

BOARD OF COUNTY COMMISSIONERS MEETING

Tuesday, February 20, 1973 and February 21, 1973

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

Also present were Jack Kershaw, Enterprise; Patty Muchow, Beacon; Dave Fox, WPTX; Dick Myers, WKIK.

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

READING OF MINUTES

The minutes of the special meeting on the emergency repairs to the Tall Timbers seawall on January 25, 1973 were read and corrected.

The minutes of the meeting of January 30 and 31, 1973 were read and corrected.

The minutes of the special meeting of February 2 on the Solid Waste Plan were read and corrected.

COOLING TOWER - CIVIL DEFENSE

Present: Mr. Otis Wood, Acting Director for Civil Defense

Mr. Wood stated that last week the Engineer from Dunham-Bush came to look at the air conditioner unit in the office of Civil Defense, which has not been working efficiently in the past. Presently, there is a 20 ton air conditioner unit with a 15 ton cooling tower. Due to the space restriction, the engineer recommended a closed circuit cooler instead of an open air tower at a cost of \$5,000. Mr. Wood said he would like to include an automatic draft for the furnace. Mr. Wood said he could apply for matching funds from the federal office of Civil Defense which would be 50%. The County would pay the other 50%. Mr. Wood said he would like to have the work done before the cooling season. It would take a minimum of two months for completion. John Norris, Assistant County Engineer, had reviewed the brochure on the air cooling system and agreed with it. Mr. Wood is to write a letter officially requesting the funds.

ONE-WAY GLASS PANEL FOR CIVIL DEFENSE

Present: Mr. Otis Wood, Acting Director for Civil Defense

Mr. Wood said the State Policy recommended that the County purchase at least one panel of one-way glass for the line-ups in the conference room in the Civil Defense Office. This glass would cost approximately \$65 to \$70. Mr. Wood stated this could be a budget item for next year's budget.

METROPOLITAN COMMISSION

Present: Admiral Thurston Clark, Director )  
 Mike Marlay, Executive Assistant )  
 John Pleisse, Attorney )  
 George McWilliams ) Metropolitan Commission  
 John Barlay )  
 Edward Clark, Bond Counsel )  
 Francis Taylor, Director )  
 Julius J. Finnacom, Director )  
 John Little, CPA )  
 Jim Kenney, Counsel )

Joseph Weiner, County Attorney

Mr. Edward Clark stated he would like to bring the Commissioners up to date in connection with the Metropolitan Commission financing so the Commissioners would know what their intentions are. Mr. Clark said the Metropolitan Commission planned to issue two bonds in the future. He stated that it was next to impossible to issue bonds where any litigation exists that would affect these bonds. One bond will be to complete the borrowing of money from HUD to go ahead with the water system on Route 235. The other bond would be on the purchase of the Patuxent Water Company. The combined total for the two bonds would be \$1,275,000. Mr. Clark stated he would like the backing of the County on these bonds. Mr. Clark said the water and sewer bonds are issued on the faith and credit of the County. Individuals who use the services pay for the services and this is what it would be in this case. As far as payment of principle and interest, the bonds have been self-supporting since the beginning and have existed since October 1970. Mr. Clark further stated that this information was to apprise the Commissioners of the situation before the formal documents are presented to the Commissioners.

Commissioner Bowles requested a letter from the Metropolitan Commission with the correct figures for the bonds and identify the proposed projects; also the money on hand for projects that have not been awarded. Mr. John Little said he would submit these figures to the Commissioners in ample time before the documents are presented to them.

WATERSHED PROJECT - SITE 1

Present: Joseph Weiner, County Attorney

Commissioner Bowles explained to Mr. Weiner that following the meeting with the Soil Conservation Service and the Commissioners on February 9 that he accompanied John Hall to the Owens property on Monday, February 12 and walked the take line which had been staked out on Mr. Owens property with Mr. Owens. The new line would take some of Mr. Owen's tillable land and it would take away all of his water supply for his livestock (hogs and cattle). It would also take away his gravel pit. Mr. Swecker from the County Extension Office met with Mr. Owens on February 14 to give Mr. Owens advice on making arrangements for a water supply



for his livestock. His fence enclosing his cattle and hogs would have to be relocated. Commissioner Bowles said Mr. Owens advised him on Monday, February 19 that he would agree to sell the additional five or six acres to the County provided he was paid \$1,000 per acre which would include damages for the loss of his tillable land and gravel pit and relocation of his fencing plus \$1,600 for damages and replacement of his water supply, which would be a pump, pump house, and electricity to the pump house. Commissioner Aud made a motion to buy this land from Mr. Owens for \$1,000 an acre and the \$1,600 for damages and replacement of the water supply. Commissioner Guy seconded the motion and Commissioner Bowles made it unanimous.

Commissioner Bowles said Lorenzi and Dodds will have to make a survey for the deed description. Paul Raley is to inform John Hall that the Commissioners have agreed to purchase the additional property from Allan Owens in accordance with the new take line established by the SCS survey team. Mr. Hall is to obtain a survey of metes and bounds description of sale line and provide same to Mr. Weiner, County Attorney for preparation of the deed on or before the last day of February 1973.

#### HARRY LUNDEBERG SCHOOL TAXES

Present: Mr. Joseph Weiner, County Attorney

A telephone call was received during the meeting from Mr. Albert Ward, Director of the Maryland Tax Assessment Office requesting the Commissioners attendance at the hearing on the abatement of 1968-69 personal property taxes of Harry Lundeberg School. Mr. Weiner explained that Mr. Joseph Kauffman, attorney for the Harry Lundeberg School suggested the Commissioners attend. Mr. Weiner had suggested to Mr. Kauffman that Mr. Ward should request the Commissioners' attendance.

Mr. Ward is to be advised that Mr. Weiner and Commissioner Guy will be in attendance at the meeting in his office on Friday, February 23, 1973 and also if possible, Commissioner Bowles and Aud will attend.

#### BILLS APPROVED

University of Maryland Extension Service for appropriated funds in the amount of \$13,041.84.

Guy Brothers Marine, Inc. for a Homelite Chain Saw for State Highway Administration in the amount of \$174.

#### LEONARDTOWN GULF BILL

A bill was received from the Leonardtown Gulf for storage and towing of the confiscated 1969 Mustang from October 28, 1971 to February 2, 1973 in the amount of \$971.20 less discount of \$61.20 making it a total of \$910. Commissioner Guy made a motion to pay this bill. Commissioner Bowles seconded the motion. Commissioner Aud declined stating he felt the County Government should be given a reasonable discount.



ST. MARY'S COLLEGE INTERNSHIP PROGRAM

Present: Mr. Harris Sterling, Finance Director

Mr. Sterling discussed the internship program at St. Mary's College which he had been requested to review. Mr. Sterling said the County had limited space and limited time needed for training the students. By not doing the job properly, the County may jeopardize the entire program even though it is a worthwhile program. Mr. Sterling recommended that the County not participate.

Commissioner Bowles requested Mr. Sterling to write a letter to the College stating we are in favor of the program but we could not adequately service the program and giving the reasons (lack of space and personnel).

EMPLOYMENT CONTRACT FOR EDWARD COX

Present: Mr. Harris Sterling

Commissioner Bowles stated John Slade, attorney member of the Youth Commission had forwarded the Employment Contract for Edward Cox, Executive Secretary, Youth Commission. Commissioner Bowles said he had reviewed the Contract and the other Commissioners and Harris Sterling should review it.

PROPERTY LINE - LIBRARY PLACE AND EAST KEY WAY

Commissioner Bowles stated he had met with James Mattingly in connection with the property line and Mr. Mattingly agreed to remain with the original line.

RESOLUTION ON ABORTION

Paul Raley submitted Resolution No. 73.3 against abortion for the Commissioners' signatures. Commissioner Aud made a motion to sign the Resolution, Commissioner Bowles seconded the motion. Commissioner Guy stated the Resolution was rather strong and he objected to the reference to euthanasia and the reference to the retarded, aged, etc. However, Commissioner Guy did agree to sign the Resolution.

COMMISSION ON AGING

A letter was received from Elinor Peabody recommending John G. Norris (Capt., U. S. Navy, Ret.) to fill one of the two vacancies on the Commission on the Aging.

KITTS POINT

A letter was received from Stanley L. Holmes, Attorney for Victor Reynolds, developer of Kitts Point project asking if the Commissioners were close to a decision concerning the project. The Commissioners will review the Kitts Point file Tuesday, 1:30, February 27.

BOARD OF LIBRARY TRUSTEES

Mrs. Holger Jansson has accepted appointment to the Board of Library Trustees.



CASSETTE PLAYER FOR HISTORICAL SOCIETY

Paul Raley stated that Mr. Robert Pogue was interested in purchasing a cassette-type player for the Historical Society costing \$145 for the player and \$30 for the cartridge, \$15 for each additional cartridge. WKIK has offered to prepare the tapes to be submitted to a professional company for completion. Commissioner Guy suggested this request should be submitted as a budget item for next year's budget. Paul Raley is to advise Mr. Pogue of this decision.

LETTER FROM JOSEPH ERNEST BELL, II

Present: Harris Sterling, Finance Director

A letter was received from Joseph Ernest Bell, II concerning an error he made in recording Clerk of Court Receipt #15146. Due to this oversight he had paid an additional \$5 in transfer tax and \$6 in revenue stamps. Mr. Bell requested reimbursement for this overpayment. Mr. Sterling is to verify this information.

RAILROAD RIGHT OF WAY

Letter from GSA enclosing the Deed of Easement and Agreement consenting to the construction and maintenance of the pipe line crossing the railroad right of way. The Deed is between St. Mary's County, Southern Maryland Electric Cooperative and the Stuart Investment Co.

CONFISCATED CARS

The three confiscated cars we have titles to are: 1967 Ford Club Wagon, Serial No. E21GHF30198; 1967 Volkswagon, Serial No. 117039050; and 1972 Dodge Van, Serial No. B11ABZ605845. Paul Raley said Sheriff Williams would like to include a Crime Lab in his next budget and therefore, would like to have the Dodge Van for this purpose. Paul Raley is to proceed with advertising the other two cars (1967 Ford Club Wagon and 1967 Volkswagon) for sale on the radio stations and the newspapers.

REGISTER OF WILLS OFFICE

Present: John Norris, Asst. County Engineer

In connection with moving the Alcoholic Beverage Board to the outer office of the Register of Wills, a new doorway would have to be made to the Register of Wills Office next to the steps to District Court and panelling installed to separate their office from the Alcoholic Beverage Board Office. John Norris stated it should cost approximately \$300 to \$400. Commissioner Guy made a motion to approve this work. Commissioner Aud seconded the motion and Commissioner Bowles made it unanimous.

HUMAN RELATIONS COMMISSION

Paul Raley stated that Peter McGuckian, who resigned from the Commission represented the Board of Education. He is to write the Board of Education requesting recommendations for replacement of



Mr. McGuckian to be submitted to the Commissioners for making an appointment.

RECREATION AND PARKS

Present: John Baggett, Director

P.A. SYSTEM - Mr. Baggett requested that he be allowed to purchase a P. A. System and record player for the roller skating program. He said the funds could come from his self-sustaining budget. Mr. Baggett estimated the cost to be approximately \$750 to \$950. Mr. Baggett is to get prices for the equipment prior to the Commissioners' approval.

HERMANVILLE RADAR GAP SITE - Mr. Baggett stated he received a letter from Capt. Weir, Public Works Officer, NAS stating the Navy had taken all accountable equipment from the site. Mr. Baggett would like authorization from GSA to have the rest of the equipment removed but has not heard from them as of yet. Mr. Baggett stated he would write to GSA to see what could be done.

ST. ANDREWS CHURCH ROAD - RIGHT OF WAYS

Present: John Norris, Assistant County Engineer  
Joseph Weiner, County Attorney

John Norris stated several proposals have been made to the St. Andrews Episcopal Church in order to acquire the property. Mr. Norris said if the project is shortened from Rte. 235 to the Church, it would require all property owners affected to signed a new deed. The original deed was a center line description.

Mr. Norris said relocating the road would affect other property owners in the area. Also the State would not like the alignment but may go along with it. It would take a matter of two or three weeks getting the signatures on the new deed. Mr. Norris said time is very important and that they had a maximum of two weeks to get the right of ways in order not to jeopardize the project.

Mr. Weiner said he would find out by tomorrow whether the Church property can be condemned.

Mr. Norris asked if it would be worthwhile for the Commissioners to meet with the vestry of the Church. He said he would get in touch with the members of the vestry and arrange a meeting for tomorrow.

All Commissioners agreed to condemnation of the property if negotiations failed.

STATE PLANNING COORDINATING COMMITTEE

Present: Mr. John Norris, Asst. County Engineer

Mr. Norris stated he received a letter from Maryland Department of State Planning stating the next meeting of the State Planning Coordinating Committee will be held on Wednesday, February 28, 1973 at 10:30 at the State Office Building in Baltimore.

ECONOMIC PLANNER FOR ENGINEER'S OFFICE

Present: Mr. John Norris, Asst. County Engineer

Mr. Leonard Elenowitz, Director of Community Development, has been unable to supply Mr. Norris with any resumes for economic planner. However, he may be able to send one in a couple of weeks. The gentleman is presently working with Mr. James Redmond, Charles County Planner. Mr. Norris is to contact Mr. Redmond to inquire about the qualifications of this man.

HYDRAULIC EXCAVATOR

Present: John Norris, Asst. County Engineer

Mr. Norris stated the representative from Drott Cruz-Air will be at the State Roads Thursday, February 23 to demonstrate the hydraulic excavator to the State Highway Administration. The cost would be approximately \$36,000. The Commissioners were invited to the demonstration.

MODEL WD, AC MOTOR GRADER

Present: John Norris, Asst. County Engineer

Upon the recommendation of John Norris, the Commissioners approved the advertising for public sale by bid the four Model WD, AC Motor Graders. The equipment is considered obsolete by the State Highway Administration.

The meeting recessed at 5:15 p.m.

Wednesday, February 21, 1973

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

Also present were Jack Kershaw, Enterprise; Patty Muchow, Beacon; Dick Myers, WKIK.

There were no morning appointments scheduled due to the fact that the Commissioners attended the AICUZ briefing at the Naval Air Station.

The meeting came to order at 1:45 p.m.



REPUBLICAN CENTRAL COMMITTEE

Present: Margaret Flannigan, Chairman  
Dorothy Bracken

Mrs. Flannigan and Mrs. Bracken came before the County Commissioners to discuss appointments to various committees in the County. They were requested to update their list of names from the Republican Central Committee who would be interested in serving on various committees.

MEMORANDUM OF AGREEMENT - TRI-COUNTY COUNCIL

Commissioner Aud made a motion to sign the Memorandum of Agreement dated February 13 from the Tri-County Council authorizing Mr. Angelos C. Demetriou to prepare planning documents for St. Mary's County with regards to comprehensive planning services. Commissioner Guy seconded the motion and Commissioner Bowles made it unanimous.

WALDEN COUNSELLING CENTER

Present: Edward Cox, Executive Secretary, Youth Commission  
Brother Farrell

Brother Farrell briefed the Commissioners on the Walden Counselling Center. He stated the problem of jurisdiction had come up. The allocation of funding would come through Charles County and they have agreed that Dr. Pat Hawkins would manage the Walden Center. Any major problem or policy changes would be solved with all the counties involved. Brother Farrell presented the list of questions presented by the Charles County Commissioners for the meeting on January 24 with the Commissioners of the three counties and drug counselling personnel. The questions concerned funding and the need for a Tri-County Drug Abuse Committee. Brother Farrell also presented the proposed response to these questions. (Copies of both questions and responses are on file in this office.)

Commissioner Bowles said there should be a letter of Memorandum of Understanding with the signatures of all parties showing they all agree.

Commissioner Guy stated ground rules of understanding should be developed that would be mutually agreed to by all parties.

Commissioner Bowles said if they should need any legal assistance, the County Attorney would be available to them.



EMPLOYMENT CONTRACT - EDWARD COX

Present: Edward Cox, Executive Secretary, Youth Commission  
Brother Farrell

Commissioner Bowles told Mr. Cox the only change he recommends would be that as a contractual employee, he be allowed to receive equal benefits as other county employees. Commissioner Bowles requested a letter from the Youth Commission recommending the contract.

ASSESSMENT APPEAL HEARING - RUDOLPH BALIKO

Present: Mr. Rudolph Baliko  
Mr. William F. Herbert, Supervisor of Assessments  
Mr. William S. Lawrence, Assessor  
Mr. J. Wellington Hewitt, Assessor  
Mr. Andrew McWilliams, Assessor

Mr. Baliko came before the Commissioners to discuss the assessment of his properties. The first property he discussed was Lot 11, Andover Estates. He said the assessment should be increased but not on the land itself. He felt that Potomac Shores should have been used as comparables. He stated property at Potomac Shores with the same dimensions as his property are being assessed for \$1650 and his assessment is \$2200. He would be willing to pay \$1650. Mr. Lawrence stated he did not feel Potomac Shores North was comparable to Andover Estates.

The second property is located on the West side of Cherryfield Road in the Second District. He stated the assessment on the house which is made up of residue material with a tar paper roof had doubled in three years. Mr. Lawrence said it was difficult to find comparables and he felt the house was under-assessed to start with and now it is in line with other property. Mr. Baliko stated 24 acres of his property is certified by the American Forest Institute as a tree farm. Mr. Baliko stated the market value of the 24 acres including timber and house is about \$23,000.

Commissioner Bowles stated that Mr. Baliko would be advised of their decision and that he had a right to further appeal if he did not agree with the Commissioners' decision.

LAND USE PLAN

Present: Mr. John Hall, Soil Conservation Service  
Mr. Daniel Donnelly, County Extension Office

Mr. Hall and Mr. Donnelly presented to the Commissioners their recommendations for the Planning and Technical Advisory Committees. Mr. Donnelly stated the Technical Advisory Committee could assist with implementing ideas and do background work for Mr. Demetriou Planning Consultant. Commissioner Bowles stated the Commissioners had written to various organizations asking for recommendations from which the Commissioners could make selections to serve on this

Committee. After reviewing the list included in the proposal, Commissioner Guy suggested NAS and St. Mary's City Commission should be included. Commissioner Bowles said the Commissioners would review the list further and make sure all organizations are included.

Mr. Donnelly said they would be willing to work with the Commissioners whenever they wished.

ST. ANDREWS CHURCH ROAD RIGHT-OF-WAY

Present: Rev. George Jennings, St. Andrews Episcopal Church  
Mrs. Veronica Hill, member of church vestry  
Milton Dakis, member of vestry  
Henry Dodson, Jr., member of vestry  
Henry Dodson, Sr., member of vestry  
Ruth Lewis, member of vestry  
Thomas Bennett, member of vestry  
Robert Moore, member of the church  
Mrs. Helen Dodson, Chairman of St. Andrews Church  
Restoration Committee  
Joseph Weiner, County Attorney  
Michael Davis, of the law firm of Weiner and Davis

Commissioner Bowles stated it was most important that members of the Church meet with the Commissioners to discuss the problem of obtaining the right-of-way for St. Andrews Church Rd. Commissioner Bowles explained the importance to obtain the right-of-way to the Church property as there is a deadline which may cause the County to lose money from the State to reconstruct St. Andrews Church Rd. Commissioner Bowles further stated that John Norris had shown the survey plans to them showing the alignment of the road and amount of land needed.

Henry Dodson, Jr., stated they were anxious to see the road rebuilt, but the members of the church felt State Roads could build the road around them without involving their property.

Commissioner Bowles said the total square footage is 13,000 square feet. John Norris stated that the drainage easements was not included in the original figure and that the total would be approximately 20,000 square feet.

Henry Dodson, Jr. explained that the church was trying to acquire more land because the land they now have is not adequate.

Henry Dodson, Sr. explained that plans were being developed for a parish hall and rectory and every square foot is vital to them.

Thomas Bennett stated that an acre of land was just given to the Church. They wish to purchase more land and had offered \$2,000 an acre.



Commissioner Bowles explained that by changing the road alignment it would affect other property owners and they may not wish to give additional land.

John Norris stated he had presented the Church with the original proposal that would take 13,000 square feet plus drainage easements and the Church said that this was not satisfactory to them after which time a second proposal was presented which would reduce the amount to 6,000 square feet. This was also rejected by the Church. Any change of alignment would necessitate the other property owners signing a new deed and because of the time element, this would jeopardize the entire project.

Rev. Jennings asked if the Church was the only one that would not sign. Mr. Norris said one other property owner has not signed and would only sign the Deed if the Church did.

Mr. Weiner made the suggestion to compensate for the taking of the land from the Church by paying them to aid them in acquiring additional property.

Mr. Dakis said that money would not help because they are having a difficult time finding land for the Church.

Mr. Dodson, Sr. asked if the Commissioners were willing to assist the Church in acquiring additional land. Commissioner Bowles said the Commissioners are all in agreement to assist the Church in any way possible.

Mrs. Hill said the heirs of the Mattingly property had not decided on the ownership yet.

At this time the Church members requested they be able to confer among themselves, at which time all others left the room.

When the meeting resumed, Mr. Henry Dodson, Jr., stated they rejected plan 1 requiring 13,000 square feet plus drainage easement but would go along with plan 2 which would give the Church back the 7,000 square feet of the original 13,000 square feet under the following conditions: that the road be cribbed at the right of way alignment where necessary, that the old abandoned county road which divides the church property be deeded back to the Church and they would like the misleading statements made on the radio concerning the Church being the only holdup on the project corrected.

Mr. Weiner said he did not see any problem with deeding the old county road.

Commissioner Bowles said a new deed would have to be drawn and all parties sign the new deed.

Commissioner Guy suggested that the Church sign the original deed and at the same time sign the deed deeding the property back to the Church and a quit-claim deed for the old county road.

Commissioner Bowles explained what needed to be done for plan 2: (1) get approval from Mr. Al Tate, District Engineer, (2) contact the property owners who are in the County to sign the new deed and (3) find the whereabouts of the property owner who is on vacation and get a verbal commitment by telephone and find out when he will return.

Mr. Weiner stated he needed the property description of the 7,000 square feet that would be deeded back to the Church and the property description of the three property owners who would have to sign the additional deed.

Commissioner Bowles explained to the Church that this would be worked on and the Commissioners would contact them at a later time.

The meeting adjourned at 7:30 p.m.

*J. Wilmer Bowles 4/3/73*  
J. Wilmer Bowles  
President