

Board of County Commissioner's MeetingTuesday, July 13, 1971

Present: George R. Aud, President  
 J. Wilmer Bowles, Commissioner  
 J. S. Guy, Jr., Commissioner  
 Robert E. Wigginton, County Attorney  
 Paul R. Raley, Administrative Officer  
 Viola M. Garner (Mrs.) Admin. Asst. (Recording)

Rick Thompson - Beacon  
 Patty D. Muchow - WPTX

The meeting came to order at 10:10 A.M.

Minutes of the meeting of June 22, 1971 were read and approved.

Bills Approved

## Delahay's Pile Driving Service - Tall Timbers:

June 28-July 2, 1971 - 4 men & equipment	\$ 880.00	
Rental of Air Compressor	<u>145.00</u>	\$1,025.00
July 5-9, 1971 - 4 men & equipment	\$ 440.00	
Rental of Air Compressor	<u>145.00</u>	\$ 585.00
GRAND TOTAL		<u>\$1,610.00</u>
Oliver R. Guyther, Esquire - Services rendered from May 16, 1969 - July 1, 1971		\$ 750.00

Effective Date of 6% Increase

It was brought to the attention of the Commissioners as the Resolution reads for the 6% increase for promoted and reclassified employees, such Resolution would become retroactive to March 1, 1966. The Commissioners, therefore, voted unanimously to make Resolution 71-19 retroactive to July 1, 1970.

Compensatory Time or Overtime for Mrs. Leila R. Rodgers

A letter was read from Mr. August H. Wagener, County Engineer recommending Compensatory Time or Overtime for Mrs. Rogers since there is a great deal of extra work she performs for Planning & Zoning, Zoning Board of Appeals and the Alcoholic Beverages Board. The Commissioners requested that the letter be forwarded to Mr. B. Harris Sterling, Director of Finance for review of her Job Description and a report

submitted to them as soon as possible.

Queentree Development

Present: Attorney James Kenny  
 Attorney John Hanson Briscoe  
 Mr. Levy  
 Mr. Burton J. Reiner, Reiner & Co.  
 Mr. Latham, J. R. McCrone, Jr., Inc.

Attorney Kenny, acting as spokesman for the group, stated that they had been before the Planning & Zoning Commission. There are new people with new ideas and new money, and with the ability to move this particular thing. They like the St. Mary's County Master Water and Sewerage Plan, and want to move from S-5 and W-5 Districts to S-1 and W-1 Districts. They plan to build a private system, which will comply with the Comprehensive Water and Sewerage Plan and the Resolution 71-13.

Mr. Burton J. Reiner, who is a developer in the Greater Metropolitan Washington Area, stated that they had purchased the Old Colony property and renamed it "Queen Tree". They are working with J. R. McCrone, Jr., Jr., for a residential, retirement area. There will be 2,000 homes with a golf course, lakes, small dock area and ramps for outboard motor boats, for the community itself. Mr. Reiner explained that they have experience in building houses of all types. It is strictly a retirement type of community. Prices of the homes will range from \$28,000 to \$32,000, single-family type houses. The town houses will range in the area of \$33,000 to \$47,000, with a Master Bedroom 20' wide. They have a development on the Eastern Shore called "Lake Tahoe".

Mr. Reiner also stated that they would put in a high quality treatment plant, and the water from the plant would empty into the lakes to irrigate the golf course. There would be sufficient area to take care of the total flow. The treatment plant would be known as "Manor Run Plant" and the Metropolitan Commission will set the design criteria. The one they have in mind is similar to the one that is going in at Point Lookout. There will be no algae growth. The restrictions that the Metropolitan Commission would put on it are unknown at this time. As requested by Beavin & Co., they have set aside 17 acres for a school site, although they will not need this amount.

Mr. Bowles inquired as to how wide they planned to make the entrance and exit roads to Route 235. He was informed that they planned a 60' wide road. Mr. Bowles was also interested in the stages of building the 2,000 homes. Mr. Reiner stated that it would be over quite a period of time, as this is not a two-year project. They will start out

with 50 units and gradually grow. They do not anticipate a large number of children, as they are going after retirement persons. All work will be under the complete control of Reiner & Co.; nothing will be sublet.

Mr. Aud informed them that if the Commissioners needed to know anything more, they would get in touch with them.

St. Mary's River Watershed - Site # 1  
Maryland Public Law, Article 19  
Commissioners' Authority to Dispose of Recreation & Parks Land

Present: Mr. John Hall, Soil Conservation Service  
Mr. David Bowen, Soil Conservation Service  
Mr. Robert M. Rubleman, Fish and Wildlife Administration

Mr. Bowen reported that the County had applied for and worked out all necessary arrangements for a FHA loan. Mr. Wigginton cited in his letter where the County had the authority to buy the land and turn it over to the State. The money is there and available, but they have to clear up a legal matter first. Mr. Bowen said during the last Sessions of the Legislature, some of the interest down here were trying to get some money to acquire these options. Because of the change in State Administration they could not find anyone who had worked on this or knew anything about it. He suggested that the County and Fish and Wildlife Administration get together and talk about it to be sure there is an understanding. They anticipated signing in February to build Site # 1 of the Watershed, as they may have land rights by then, and think they will have the design rights also about that time. Based on 1968 price rate, it is about \$390,000. At that time the agreement was that Fish and Wildlife Administration would pay the known feet construction costs, which were 27%, and would make it \$105,000, but now, three years later, the cost will be \$514,000 and 27% of that is \$139,000. They won't have a firm cost estimate until they get through with the design. The \$139,000 is construction costs.

The agreement that was reached, was that the County would buy the land for the structure up to \$100,000. This would include land surveys, title search and acquiring land. Any cost above \$100,000 would be negotiated between Fish and Wildlife Administration and the County, and Fish would pay 27%. The land would be turned over to the Fish and Wildlife Administration and they would operate and manage it as a Fish and Wildlife Administration structure.

Mr. Bowles made inquiry with reference to the amount over \$100,000. Mr. Rubleman stated they are allowed to reimburse up to \$30,000. Mr. Aud stated the problem will be if it runs over \$130,000.

Mr. Robert Wigginton, County Attorney, informed the Commissioners that Mr. Rich of the Office of General Counsel, U. S. Department of Agriculture, agreed with the contents of his letter of June 2, 1971 pertaining to general powers granted by Maryland Law Codified in Art. 25, Sec. 11-A, giving the County Commissioners authority to purchase or otherwise acquire real estate for public purposes and disposing of same when no longer needed. This specifically pertains to acquiring land for its recreation and parks program and for a watershed, known as St. Mary's River Watershed, Site #1. Mr. Wigginton's communication was forwarded to D. C. Valsing, Attorney in Charge, U. S. Department of Agriculture, Office of General Counsel at Harrisburg, Pennsylvania. Mr. Rich satated he had in turn forwarded the letter to Edward Diggs in La Plata for reply. Mr. Wigginton contacted Mr. Diggs by phone during the meeting and was told by Mr. Diggs that he would reply to said letter.

Land Acquisition - Newtown Neck

Present: Mr. John Baggett, Director Recreation & Parks

Mr. John Baggett of Recreation and Parks appeared before the Commissioners to report to them that Father Noonan had stated he will not take this property off the market until he gets a quoted price. Mr. Baggett has contacted two appraisers and has received a price of \$2,000 from each to appraise the 850 acre tract.

Watershed Site # 1

The Commissioners signed land acquisition papers for the following: St. Mary's Fish and Wildlife, Acquisition #3 - which consists of 49.8 acres for the proposed 600 acre St. Mary's River Fish & Wildlife Park. This is the Irving G. Hewitt Property - Parcel #7. Open Space funding amounts to \$9,337.50, which is 75% of the total. The County funding is \$3,112.50 or 25 %. Total cost of Parcel #7 is \$12,450.

Town Creek Park Development #1

The other was Town Creek Park Development # 1, which consists of 2.18 acres on grounds of Town Creek Elementary School, to construct a small park consisting of a picnic area and playground for children. Total cost of the Project is \$9,650. Land and Water Conservation Fund Assistance is funding this project to the extent of \$4,825 which is 50% of the total. Program Open Space is contributing 25% of \$2,412.50 and the County will contribute a like 25% or \$2,412.50.

Watermen - Livestock Pollution

Present: Mr. James R. Owens  
Mr. David Sayre  
Mr. George L. Beitzell  
James G. Thompson, Jr.  
Mr. Lawrence O. Hayden

Mr. Lawrence O. Hayden acted as spokesman for the group and stated that they wished to see the Commissioners about pollution of the waters by farm animals. They have been having a problem getting results from the State or County Health Department - all they are getting is lip service. The watermen feel that if something is not done within 30 days their oyster industry is gone, and it is a vital industry to this County. Some waters have become a health hazard - the bacteria count is so high it isn't safe to wade in it.

Mr. Guy reported that every week the Commissioners receive reports from the Health Department on Water Pollution Count, and he had made some inquiries yesterday. He passed out, to those present, the names of persons who have made application for loans for the purpose of handling this particular pollution problem. This amounts to about \$9,000 of the \$35,000 that is available. He promised the Watermen that the Commissioners will talk with the Attorney and petition the Board of Water Resources to clean up this problem and the Commissioners will also tackle it.

Mr. Hayden stated they had talked with Mr. Ed Weber, Department of Water Resources, who told them their authority was limited in this field, and that he would not step on or infringe on the authority of any agency--the Health Department and Soil Conservation are involved. He did say he would meet with Mr. Paul McKee, Chairman of that Department. Mr. Hayden further stated that there are approximately 50 farmers in the polluted area of St. Clements Bay and the Wicomico River, and there are 75 full-time Watermen. The Watermen feel that pressure should be put on the Health Department.

Mr. Walter Raum reported that the responsibility is now with the Department of Water Resources and they had received word from them that this situation was now in their hands.

Mr. Robert E. Wigginton, County Attorney, stated that the Commissioners will have to make the County Health Department see that it is done, and also petition the Water Resources Commission to do something.

At that point, it was determined that the meeting should be adjourned until 3:30 P.M., to have proper officials present.

ROADS

Present: Mr. August H. Wagener  
 Mr. Douglas Bond  
 Mr. Brown

Route 860

This road is to be checked into by Mr. Bond. It is set up at 50 MPH and should be changed to 30 MPH.

Parsons Mill Road

Mr. Guy stated that the entrance near George Bowles' house needs a sign, also parking and speed signs. The Commissioners will pass a Resolution for a speed limit of 30 MPH for this road.

Bid Opening - Joy Chapel Road

Bid for the resurfacing of Joy Chapel Road were opened at 2:30 P.M. Bids were received from the following:

A. H. Smith, Branchville, Md. -----\$8,996.40

McQuire & Rolfe, Waldorf, Md. -----\$9,996.00

The bid from A. H. Smith was accepted as low bidder in the amount of \$8,996.40. Mr. Raley's bid for the resurfacing was for a lesser of bituminous concrete than called for in the proposal.

Correspondence and Calls Pertaining to Roads

Park View Circle

Mr. Pilkerton of St. Andrews Estates called with reference to the erosion here and mentioned that it would soon reach the black top. He and his wife have called the County Engineer and State Roads Commission many times, but nothing has been done. Mr. Wagener looked at it last September and sent the Grader out and filled in the ditch and said at that time that they would black top it, but did not. The condition is getting worse after each rain. Mr. Bond was instructed to look into this matter.

Erosion at Tall Timbers (Complaint)

Mrs. Theresa M. Duncan sent in a letter of complaint to Mr. Francis G. Cecil, County Treasurer, with reference to the special taxes she pays for the Erosion Relief Project. She felt that the work done on the sea wall was a very poor job. It has buckled about 18" and the gravel has washed out to a depth of about 18" or 2' in front of her home. She states it is very dangerous for anyone to get near the hole, as it may cave in. She asked that this condition be taken care of. Mr. Wigginton was instructed to reply, and Mr. Wagener was requested to inspect this area when he makes his inspection at Tall Timbers.

Completion of Work at Tall Timbers

Mr. August H. Wagener's letter to the Commissioners was read regarding the retaining wall condition in the Tall Timbers Erosion District. There were eight (8) sections that would need repairs. He suggested in the letter that after repairs were made an inspection should be made every six months so that the erosion district would be under continuous maintenance.

The Commissioners were desirous of having this work completed as one entire job, with a time limit placed on it. They requested Mr. Wagener to talk with Mr. Delahay and secure a price for a complete job, and have Mr. Delahay submit this in writing to the Commissioners. Mr. Wagener's report is on file.

Representative from Lorenzi, Dodds & Gunnill

Mr. Joseph C. Focer of the firm of Lorenzi, Dodds & Gunnill appeared before the County Commissioners to request that he be considered as Consulting Engineer for their Solid Waste Program and Housing Authority. He thinks their firm has much to offer in these fields, as they have done quite a bit of work in Pennsylvania, especially in Allegheny County. He, personally, worked with the Housing Authority of Allegheny County. As far as Solid Waste, they have not done anything in Maryland, but have done quite a few projects in Pennsylvania. They are primarily interested in getting work since they have moved to Maryland.

Second Session of Watermen's Meeting

Present: Dr. Alan D. Houser, Dept. of Health  
 Mr. Walter E. Raum, Dept. of Health  
 Mr. James R. Owens  
 Mr. George Beitzell  
 Armen Nishanian, University of Md.  
 Mr. Lawrence Hayden  
 Mr. Sam Bailey, Jr.  
 Rick Thompson - Beacon  
 Robin Guyther - Enterprise

The Watermen returned for their afternoon meeting with the Commissioners. Mr. Aud stated that this meeting was called because the Commissioners felt enough action was not being taken about the water pollution, and the oyster season was coming on.

Dr. Houser stated that the problem right now is that it has been taken out of their hands, although they still have orders issued. Mr. Walter Raum stated that the Division of Sanitation has taken over all the news releases and any public

information is to come through them. They have met with the Department of Water Resources and asked for a letter from each Department stating where they stand. The Department of Water Resources is to take up the problem with the farmers. Mr. Wigginton inquired as to how the County Commissioners could get some action. Mr. Raum replied that Mr. Paul McKee of the Department of Water Resources is the man to see. Dr. Houser informed the group that it was taken out of the Health Department by the Department of Water Resources.

Mr. Guy stated that the Wicomico River separates the two Counties and St. Clements Bay is in St. Mary's County. He felt that they could do something within their own County when it affects the economy of the County. Mr. Raum stated that the Extension Service had put down some guidelines as to what the farmers could do.

At this point a call was put through to Mr. McKee or his Assistant Mr. Knapp.

Mr. Bowles inquired of Dr. Houser if there were not some local Health Department guidelines that could be enforceable. Dr. Houser replied that there is not a single Ordinance regarding this situation. If an Ordinance is adopted, they can and will enforce it. Dr. Houser said that when the hogs are moved from the areas near the streams, that some type of crop be planted that will stay green all year round (rye, etc.). Everyone who is raising hogs is using their wasteland for this purpose, and this land is usually near streams. These crops would be buffer zones.

Mr. Bowles further inquired of Dr. Houser if he and Mr. Walter Raum could get together with Soil Conservation Service and prepare the proper Ordinance. Dr. Houser was of the opinion that rather than meet with Soil Conservation, they should meet with Mr. Wigginton, County Attorney. He felt they could get started this afternoon, but would be unable to complete it today, but could certainly get it to the Commissioners the next day.

Mr. Bowles then suggested that the Health Department give the Commissioners weekly reports.

Dr. Houser stated that it would take them no more than ten working days to serve the notices and that no one should be allowed more than two weeks to correct the conditions after receiving notice.

The return call was received from Mr. McKee's office and Mr. Aud talked with Mr. Belkoff, who stated that a Mr. Weber is familiar with this problem, and that he, Mr. Belkoff would like to see the Commissioners take local action.



He had talked with personnel in the office who might know something about it, but could find none. They would get on it the first thing in the morning. He was informed as to what the local Health Department was going to do and he had no exceptions to that. If there is anything they could do they will as far as the water is concerned, and he felt certain Mr. Weber would do the same.

The Commissioners appointed Mr. John Hall of Soil Conservation Service and Mr. Benjamin Smith of the Cooperative Extension Service to work with Dr. Houser, Mr. Raum and Attorney Wigginton on the preparation of the Ordinance.

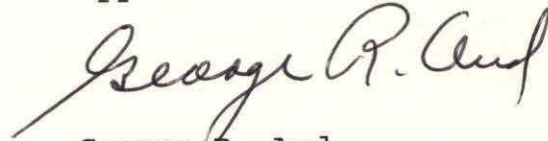
Mr. Aud thanked everyone for attending this meeting.

Appointment to Human Relations Commission

The County Commissioners appointed Mrs. Dorita Down, 403 Town Creek Drive, Lexington Park, Maryland, 20653 to serve on the Human Relations Commission.

Meeting adjourned at 4:10 P.M.

Approved,



George R. Aud  
President