

Board of County Commissioners' Meeting

Tuesday, December 26, 1972

Present: J. Wilmer Bowles, President
George R. Aud, Commissioner
J. S. Guy, Jr., Commissioner
Joseph D. Weiner, County Attorney
Paul R. Raley, Administrative Officer
Viola M. Gardner (Mrs.) Admin. Asst. (Recording)
B. Harris Sterling, Director of Finance
John B. Norris, Jr., Assistant County Engineer
Patty Muchow, WPTX
Jack Kershaw, The Enterprise
Christie Selph, St. Mary's Beacon
Dick Myers, WKIK

The meeting came to order at 9:35 A.M.

Piney Point Subdivision Road

Mr. Lee Fridell of the State Highway Administration Garage, called Mr. Paul R. Raley, Administrative Officer, to inform him that the pipe had been purchased for installation of the drainage ditch parallel to said road, running in an easterly direction from State Route 235, and being on the most southerly side of said road. Mr. Fridell discovered that there were five (5) inlets that would have to be put in, in order to properly do the work. The State Highway Administration was quoted a price of \$4,000 for building the five (5) inlets. This information was given to the County Commissioners, who informed them to hold up on the work as they wanted to discuss it. Mr. Fridell had received a call from Mr. John B. Norriss, Assistant County Engineer, in early December, to proceed with the work and have it completed before Christmas. Mr. Fridell needed authorization from the Commissioners to proceed with the work.

Mr. Fridell stated he could not lay the pipe without filling in the ditch at the same time; also the five (5) inlets would have to be built by a contractor and not by the State Highway Administration.

This project had been agreed to by Mr. Aud and Mr. Guy, however, in view of this new cost figure, Mr. Guy wishes to reconsider his support of the project.

Scheduled Meeting at Leonard Hall School

Mr. Paul R. Raley advised the Commissioners of the telephone call from Rev. Daniel Stone to confirm the meeting with Brother Ed at the Leonard Hall School to inspect the building for possibility of renting

any excess or unused space. The meeting is set for January 4, 1973 at 1:00 P.M. Rev. Stone would like to know if the date and time are convenient for the Commissioners.

The Commissioners requested Mr. Raley to inform Rev. Stone that the date was convenient and to also notify Mr. Joseph Carter, Brother Ed and the others of this meeting.

Proposed Teen Center

Mr. Paul R. Raley read to the Commissioners a letter from Mr. John W. Eaton of the Lexington Park Jaycees, in which he expressed the wholehearted support and cooperation of the Lexington Park Jaycees for the "Teen Center" to be located near Lexington Park.

Confiscated Cars

Mr. Paul R. Raley reported to the Commissioners that he has prepared a list of confiscated cars, but it is not yet complete. The list contains only the cars for which titles have been received. The State's Attorney is holding six (6) cars at the present time awaiting court action. He did call the State's Attorney on one case and will meet with him in order to complete the list.

Mr. Paul R. Raley said he has notified the Board of Education of the availability of the four (4) cars for which no bids had been received. They are as follows:

- 1963 Oldsmobile, Serial No. 632W02543
- 1965 Ford, Serial No. 5F07F205384
- 1965 Chevrolet, Serial No. 164375Y197228
- 1968 Pontiac, Serial No. 242378P258175

These cars will be inspected by the Board of Education.

The Commissioners unanimously agreed to withhold action on the four (4) cars that were advertised for bids, until hearing from the Board of Education.

Phone in Courtroom for Judge Mattingly

Mr. Paul R. Raley informed the Commissioners he would check with Judge Mattingly about the placement of the phones in the Courtroom as soon as the Judge is available for appointment.

St. Andrews Landfill Tool Shed

Mr. Paul R. Raley presented two (2) bills from the

Mechanicsville Building and Supply in the amounts of \$311.71 and \$11.95, respectively. These bills were for materials for a shed erected at the St. Andrews Landfill for the Caretaker.

Hewitt Road

Mr. B. H. Sterling, Director of Finance, reported on a letter he had received from the State Highway Administration regarding costs of construction of Hewitt Road. It would cost an additional \$3,950 to complete the work.

Mr. Bowles stated there was a request for landscaping back in the Fall. It was brought to the attention of the County Commissioners that erosion control work and seeding had to be done. Mr. Day of the State Highway Administration informed Mr. Sterling, by telephone, that the money requested was needed for construction work. Mr. Sterling had been requested by the Commissioners to find out what construction work had to be done and the remaining money in the budget for said road work.

Auditing for Embezzlement Case - State vs. Travis

Mr. Sterling requested the Commissioners' approval of a bill for auditing of records by Colvin, Burroughs and Cooke in reference to a case in District Court (State vs. Travis).

The State feels that this is County expense, and the District Court Judge said that it is a County expense.

The Office of the State's Attorney gave the State Troopers permission to have this firm do the auditing.

Mr. Bowles asked Mr. Sterling if he had received an opinion from the former County Attorney, Mr. Robert E. Wigginton, on this matter. Mr. Sterling replied he had not. The Commissioners instructed Mr. Sterling to have Attorney Weiner check this out.

Expense Account for Assessor

Mr. B. H. Sterling reported to the Commissioners that Mr. William F. Herbert, Supervisor of Assessments, informed him that the new Assessor, Mr. Andrew J. McWilliams, will go on the road and will be entitled to an expense account of \$1,500 per annum. He will only be operating one-half year, so the amount will be \$750. This amount is in the budget for one-half year. The Commissioners unanimously approved this expense.

Additional Men for Sheriff's Department

Sheriff Lawrence Williams had requested four (4) additional men for the jail. Mr. Sterling reported that the Sheriff has not completed the investigation requested by the Commissioners.

Request to Invest Monies

Mr. B. H. Sterling informed the Commissioners that he had additional money for investment. The amount would be about \$1,400,000. This money is presently in the General Fund and was derived from previous investments. It includes Road money and General Fund money. He can get bids within three or four days, perhaps a week at the most.

The Commissioners were in accord with this recommendation. Mr. Bowles requested Mr. Sterling to get the bids by Thursday morning, at which time he would be present for the bid opening and would contact Commissioners Aud and Guy by phone for a decision.

Mr. Bowles requested that in the future Mr. Sterling give the Commissioners a two-weeks' notice whenever he has certificates coming due on money to invest.

Recreation and Parks Department
Amphitheatre

Mr. B. H. Sterling discussed with the Commissioners, Mr. Baggett's proposals for the Amphitheatre. Mr. Sterling stated he had spoken to Mr. Baggett on the procedure with regard to the money being given by the Bay District Council.

Mr. Bowles stated this money for the Amphitheatre should be deposited with Mr. Sterling. It was moved by Mr. Guy that the Bay District Council deposit \$8,575 with the Director of Finance, to be used for the Amphitheatre at Great Mills; seconded by Mr. Aud. Motion unanimously carried.

Department Head Policy - Submission of Expenditures

The Commissioners requested Mr. Sterling to send a memorandum to Mr. Baggett, Mr. John B. Norris, Jr., and any other agency head who planned to present to the Commissioners a subject involving the use of money, informing them that they should submit to the Director of Finance a preliminary report of the project and the amount of money that would be needed, in order for the Finance Officer to advise the Commissioners as to the availability of money in the budget and they in turn would be in a better position to make a more intelligent decision without going into research after the fact.

Press Discussion

At this point Mr. Guy stated that this was an excellent opportunity to discuss this matter with the Press. Figures and prices related to land acquisition and/or rental of property are openly discussed in the Commissioners' meetings. He felt this should be kept confidential until such time as the Commissioners had made their decision.

Christie Selph of St. Mary's Beacon, stated the Commissioners should inform them when a matter is "off the record".

Most of the news media present consented to follow the request of the Commissioners with reference to their reporting.

Right-of-Way Acquisitions - St. Andrews Church Road

Present: Mr. John B. Norris, Jr., Asst. County Engineer

Mr. Norris informed the Commissioners of what had to be done with respect to securing the right-of-way for St. Andrews Church Road.

Marcella C. Benson - Mrs. Benson lives in Baltimore. The common deed, which utilizes a center line description of the proposed road, must be mailed to her for her signature.

Robert and Lorraine Hall - Mr. and Mrs. Hall live in Norfolk, Virginia and the same deed will have to be mailed to them for approval. Mr. Hall has been contacted by telephone and he did not indicate any opposition.

James and Angela Ryan - They live in California and the same deed will have to be mailed to them, and Mr. Ryan has been contacted by telephone and did not indicate any opposition.

Dwight and Zelda Stone - Mr. Stone has been contacted several times, but Mr. Norris has not as yet been able to obtain his signature on the deed. Mr. Stone does not want to see the road built, but has indicated that he will cooperate with the County. Mr. Norris expects to finalize with Mr. Stone this week.

Larry Keen - Mr. Keen lives on Bellwood Lane in St. Andrews Estates and has just sold his property to a Navy Lieutenant, who presently resides in Spain. When the sale has been finalized and the Lieutenant returns to the States, Mr. Norris will contact him.

Edward and Myrtle Abell - The County has an option to buy Mr. Abell's property for \$1,600. This is based on 26,950 square feet at

\$2,500 per acre. It is a 30-day option and it was executed on December 19, 1972. The Commissioners unanimously agreed to exercise the option of Mr. and Mrs. Abell in the amount of \$1,600.

Harry B. and Mary C. Abell-Mr. Abell has a rental home that after reconstruction of the road will be six to ten feet off of the bank of the road. He is losing a strip of land approximately ten feet wide along the entire length of his property. The County has a 30-day option, which expires January 22, 1973, to buy this property at a cost of \$7,000. This is based on \$6,000 for damages to the home and \$1,000 for the land, which is to be conveyed. The home would remain where it is. To relocate the home would cost a minimum of \$4,000.

Joseph A. and Alice M. Waldschmidt-He lives in Potomac, Maryland, and Mr. Norris has made an appointment with him to discuss the right-of-way alignment through his property.

Kinsey W. and Mary Ellen Burke-There are five trailers which will have to be relocated. Mr. Norris stated that Mr. Burke and he have not been able to reach a reasonable agreement.

Lawrence B. Combs-Mr. Norris stated he will again talk with Mr. Combs relative to the right-of-way alignment. Mr. Combs has had problems in dealing with right-of-way personnel from the State Highway Administration. Mr. Combs has been to date fairly beligerent in his discussion with Mr. Norris.

Leonard C. and Gladys Dement-The largest amount of land to be taken for the road will be from the Dements, approximately 36,300 square feet. The Dements have asked that one, the County not utilize the road bed crossing of their marsh for any recreational purpose, and two, would they be legally liable if someone should get hurt in the vicinity of the marsh. Commissioner Guy assumed that as long as "No Tresspassing" signs were installed they would have no liability and asked Mr. Norris to confirm this with our Attorney. Commissioner Bowles requested Mr. Norris to develop necessary answers to formally reply to Mr. and Mrs. Dement's questions.

Agnes Abell-Mrs. Abell has a trailer that will have to be relocated. Tax records show that she has 3/4 acres of land. There are two trailers on the property. One belongs to Agnes Abell, one to her daughter. In order to meet County Health Department regulations and place the trailer so as it would not be under the high tension line of the electric company, the County will have to acquire additional land and install a sewage disposal system. The surface well must be 100 feet from the septic system. \$900 will purchase the additional property. It was unanimously approved by the Commissioners to proceed on this contingent upon obtaining an adequate perc test.

Said test was to be conducted today.

Commissioner Aud inquired as to where the project stood with respect to meeting State approvals. Mr. Norris indicated that he was meeting with Mr. Tate, District Engineer, SHA, in the coming week and would have additional information after that meeting. Mr. Norris requested assistance from Mr. Thomas L. Cryer, County Inspector, to obtain signatures.

Attendance at Work Shop

Mr. John B. Norris, Jr., informed the Commissioners that the Practicing Law Institute will conduct a series of workshops in New York January 19 and 20, 1973, on problems that St. Mary's County is now experiencing. He would like to attend. The registration is \$135. The transportation and lodging approximately \$160 for a total of \$295. Joseph E. Bell, Attorney for the Planning Commission would attend. His cost would be \$235. No transportation cost would be involved for him. It was moved by Mr. Aud that Mr. Norris and Mr. Bell attend the workshops; seconded by Mr. Guy. The motion was unanimously carried.

Mr. Sterling was asked by the Commissioners what account would be charged for this expense. Mr. Sterling said it would be charged to County Operating Expenses. It was moved by Mr. Aud that the money be charged to this account; seconded by Mr. Guy; Motion unanimously carried.

Conveyance of Land to State Police

Mr. Bowles stated that the Commissioners told the State Police they would convey four (4) acres of land at the intersection of Route 5 and Wise-St. Andrews Road to them for construction of a barracks. The State Police need a letter of intent. Mr. Wigginton was to write the letter and confirm the willingness of the Fair Board. The Commissioners requested Mr. R. Paul Raley to determine the status of this matter and report back to them.

Assessment Appeals Hearings

Mr. Frank G. Corder requested a hearing before the County Commissioners for new assessment on land. The secretary is to send the necessary forms.

The Commissioners set January 16, 1973 as date for Assessment hearing for Mrs. Fay Rathbone. This date is to be confirmed with the Supervisor of Assessments before notifying Mrs. Rathbone.

Housing Authority-AICUZ

The County Commissioners were in receipt of a letter of December 20, 1972 from Captain T. J. Kilcline of the Naval Air Station, with reference to the proposed 40-unit low cost housing development of the

St. Mary's Housing Authority being within the AICUZ noise area of the Naval Air Station. Capt. Kilcline stated he did not feel that it is in the Navy's or the County's interest to build these units of housing at this location. Flight patterns and noise levels in close proximity with residential areas invariably result in an unhappy community relationship.

In his letter Capt. Kilcline stated it would be advantageous to the Navy and the Community for a Navy representative to be appointed to the Planning Commission.

Commanding Officer Naval Air Station
Appointed to Commissions

It was moved by Mr. Bowles that the Commissioners appoint the Commanding Officer or his designee as a non-voting member of the Planning Commission, Economic Development Commission, St. Mary's County Airport Commission and the St. Mary's County Metropolitan Commission, and that a letter be prepared and sent to the Commanding Officer, Captain T. J. Kilcline, notifying him of this action; seconded by Mr. Guy; The motion was unanimously carried.

Since Admiral Thurston B. Clark, of the Metropolitan Commission was present for another matter, Mr. Bowles asked if he had any objections to a Navy representative serving in a non-voting capacity on the Commission. Admiral Clark replied that he would be delighted to have a Navy liaison person.

Services Performed by David M. Gruber and Company

Present: Mr. David M. Gruber, David M. Gruber & Co.
Mr. John Little, David M. Gruber & Co.
Admiral Thurston B. Clark, Metropolitan Commission

Mr. Gruber stated he asked for an appointment with the County Commissioners in order to present, personally, his reply to their letter of December 12, 1972. He distributed copies of his letter of reply and then read it. The letter is on file in the Office of the County Commissioners.

Mr. Gruber stated he specifically underlined the work "their" in his letter, as his Company has never made any decisions for the County Commissioners or Metropolitan Commission. The only additional comment he could add to this, is with regard to the proposal that Mr. John Little submitted to the Commissioners on December 11, 1972. He felt that the services they are rendering are compatible with their other duties, but they did need clarification for them to proceed in an orderly manner to do what the Commissioners wished

them to do.

Mr. Gruber indicated he saw no conflict to all of the services that they provide the Metropolitan Commission, for which the Metropolitan Commission pays them, and the County Commissioners paying them in turn to audit the Metropolitan Commission's books.

Mr. Gruber stated that to begin with, "their functions as professional CPA's is more than to see that a person is recording debits and credits. We do not handle the Metropolitan Commission's money and do not make decisions for them. Some of our analyses or projections and other things have been helpful to them, and in terms of auditing, we think we have called the shots right down the middle, just as they should be. The Audit Report is directed to the Metropolitan Commission and County Commissioners, and if for any reason any of you are uncomfortable because of that arrangement, we do not want to cause you any embarrassment, and again we would have been the first ones to come to you".

Mr. Gruber stated that he and Mr. Little have been practicing for many years, and if it is embarrassing to the Commissioners, the County should get someone else to do the auditing of the Metropolitan Commission's records.

Mr. Bowles stated that the County Commissioners employed an independent auditor to audit the Metropolitan Commission's books, and that is what the David M. Gruber and Company was employed to do. He did not know who was doing their financial work prior to that time.

Admiral Clark stated they did not require it prior to this. Their contracts were cut and dried. When inflation raised its head, they felt they needed financial advice, and the proper person to go to was the person doing their financial work, and he did not know who raised the question.

Mr. Bowles informed him that it was the people of St. Mary's County.

Mr. Guy inquired of Mr. Gruber if they would like to continue with the Metropolitan Commission in a management-consultant capacity, to which Mr. Gruber replied, "yes".

Mr. Gruber stated, "the words 'management service' get used rather loosely, and could include a wide scope of tasks, and perhaps has been used in this capacity rather loosely. It is up to them if they see they do not need us any more. This is the way we make our living. We do not want to force ourselves into a client relationship where these people do not want to be our clients. To the extent the Metropolitan Commission wants us to do these things for them, we could

help them. If the Commissioners feel uncomfortable in any way about our doing the auditing, we feel you should get another Auditor".

Mr. Guy inquired, as far as the County goes, does Gruber & Company want to remain as Auditor? Then by July 1 they would cease doing Management-Consultant services for the County.

Mr. Gruber suggested we talk about this matter. He said, "no one knew better than the County Commissioners that his firm has developed facts and figures they sometimes agreed with and sometimes did not. They are to respond to the needs of their clients so that they can make their decisions. They have done other special tasks for the County, except for one occasion. We did come to the County Commissioners and state that we thought there were some numbers being "kicked" around here that are not proper numbers, and we would like to take a look at these. Unfortunately, that has been interpreted in many different ways. Where we have done other tasks for the County, we have done them at the request of the Commissioners. We could call them Management Services, but they are very closely related to the matter of finances. Management Services, broadly defined, gets into all these. As far as the proposal, John submitted, we feel we are competent to do that". Mr. Gruber went into detail to explain the proposal, which is on file in the Office of the County Commissioners.

No decision was made at this time regarding the status of the firm.

Housing Developments - Rural County Roads

Present: Mr. John B. Norris, Jr., Asst. County Engineer

The County Commissioners drafted a letter to be sent to the Office of the County Engineer regarding the policy adopted this date concerning the economic impact of housing developments on County roads.

A copy of this letter is to be sent to the local Health Department, Soil Conservation Service, Planning Commission and Metropolitan Commission. The Office of County Engineer is to make a detailed analysis of this problem and report within twelve (12) months or less to the County Commissioners.

Status of David M. Gruber & Company

The County Commissioners unanimously agreed to employ a new auditing firm to audit the records of the St. Mary's County Metro-

politan Commission. A letter so advising is to be sent to David M. Gruber and Company.

New Budgeting Proposal - David M. Gruber and Company

Mr. Gruber and Mr. Little returned to the meeting of the County Commissioners.

Mr. Gruber suggested they discuss Mr. Little's letter of December 11, 1972, as he and Mr. Little felt this should be done for the proposal to be tailored to the needs of the Department Heads.

Mr. Bowles inquired if the County would be in a better position to go into Budget Hearings this year than they were last year.

Mr. Little informed the Commissioners that nothing had been done on the budget. They had only worked on the School Board Budget. He felt that the proposal gave the additional information needed.

Mr. Gruber stated they would not be in any different position than they were last year.

Mr. Guy asked if their proposal of December 11th included any changes for Budget Hearings. Mr. Little replied that it did; and that at this point he would be preparing budget outlines and working with Mr. Sterling.

Mr. Gruber stated they would go into Budget Hearings under the old system, but would be better prepared and have more information. Mr. Little read part of the proposal.

Mr. Bowles inquired if they would need a Budget Officer in addition to Mr. Sterling, the Finance Director, should their proposal be accepted.

Mr. Little stated until they can go through the period and see the type of budget that is to be developed, he could not answer that. He stated further, looking at the duties of the Administrative Officer under the Charter, some of these jobs can be put together under the Commissioner form of government, and for him to sit there and say you are going to need a full time Budget Officer would be a mistake. It might end up by saying you need a Budget Officer for six months of the year and work in some other capacity for the other six months of the year.

Mr. Gruber stated that somewhere along the line they would be talking about one or two more people. He continued, "It really has

to be a tailored kind of thing. You certainly show an expansion for the need of people or a person. I think we are communicating on that point of financial control, and again, we appreciate your taking the time in your heavy schedule to meet with us. We would be the first one to recommend where things are not in order. We want you to tell us what you want us to do and what you don't want us to do".

The County Commissioners thanked Mr. Gruber and Mr. Little for their presentation.

Watershed Site #1

Present: Mr. John Hall, Soil Conservation Service
Mr. John B. Norris, Jr., Asst. County Engineer
Mr. John V. Baggett, Recreation and Parks

Mr. Hall, the spokesman, stated they had come to discuss the acquisition of the remaining land. They have everything except two properties - the Allan Owens property and the Jones heirs tract.

Mr. Owens is ready for signature. Mr. Owens stated he would come in to see Attorney Weiner. He indicated he did not want the check until after the first of the year.

Mr. Hall said Attorney Weiner had written the Jones heirs a letter last week. They have not been able to reach any agreement with them. Also, they have not as yet received the flow easement from D. C. Paper and Pulp Company, which was sent to them.

Mr. Bowles stated it looked like they were on their way and would be meeting the deadline date.

Mr. Hall felt this was true if they could just get the Jones family squared away. The way it is set up at this point, the Federal Government's money is waiting in the coffers of the State Office and is earmarked for this project to be tied down by the end of June. However, the representative of the State has said unless there is absolute certainty that things are such that he can commit it by contract, he will have to release the money and let someone else have it. The Jones heirs are the only ones that need to be resolved, and must be resolved by February 15, or March 1st, 1973.

Mr. Aud inquired as to where all of them lived, and Mr. Hall stated Randlestown, Mrs. Dorsey is one of the actual heirs and stated that some of her brothers and sisters wanted more money.

Mr. Hall informed her that unless they let him know what they wanted, he could not do anything.

Mr. Aud stated that Mr. Weiner should write them that he is going to file condemnation proceedings.

Mr. Bowles requested Mr. Hall to contact Mr. Weiner or Mr. Davis and inform them of the deadline date, and if the attorney does not receive a letter from the Jones heirs within a reasonable length of time, to file condemnation proceedings. Mr. Weiner is to have a clear understanding as to the deadline date so he will not feel he has more time than he has.

Mr. Aud stated that they have to have 100% cooperation, and Mr. Hall confirmed this.

Mr. Baggett stated that \$50,000 was available from Open Space, and in order to get this money, the title to the land must be in the hands of the County.

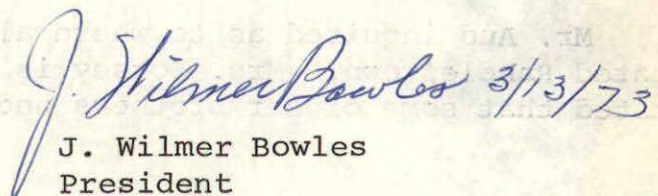
The Department of Forests and Parks stated that the County could not turn the property over to the State, but could lease it to the State. He did not know whether the Department of Natural Resources would permit them to lease it over on a long time basis. If they cannot deed it to the State, he will have to get together with the County Attorney.

Mr. Hall informed them that the Work Plan must show what is going to happen before they sign the Agreement. The hope is that by February, we will have the land rights and then sign the Agreement and 60 days after that sign the Contract. Sixty days after the contract is signed, we have to have a Work Plan. If the County is going to lease the land to the State, we have to amend the Work Plan according to a letter of December 20, 1972 from the Dept. of Agriculture.

Mr. Guy inquired as to what it takes to amend the Work Plan. Mr. Hall stated it is not mentioned. He would have to check on this.

Mr. Baggett stated he would start working on how to deed it over to the Department of Natural Resources, and if that will not do it, then he and Mr. Hall will work it out with the County Attorney, Mr. Joseph Weiner, for a long-term lease.

Meeting adjourned at 5:40 P.M.

 3/13/73
J. Wilmer Bowles
President