

BOARD OF COUNTY COMMISSIONERS MEETINGTuesday, July 25, 1973 and Wednesday July 26, 1973Tuesday, July 25, 1973

Present: Commissioner J. Wilmer Bowles, President
 Commissioner J. S. Guy, Jr.
 Paul R. Raley, Administrative Officer
 Judith A. Mullins, Recording Secretary
 (Commissioner Aud attended the NACO Meeting)

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

READING OF MINUTES

The minutes of July 17-18, 1973 were read and corrected.

TRANSFER OF PROPERTY - DEEDS

The Commissioners suggested that Paul Raley develop a check list and require a settlement sheet for the transfer of all property to the County. This settlement sheet should be signed by the purchaser and seller. Certification should be placed on the Deed by the Attorney certifying that land records of St. Mary's County have been researched and found the property to be free of all liens and encumbrances and the real estate taxes have been paid. It should also include the attorney's signature and date.

BIDS FOR AIR CONDITIONING AT LEONARD HALL

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

John Norris stated he had contacted three companies requesting bids for the air conditioning of Building No. 4 at Leonard Hall. The deadline for receiving bids was Friday, July 20 and the only bid received was from Winter Sheet Metal in the amount of \$7,340. Mr. Norris is to review the bid and advise the Commissioners by tomorrow whether it is acceptable.

Mr. Weiner stated that Article 25 of the Annotated Code of Maryland gives the County Commissioners very broad power in accepting bids at their discretion and that requesting several bids would be comparable to advertising and would constitute legal bidding procedures. He further stated that the manner in which this bid was handled was legal.

PURCHASE OF PROPERTY ADJACENT TO ST. ANDREWS CHURCH LANDFILL

Present: John Norris
Joseph Weiner

Paul Raley stated that the taxes have not been paid for this year or last year on the property to be purchased from Herschel McLeod, adjacent to the St. Andrews Church Road Landfill. Mr. Weiner stated that Mr. McLeod would have to pay the taxes. Mr. Weiner is to obtain a release from the mortgagee and collect the taxes for the acreage the County is to purchase.

DRILLED WELL FOR TRAILER

Paul Raley stated a letter was received from the Health Department advising that a drilled well located on the land of Hattie Dunbar, Scotland, Maryland, should provide ample water for the two trailers that it is now serving. Mrs. Dunbar is requesting a variance for the well to serve the two trailers. Mr. Raley stated that she is in violation because two trailers constitute a trailer park and she does not have a building permit for the second trailer. Commissioner Bowles requested Paul Raley to write to Walter Raum of the Health Department requesting the following information:

(1) Is this a trailer court, (2) Is the property entitled in more than one person's name, (3) Date first trailer was placed on property, (4) Was perc test run for each trailer, (5) Date Health Department ran perc test for trailer No. 2, (6) Was a certificate for sewage system issued for trailer No. 2, and if so the date, (7) If answer to (1) is yes, date the sanitarian ran perc test and issued a certificate, (8) Does he know that two or more trailers constitute a trailer park.

TANNER CREEK SHORE EROSION DISTRICT

Paul Raley stated he talked to Hugh Downs, Chief Engineer, Department of Transportation, concerning a request from Mrs. Louise Blosser that the dredging of Tanner Creek be done on a continuous basis. Mr. Downs agreed that the State should do it for a period of one year, if the County would be responsible for 50% of the cost. Mr. Raley further stated that he received a letter from Hugh Downs stating that the mouth of Tanner Creek is fully within the wetlands; therefore, the County would be required to obtain the necessary permits before any work can be done.

LAND-USE PLAN WORKSHOP

There will be a public workshop meeting to discuss the Comprehensive Land-Use Plan being developed by Angelos C. Demetriou, August 9, 1973, 7:30 p.m. at the Technical Center.

WILLOW RUN FARM PROJECT (HOUSING AUTHORITY)

Present: Dr. Patrick Jarboe, Chairman, Housing Authority
Ray Robinson, Housing Authority
Don Curtis, Housing Authority
John Slade, Attorney, Housing Authority
Leroy Thompson, Housing Authority

Dr. Jarboe stated he brought the Housing Authority as a group to the Commissioners meeting to discuss the Cooperation Agreement signed by the Commissioners and members of the Housing Authority two years ago and referred to the commitments therein.

Commissioner Bowles stated that Mr. Beavin and the State Health Department are in disagreement as to what constitutes a legally adopted plan. Mr. Hinman of the State Health Department said in a telephone conversation with Commissioner Bowles that if we had a public hearing on the Comprehensive Water and Sewage Plan, a building permit could not be issued for the Willow Run project because they do not have sufficient detail, and the Comprehensive Water and Sewage Plan as prepared by Mr. Benjamin Beavin, Sr. of the Beavin Company does not address itself to this project in sufficient detail to satisfy the State Department of Health. Mr. Hinman is to write the Commissioners a letter setting forth what details are needed in the Amendment for the Willow Run Farm project. Commissioner Guy stated that payment has been withheld to Mr. Beavin until an agreement is reached with the Health Department.

Commissioner Bowles stated a meeting has been arranged with Mr. Beavin, Mr. Hinman and Mr. Bingley at the State Health Department in Baltimore, Monday, July 30 at 10:00 a.m. to discuss what is needed in the Plan, and he suggested that members of the Housing Authority attend.

Commissioner Guy asked what manner was the Willow Run project not in compliance with the Comprehensive Water and Sewer Plan at the time the water permit was rescinded. Dr. Jarboe said it was in the W-4 category and it should have been in the W-2 category.

Dr. Jarboe discussed legal counsel for the Housing Authority and the fact that the County Commissioners had been advised they could not provide the Housing Authority in the way of legal counsel or funding. Dr. Jarboe further stated that the County's present attorney would have some conflicting interest with the Housing Authority either as owner or attorney for Carver Heights. In looking at the Annotated Code of Maryland, Dr. Jarboe stated he and several other attorneys are of the opinion that the County can give monies to "help local authorities get off the ground," and should help the Housing Authority in a financial situation. It was the Housing Authority's impression that no permit can be issued until all litigations are resolved.

Commissioner Bowles stated that to his knowledge the only thing holding up the permits is the State Health Department's refusal to issue a permit until the water system complies with the Comprehensive Plan. Commissioner Bowles said he has spent hours working on this problem and had several telephone conversations trying to resolve the situation.

Mr. Joseph Weiner entered the meeting at this time and Dr. Jarboe mentioned to him the conflict of interest, and the request for the County to hire another legal counsel to represent the Housing Authority. Mr. Weiner said he is Attorney to the Commissioners and if they wish to hire additional counsel, it would be up to them. Mr. Weiner further stated that a majority of the people in the County were of the opinion that the Housing Authority made a poor selection for the site of the housing project. John Slade said the Housing Authority was created because of the conditions existing in the Carver Heights community. Application has been made with HUD to purchase Carver Heights. After inspecting the grounds and buildings at Carver Heights, HUD advised the Housing Authority that the houses were not worth rehabilitating.

Mr. Weiner said he had refused to represent the Housing Authority because he could see a conflict of interest, but the County could provide for counsel. John Slade stated they had engaged the services of Richard Clark of the firm of Edward Digges of LaPlata and this has been an expense they have had to pay themselves.

Commissioner Bowles informed the members of the Housing Authority that the Commissioners will consider the requests and advise them at a later date.

BOARD OF EDUCATION PAYROLL

Present: Harris Sterling, Finance Director

Mr. Sterling stated that the Board of Education requested an advance in the amount of \$239,975 which represents their 1971-72 deficit, to help meet their payroll. Mr. Sterling said he is prepared to advance them \$200,000. The Commissioners were in agreement to this.

REINVESTMENT OF REVENUE SHARING FUNDS

Present: Harris Sterling

Mr. Sterling stated that the 90 days for investment of \$563,206.79 revenue sharing is terminating and it must now be reinvested. Letters are being sent to the banks requesting bids on certificates of deposit.

BIDS ON CHEVROLET SCHOOL BUS

The following bids were received for the purchase of the 1960 Chevrolet School Bus:

Gale Jones	\$ 71.38
Kessler Body and Equipment	\$351.00

Paul Raley stated we now have the official title to the bus. Commissioner Guy made a motion that the school bus be awarded to Kessler Body & Equipment in the amount of \$351.00, seconded by Commissioner Bowles.

DISMANTLED COOLING TOWER (CONTROL CENTER)

The following bid was received for the dismantled cooling tower from the Control Center: St. Mary's Ice and Fuel in the amount of \$10. Commissioner Guy made a motion to award the bid to St. Mary's Ice and Fuel, seconded by Commissioner Bowles.

SOIL CONSERVATION DISTRICT BOARD

Floyd Raley has accepted appointment to serve on the Soil Conservation District Board to fill the unexpired term of R. Johns Dixon, term to expire March 30, 1976. Cecelia Adams is to advise Floyd Raley and the Soil Conservation Board of the appointment.

NURSING HOME BOARD

Elberta Hayden has accepted appointment to serve on the Nursing Home Board for a term to expire June 30, 1976. Cecelia Adams is to advise Elberta Hayden and the Nursing Home Board of the appointment.

RECREATION AND PARKS BOARD

C. I. Fenwick, Jr. has accepted appointment to serve on the Recreation and Parks Board to fill the unexpired term of J. Abell Longmore, Jr., term to expire October 31, 1974. Cecelia Adams is to advise C. I. Fenwick, Jr. and the Recreation and Parks Board of the appointment.

HOURS APPROVED FOR SHERIFF'S DEPARTMENT AT CARNIVAL

The Commissioners unanimously approved that the Sheriff's Deputies be paid for a total of 78 1/2 hours at the Leonardtown Carnival.

APPLICATIONS FOR WATERWAY IMPROVEMENT PROJECTS

Paul Raley stated he met with John Baggett, John Norris and Mr. Warren Shelley of the Department of Natural Resources to discuss applications submitted for waterway improvement projects

that have not been completed. The status of the projects are as follows:

Piney Point - \$5,000 grant (still open)

Smith Creek - \$5,000 grant (repair of wharf - still open)

Dukehart Creek - \$5,000 grant (marked dead and incorporated into the \$25,000 grant.)

White Neck - \$5,000 grant (six foot width extension of pier - awaiting contract.)

Chaptico Wharf - \$5,000 grant (for development of parking for 20 automobiles. Contract was let; awaiting completion.)

AIRPORT COMMISSION

Thomas A. McGuyre and F. Elliott Burch have accepted appointment to the Airport Commission for terms to expire July 1, 1976. Cecelia Adams is to advise Mr. McGuyre and Mr. Burch and the Airport Commission of the appointments.

PROPOSAL FOR POLICY OF SUBDIVISIONS IN THE FIFTH ELECTION DISTRICT

Present: Robert Willard, Director of Planning

Mr. Willard presented the Commissioners with a letter from the Planning Commission concerning the growth in the northern section of the County and the proposed development of that area in relation to the impact on the Mechanicsville and White Marsh Schools. The Board of Education had responded to a request from Mr. Willard giving statistics on the severe impact of the schools in that area if there is any further development. The Planning Commission voted to advise the Commissioners of the situation and requested that there be no further subdivision residential development (other than those plats that are now before the Planning Commission) until after the adoption of the Comprehensive Land Use Plan. Commissioner Bowles requested Mr. Willard to obtain a map of the area and outline the area in question in red. Commissioners Guy and Bowles agreed to wait until Commissioner Aud returned to discuss this proposal.

PROPOSAL FOR ORDINANCE FOR THE ISSUANCE OF BUILDING PERMITS

Present: Robert Willard

Mr. Willard stated that the Planning Commission, at their meeting of July 23, 1973 discussed setbacks next to residential property. Six categories were proposed to be established in

connection with the issuing of building permits and to create a system for use and occupancy permits around development. These categories would be agriculture, single family residential, multifamily residential, commercial, heavy commercial and industrial. Mr. Willard said he would discuss this at greater length with the Commissioners at a later date.

The meeting recessed at 4:30 p.m.

Wednesday, July 26, 1973

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

The meeting reconvened at 10:00 a.m.

CONTROL CENTER (DRUG CASES)

Present: Otis Wood, Acting Director, Civil Defense

Mr. Wood stated that the Walden Counselling Center requested the Control Center notify them of any overdose drug cases that are sent to the hospital and overdose cases where an ambulance is dispatched. He was also requested that a law enforcement officer not be dispatched if the call originates from the Walden Counselling Center.

Commissioner Bowles stated that there was an understanding with the counsellors and the police that they could not counsel properly no expect people to come to the Center for counselling services if by doing so, they were going to be arrested or investigated. Commissioner Bowles requested Mr. Wood to get more detailed information from Ed Cox, Executive Secretary for the Youth Commission, and to discuss the situation with Dr. Pat Hawkins, Project Director for the Southern Maryland Drug Abuse Program.

FIRE BOARD

Present: Otis Wood

Mr. Wood stated that at a meeting of the Fire Board a couple of weeks ago, it was decided to modify the Lexington Park base station and add a second channel. This would make it serviceable for the next five to six years and the cost would be approximately \$300.

Mr. Wood stated that a second channel is also requested for Valley Lee mobile fire trucks, which will cost an additional \$200. There is a plan to replace one base station each year. This year would be the Seventh District Fire Department. The base stations,

with the exception of one, are 16 to 20 years old. The cost to replace one would be \$1650 and is included in the budget.

SCANNER FOR OTIS WOOD'S CAR

Present: Otis Wood

Mr. Wood stated he is interested in installing a scanner in his car which will cost approximately \$200 for equipment and installation and the federal government would match funds. This would enable him to listen to all of the various channels in the County should there be an emergency. This would cost the County approximately \$100 and would have to go on a project application and then be approved. This item is in the Control Center's budget under equipment.

RADIO FOR DOG WARDEN

Present: Otis Wood

Mr. Wood said he felt the dog warden should have a radio in his truck so that he can be located when needed. He suggested that it could be put on the County license (Health Department). Mr. Wood said it is not in his budget because it is not in his department. Paul Raley stated that the dog warden goes home at lunchtime and can be contacted there.

OLD BASE STATION

Present: Otis Wood

Mr. Wood said that at the Fire Board meeting it was suggested that the Tech Center might be interested in having the old base station to let the students get training on it. A firm in New Jersey would take it for \$20 or \$25, but it must be shipped. Commissioner Bowles requested Mr. Wood to contact the New Jersey firm to get a price and determine whether they would pay the shipping cost; also, to find out if the Tech Center is interested in the equipment.

SEMINAR AT UNIVERSITY OF MARYLAND (CIVIL DEFENSE)

Present: Otis Wood

Mr. Wood stated he attended a seminar at the University of Maryland on July 10 and 11. The federal civil defense is moving into national disasters; they had been dealing in strictly nuclear attacks. The name has been changed to Defense Civil Preparedness Agency.

SLOT MACHINES

Present: John Bailey, States Attorney
Michael Davis (Weiner and Davis)

John Bailey referred to his letter of July 3, 1973 to the County Commissioners regarding the registration or destruction of the slot machines in St. Mary's County. The legislation of July 1968, Article 27, Section 264, B II (B), suggested one of two alternatives for handling the machines. (1) Disposal or destruction of the slot machines or (2) storage of the slot machines under the direction of the Commissioners with the machines being "registered in a manner appropriate to their office and to be sealed against use, stored, kept and processed under the supervision of said County Commissioners."

Commissioner Bowles stated the Commissioners are interested in what the cost to the County would be if registered and stored, and what type of building would be suitable, what the obligation of the County would be should something happen to the machines such as, but not limited to, fire, water damage, or theft. Also if the machines at the present time are being stored in a legal manner.

John Bailey stated that the machines can be stored any place suitable to the County Commissioners. Mr. Bailey interpreted that to mean that the machines can be stored on someone's property provided they are registered with the County Commissioners and sealed against use and place of storage is registered with the Commissioners. The alternative is that if the machines are not registered, they are supposed to be disposed of. No machines should be left in the County if the procedure is not set up for the registration.

Commissioner Bowles stated a ticker tape, dated July 2, 1968, was sent to all Maryland Law Enforcement Agencies from the State Police in Pikesville quoting the Attorney General stating that "slot machines which are in storage or disassembled in such a fashion that they cannot be played should not be seized or destroyed pending resolution of certain questions that are now in litigation."

John Bailey said it was his interpretation that if the County does not set up a procedure for registering the machines, it would be his obligation to search to find any machines in the County and confiscate them.

Michael Davis questioned John Bailey concerning the law which states the County Commissioners may do this - cause the machines to be registered and to be sealed against use pending lawful disposal. What was Mr. Bailey's opinion as to what "pending lawful disposal" means and what would be the ultimate disposition of the machines

if they were disposed. John Bailey said this was technical because of the nature of the slot machines themselves and the federal law in regards to transportation of the machines they would basically be stored until they were either disposed of or until such time they would become legal and used again.

Michael Davis said it was his impression that they cannot be stored just any place. Mr. Davis then referred to a court decision published in the Daily Record where a man was convicted and fined for violation of the statute because he had a couple of machines on his property. The decision revolved around the definition of slot machines, which said it had to be adapted for use at the time in the condition which it is stored that this machine was partially dismantled and inoperable. If the owners of the machines made them inoperable or not adapted for use as a slot machine, they could legally keep them on their premises.

At this time, there was discussion as to what would make a machine inoperable.

Commissioner Guy asked if this concerns the machines that were registered at the time of the phase out or any and all machines.

John Bailey said he thought it concerned any machines in the County at this time. He stated he had heard some machines had been destroyed.

Commissioner Guy stated that regardless of what has happened in the past, we now have a situation today which you (John Bailey) have the alternative of two things; either the Commissioners decide a policy for the handling of slot machines in the County, or if we say no, you will proceed to locate them and seize them. Mr. Bailey agreed.

Commissioner Bowles asked if the machines are stored and not operational, parts have been removed to prevent them from being used, and is not on the premises, meaning a place of business, can they still be seized.

John Bailey said he would like to read the decision that is in the Daily Record to determine if the machine was disassembled, whether it was subject to seizure or not. In this particular case, there was a criminal prosecution instituted for the possession of the machine itself, rather than the fact that the machine can be confiscated or not.

Commissioner Guy mentioned that Charles County removed a piece from the slot machines in their county and stored and registered that particular piece. John Bailey said the machine can be stored on the individual person's land and he did not think the County would want the responsibility of storing them in any county building. The County should have an idea as to the number of machines and have the assurance that they are registered and inoperable.

Commissioner Guy said we should have some type of listing of the machines in the County. Commissioner Bowles said this information would be in the Clerk's Office in the Courthouse.

John Bailey said he would contact the States Attorney in the other counties to find out what procedure they used.

Commissioner Guy stated that regardless of what other counties have done, the States Attorney has served the Commissioners with a notice, and the decision has to be made on the basis of this notice from the States Attorney. A policy should be developed by the Commissioners that we could live with.

Commissioner Bowles asked who would be responsible to assure that all machines are registered. John Bailey said that would be up to the individuals themselves and if they do not register the machines, they would be outside of the registration procedure and outside of the law and if he found the machines he would take appropriate action.

Commissioner Bowles said if the Commissioners adopted the procedure for registration and stored a part of each machine, would it be the responsibility of that individual to deliver that part and register it. John Bailey said there should be a procedure for the individual to come in and register the part.

Commissioner Bowles said what he was interested in is that the County does not go through an exercise and expense that is unnecessary.

John Bailey suggested that he voluntarily contact Charles and Calvert Counties and other counties involved to find out what they have done. Commissioner Bowles said he should do this and then make recommendations to the Commissioners. If any of the other counties are in the process of setting up a procedure, it would be beneficial to know location, cost, cost of transportation, insurance, etc.

Commissioner Bowles asked if any cost to the County to establish a procedure should be borne by the individual owner rather than the taxpayer. John Bailey said "I would like to pass the buck back to you on that." However, he stated that it is a cost that they necessitated and he would like to see the individual bear the responsibility.

Michael Davis suggested that John Bailey contact the Attorney General's Office and get an opinion as to what he construes to mean "lawful disposal" as mentioned in the statute.

Commissioner Guy asked if there would be any future litigation on the basis of the telegram (ticker tape). Michael Davis said the Attorney General should be contacted by John Bailey to find out what litigation was referred to at that time (1968).

Commissioner Bowles informed John Bailey that as soon as he obtains the information from the other counties and returns to the Commissioners, the Commissioners will make a decision.

A tape of the entire proceedings is on file in the Commissioners' Office.

AIR CONDITIONING FOR BUILDING NO. 4 - LEONARD HALL

The Commissioners approved awarding the bid for the air conditioning system in the amount of \$7,340 to Winter Sheet Metal, subject to John Norris' review of the bid and his concurrence.

ST. MARY'S HOSPITAL CONSTRUCTION FUNDS

Present: Paul Barber, Controller, St. Mary's Hospital
Harris Sterling, Finance Director

Paul Barber came before the Commissioners to discuss the disbursement of the \$150,000 that is in the budget for the hospital construction. He requested a schedule of payment in order to expedite the disbursement. Mr. Sterling said this would be agreeable to him as it would make it easier to have funds available when needed. Mr. Barber said he would provide Mr. Sterling with projected schedule of payments then draw against this according to needs. Commissioner Bowles requested that when money is drawn, certification of use should be given Mr. Sterling.

METROPOLITAN COMMISSION BONDS

Commissioner Guy made a motion that the Commissioners approve the issuance of the bond in the amount of \$600,000 by the St. Mary's Metropolitan Commission for the purpose of purchasing the Patuxent River Water Company, including all property, assets and chattels. Said approval is subject to the proper Resolution being affected and signed by the Commissioners. Commissioner Bowles seconded the motion.

REZONING REQUEST DECISION - JAY LAURENCE MILLISON

Commissioner Guy made a motion to approve the rezoning as requested by Jay Laurence Millison from "manufacturing, commercial, agricultural and A-Residential" to "commercial" on the property located on the west side of Md. State Route 235 in the vicinity of the Esperanza Shopping Center, with the exception of the area designated on the plat as a cemetery. Commissioner Bowles seconded the motion.

BIDS ON AIR CONDITIONING FOR LEONARD HALL

Present: John Norris

John Norris recommended that the proposal submitted by Winter Sheet Metal dated July 17, 1973 in the amount of \$7,340

be accepted. This proposal is for the furnishings of all materials and labor to install central air conditioning in Building No. 4 of Leonard Hall School which is leased by the County.

DOC'S LANDING

Present: Joseph Weiner, County Attorney

The fact that Doc's Landing has been considered a public landing and Dick Pulliam, owner of area in the vicinity of Doc's Landing has agreed that this should go to court to determine ownership, Paul Raley requested Mr. Weiner, County Attorney, to file a Declaratory Judgment.

The meeting adjourned at 2:00 p.m.

 J. Wilmer Bowles 10/31/73
J. Wilmer Bowles

