack Kershaw of the ENTERPRISE, Mr. Dick Myers of WKIK.

In essence, Mr. O'Brien reiterated the same remarks as he made in the morning session. Mr. Kisiel stated that he wanted to make it clear that the complaint was not politically oriented, and that some of the remarks made on the radio concerning the morning session were taken out of context. State Police 1/Sgt. Carl H. Muchow offered a few suggestions:

"(1) You need more adult help around that place down there that is capable of going out and putting the word on some of the people -- especially inside. There is too much laxity on the inside, which is directly your responsibility.

"(2) Now this is going to be an unpopular suggestions-- you've got a good thing going for the kids -- but it is out of hand now and the reason is because it is the usual problem -- businessmen do not want to go to Court to prosecute. If you latch onto these people and obtain warrants, it is like the Sheriff says -- if these people know that they will be up here in Court, it won't take long to clear up. It is about the only recourse you have. Just obtain one or two warrants. Obtain a warrant every time somebody is out there causing a problem. At the end of a month, you will see a reduction in the disorderly conduct.

"(3) I can't station a Trooper down there, but we are in a position, law-wise -- any disorderly conduct, trespassing, or a simple assault is a misdemeanor. A police officer can't arrest unless he sees a misdemeanor committed in his presence or has a warrant in hand. So if you have an incident, a police officer rolling in afterward is powerless to lock up unless he sees the violation committed in his presence. I think this assault deal on your manager is the very type of warrant needed for this group. I wish the Trial

Magistrate were here today. It would have been an education for him. It's a situation that is intolerable as it is now. I was in there off duty the other evening and I saw some things that the manager should have calmed down. It is going to be up to the staff you have there to obtain these warrants".

When Mr. O'Brien indicated that any person he would hire to maintain order would have to have some authority (specially deputized), the Sheriff stated that this person could not have that type of authority. If he works for you, he can just say, "Johnny, move on". But you have got to realize that there are many people you can hire and put a Hardee Shirt on to identify themselves, but if we roll by and we don't know what the situation is, we can't do your job for you. I think this is your job -- whether Hardee wants to or not -- I think it is your job to run that place, to get the necessary warrants, and we will serve them for you. 1/Sgt. Muchow stated that it is no longer possible for a policeman to walk up and say, "beat it". This is stuff you can't get away with -- there is no legal base to stand on.

Messrs. Loker, Counsel for the County, and Sterling, Assistant States Attorney corroborated the suggestions as set forth by the law enforcement officers present -- Mr. Sterling stating that if warrants were obtained and the culprits brought into Court, they would be prosecuted.

Before departing, Mr. Kisiel stated that he was glad that they were able to meet on this problem and he wanted to make it clear that it was not for political reasons -- they were just looking for help. "I think we have been given some outstanding corrective advice".

Director of Finance

Mr. B. Harris Sterling requested approval for continuance of our contract with the Insurance Buyers' Council, which was approved. Mr. Sterling stated that the Metropolitan Commission, the Nursing Home and the liability portion of the Airport were included in the blanket protection.

The Board requested that Mr. Sterling prepared a detailed cost analysis concerning the increased salary costs if the Sheriff's Department were put in under the County Merit System. Mr. Sterling stated that his first attempt for obtaining a figure indicated that the first year's increase would be approximately \$5,000, and that he would work it up in more detail.

The Board agreed that the Sheriff should not attempt to negotiate with the Secretary of Personnel concerning the up-grading of grade allocations, which they have allocated at Scale 7 for the Deputies and Scale 9 for the Chief Deputy.

The Board agreed that Mr. Joseph Thompson should be hired on a temporary basis for six months as an unskilled laborer at \$2.00 per hour to work with the crews assigned to maintenance at sanitary landfills.

The meeting adjourned at 5:20 p.m.

Approved,

J. Elliott Burch