

BOARD OF COUNTY COMMISSIONERS' MEETINGTuesday, December 12, 1972

Present: Commissioner J. Wilmer Bowles, President
 Commissioner George R. Aud
 Commissioner J. S. Guy, Jr.
 Paul R. Raley, Administrative Officer
 Judith Mullins, Recording Secretary

Also present were Dick Myers, WKIK; Chuck Lyon, WPTX;
 Christie Selph, Beacon; Jack Kershaw, Enterprise.

The meeting came to order at 9:45 a.m.

CHAIRMANSHIP OF COUNTY COMMISSIONERS

Commissioner George R. Aud made a speech as retiring chairman, giving thanks to the employees of the Commissioners' Office and the Finance Office and all department heads for their cooperation during the past two years of his chairmanship. He also stated his policy over the past two years.

Commissioner Aud then presented the following statement:

"Two years ago when I was appointed Chairman to the Board of County Commissioners, it was agreed between Commissioner Guy and myself that I would serve two years and that Commissioner Guy would serve the last two years. In keeping with this understanding, I announced last week that my two years have expired and that I would nominate Commissioner Guy for the Chairmanship at today's meeting.

Last Tuesday, the Board of County Commissioners invited former Judge Joseph D. Weiner to a meeting to ascertain whether or not he would be interested in becoming attorney to the Board. We had already decided to make a change. Commissioner Guy had complained for some time about the fact that our present attorney, Mr. Wigginton, was also attorney for the Board of Education, REA and other companies with whom we had negotiations. Also, Mr. Wigginton had been charging the County by the hour for his services and was being paid approximately \$12,000 per year, and we all felt that this was somewhat excessive, and because of these reasons we had decided to explore the possibility of getting another attorney.

We invited Judge Weiner to attend the meeting so we could find out if he was interested in the job. He stated that he would be interested if we thought he could render a public service as he wanted to continue making a contribution to the County. He made it clear that the amount of salary was secondary and we asked him whether or not \$9,500 per year would be agreeable and he said that it was very satisfactory. At no time during that meeting with Judge Weiner or even after the meeting did Commissioner Guy

express any displeasure or disapproval of this action. We all suggested that the matter be held in abeyance until the next morning, at which time I would first notify Mr. Wigginton of this change.

We did not want to release it to the press before Mr. Wigginton had knowledge of our action. Notwithstanding this understanding, Commissioner Guy called the Enterprise the same evening, before I saw Mr. Wigginton, and advised them of what had occurred. It was several days before Commissioner Guy voiced his opposition to Judge Weiner and I don't feel that the reasons given were valid. He stated that because Judge Weiner had been defeated for judgeship the people did not want him as attorney to the Board of County Commissioners. This is indeed ridiculous because every attorney to the Board of County Commissioners for the past 30 years, including Mr. Wigginton, had been a defeated candidate. Commissioner Guy further stated in his press conference and over the radio that he would not accept the Chairmanship if Judge Weiner was retained. Commissioner Bowles and myself are very happy that a person having the legal knowledge and capabilities as Judge Weiner would agree to accept the position, and we are very sorry that Commissioner Guy has taken the position that he has. The Attorney to the Board of County Commissioners defends the County in any suits and renders legal opinions and advice, but does not interfere with the policy decisions, and therefore it is not a political matter. I do not understand the logic of Commissioner Guy's statement and I know he will soon recognize that he has made a serious error. Every position which Judge Weiner has ever held he has made a fine record and this is even conceded by the people who have always opposed him. Commissioner Bowles and I are not backing down from the position which we have taken; therefore, taking Commissioner Guy at his word, I have no other alternative but to nominate Commissioner Bowles for the Chairmanship."

Commissioner Guy stated that he would like to see Mr. Aud's prepared statement and may be make some comments as to some of the things said. Commissioner Aud said he was going to give it to the press and that Commissioner Guy could do what he wanted with it.

Commissioner Aud then made a motion to make Commissioner Bowles Chairman. Commissioner Bowles seconded the motion. Also Commissioner Bowles said Commissioner Guy should vote for or against. Commissioner Guy stated that motion is as arbitrary as the decision to appoint Mr. Weiner to the position of Attorney, and, therefore, he voted no. Commissioner Bowles stated that Mr. Guy's vote on me as Chairman is identical to mine as to him being Chairman two years ago.

Commissioner Bowles said he wished to thank Mr. Guy for admitting last evening at the Lions Club meeting in public, as well as himself in person, that when he hastily called his press conference last week, that he made statements that were untrue and statements to Mr. Wigginton about Mr. Bowles that were untrue.

Commissioner Guy stated that Commissioner Bowles brought certain points to his attention that in his haste and anger he overlooked.

Commissioner Aud stated that Mr. Wigginton worked well for the County Commissioners, and that he did feel that Mr. Wigginton was involved in too many other things; that was the reason he suggested a change.

Commissioner Bowles stated that, upon being made aware of Mr. Wigginton having been advised by Commissioner Guy of statements that were untrue, he wrote a letter to Mr. Wigginton expressing his personal feelings about him.

Commissioner Aud made the motion to accept the law firm of Weiner and Davis to be legal advisors to the Board of County Commissioners. Commissioner Bowles seconded the motion. Commissioner Guy said he opposed.

PAST COUNTY ATTORNEYS

Commissioner Bowles mentioned last week's discussion of previous attorneys to the County Commissioners and how they were appointed. The past attorneys were William O. E. Sterling, Oliver Guyther, David Williams and Robert Wigginton. Commissioner Guy said it was brought up as a point of information and he had asked the question as to what had been precedent in this office for a point of information not necessarily a point of record for the minutes. Commissioner Bowles said it should be recorded in the minutes. Commissioner Aud stated that appointment of attorney is usually an agreement by the County Commissioners and not usually discussed in public.

MINUTES OF DECEMBER 5, 1972

The minutes of Dec. 5, 1972 were read and corrections were noted. Commissioner Bowles stated that if there were no further corrections or additions to the minutes, the chair would entertain a motion that the minutes of December 5, 1972 stand approved as corrected.

Commissioner Guy seconded the motion. The motion was unanimously passed.

Due to the fact that the secretary does not record the press conference, it was noted that during the press conference of December 5, the Commissioners were asked what was their stand on Admiral Clarke's request for \$50,000 for the Metropolitan Commission. The Commissioners at that time stated they were in favor of loaning the Metropolitan Commission this money. Since this was not recorded in the December 5 minutes, the County Commissioners advised the secretary to incorporate this in this week's minutes that they would make a decision upon receipt of a

letter from the Metropolitan Commission formally making their request and stipulating how this money is to be used.

PERSONNEL IN SHERIFF'S OFFICE

Present: Sheriff Lawrence Williams
Chief Deputy George DeLozier

Sheriff Williams stated he received a letter from the Department of Public Safety and Correction Services, Correctional Training Commission, stating that all persons hired on or after July 1, 1972, classified as Correctional Officers (jailers) must complete a training program before they are given a permanent appointment. Tentative plans are to begin training programs in March 1973.

Sheriff Williams said he also received another letter from the Department of Public Safety and Correctional Services, Correctional Training Academy, stating all deputies hired on or after July 1, 1972 be required to attend a training program which will begin sometime in March.

Sheriff Williams stated there are two schools to choose from: Baltimore County and Salisbury. He mentioned the Baltimore School was the closer one.

Commissioner Bowles inquired as to how many men will be sent to school. Sheriff Williams said that there are five deputies to be sent to school in Baltimore. Commissioner Aud asked if it wouldn't be better to have mentrained to be jailers rather than using the deputies at a higher salary. Sheriff Williams agreed. Commissioner Bowles asked about the cost of the schooling. Sheriff Williams replied that there would be no tuition costs.

Sheriff Williams said he would like to hire four more men. Commissioner Bowles stated that Sheriff Williams should get together with Mr. Harris Sterling, Finance Director, to see if money is in the budget for this.

BOARD OF EDUCATION DRIVER-ED PROGRAM

Present: Dr. Robert E. King, Jr., Superintendent of Schools
Mr. James Raley, Assistant in School Facilities
Mr. Will Hines, Assistant Transportation Supervisor

Mr. Hines stated that the schools do not have enough cars for the drivers' training program. They would like to have six more cars, even though they could use ten or twelve cars. Mr. Hines said he would like to talk to Sheriff Williams concerning the use of the cars that are confiscated in drug-related cases. The cars he had in mind are: a Ford Club Wagon, a Rambler Station Wagon and three Volkswagons. Mr. Hines said all

cars need repairs but the class in auto body shop at the Tech Center could work on them. Commissioner Bowles asked Mr. Paul Raley if we had the titles to those that have been advertised plus the Club Wagon. Also, Paul Raley stated we have titles to the three Volkswagons and we are awaiting a court decision on the titles of the others. Commissioner Guy asked how many cars are car dealers providing. Mr. Hines said five cars were provided. Commissioner Guy said he was making arrangements to participate and maybe he could contact other dealers and see if they would participate. Commissioner Aud said the Board of Education has been lax in giving the dealers advertising when using their cars and they should advertise in some way because the cars are provided free of charge to the schools. Dr. King agreed.

SCHOOL CONSTRUCTION PROGRAM

Present: Dr. Robert E. King, Jr.
Mr. James Raley
Mr. Will Hines

Dr. King stated that there will be a meeting of the Interagency Committee on School Construction at 10:00 A.M., December 14, 1972 at the Friendship Airport International Tower Building with Mr. Alford R. Carey, Jr., Executive Director of the Public Construction Program. Dr. King requested one of the Commissioners to attend. The Commissioners will report back to Dr. King concerning this. Dr. King also requested a letter from the Commissioners to Mr. Carey which they will take with them to the meeting containing the assurance that the Board of County Commissioners will cooperate with the Board of Education in providing acceptable on-site sewage for the present site, or in the alternative, assist the Board of Education in providing a site that will meet the approval of the Health Department. It is necessary for them to have this assurance in order to ask for the approval of construction funds needed for the new senior high school.

Commissioner Bowles asked if they had met with the Metropolitan Commission concerning the sewage problem. Mr. James Raley said that they had not. Mr. James Raley stated they were hoping they could work something out at the Tech Center site.

Commissioner Guy stated the Commissioners had indicated their willingness to provide funds for construction of the sewer at the expense of the County.

Commissioner Bowles asked if there was any one available from the Board of Education to meet with him at the Metropolitan Commission meeting Thursday, December 14 to discuss this. Dr. King said they would look into this. Commissioner Bowles stated they would charge the Metropolitan Commission with developing the sewer line and ask the Town to accept and treat the sewage. The Board of Education needs to get a statement from the Town Commissioners concerning their treating the sewage.

COUNTY FIRE BOARD CONTRACT

Present: Mr. Robert Gotshall, Radio Shop, Hollywood

Mr. Robert Gotshall came before the Commissioners with an interest in the bid for the County Fire Board Contract. He stated the contract has been in force one year and he sees no signs of the contract being renegotiated. He would appreciate assurance from the County Commissioners that this matter be looked into. Also the problem is getting the fire board to submit their contract for bids. Commissioner Guy inquired if the contract specified if it would be for a given time. Mr. Gotshall replied it did not. Commissioner Bowles asked if he discussed this with Mr. Otis Wood, Acting Director of the Civil Defense and Emergency Planning Agency. Mr. Gotshall replied he had. Commissioner Bowles said the County Commissioners would look into this and review the contract and give Mr. Gotshall a reply as to what the future plans would be. Mr. Gotshall stated he would like to see the contract written up for one year. It is presently on a month-to-month basis. Commissioner Bowles said the County Commissioners would get back to Mr. Gotshall the first of the year.

PARKING PROBLEM AT COURTHOUSE

Commissioner Guy requested Mr. Paul Raley to send all departments in the Courthouse a memorandum concerning the parking lot. The Commissioners unanimously agreed that there would be no reserved parking except for District Judges, Circuit Judges, County Commissioners, Sheriff's cars and State Police. Commissioner Bowles said another sign for the County Commissioners parking is needed.

ROAD PROBLEMS

Present John Norris, Assistant County Engineer

VISTA ROAD - Commissioner Bowles gave Mr. John Norris a petition from the residents on Vista Road requesting improvements. He requested Mr. Norris to find out what the State Highway Administration had done about it.

JANE HENDERSON - Golden Beach Road - Mr. John Norris discussed the problems of the poor visibility at the entrance of Mrs. Henderson's driveway. She presently has 150 feet of sight distance. Current American Association of State Highway Official standards would require 500 to 600 feet of sight distance for this 50-mile per hour road. John Norris discussed various solutions to the problem with Mrs. Henderson. She was not agreeable to having her driveway relocated so as to increase the sight distance. She has requested that the bank obstructing her view be sloped. The approximate cost for this work is \$8,000. The question was raised as to whether she had signed a right-of-way or easement

agreement for the reconstruction of Golden Beach Road. John Norris said he would look into this and report back to the Commissioners.

COUNTY ROADS USED TO REACH SUBDIVISIONS - John Norris discussed the problem of county roads which are being used to reach subdivisions. The volume of traffic on these roads generated by the development would cause deterioration necessitating immediate reconstruction by the County. Commissioner Bowles suggested that the developer or developers should be required to do the upgrading. Commissioner Bowles asked what impact would the proposed Scotch Point Subdivision have on the existing County roads in that area. John Norris stated that the interior county road within the subdivision is to be improved so as to handle the increased traffic flow, but not the county road leading to and bordering on the subdivision. The current thinking of the County Engineer's Office is to upgrade those county roads in the subdivisions interior and work toward the consideration of the impact on all roads. After considerable discussion, Commissioner Bowles recommended that John Norris formulate a policy with regard to minimizing the economic impact of subdivisions on all county roads due to increased traffic flow and place in abeyance the approval of those subdivisions creating such an impact. Commissioners Guy and Aud were in unanimous agreement. Commissioner Guy mentioned the road leading to the Kitts Point Subdivision as an example of a future problem.

BOARD OF ZONING APPEALS REMUNERATION

Mr. John Norris said the Charles County Board of Zoning Appeals consisting of three members, has one meeting per month, handling three to four cases. The members receive a yearly fee of \$600 plus expenses. Calvert County Zoning Board of Appeals also has three members and they meet once per month. They serve without any compensation. In the past St. Mary's County has paid each member \$50 per case and the attorney the same. Commissioner Bowles asked if when letters were sent to the present members of St. Mary's Zoning Board of Appeals were they advised of salary. Mr. Norris said he did not know. Commissioner Bowles said we have an obligation to pay these people. He asked Mr. Norris to verify the authority for payment. If there is a change, we will notify the board members. Mr. Norris said the County Commissioners will receive a request that the members and attorney be paid from the Zoning Board of Appeals secretary with the request being approved by Mr. Norris.

FLOOD DISASTER RECOVERY PROGRAM

Mr. John Norris, Asst. County Engineer, mentioned that a meeting will be held on December 18, 1972 at 1:30 p.m. in Baltimore to review the overall program design for flood recovery rehabilitation and prevention. The meeting is being called by Secretary Wahbe, Maryland Department of State Planning. Mr.

Norris asked if someone should attend. Commissioner Bowles stated that since Mr. Norris attended the first one, he should also attend this one. Mr. Norris said he thought he would be able to attend.

INDUSTRIAL ECONOMIC PLANNER

Mr. John Norris, Asst. County Engineer, stated that there is difficulty in getting an alternative to Bruce Galloway who was interviewed November 13, 1972 (See minutes of November 14, 1972). Commissioner Guy wanted to know if there was anyone local who was qualified. Mr. Norris said he did not think so. Commissioner Bowles said he should determine within a reasonable time whether there is a second choice. Mr. Norris asked if there is no alternative should they bring back Mr. Galloway? Commissioner Guy suggested that since he met Mr. Galloway at the interview of November 13, that the other two Commissioners should have a chance to meet him. Commissioner Bowles was in agreement to this.

VOUCHERS SIGNED

Vouchers 3783 through 3891 dated November 28 through December 11, 1972 had been approved and signed by George R. Aud as President.

RESOLUTION FOR SIGNING AUTHORITY

Resolution No. 72-40 was signed by all Commissioners and Mr. Paul Raley was requested to record same in land records of St. Mary's County.

FLASHING LIGHT AT CEDAR LANE

! Bill received from State Highway Administration for installation of flashing light at Cedar Lane, South of Leonardtown, in the amount of \$2,087.99. Only \$2,000 had been approved. The Commissioners requested it be returned and the State Highway Administration be advised that the Commissioners had appropriated a maximum of \$2,000 for said project.

BILL FROM MCKAY IMPLEMENT

Bill received from McKay Implement for \$125 for metal box for radio to replace wooden box for a county pickup truck being used by the State Highway Administration. Commissioner Bowles said for Mr. Paul Raley to make inspection of the box and see what commitment had been made by this office and report back next week.

ALMSHOUSE PROPERTY

Mr. Paul Raley mentioned a letter to Dr. King, Superintendent of Schools, from the County Commissioners dated October

15, 1972 regarding the Alms House property on the West side of Route 5 for the Middle School site. Mr. Wigginton had written the deed and Commissioner Aud had signed same.

COPY OF LETTER FROM R. BASCOM BROUN

Mr. Raley presented a copy of a letter from R. Bascom Broun from the Leonardtown Commissioners dated August 17, 1972 regarding the non-acceptance of sewage for the new high school to be constructed on the Alms House property.

LETTER FROM DEPARTMENT OF NATURAL RESOURCES

Mr. Paul Raley presented a letter from Tom Merriweather, Administrator for the Department of Natural Resources, regarding soil erosion control at McKay's Beach. Mr. Raley is to go over the provisions and report back next week.

TAXI CAB REPORT

Commissioner Bowles stated that the County Inspector should state on his report the type of license he is issuing and the term for which it is issued.

CORRESPONDENCE PRESENTED BY MRS. VIOLA GARDNER (ADMINISTRATIVE ASSISTANT)

1. Attorney Clarke Raley declined to serve on the St. Mary's County Mental Health Advisory Committee due to his heavy work schedule.
2. Letter of December 7, 1972 from Mr. Robert S. Bennett, Chief Property Management Section, Right of Way Division, with reference to the Therle L. James property located on Route 235 from 489 in which he asked to be advised how the County Commissioners plan to use the property and the name of the grantees to appear in the Deed. He agreed to the settlement arrangements. The letter is to be referred to Mr. John Baggett, Recreation and Parks, for reply.
3. Letter from Environmental Health Administration dated December 5, 1972, in connection with the St. Mary's County Comprehensive Water and Sewerage Plan. Commissioner Bowles requested Paul Raley to develop a file for each Commissioner and Attorney.
4. Dr. George E. Clarke had accepted appointment to the Airport Committee.
5. Acceptance to the Sedimentation Control Task Force: Mr. John Norris, George B. Reeves, Albert Focer, Francis Abell, Joseph M. Gough, Walter E. Raum, Arthur Mirfield, Francis R. Dean and John Hall, IV.

6. Chauncey W. Karsten accepted appointment to the Nursing Home Board.

7. Received Assessment Appeal from Mrs. Matilda Fenton. The Commissioners set Friday, December 22, 1972 at 10:00 a.m. as the time for the hearing.

8. Letter from Mr. Bruce C. Dunham, Acting Chief, Health Facilities Development Section, Department of Health and Mental Hygiene to Virginia B. Thomas with Relocation Assurance forms for the Nursing Home addition to be signed by the Commissioners. The Commissioners requested that Mr. Weiner, County Attorney, review these forms and if necessary Commissioner Bowles would be available to discuss the matter with Mr. Weiner.

9. Mrs. Gardner reminded the Commissioners that they had not signed LEAJ Grant form for the full time special prosecutor in the amount of \$9,375. Commissioner Bowles requested that Mr. Harris Sterling review this grant form and make his recommendations to the Commissioners.

10. Mr. William A. Badger, Deputy Secretary for the Department of General Services submitted copies of the lease agreement for the additional space occupied on the lower level of the Courthouse by District Court. The Commissioners requested that this letter be reviewed by the County Attorney and Mr. Sterling and report to the Commissioners as soon as possible.

11. A letter from Mr. John Baggett, Recreation and Parks, of November 22, 1972, in which he stated the term of office on the Recreation and Parks Board for Mr. James W. Henderson will expire on December 31, 1972. The Commissioners said they would make their decision at a later time as to whether they wish to reappoint him.

12. Letter of December 4, 1972 from Public School Construction Program requesting a representative to attend final review of state funds for school construction during fiscal year 1974 on January 18, 1973. The Commissioners will advise later.

13. Letter of December 6, 1972 from Waring Associates requesting a letter of no objection for their proposed sewage plant to be located at Breton Bay.

TAXPAYERS ASSOCIATION - Represented by

Mr. Alan Cecil
Mr. Claude Jarboe
Mrs. Marie Raley
Mr. James Dobry

Mr. Bowles requested Mr. Harris Sterling, Finance

Director; Mr. William Herbert, Assessment Supervisor; Mr. Joseph D. Weiner, County Attorney to attend this meeting.

The Taypayers Association presented the Commissioners with several questions:

METROPOLITAN COMMISSION - Mr. Jarboe asked the Commissioners what the commitment of the Commissioners is concerning the \$50,000 to the Metropolitan Commission. Commissioner Bowles explained that the Metropolitan Commission was in need of monies to use in making inspections and reviews outside the Mattapan Sanitary District. Commissioner Aud said the money would be paid be developers.

Also, Mr. Dobry said he did not agree with the use of military titles in the Metropolitan Commission when these people were civilians.

HARRY LUNDEBERG SCHOOL - Mr. Claude Jarboe asked about back taxes due the County from the Harry Lundeberg School in the amount of \$127,000. Mr. Sterling said work has been done to take them to court. The taxes that the school owes for before the school was exempted are for the years 1968 and 1969. Also Mr. Sterling said he did not know how far Mr. Wigginton had gotten on this matter. Mr. Dobry requested that action be taken. Commissioner Bowles said the Commissioners will request Mr. Weiner to re-review the case and give a report as to the status at this time and then the taxpayers association will be advised.

BOARD OF EDUCATION - Mr. Jarboe said he felt the Board of Education was "top heavy". Mr. Dobry commented that it could stand some "trimming" in the executive branch. Mr. Jarboe mentioned the cars used by the Board's executives. He thought that at their salaries they should be able to furnish their own transportation. Commissioner Guy said he thought the automobiles were probably totally funded by the State. Mr. Jarboe said he still objected. Also, Mr. Jarboe wanted to know if the County was responsible for the boys being bussed to the Naval Air Station for a couple of hours work. Commissioner Bowles said that was true but only for one year and then it will be paid for by the State. The cost is \$1,800. The Board of Education has an agreement with NAS to provide part-time employment for the boys. This could help prevent children from being drop-outs and could provide full-time employment. Mr. Jarboe said the Board of Education was always in the "red" and by law did the County have to make it up to them. Each year they carry this deficit over to the next year. Commissioner Bowles said that the County Commissioners only have authority over their supplementary budget and this was a legal question that Mr. Weiner would have to answer for them.

REVENUE SHARING - Mr. Jarboe inquired as to the use being planned for the revenue sharing funds and if it could be used to reduce the property tax rate. They were advised by the Commissioners

and Harris Sterling that the monies received to date would likely be placed in an interest bearing account and would be programmed for use in the next budget year. Also use of said money would be limited to permitted uses set forth in the guidelines developed by the U. S. Treasury.

ROUTE 235 - Mr. James Dobry requested some safety devices (blinking lights) on 235 in the construction area. Commissioner Aud said this request has been made to the State Highway Administration. Commissioner Bowles said another request will be made.

COUNTY ATTORNEY - Mr. James Dobry asked if a change had been made in the position of County Attorney. Each Commissioner spoke on the subject and expressed that they as well as Robert Wigginton wished the matter to be closed so we could get on with the business of running the County that would be in the best interest of the citizens of this County. Mr. Joseph Weiner also expressed this same desire.

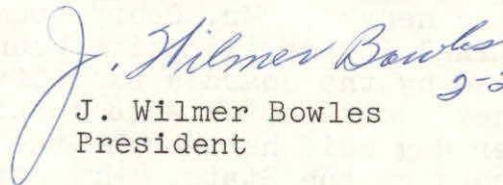
GRUBER AND CO.

Present: Mr. John Little, CPA, Gruber and Co.

Mr. John Little, representing Gruber and Co., appeared before the County Commissioners and submitted a recommendation consisting of work to be done in the Finance Office and approximate cost to perform said work.

The meeting adjourned at 4:30 p.m.

Approved,

 9-27-73
J. Wilmer Bowles
President