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STATE OF MARYLAND

BOARD OF PUBLIC WORKS

BEFORE:

Honorable Marvin Mandel, Governor

Governor's Conference Room
State House
Annapolis, Maryland

June 25, 1973 - 10:00 a.m.

Reported by:
C. J. Hunt

1 **PRESENT:**

2 Honorable J. Millard Tawes,
3 State Treasurer

4 Honorable Louis L. Goldstein,
5 Comptroller of the Treasury

6 Mr. Andrew Heubeck, Jr.,
7 Secretary, Board of Public Works

8 Mr. George R. Lewis,
9 Secretary, General Services

10 Mr. J. Max Millstone,
11 Director of Administration,
12 Department of General Services

13 Dr. Kenneth R. Barnes,
14 Deputy Secretary,
15 Department of Budget and Fiscal Planning

16 Mr. Louis N. Phipps, Jr.,
17 Assistant Secretary on Capital Programs,
18 Department of Natural Resources

19 Mr. Vladimir A. Wahbe,
20 Secretary of Planning

21 **ALSO PRESENT:**

 Miss Betty Suit,
 Administrative Assistant,
 Board of Public Works

 Mr. Edward Middleton,
 Administrator

 Mr. William Perkins,
 Assistant Secretary,
 Department of Budget and Fiscal Planning

PROCEEDINGS

1
2 GOVERNOR MANDEL: Gentlemen, if we can get
3 started. Before we do, I would like to welcome Governor
4 Tawes back to the Board of Public Works.

5 (Applause.)

6 GOVERNOR TAWES: Thank you, Governor. It is
7 good to be working here again. This agenda really puts
8 you to work, too.

9 GOVERNOR MANDEL: It sure does, especially
10 the one today. Let's start with the public hearing.

11 MR. HEUBECK: Page 3 on my agenda, Commission
12 on Submerged Lands, a request by Mr. Roger Redden, attorney,
13 representing Mr. Donald Asher, to appear before the Board
14 in opposition to the granting of a wetlands license by
15 the Board, Case 73-124 Harford County.

16 GOVERNOR MANDEL: Where is Roger?

17 MR. REDDEN: May it please the Board members,
18 this is a relatively simple matter and I will try to make
19 it as short as possible a presentation.

20 Wetlands license has been requested by the
21 City of Havre de Grace in Harford County with respect to

1 the development of the park and bulkhead and piercing
2 facilities adjacent to property represented by my client,
3 Mr. Donald Asher. The drawing which I have put before
4 you showing at the upper end the location of Mr. Asher's
5 property and his existing pier is a drawing which was
6 attached to the wetlands license recommendations of the
7 Department of Natural Resources presented to your Hearing
8 Officer. The drawing essentially shows a proposed bulk-
9 head and filling line, which runs in a series of diagonals
10 across the page, plus a pier shown in the recommendations
11 to be 15 feet by 75 feet, plus another pier without, or
12 with small dimensions at the upper end adjacent to
13 Mr. Asher's property which was not included in the discus-
14 sion in the departmental report, and it is that upper
15 pier which is the subject of our protest.

16 We believe that in view of the fact that
17 Mr. Asher agreed to essentially this dredge and fill line
18 and to this pier that the record in the case indicates
19 that the recreational values to be promoted by this pro-
20 posal could well be promoted without this pier at all, but
21 in any event, we feel that in fairness to Mr. Asher,

1 whose property line runs essentially along here, that this
2 pier ought to be set at a minimum of 25 feet from that
3 property line. That is the essence of our presentation.

4 MR. LOUIS GOLDSTEIN: May I ask a question,
5 Governor?

6 GOVERNOR MANDEL: Go right ahead.

7 MR. LOUIS GOLDSTEIN: Is this the boundary line here?

8 MR. REDDEN: As we understand it.

9 MR. LOUIS GOLDSTEIN: This is Asher's land here?

10 MR. REDDEN: Yes.

11 MR. LOUIS GOLDSTEIN: Who owns this land here?

12 MR. REDDEN: That is the end of a street owned
13 by the City of Havre de Grace, and it is that street end
14 which is proposed to be developed with State and Federal
15 moneys into a park and recreational area.

16 MR. LOUIS GOLDSTEIN: You say this 110-foot
17 pier wasn't on the original application?

18 MR. REDDEN: This pier as shown very unclearly,
19 Mr. Comptroller, was on the application.

20 MR. LOUIS GOLDSTEIN: This big pier?

21 MR. REDDEN: That is correct, and they were
going to dredge and fill all of this in here, I mean they

1 were going to fill all of this in here. Mr. Asher sent
2 a drawing essentially the same as this, showing this area
3 as being agreeable for piling and this area being agree-
4 able to him for dredging, and he had anticipated that that
5 was going to be the way the recommendation came out.

6 Now, for various reasons, and I don't want to
7 point my finger to anyone, because it has nothing to do
8 with this case, the point is that I did not get a copy of
9 this drawing with the recommendations until very recently,
10 and because of that, and because this matter lay before
11 the Board for immediate action, I requested the opportunity
12 to speak briefly to the Board on it. It was the appear-
13 ance of this pier which had not been part of what Mr. Asher
14 said he would agree to that is the subject of our presen-
15 tation to the Board.

16 It may very well be argued that a pier may
17 always be put in front of a riparian owner's property.
18 However, as a practical matter, we all recognize the fact
19 that on projects of this size, particularly projects in-
20 volving public moneys, that these layouts essentially
21 determine what the facilities will be, including piers,

1 and that the Corps of Engineers goes along with those
2 pier siting recommendations.

3 MR. LAWRENCE GOLDSTEIN: Gentlemen of the
4 Board, I held this hearing and as Mr.Redden said, it is
5 a very simple thing. The applicant, the City and County,
6 Harford County and the City of Havre de Grace, intended
7 to fill out 120 feet to create a recreational area. This
8 was cut back extremely to allow them to fill out a total
9 of 16 feet. Now, the matter before the Board is just the
10 dredging, filling and bulkheading.

11 Article 66C, Section 720, specifically exempts
12 piers, wharves and other such structures which are rights
13 of a riparian property owner from the statute, and they
14 fall rightly under the Corps of Engineers. The Board in
15 all prior cases, we have had over 500 hearings, has never
16 addressed itself to placement of the piers. So long as
17 they don't impede navigation and don't violate County laws
18 with respect to properties, they do not come under the
19 aspect of the Wetlands Act, and so no attempt was made to
20 legislate whether this pier would go where it is or not.
21 It was simply put on the diagram to show that a pier was

1 intended by the facility that was requesting it.

2 The facility is here today and represented by
3 the City Attorney and the Mayor and Counsel are here, and
4 they are quite willing to take a permit for the dredging,
5 filling and bulkheading to place the pier where the Corps
6 of Engineers allows them to, and I recommend that that
7 be the Board's action.

8 GOVERNOR MANDEL: Roger, what would your feel-
9 ing be about that? We really don't have any authority to.

10 MR. REDDEN: The recommendations of the Depart-
11 ment specifically describe this pier, and this drawing
12 was what was attached to the recommendations showing this
13 pier at the outer end as well as this one, and as I say,
14 if a license is approved by this Board as a practical mat-
15 ter with a drawing that shows piers on it, that goes to
16 the Corps of Engineers.

17 The Corps of Engineers, once it gets the neces-
18 sary water quality certificate, routinely issues its
19 permit to construct. If the Board is going to X from their
20 license all references to the pier, as suggested by
21 Mr. Goldstein, obviously we could have no objection to

1 that.

2 GOVERNOR MANDEL: Will you do that?

3 MR. LAWRENCE GOLDSTEIN: Yes, sir.

4 GOVERNOR MANDEL: Louie, would you object to
5 that?

6 MR. LOUIS GOLDSTEIN: No.

7 GOVERNOR MANDEL: Governor?

8 GOVERNOR TAWES: No.

9 MR. REDDEN: On the other hand, we would agree
10 if the Board would indicate that it would approve with
11 the pier on there and let the matter go clear through to
12 the Corps of Engineers with a 25-foot clearance in there,
13 we would accept that as being fairly despositive.

14 MR. LAWRENCE GOLDSTEIN: I don't think the Board
15 should get involved in that. This is a property line not
16 really covered under the statute as far as the statute
17 is concerned. Mr. Asher, Mr. Redden's client, is obviously
18 8 to 10 feet from the property line. He is trying to get
19 the City and County to move further away from the property
20 line that he has constructed his pier.

21 MR. WHITFIELD: Gentlemen, I am Cy Whitfield,

1 City Attorney, City of Havre de Grace. I would prefer
2 to see the permit issued for the bulkhead, dredging
3 facilities make no reference to the pier, as to attempt to
4 stipulate something as to distance for the City, which
5 the Mayor and Council in formal session might or might
6 not agree with. I think the solution of Mr. Goldstein
7 is the preferable solution. We are perfectly happy to re-
8 solve the pier question with the Corps of Engineers.

9 GOVERNOR MANDEL: Could you redraw the permit
10 that way, Larry?

11 MR. LAWRENCE GOLDSTEIN: Yes, sir.

12 MR. LOUIS GOLDSTEIN: Let me see if I under-
13 stand what Larry said. Under the Wetlands Law you have
14 no jurisdiction over piers, is that right?

15 MR. LAWRENCE GOLDSTEIN: Yes, sir.

16 MR. LOUIS GOLDSTEIN: If I have to build a
17 pier, I have to get my permits from the Corps of Army
18 Engineers?

19 MR. LAWRENCE GOLDSTEIN: Yes, sir.

20 MR. LOUIS GOLDSTEIN: My Lord, let's don't get
21 the wetlands mixed up with piers. I am glad to know that

1 one thing doesn't get mixed up with wetlands in the State
2 of Maryland. Be sure to put that in the record. It is
3 covered over with permits right now. It is a reasonable
4 thing.

5 Roger, you are an expert on wetlands. You
6 wrote the opinion. You have been representing all these
7 big clients for us. You shouldn't have any difficulty.

8 MR. REDDEN: It is a pleasure to be represent-
9 ing a small client.

10 MR. LOUIS GOLDSTEIN: You shouldn't have any
11 trouble working out this. You worked out for the Columbia
12 Gas Company, didn't you? That was a big problem. That
13 involves \$35 or \$40 million.

14 MR. REDDEN: Yes, indeed.

15 MR. LOUIS GOLDSTEIN: That involves piers,
16 tunnels and everything else. Why can't you sit down and
17 work it out with Roger. He is a very reasonable lawyer
18 and so are you. I haven't met Cy.

19 GOVERNOR MANDEL: You get together with
20 Mr. Goldstein and work/the permit. Then we will approve
21 it.

1 MR. REDDEN: Okay. Thank you very much.

2 MR. LOUIS GOLDSTEIN: You all work it out.

3 MR. HEUBECK: Governor, the next item -- I
4 might as well start back at the top -- Item 15 on Page 26,
5 a request by Anne Arundel County to release \$3 million
6 in funds provided under Chapter 624 of the Laws of 1972.
7 The Act authorizes the creation of a State debt in the
8 aggregate amount of \$3 million, to be known as the Anne
9 Arundel --

10 MR. LOUIS GOLDSTEIN: I don't have 26.

11 GOVERNOR TAWES: Where are you reading?

12 GOVERNOR MANDEL: Page 26, Item 15. There
13 must be a supplemental.

14 MR. LOUIS GOLDSTEIN: I don't have Page 26.

15 GOVERNOR MANDEL: Item 15.

16 MR. LOUIS GOLDSTEIN: There must be a supple-
17 ment.

18 GOVERNOR MANDEL: No.

19 MR. HEUBECK: That is a separate sheet.

20 MR. LOUIS GOLDSTEIN: It is on your supplement.
21 I have it right here.

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GOVERNOR MANDEL: I have a copy of it.

MR. HEUBECK: My only comment is bonds have been sold and if the Board approves, there should be some written agreement.

GOVERNOR MANDEL: This was an act authorized by the Legislature.

MR. HEUBECK: Yes, sir.

GOVERNOR MANDEL: For this purpose?

MR. HEUBECK: That is right.

GOVERNOR MANDEL: The bonds have been sold?

MR. HEUBECK: That is right, but the Board has to approve the disbursement.

GOVERNOR MANDEL: Andy, is there a question of disbursing the whole \$3 million at one time or as it is needed?

MR. HEUBECK: They have already finished the project, haven't they?

MR. STROTT: I am Robert Strott, Director of Administration for the County. The contracts have been let. We are talking about \$15 million, approximately, Anne Arundel County cost divided into two sections. The

COPY TO CONTENT

1 contract has been let in conjunction with the Baltimore
2 Gas and Electric Company on the main part. This was --
3 I think Intercounty has a contract. The expected comple-
4 tion date is 1975, spring. What the purpose of the moneys
5 was was to provide --

6 GOVERNOR MANDEL: Yes, but the question I am
7 asking, Robert, is do you need the money right now?

8 MR. STROTT: Yes.

9 GOVERNOR MANDEL: Or as the project goes along
10 can the State pay out the money?

11 MR. LOUIS GOLDSTEIN: Don't you all have some
12 money of your own?

13 MR. STROTT: No. The whole purpose of the
14 ordinance in the discussion was to provide front money to
15 the County, because of \$15 million payout, because the
16 customers were not ready to hook on the line until the
17 line is finished. It is whatever comes first. We are
18 working out, in fact we have a five-year lag in the payout
19 as part of the ordinance.

20 MR. LOUIS GOLDSTEIN: But the State of Maryland
21 would pay it. What you are trying to do is get us to

1 pay it in advance so you don't have to pay the interest.

2 MR. STROTT: No. Actually --

3 MR. LOUIS GOLDSTEIN: That is what it amounts
4 to.

5 MR. STROTT: The Bill 1422 provides the County
6 pays back the moneys over a period of twenty years. It
7 has a five-year lag before it begins its first payment.
8 That was the whole structure, working with the Department
9 of Economic Development in providing this \$3 million
10 loan. We are now under contractual obligation of approxi-
11 mately \$14.5 million, which has --

12 GOVERNOR MANDEL: When will your first payout
13 under the contract be made?

14 MR. STROTT: We have already paid out some
15 moneys under the contract.

16 GOVERNOR MANDEL: All I am saying is can't we
17 work out an agreement between the State and you as the
18 bills fall due and as they are paid, the State will give
19 you the money and advance the fee.

20 MR. STROTT: Certainly.

21 GOVERNOR MANDEL: That is all right. Other than

1 that --

2 MR. LOUIS GOLDSTEIN: We have the money in-
3 vested. We represent all taxpayers in the State of
4 Maryland. We keep that money invested. The bankers have
5 to pay us interest.

6 GOVERNOR MANDEL: As you need it we will pay
7 it over to you, so I don't see where there is any problem.

8 MR. STROTT: We will work out an agreement.

9 GOVERNOR MANDEL: All right. Andy, will you
10 make sure they work out an agreement with Anne Arundel
11 County to advance that money?

12 MR. HEUBECK: We will be in touch with you.

13 MR. STROTT: We will be in touch with you.

14 GOVERNOR MANDEL: No problem about it. They
15 just want us to give them \$2 million so they will have it
16 invested instead of us.

17 MR. LOUIS GOLDSTEIN: We are drawing interest
18 paying at least 7 percent.

19 GOVERNOR MANDEL: Go ahead, Andy.

20 MR. HEUBECK: The Greater Baltimore Consolidated
21 Food Market Authority, Item 6, Page 8. It is the

1 consideration of a resolution passed by the Greater
2 Baltimore Wholesale Food Market Authority to close the
3 New Marsh Wholesale Produce Market in Baltimore City and
4 construct a produce market at the Maryland Wholesale Food
5 Center Complex in Jessup, and we have Mr. Gary Lee, who
6 is the Director of the Market Authority here, and we have
7 two other representatives, one from the Farmers Associa-
8 tion, one from the Produce Market.

9 GOVERNOR MANDEL: Go ahead, Mr. Lee.

10 MR. LEE: Governor, we also have some of the
11 members of our Authority here today and I would like to
12 introduce you to them. This is Mr. William Zei, the
13 Chairman, Mr. Louis Weinstein, Mr. Robert Wallis,
14 Mr. Mel Kenney, Mr. Marshall LaMason, who is our consul-
15 tant, Donald Proctor, our Assistant Attorney General,
16 and Mr. Boucher, who is Chairman of our Advisory Council.

17 Governor, before getting into this detailed
18 discussion of the resolution which is presented to you
19 today, I would like to try to review slightly what has
20 transpired since last February when the Board of Public
21 Works approved the Authority's recommendation regarding

1 the results of the Marsh Market study.

2 At that time we submitted a report to the
3 Governor and to the Board of Public Works which had five
4 recommendations to it. One, I would like to review them
5 because it is pertinent to our recommendations today.
6 One is that no new permanent construction to begin at
7 Marsh Market; two, the Authority should continue to re-
8 serve the 38-acre produce site at Jessup and proceed
9 with the remaining development of the Food Distribution
10 Center, and, three, the Charles Center Inner Harbor
11 Management Group should be requested to extend the amount
12 of time necessary for the vacation of the buildings in
13 the Inner Harbor West Program, which house many of the
14 produce merchants, and, four, the Authority should util-
15 ize a portion of its cash assets to construct some tem-
16 porary facilities at Marsh Market or elsewhere to take
17 care of these merchants from the Inner Harbor West, and,
18 five, that the facilities at Marsh Market should be phased
19 out as being inadequate, inefficient and that a modern
20 Food Distribution Center for the produce merchants be
21 constructed at Jessup.

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Since then we have had a fire at Marsh Market which has destroyed the open shed building, which in all effect eliminates any temporary facilities at Marsh Market, and the Authority has had public hearings or had attendance of the public at its meetings to discuss the recommendation that was submitted to you today; and there has been a great amount of discussion and serious thought given to the recommendation that is submitted and that is in accordance with your instructions to our Authority at your February meeting of the Board of Public Works we have revised the schedule for closing of the Marsh Market, and we have also added something to that, and that is a request to proceed with construction of the produce market in the Food Distribution Center now operating in Jessup, Maryland.

Governor, the funds for this project would be used from the \$5 million appropriated by the Legislature about four years ago. Those funds have recently been encumbered and a good portion of them, about 600-some thousand dollars has been expended already to prepare the 38-acre area with rail, water, sewer, and this has

1 all been accomplished.

2 We would like now to go ahead and construct
3 some facilities at Jessup, to first take care of those
4 merchants in the Inner Harbor West that must vacate and
5 are facing, going out of business if something is not
6 done. To get some background as to what our requirements
7 are, we have recently in the past two weeks sent out
8 agreements to lease to these merchants, not just in the
9 Inner Harbor West but throughout the Baltimore area, and
10 we are now getting some responses back.

11 Thus far we have had four companies who have
12 signed these agreements to lease. Their unit requirement
13 is 12, and they have deposited \$1,000 per unit, \$12,000
14 total deposit thus far.

15 We have had rather favorable comments from
16 these produce merchants in the past several days in talk-
17 ing to them. A good number of them are going to be making
18 their decision, based on the results of the Board of
19 Public Works action today.

20 Governor, I won't belabor this any further.
21 I would be glad to respond to questions as would all the

1 Authority members. There are two members, one from the
2 Farmers Association, George Huber, and Mr. N. Deemer Class,
3 who is a produce merchant. Both of them I know would
4 like to speak to the Board of Public Works.
5

6 GOVERNOR MANDEL: Do you have any questions
7 of Mr. Lee? Louie, do you want to ask him any questions?

8 MR. LOUIS GOLDSTEIN: No, Governor. I think
9 Mr. Lee has summarized the situation very succinctly.
10 I go back even further from that. When I was President
11 of the Senate, Mr. Boucher came down here with a group
12 to build a market, and wanted revenue bonds, and we passed
13 the legislation; is that right, Mr. Boucher?

14 MR. BOUCHER: Yes.

15 MR. LOUIS GOLDSTEIN: Then he came back another
16 time with his hat in his hand, said, "We couldn't sell
17 the bonds," he couldn't build the market and had to have
18 the full faith and credit of the State, so we put that
19 up and for several years we have been subsidizing that
20 market to the tune of around \$75,000 a year, and it still
21 hasn't paid for itself. I went down there last winter,
last spring, spent the whole day looking around that market,

1 and it is built on top of a trash heap. It is like
2 this (indicating). A truck brings a load of produce in.
3 The wheels sink. Am I saying it right?

4 MR. LEE: That is correct, Mr. Goldstein.

5 MR. LOUIS GOLDSTEIN: It is just a mess, and
6 I was appointed as an ex officio member on this Jessup
7 project. First we were appointed to find the site and
8 George Lewis, sitting right here, we looked and we
9 looked, and we had every speculator wanted to sell us a
10 site. One day I said, "Let's go over here to this
11 institution right off of Dorsey Road. We've got a large
12 tract of land there. I think maybe we could use that."
13 Do you remember that? We went over there. It is a
14 beautiful site. We selected that. We didn't have to
15 buy it. All of the speculators became very disappointed
16 and heartsick. I suppose they sold it to somebody else.
17 We have in my opinion one of the best sites of any area
18 in the United States for a market, for two reasons.

19 This megalopolis that we live in around Mary-
20 land, 80 out of every 100 people in Maryland live in that
21 corridor, Washington and Baltimore. You have got almost

1 900,000 people in Washington, D.C. Then you have got
2 another big group right around Virginia, Arlington,
3 Fairfax County, Loudoun County, Virginia, Alexandria, and
4 you have got all these 16 to 20 million visitors coming
5 to the Washington area. It is the finest place in the
6 world for a produce market. I know somebody will say
7 the farmer can't get there. Well, I am a farmer. I
8 raise crops. If you have got a good product, no trouble
9 to sell it, especially on the food market today. It is
10 a matter of a few more minutes coming around the Beltway
11 and getting there where they get a much better price for
12 the merchandise. I know I am talking and I am going to
13 meet some opposition to what I am saying, but I honestly
14 believe for the future of these merchants and for the
15 future of the State of Maryland and the people, that for
16 the consuming public this would be the action to be taken,
17 sir, and the property will revert back to Baltimore City
18 under the agreement that we have; is that right,
19 Mr. Boucher?

20 MR. BOUCHER: Yes, sir.

21 MR. LOUIS GOLDSTEIN: Under legislation passed

1 I think last year, but there will be no trouble with
2 Baltimore City utilizing the property. I am sure some
3 big transfer company, some big trucking company could
4 make use of that property for storage of trucks, for
5 in-transit merchandise.

6 GOVERNOR MANDEL: Is the gas still coming out
7 of the ground?

8 MR. LOUIS GOLDSTEIN: Yes, sir. You could
9 heat that whole area by utilizing that methane gas that
10 comes out of that decomposing trash and garbage that has
11 been there for many, many years, sir.

12 MR. LEE: Governor, when we had the fire at
13 the open shed meeting, the Fire Department couldn't figure
14 out what this funny blue flame was. It was gas.

15 GOVERNOR MANDEL: Still coming out of the
16 ground?

17 MR. LOUIS GOLDSTEIN: Yes, sir.

18 GOVERNOR MANDEL: Gary, did you say there was
19 someone else who wanted to be heard?

20 MR. LEE: Yes, I think Mr. Huber, Governor.

21 GOVERNOR MANDEL: Mr. Huber.

1 MR. LOUIS GOLDSTEIN: You haven't introduced
2 the doctor from the University of Maryland who is on
3 the Board.

4 MR. LEE: I'm sorry I forgot Dr. Wagner.

5 MR. LOUIS GOLDSTEIN: Dr. Wagner has been on
6 the Commission ever since I have been on it, and Dr. Wag-
7 ner has made great contributions toward this whole project.

8 MR. LEE: I think he can speak for the Governor
9 and the Board.

10 GOVERNOR MANDEL: Go ahead, Mr. Huber.

11 MR. HUBER: I am just a farmer, and I repre-
12 sent the Farmers Produce Association. We have been down
13 this road before. This is our only fear. Mr. Goldstein
14 stated this was the greatest thing ever built, greatest
15 thing, right?

16 MR. LOUIS GOLDSTEIN: Pardon?

17 MR. HUBER: That Pulaski, when you dedicated
18 Pulaski.

19 MR. LOUIS GOLDSTEIN: That the day they built
20 it, that was better than anything we ever had.

21 MR. HUBER: Wonderful.

1 MR. LOUIS GOLDSTEIN: Suppose we took that
2 same position with reference to your old No. 13 plow,
3 the greatest thing when you bought it. Now you have
4 modern tractors, modern combines.

5 MR. HUBER: That was great, but we suffered
6 for five years out there because the persons from uptown
7 would not come out there like they were supposed to.
8 Now, what you have here now, what this proposes is the
9 exact same thing. Do not do this to us. Don't, please;
10 I beg you. What you are going to do is put people out
11 there and put people all over the City and squeeze us
12 right to death. Don't do it. If you can all move to Jes-
13 sup, hooray, we are with you. As far as going to the
14 Beltway, we will go to hell and back with our produce
15 and it might work, but don't put us out of business and
16 split us, kill us. This is what you will do. If you
17 can put it all at Jessup, hooray, but if you can't, don't
18 do anything.

19 I was at a meeting where everybody agreed to
20 build at Pulaski. If you will do this, put them all at
21 Pulaski. Then you can force them out to Jessup or wherever

1 you want them to go, but make them all go together. This
2 is the only way we are going to survive.

3 Thank you.

4 GOVERNOR MANDEL: Any questions of Mr. Huber?

5 (There was no response.)

6 Who else wants to be heard, Gary?

7 MR. LOUIS GOLDSTEIN: Mr. Class.

8 MR. LEE: Mr. Deemer Class.

9 MR. LOUIS GOLDSTEIN: Deemer Class, a very
10 fine gentleman.

11 MR. CLASS: Mr. Governor, Mr. Tawes, Mr. Gold-
12 stein, I haven't anything to say that Mr. Huber hasn't
13 said. If you built a half dozen or a dozen units at Jes-
14 sup, and those people there, you are going to have people
15 scattered all over the City. You are going to crucify
16 the farmer and the merchant just the same. Now, if you
17 can have everybody go to Jessup, it is the most wonderful
18 thing in the world. It would be a fine thing, but the
19 Pennsylvania depot station, different people scattered
20 all around all over the City to sell this stuff. That
21 will wind up to be a white elephant down there. That is

1 the truth. I am President of one of the largest re-
2 ceivers of farm produce in the State of Maryland. I am
3 telling you the truth. If you break this thing up in
4 small parts and force a few of them to go to Jessup, the
5 organizations will not be here.

6 I thank you.

7 GOVERNOR MANDEL: Let me get it clear in my
8 own mind, Mr. Class, because I really want to know. We
9 have gone down, as you say, we have been down this road
10 over and over again.

11 MR. CLASS: Yes, we have.

12 GOVERNOR MANDEL: How do we force people or
13 would it be right for the State to force people to do
14 anything and tell them where they have to sell their
15 products?

16 MR. CLASS: I am sorry if I used that word
17 force.

18 GOVERNOR MANDEL: No, I mean how could we?

19 MR. CLASS: If you build a dozen units or 15
20 units, now the people that are signed to go out to this
21 new project are only the people from Camden Street and

1 Mr. Holloway, one of the big receivers out there, told
2 me himself Saturday afternoon, he said, "I'm only doing
3 this to protect myself. If you boys go somewhere else,
4 we are going back with you."

5 Now, I don't know how your lease reads, what
6 Mr. Lee has committed himself to or anything, but if
7 you put part of them out there and the whole thing is not
8 drawn together, the railroads and all of us together, we
9 will just be scattered to the four winds. That is true.

10 MR. LOUIS GOLDSTEIN: Mr. Class, aren't you
11 scattered now? Don't you have the Pennsylvania?

12 MR. CLASS: No, sir, we are not scattered,
13 Mr. Goldstein.

14 MR. LOUIS GOLDSTEIN: You have Marsh Market?

15 MR. CLASS: Yes.

16 MR. LOUIS GOLDSTEIN: That is one area?

17 MR. CLASS: Yes.

18 MR. LOUIS GOLDSTEIN: Pennsylvania Railroad
19 has theirs?

20 MR. CLASS: Yes.

21 MR. LOUIS GOLDSTEIN: Is that correct?

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MR. CLASS: Yes.

MR. LOUIS GOLDSTEIN: And now they are down on Camden Street, which is in the Inner Harbor.

MR. CLASS: Camden Street is our customers.

MR. LOUIS GOLDSTEIN: Now, I say right now you have three different places right now in the City, is that right?

MR. CLASS: Within three miles of each other.

MR. LOUIS GOLDSTEIN: Within three miles of each other?

MR. CLASS: That is right, three miles of each other, Camden, Pennsylvania Railroad.

MR. LOUIS GOLDSTEIN: The Inner Harbor one will be closed down because of Baltimore City. They are tearing down all those buildings and putting up apartments and what have you; is that right?

MR. CLASS: That is right.

MR. LOUIS GOLDSTEIN: Pennsylvania Railroad is broke and bankrupt.

MR. CLASS: They are still operating.

MR. LOUIS GOLDSTEIN: I saw in the paper this

1 morning they are having a public sale and they are talk-
2 ing about getting rid of all their properties. They are
3 not paying their just debts. That may be closed down.
4 That will leave Pulaski down there, Marsh Market and
5 you and I know it is pretty tough to put any more money
6 in that situation.
7

8 MR. CLASS: Mr. Goldstein, it would be tough
9 in this way. You could go in there with \$100,000 and
10 make that as smooth as Broadway. Now those holes can be
11 filled up and as far as that gas coming out, that gas
12 comes out of all swampy places. Hunt's Point, it is
13 everywhere. And now when this fire happened out there,
14 it wasn't adequate for the engine companies to put the
15 fire out. It wasn't on account of the gas. It was on
16 account of the inadequacy of the water. There was no
17 water in the water main. We have got to look at it from
18 all sides.

19 MR. LOUIS GOLDSTEIN: The same argument they
20 used in Philadelphia when they made that study. Two weeks
21 ago, week and a half ago, I was in Boston and I went
around and inquired about the situation there. They

1 recently closed down all those markets in Boston and
2 built a new market. Now they are restoring those old
3 homes. You ought to see how those old houses got reused
4 as a marketplace on the bottom, first floor, had tenants
5 living on the second floor. They are restoring that as
6 part of their bicentennial project, and I found very
7 few complaints, believe me, sir.

8 MR. CLASS: I'm not complaining to you people.

9 MR. LOUIS GOLDSTEIN: We want to help you, sir,
10 we want to help you.

11 MR. CLASS: I know you do.

12 MR. LOUIS GOLDSTEIN: We want to help you.

13 MR. CLASS: If you want to help us, put the
14 market in Pulaski Highway where there are thousands of
15 people. There's only two people want the place in Jessup
16 and that is Bill Boucher and Gary Lee. That is true.
17 I have been fighting this thing for five years. It is
18 the God's truth. There is not a merchant of any conse-
19 quence in the produce industry in Baltimore City that
20 wants to move to Jessup. Go to talk to the fathers, go
21 talk to anybody out the line, anybody. It doesn't make

1 any difference who it is. I am telling you the truth.

2 GOVERNOR MANDEL: Are there any other ques-
3 tions?

4 MR. CLASS: A lot of these people are not
5 going out there.

6 GOVERNOR MANDEL: Governor, do you have any
7 questions you want to ask?

8 GOVERNOR TAWES: I wanted to ask Louie what
9 caused this move to Jessup from Pulaski?

10 MR. LOUIS GOLDSTEIN: The Governor has asked
11 the question what caused the move from Marsh Market.
12 Maybe Dr. Wagner of the University of Maryland, and serves
13 ex officio, they made a big study about it, and
14 Mr. LaMason, where are you?

15 MR. LAMASON: Right here.

16 MR. LOUIS GOLDSTEIN: Mr. LaMason should have
17 a study on it. He is a world expert on produce markets.
18 Mr. LaMason, introduce yourself for the record.

19 Thank you, Mr. Class. Always glad to see you,
20 sir. Keep raising that nice sweet corn and nice tomatoes.

21 MR. LAMASON: My name is C. A. LaMason, and

1 for about ten years I was Executive Vice President of
2 the Food Distribution Center in Philadelphia, during
3 which time I served as an advisor to the market in Bos-
4 ton, the one in Paris, and one in Hunt's Point, New
5 York, as well as worked with the Ministry of Agriculture
6 in Spain and Sweden and the Covent Gardens Market in
7 England and one thing Mr. Class said that is perfectly
8 true, in every case they have always fought the idea of
9 moving to modern locations, because they have been doing
10 business the same old way for so many years.

11 In the case of Paris, it was some 400 years.
12 They were very hard to move out, but they were moved out
13 and they are doing better.

14 In the case of Philadelphia, it was predicted
15 that the 77 stores we built there would have 50 vacancies
16 in one year. That market was completed in 1959 and there
17 has never been a vacancy.

18 MR. LOUIS GOLDSTEIN: Completely filled up.

19 MR. LAMASON: There are still some small mer-
20 chants located in Philadelphia around Cahill Street.
21 There are still some merchants located outside of the

1 new market in Boston. It is still true in New York, but
2 when the majority of the tonnage moved to these new
3 markets, they can handle the food so much more efficient-
4 ly, at less cost. It winds up in lower cost to the con-
5 sumer, and that is the name of the game.

6 GOVERNOR MANDEL: Are there any questions,
7 Lou? Governor, did you have any?

8 GOVERNOR TAWES: I have no further questions.

9 GOVERNOR MANDEL: Thank you very much. Is
10 there anyone else, Gary, you wanted us to hear from?

11 MR. LEE: No, Governor. There is one conclud-
12 ing thing that I would like to point out to the Board.

13 GOVERNOR MANDEL: What is that?

14 MR. LEE: Governor, if the Board of Public
5 Works approves the recommendations the Authority has made,
we would like the wording in this changed slightly by
the Board of Public Works. The Authority really couldn't
do it without knowing what your decision would be. We
had put in here a closing date of March 1, 1975, which
the Marsh Market would be closed in any event, whether
the market was built at Jessup or not. The Marsh Market

1 operation will be terminated as a produce market. If
2 we are successful in getting the produce merchants in
3 the Baltimore area and if you approve us going ahead at
4 Jessup, then we would like to safeguard ourselves that if
5 the market at Jessup opens, we would like the produce
6 market at Marsh Market closed upon that opening. It
7 would be March 1, 1975, or when the produce market opens
8 in Jessup, whichever comes first.

9 GOVERNOR MANDEL: Gary, let me ask you a ques-
10 tion. Could the Jessup facility take care by March 1
11 of 1975 of all the people at Marsh Market if they all
12 decide to move out there?

13 MR. LEE: Yes, it could.

14 GOVERNOR MANDEL: In other words, I don't want
15 a decision made that is going to say the day that Jessup
16 opens, Marsh Market is going to close without everyone
17 being taken care of at Jessup.

18 MR. LEE: But, Governor --

19 GOVERNOR MANDEL: Everyone that wants to be
20 taken care of.

21 MR. LEE: Every merchant at Marsh Market has

1 new market in Boston. It is still true in New York, but
2 when the majority of the tonnage moved to these new
3 markets, they can handle the food so much more efficient-
4 ly, at less cost. It winds up in lower cost to the con-
5 sumer, and that is the name of the game.

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16 we would like the wording in this changed slightly by
17 the Board of Public Works. The Authority really couldn't
18 do it without knowing what your decision would be. We
19 had put in here a closing date of March 1, 1975, which
20 the Marsh Market would be closed in any event, whether
21 the market was built at Jessup or not. The Marsh Market

1 been contacted and has been given a right to come to
2 Jessup if they so desire. They have that opportunity.
3 If they don't choose it and time would go on, there would
4 be a time when we are beyond the point where we can pro-
5 vide them with a facility, but right at this moment, we
6 can accommodate everyone.

7 GOVERNOR MANDEL: George, can everyone be
8 accommodated there?

9 MR. LEWIS: Yes.

10 GOVERNOR MANDEL: If they want to and if this
11 was done?

12 MR. LEWIS: Can be.

13 GOVERNOR MANDEL: Okay, Gary. Thank you very
14 much.

15 MR. LEE: Thank you, Governor, and members of
16 the Board of Public Works.

17 GOVERNOR MANDEL: Thank you, gentlemen.

18 Louie, would you want to make a motion or shall
19 we wait a little?

20 MR. LOUIS GOLDSTEIN: Whatever you want to do.

21 GOVERNOR MANDEL: I think you ought to make
 a motion and get it over with, don't you?

1 MR. LOUIS GOLDSTEIN: Governor, I move that
2 we approve the resolution, with the additional language
3 that the Marsh Market wholesale market be closed on
4 March 1, 1975, or as soon as the Jessup Market is avail-
5 able for operation.

6 GOVERNOR MANDEL: Can we add one thing to
7 that, Louie, and say provided that the facilities are
8 available for everyone that wants to move there; they
9 will have the right to move there.

10 MR. LOUIS GOLDSTEIN: That is right.

11 GOVERNOR TAWES: Second.

12 GOVERNOR MANDEL: We will have it in the rec-
13 ord Mr. Hein was also here.

14 If there is no objection, we will approve that
15 motion. Okay. Go ahead, Andy.

16 MR. HEUBECK: There is one more Wetlands I
17 missed, Page 4, Item 3.

18 GOVERNOR MANDEL: I see Frank Dodge here. Is
19 that what he is here on?

20 GOVERNOR TAWES: Yes, that is it, and Robert
21 J. Wilson.

1 GOVERNOR MANDEL: Do you want to call them
2 up? This is Item 3 on Page 4 of the Secretary's agenda.
3 Go right ahead, Harry.

4 MR. PHOEBUS: Governor, I am Harry Phoebus,
5 Jr., from Somerset County. I am appearing this morning
6 on behalf of Robert Wilson, who is the applicant for the
7 permit to dredge and fill some land off the Pocomoke
8 River in the neighborhood called Shelltown in Somerset
9 County. I would also like to identify myself as being
10 the County Attorney for the Somerset County Commissioners,
11 because I am here at their instructions, because they
12 feel that this particular application and the attitude
13 of the Department of Natural Resources towards this par-
14 ticular application bodes very poorly for the ultimate
15 prospects of Somerset County, and the Commissioners
16 feel that this application is deserving enough to have
17 them officially on record through me in support of the
18 particular application.

19 The applicant is Mr. Robert Wilson, who is
20 back here with Delegate Dize; Delegate Dize providing
21 moral support, I suppose. Bob is a small, relatively

1 small insurance and real estate man in Somerset County.
2 He is not a big wheeling and dealing developer of any
3 type. He is a native of Somerset County. The tract of
4 land, the total tract of land that is involved is 55
5 acres of land. The total acreage, if we are to believe
6 the figures of the Department of Natural Resources, the
7 total acreage of marshland or wetlands that would be in-
8 volved would amount to some 8 acres, and they estimate
9 80 percent would be State wetlands, which would be about
10 6.5 acres of State wetlands.

11 Mr. Wilson asks the authority of the Board
12 of Public Works to widen an already existing channel
13 that runs from the Pocomoke River up into or alongside
14 of his property, along a creek called Peter's Gut, to
15 widen that channel by some 30 feet, and then to run a
16 spur channel from that into his land of some 550 feet,
17 opening up the total tract of some 55 acres of land.
18 The Department of Natural Resources has recommended flat-
19 ly that this be denied, pointing out very accurately,
20 I will say to you gentlemen, that the only basis of this
21 request is for the purposes of developing this land in

1 Somerset County for residential purposes, and I want to
2 go on record as saying that the County Commissioners
3 also recognize this, that this is the basis of this appli-
4 cation for a permit to dredge, and we suggest to you that
5 the Department of Natural Resources is taking a very
6 narrow attitude and that your examiner is subscribing to
7 that very narrow attitude when they suggest that this type
8 of basis for an application automatically says that the
9 application will be disqualified and refused.

10 My reading of the Wetlands Act does not make
11 it that clearcut, that there will never be any tampering
12 with the wetlands of the State of Maryland for purposes
13 of residential or other type of development. The Wetlands
14 Act provides that the Board of Public Works will consider
15 the ecological, economic, developmental, recreational
16 and aesthetic values that are presented by the particular
17 application.

18 I would suggest to you that in its report to
19 you the Department of Natural Resources has only touched
20 on the ecological aspects of this application. They have
21 completely ignored the economic aspects, the developmental

1 aspects, the recreational aspects and the aesthetic
2 aspects, and even in the area that they have considered
3 in their report to you, the ecological, they have related
4 only to the approximately 4 or 5 or 8 acres of marsh-
5 land that is involved in this application. They have
6 not presented to your Board the fact that there are
7 thousands of acres of marshland directly across the river
8 from this particular spot. There are thousands of acres
9 of marshland in Somerset County, and on the Pocomoke
10 River which are not affected by this application.

11 They do not present to you the percentage
12 of the ecological impact here. They say that a certain
13 amount of biological material be produced each year on
14 these 7 or 8 acres of land. They do not say what per-
15 centage that represents as far as the total amount of
16 material that is developed on the Pocomoke River, and I
17 say to you that is giving you a very narrow attitude
18 and a very narrow picture as far as the ecological impact
19 here.

20 As far as the private wetlands that are
21 affected by this, we realize that this is not the Board's

1 province, but we point out to you the problem that an
2 individual applicant such as Mr. Wilson has in these
3 circumstances. The Wetlands Act is now almost three
4 years old. There are still no regulations adopted by
5 the Department of Natural Resources affecting Somerset
6 County, as the law required would be adopted. There are
7 no wetlands maps adopted affecting Somerset County as
8 the law required would be adopted. This application has
9 been in the hands of the Department of Natural Resources
10 now for over six months, and only now are we even approach-
11 ing hopefully a decision favorably or unfavorably on
12 behalf of Mr. Wilson.

13 I submit to you, sir, that the Department in
14 its recommendations to you, and which have basically
15 been adopted by your examiner, are so captured up with
16 their publicity as far as the protection of the environ-
17 ment, that they have got their heads stuck in the sands
18 of Worcester County, where, of course, there are great
19 problems and they ignore the fact that Somerset County
20 is a completely different proposition altogether.

21 Worcester County was extremely, and perhaps

1 adversely developed before the Wetlands Act gave the
2 State any authority to move in this field. Somerset
3 County is relatively untouched.

4 I can tell you that the Somerset County Com-
5 missioners do not want the kind of development you have
6 in Worcester County, but by the same token we do not
7 want a complete closed door to any development, and
8 particularly to development that would open up some 50
9 or 60 acres of land by/^arelatively small effect on the
10 marshland.

11 I would point out to you that in Somerset
12 County there are approximately 57,000 acres of wetlands.
13 Of those 57,000 acres, over 22,000 acres are already
14 committed to public use, either by public ownership,
15 State or Federal, or by semipublic ownership in the nature
16 of the bird watchers, and these type of organizations,
17 so that a very, very substantial amount of Somerset
18 County wetlands are going to be protected, no matter
19 what action this Board may ever take.

20 The other problem that we have in Somerset
21 County, and this is why the Commission has asked me to

1 press their concern on this application, is that very,
2 very close to 100 percent of the shorelands of Somerset
3 County are bordered by some types of wetlands. We do
4 not have any of the beautiful cliffs of Calvert County
5 or any of the high banks of Talbot County or of this
6 nature of geography in our County. The entire County,
7 shorelands, are bordered by what would probably be con-
8 sidered wetlands and that if the Department is permitted
9 to take such a completely closed attitude on these types
10 of applications, then no man in Somerset County will be able
11 to change a marsh front into a waterfront property, and
12 again I assure you that our County is not interested in
13 the broadcast type of development that is happening in
14 Worcester County and in other areas, but we are all con-
15 cerned about protecting small landowners, small farm
16 owners, like Mr. Wilson, who do have some rights regard-
17 ing the property.

18 We suggest that you also take into consider-
19 ation that Somerset County, even with the acceptance of
20 t his application, is not losing the wetlands. Gentle-
21 men, we are gaining wetlands every day of the year.
Somerset County without some type of more extensive

1 erosion control, without some type of development of some
2 portion of our wetlands, is going to be 90 percent wet-
3 lands in another 30 or 40 years, I fear, but the thing
4 we do suggest to you is that the attitude of the Depart-
5 ment in its recommendations to you is far more narrow than
6 the Act. The Act does not limit you to say that my
7 development for purposes of residential purposes, no
8 matter how much this has been abused in the past, that
9 any such application must automatically be denied.

10 We suggest to you that this particular applica-
11 tion would have very minimal effect on the ecology of
12 Somerset County, on the economy, on the developmental
13 aspects of Somerset County, recreational and aesthetic.

14 Mr. Wilson proposes to develop this property.

15 GOVERNOR MANDEL: Harry, let me ask you a
16 question. I was interested in seeing where a statement
17 was made by the Department that your client refused to
18 make any changes in his application so that the two of
19 them could get together and arrive at a suitable channel.

20 MR. PHOEBUS: Yes, sir.

21 GOVERNOR MANDEL: Why?

1 MR. PHOEBUS: Actually why, Governor, is
2 because --

3 GOVERNOR MANDEL: We have had I don't know
4 how many, but we have had literally thousands of appli-
5 cations, and I think there has been only about three or
6 four that the Department has refused over all the time
7 that the wetlands permit law has been on the books, so
8 I don't think their attitude has been that uncompromising.
9 I think it has been totally the other way. I think it
10 has been totally compromising, in working with the people
11 to come up with an appropriate permit that could be
12 approved. This one instance, the first instance that I
13 have seen in all the permits that we have had where an
14 applicant has apparently refused the suggestions of the
15 Department, so that they could approve the permit. Now,
16 why?

17 MR. PHOEBUS: I suppose why is because the
18 application as submitted would basically remove all the
19 wetlands that are between this man's property and the
20 open waters. The alternatives that have been suggested
21 by the Department is to leave some of those wetlands.

1 GOVERNOR MANDEL: You are only talking about
2 8 acres?

3 MR. PHOEBUS: Yes, sir.

4 GOVERNOR MANDEL: If you leave some of it, is
5 that going to interfere with his ability to develop his
6 land?

7 MR. PHOEBUS: According to his impression of
8 what is being suggested, it would interfere with his
9 ability to develop, yes, sir, and more particularly, and
10 I was present at at least one of these meetings, turned
11 back to the Department and said, "All right, how much are
12 you willing to accept," and the Department isn't willing
13 to give him an answer on that. Perhaps it seems to you
14 that he is being unreasonable by not admitting to any
15 compromise.

16 GOVERNOR MANDEL: No, I want to find out if
17 the Department is being unreasonable. We don't want an
18 unreasonable Department, and we haven't found it in any
19 way in these permits yet why we have had anyone come up
20 and say that the Department hasn't been willing to sit
21 down and work out problems to get a wetland permit. I

1 want to find out if they are taking an unreasonable
2 attitude.

3 MR. PHOEBUS: I think your examiner really
4 brought the Department into a posture of attempting to work
5 out.

6 GOVERNOR MANDEL: That is why we have them.

7 MR. PHOEBUS: I should hope so. I will say
8 that and I participated in such a meeting, but it did appear
9 to Mr. Wilson that for the purposes of his application
10 and development of this particular tract of land as it
11 is laid out that he was unable to still leave any of
12 these marshlands there. One of the big problems being
13 actually Somerset County's biggest problems is mosquitoes
14 and being the fact these remaining wetlands do foster
15 mosquitoes and foster them on the nearby land.

16 I guess my principal assertion on behalf of
17 the Commissioners and my principal concern, is that the
18 Department does not face the fact of the relatively infin-
19 itesimal effect this has on the entire wetlands of Somer-
20 set County or even of the Pocomoke River and these
21 Department of Interior maps show the vast stretches of

1 marshland in Somerset County, which just exist in one
2 small section of Somerset County, and we are talking about
3 a tiny little portion of land up there. I recognize
4 the dangers that you all may feel from a precedent view-
5 point, but I suggest that this man is entitled to a
6 consideration of his application on the basis of his
7 application by itself, sir.

8 MR. LOUIS GOLDSTEIN: Governor, may I ask a
9 question?

10 GOVERNOR MANDEL: Sure, go right ahead.

11 MR. LOUIS GOLDSTEIN: Harry, I have got my
12 complete file right here on this project, and I have a
13 letter here dated March 22 from Mr. Wilson where he sets
14 forth his views on this project. Have you sat down with
15 the people yourself and talked to them?

16 MR. PHOEBUS: Yes, sir, with Mr. Wilson yes-
17 terday.

18 MR. LOUIS GOLDSTEIN: Have you talked to the
19 Natural Resources people, Mr. Larry Goldstein?

20 MR. PHOEBUS: Yes, sir.

21 MR. LOUIS GOLDSTEIN: And have you talked to

1 Mr. Sachs?

2 MR. PHOEBUS: No, sir. We met, I would sup-
3 pose, about six weeks ago with Captain Levine, because
4 we weren't able to get any ruling and we were concerned
5 about bringing it to a head, even if it is negligent, so
6 we can go on to something else if we need it. Mr. Wil-
7 son and I went to Captain Levine's office in an effort
8 to bring this to a head. He brought into that meeting
9 Mr. Siple, who is an investigator for the Department of
10 Natural Resources and invited over Mr. Larry here, your
11 examiner, Mr. Goldstein, who joined in that same meeting.

12 MR. LOUIS GOLDSTEIN: Based on this applica-
13 tion it looks like Mr. Wilson leaves a channel for boats
14 and needs a channel for access to boats.

15 MR. PHOEBUS: Yes.

16 MR. LOUIS GOLDSTEIN: Lots will be developed
17 on a separate tract of land. There are no septic tanks
18 running into the river or leaks, is that right?

19 MR. PHOEBUS: No.

20 MR. GOLDSTEIN: I want you to read his letter.
21 That is what his letter says. I will read you Mr. Wilson's

1 letter.

2 MR. PHOEBUS: All right.

3 MR. LOUIS GOLDSTEIN: Quoting from this let-
4 ter here, the alternate suggestion by the Natural Re-
5 sources Department would be of little value. Site 1
6 would only create a small harbor. Without widening the
7 channel, it would be of little use for small boats.

8 Site 2 would require dredging into the river,
9 say, for about 500 feet to deep water. Dredging this
10 corner would also endanger the bulkhead of Mr. Maddox's
11 property and in either case there should be no waterfront
12 tract created for sale. This is the key to the success
13 of the project. The Department report is not objective
14 at all. It only considers the value of the marsh. The
15 way I understand he wanted access for his boats, large
16 boats to get to his lots.

17 MR. PHOEBUS: That is right.

18 MR. LOUIS GOLDSTEIN: You explain it to me.
19 Have you ever seen this letter?

20 MR. PHOEBUS: Yes, sir.

21 GOVERNOR MANDEL: I have read this.

1 MR. LOUIS GOLDSTEIN: I read the letter.

2 GOVERNOR TAWES: Are you through with it?

3 GOVERNOR MANDEL: Yes. I read it.

4 MR. LOUIS GOLDSTEIN: In other words, he wants
5 a channel to the property?

6 MR. PHOEBUS: Excuse me, Senator.

7 MR. LOUIS GOLDSTEIN: The first page, Harry.

8 MR. PHOEBUS: In those references, he is re-
9 ferring to the alternatives that the Department had
10 suggested to him. His proposal -- there is already an
11 existing channel. Do you have that map?

12 MR. LOUIS GOLDSTEIN: That is right. You say
13 a narrow channel?

14 MR. PHOEBUS: There is an existing channel
15 running up this gut. His proposal would widen that chan-
16 nel and would use the material that is involved in the
17 widening of that channel by pumping it onto the waterfront
18 marshes, making highlands of those marshes.

19 GOVERNOR TAWES: Which is the alternative?

20 GOVERNOR MANDEL: Here.

21 MR. LOUIS GOLDSTEIN: Maybe you can come here

1 and show us on the map what is the alternative and what
2 is the proposal.

3 MR. LAWRENCE GOLDSTEIN: The Department is
4 faced with a situation where the applicant wants to com-
5 pletely destroy 8 acres of wetlands, and this is obviously
6 against the policy and against the statute itself. The
7 fact it is for developmental purposes is insignificant.
8 It is just that there are other ways to get access. The
9 applicant wants to have everybody have 100 percent water-
10 front lot. The Department, and I concur with the Depart-
11 ment, feels that you can have either community boat basins
12 or you could have piers out. You could do something to
13 minimize the despoilation of the wetlands. The applicant
14 proposes to dredge, widen this existing gut and take the
15 spoil obtained therefrom and completely fill in all the
16 marsh that is marked here.

17 There has been an impasse. The applicant re-
18 fuses to back off and the Department refuses to back off.
19 There is no feeling of compromise specifically on the
20 applicant's side. The applicant requested a finding as
21 soon as possible in order that he may proceed with other

1 remedies, appearance before the Board or possible court
2 action, and left no time to work anything else out.

3 This is the situation which we find ourselves in today.

4 GOVERNOR TAWES: What is this site?

5 MR. LAWRENCE GOLDSTEIN: This is the corner
6 of the applicant's property that he mentioned dredging
7 here might endanger this man's bulkhead at this point.
8 I don't know whether it would or not. I am sure that
9 the Department wouldn't feel very bad if they took two
10 and moved over far enough so it wouldn't endanger the
11 bulkhead. No matter what proposal is submitted by the
12 Department, there has been no feeling, no good faith
13 shown by the other side other than by dredging and fill-
14 ing the entire marshland.

15 MR. LOUIS GOLDSTEIN: What is your suggestion
16 from down in your country?

17 MR. PHOEBUS: Gentlemen, my only response
18 to that is that the proposals that the Department has
19 recommended, one of them suggested running piers across
20 the marsh where people could go across to the boats, and
21 of course we have a lot of that down on Danker's Creek

1 with the crab shanties and things of that nature. That
2 does something as far as giving access from the mainland
3 to the water, but it doesn't do very much as far as
4 the development of the property. The other aspect was
5 that of creating some type of a community harbor in there,
6 and still all of that would leave this border of marsh-
7 land between the highland and the open waters. It would
8 leave the problem that it has from an aesthetic view-
9 point. Some of you living on this side of the Bay may
10 find great aesthetic values in the marshes and we do too.
11 I have just bought a home and it has got a beautiful
12 sunset going down over James Island State Park, and I
13 appreciate the efforts of the Governor in getting that,
14 but there should be some balance also in that type of
15 reservation of property for such purpose benefit, and
16 particularly should be in view of Somerset County's
17 economic situation, and in view of the total vast amount
18 of acreage in Somerset County which is and always will
19 be protected to the use of the public.

20 GOVERNOR MANDEL: Mr. Sachs, could we hear
21 from Mr. Sachs on this?

1 MR. SACHS: Governor, may I defer to
2 Mr. Levine who is the Hearing Officer from the Depart-
3 ment?

4 GOVERNOR MANDEL: Sure, go ahead.

5 MR. LEVINE: As Mr. Goldstein outlined brief-
6 ly, and succinctly, we are in agreement on the approach
7 that the State should take the implementation of the
8 Wetlands Act. I might say also that we are willing to
9 sit down and discuss this, as we have in a meeting, but
10 we have just a general plan here.

11 I am perfectly willing to sit down again with
12 Mr. Wilson, with a plan of the development. We have
13 no concept of the development here. There may be issues
14 taken with the Department's position on this, but we are
15 talking just in the broadest terms. If we can get down
16 to specifics, not necessarily to the details, engineer-
17 ing specifications for the types of structures or anything
18 to be involved, but if we can have a plat showing what
19 his potential development is, and relate that, knowing
20 we can relate it to the various values, economic and
21 environmental aspects involved, but at this stage of the

1 game as you see we have a raw sketch of what he wants
2 to do in relation, but we don't have anything to relate
3 it to as far as development is concerned.

4 MR. PHOEBUS: I hate to sound like the s.o.b.
5 in this situation, but that is not a very fair offer to
6 Mr. Wilson at this time. This application has been in
7 the Department for over six months.

8 MR. LEVINE: May I take exception to that?
9 To be specific, the application was received in December.
10 The hearing was held on January 29, after due notifica-
11 tion to the public and the Department of Natural Resources
12 report to the Board of Public Works was signed by
13 Mr. Sachs on March 1, so we are talking of a time frame
14 of December to March 1 before the Board received the
15 recommendations of the Department of Natural Resources.
16 As a matter of fact, when the initial application was
17 received, Mr. Wilson will recall in December I called
18 him personally because the application was very bare.
19 I tried to get some more specifics on the matter so I
20 wouldn't get involved with delayed correspondence with
21 him, just to expedite it.

1 The hearing was held at the nearest possible
2 time, which was January.

3 GOVERNOR MANDEL: I would like to make a
4 suggestion. I don't know whether it is agreeable to the
5 other two members of the Board, but suppose your client
6 and the Department get together and come back to the next
7 Board of Public Works meeting, which won't be too far in
8 the future, and try to work out an agreement on this.

9 MR. WILSON: Fine. I don't understand why he
10 didn't tell us this before. We met with him before and
11 he didn't want any more plans than what we had.

12 MR. PHOEBUS: That of course is the problem we
13 have, Governor. Thank you very much.

14 GOVERNOR MANDEL: If you will follow that and
15 report back to the next meeting.

16 Larry, will you bring us back a report to the
17 next Board of Public Works meeting as to what you are
18 able to do?

19 MR. LAWRENCE GOLDSTEIN: Yes, sir.

20 MR. LOUIS GOLDSTEIN: For the record, I think
21 we ought to show that the application was received on
December 5, the hearing was on January 29; the report is

1 dated May 10, 1973.

2 MR. LAWRENCE GOLDSTEIN: That is my report,
3 Mr. Comptroller. That is my report. The Department
4 report was dated March and I would say soon as I received
5 the Department's report I sent a copy to Mr. Wilson and
6 asked for his comments. Mr. Wilson replied to me after
7 a period of time, saying -- his letter was received, you
8 read that. At that time I sent that letter to the Depart-
9 ment in an effort to get them more in tune to what
10 Mr. Wilson's position was so there was a period between
11 March and May when there was an attempt at negotiations
12 made.

13 There was only one meeting which I attended
14 that the applicant and his representatives also attended,
15 so while there was an attempt to negotiation, there was
16 only one small meeting held and at that meeting I was
17 told, "Give us a decision. We would like you to go with
18 us, but if you can't, give us a negative so we can proceed
19 to our remedy."

20 That was the situation that resulted in my
21 opinion of May 10.

1 GOVERNOR MANDEL: Can you do that, Harry, and
2 come back to the next Board meeting?

3 MR. PHOEBUS: Yes.

4 GOVERNOR MANDEL: Thank you, sir. Go ahead.

5 MR. LOUIS GOLDSTEIN: It is being deferred?

6 GOVERNOR MANDEL: Right. They are going to
7 report back to the next meeting of the Board.

8 I think this fellow doesn't want to tell them
9 what he is going to do. I don't think he wants to tell
10 them what use he is going to make of the land.

11 What is the next?

12 MR. HEUBECK: Page 26, one more Submerged
13 Lands item, Item 15, a request by the Secretary to the
14 Board of Public Works that the Natural Resources Depart-
15 ment be designated by the Board of Public Works, be the
16 State agency to respond to all public notice and all
17 other requests for information required by the Army Corps
18 of Engineers.

19 MR. LOUIS GOLDSTEIN: Who is doing that now?

20 MR. HEUBECK: We are.

21 GOVERNOR MANDEL: The Board is doing it, Louie.

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MR. LOUIS GOLDSTEIN: Right.

MR. HEUBECK: We have to go to them every time.

GOVERNOR MANDEL: It just eliminates a lot of trouble.

MR. HEUBECK: That is right.

GOVERNOR MANDEL: I don't think there is any objection to that. We will approve that, Andy.

MR. HEUBECK: Thank you.

GOVERNOR MANDEL: I think you recommended that, Governor, didn't you?

GOVERNOR TAWES: Yes, I did.

MR. LOUIS GOLDSTEIN: Right.

GOVERNOR MANDEL: What do we have next, Andy?

MR. HEUBECK: We have P-4 on Page 162.

GOVERNOR MANDEL: Whose agenda is that?

MR. HEUBECK: Mr. Lewis.

MR. LOUIS GOLDSTEIN: Wait a minute. Let's have a chance to get that agenda. Is there anything else on your agenda? Why don't you finish one thing at a time?

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GOVERNOR MANDEL: Let's finish with yours.

MR. LOUIS GOLDSTEIN: If you don't mind. We have got all these papers back and forth. If we had a desk big enough to hold them all, that would be fine.

MR. HEUBECK: The next thing on mine is Item 18, on Page 27, John L. Deaton Medical Center.

GOVERNOR MANDEL: That is the John L. Deaton Medical Center. There is no problem with that, is there, Andy?

MR. HEUBECK: No. I just brought it up here in case there are any questions.

GOVERNOR MANDEL: Louie, do you have any questions on that item?

MR. LOUIS GOLDSTEIN: No, sir, if they make the payment in accordance with their contract. That situation is up there in Baltimore.

MR. HUBER: Governor, my name is Louis Huber, President and Chief Executive Officer of the John L. Deaton Medical Center. We believe we have submitted certifications required by the bill, and I'm here to answer any questions and will provide any data which the

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court may require.

MR. HEUBECK: Governor, I might call the Board's attention, these bonds haven't been sold yet?

MR. LOUIS GOLDSTEIN: We can't give them the money until the bonds are sold. You understand that, don't you, sir?

MR. HUBER: No, I didn't, Mr. Goldstein. It was my understanding that it was not unusual for funds to be advanced prior to sale of bonds, based upon surplus in the State Bond Fund.

GOVERNOR MANDEL: Actually that just passed at the last session of the Legislature, didn't it?

MR. HUBER: That is right.

GOVERNOR MANDEL: It doesn't even become effective until July 1?

MR. HUBER: June 1.

GOVERNOR MANDEL: June 1 is the bill?

MR. HUBER: That is right.

GOVERNOR MANDEL: We won't even have the bond money in hand. What you are really asking is for the Board to authorize an advance?

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MR. HUBER: That is correct, sir.

GOVERNOR MANDEL: I don't know whether the
Comptroller -- where you would get a million dollars to
lay out like that.

I don't know any way you can do that. Louie,
do you?

MR. LOUIS GOLDSTEIN: I don't know of any
way, sir. We don't have any money laying around. All
the money we have got is committed.

GOVERNOR MANDEL: When will the bonds be sold?

MR. LOUIS GOLDSTEIN: August 29 is the next
bond sale, the next bond sale is the 29th. The resolu-
tion is on the agenda here today.

MR. SCHAMEL: That is Page 2 on that agenda.

GOVERNOR TAWES: Whose agenda?

MR. LOUIS GOLDSTEIN: It is right here.

MR. SCHAMEL: Andy's.

MR. LOUIS GOLDSTEIN: The next bond sale is
the 29th, General Construction Loan, 150,75, look in
here real quick.

GOVERNOR MANDEL: It is not on here.

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MR. LOUIS GOLDSTEIN: It is not on there.

GOVERNOR MANDEL: I think all of us, there is no disagreement among the board as to getting you the money. It is a question of legally how we can get it to you.

MR. HUBER: How quickly; I appreciate that, sir. I request it be done as quickly as possible because of the irksome nature of our position. We have taken other reserve funds that we had set aside for operation and completed enough construction so that the facility can be used. This is a 220 bed facility and 15 station reanalysis satellite.

GOVERNOR MANDEL: We will try to see if there is any way we can do it, but you have to understand that the Legislature authorized the sale of \$1 million worth of bonds.

MR. HUBER: Yes, sir.

GOVERNOR MANDEL: In order to help your facility out. We haven't sold the bonds. We don't have the \$1 million. The law just became effective June 1. We won't be able to sell those bonds, if we can, by August

1 29, even if they could be included in that sale we wouldn't
2 have it until sometime in September or October.

3 MR. HUBER: All right, sir.

4 GOVERNOR MANDEL: But we will try to expedite
5 it as soon as possible.

6 MR. HUBER: Thank you.

7 GOVERNOR MANDEL: Okay.

8 Do you have anything else on your agenda, Andy?

9 MR. HEUBECK: Water Quality Loan of 1968,
10 Item 14b, Page 24.

11 MR. GROSS: I am Mr. Gross, representing the
12 City of Cumberland.

13 MR. LOUIS GOLDSTEIN: I was going to ask you
14 several questions.

15 GOVERNOR MANDEL: I have a few questions on
16 this to ask myself.

17 MR. GROSS: I would also like to point out
18 that Mr. Watson, Commissioner of Finance from the City
19 of Cumberland is here, as is Mr. DeWitt, Director of
20 Public Works, Mr. Baker, member of the County Commissioners
21 of Allegany County, and Mr. Gill, Chairman of the

1 Association of Commerce, is that correct?

2 MR. GILL: That is correct.

3 MR. GROSS: And Mr. Newton, County Engineer.
4 I would be happy to answer any questions.

5 GOVERNOR MANDEL: I am in favor of the project.
6 I think we are all again in favor of the project, but
7 under the \$70 million emergency bill that was passed in
8 the Legislature, we reduced the local share from 25 per-
9 cent to 12.5 percent of the money that they will be respon-
10 sible for, and now on this project you are reducing it
11 down to about 10 percent.

12 MR. GROSS: This is because of the involvement
13 of the Appalachian Regional Commission grant which is
14 designed to reduce the local commitment required in the
15 Appalachian counties, the three Western Maryland counties,
16 so we really discounted that in computing the State grant.
17 We let that more or less be a bonus to the City of Cum-
18 berland to reduce their local requirement.

19 GOVERNOR MANDEL: But doesn't the Act that
20 passed say that the only way that the State can put up
21 more than 87.5 percent is if no other funds are available?

1 How can we discount other funds being available?

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3 MR. GROSS: Sir, as recited in the letter,
4 this project has been some time in the developmental
5 stage and was begun with the more or less proposal, or the
6 commitment, 80 percent grant and combination of EPA and
7 State and ARC in those days was a bonus to the local
8 community, and we wanted to stay that way. The City has
9 very difficult financial circumstances right now that I
10 will let them speak to.

11 GOVERNOR MANDEL: But how do we get around the
12 law? That is a simple question. You are asking us to
13 evade or get around the State law that says that we can
14 only go above 87.5 percent of the total project, if no
15 funds are available from Federal sources.

16 MR. GROSS: The State commitment is about 40
17 percent, sir, of the eligible project cost.

18 GOVERNOR MANDEL: I realize that, but the law
19 says that the total State and Federal commitment shall not
20 exceed 87.5 percent and that/^{the}local subdivision shall be
21 responsible for 12.5 percent.

MR. GROSS: Perhaps here then, sir, the

1 definition of Federal is not exactly clear, if it means
2 all Federal funds or only those EPA funds.

3 GOVERNOR MANDEL: My God, I think the Act
4 went so far, the State didn't have to make any commitment
5 under that Act, but we could have just said as long as
6 the 80 percent is coming from the Federal Government the
7 State doesn't have to put up anything, but now the law
8 says that we can put it up and we did that deliberately
9 to keep local subdivisions from not being able to get these
10 treatment plants if they didn't have the funds, but here
11 the Federal money is available, the local, State money
12 is available and you are asking us to go beyond the 87.5
13 percent and legally, I don't think we can.

14 Val, what is your opinion?

15 MR. WAHBE: There are two sections under the
16 Act. One says that the State and local subdivisions
17 could split the difference after reduction of the Federal
18 funds. In this case it would be a hardship on the sub-
19 division, but the other section says that the State would
20 put up, through the Board of Public Works, 87.5 percent
21 of the combined State and Federal funds. I think

Mr. Gross is interpreting Federal funds only as EPA

1 funds. Actually, I believe the intent of the law that
2 all types of Federal funds, including Appalachia or any
3 other type of fund. We used to have other types of
4 grants under the Federal regulations, such as the HUD
5 grants, the Farmer's Home. These are all included now
6 under EPA, with the exception of Appalachian Regional
7 grants, and the New Communities Act, which can add to
8 the Federal share and the difference is not going to be
9 much. It is only about \$189,000, so it is a question
10 of the Board adopting a policy that the Federal share
11 and the State share shall not exceed 87.5 percent.

12 This was the intent of the law.

13 GOVERNOR MANDEL: Instead of the local share
14 being 968, it would be \$1,167,000, if they put up 12.5
15 percent. I tried to figure it out while I was studying
16 the agenda.

17 MR. WAHBE: \$1,157,000.

18 MR. GROSS: \$1,157,000.

19 MR. WAHBE: And a half.

20 GOVERNOR MANDEL: That is right, and a half.

21 MR. WAHBE: The State's share would be

1 3,883,500 instead of 4,073,000.

2 GOVERNOR MANDEL: I think the Comptroller has
3 some questions he wants to ask on possibly some other
4 aspects of it.

5 MR. LOUIS GOLDSTEIN: Yes, I want to say we
6 approved this back in March, at the March meeting.

7 MR. GROSS: Yes, based on the local project
8 cost.

9 MR. LOUIS GOLDSTEIN: I talked to you the other
10 day. You have another project in Calvert County that
11 needs a small sum of money, and you said you couldn't
12 get around to it.

13 MR. GROSS: Sir, I sent you a copy of a let-
14 ter. There is an anticipated cancellation of an existing
15 grant which may offer some relief to the Prince Frederick.

16 MR. LOUIS GOLDSTEIN: Wait a while -- may.
17 In other words, you put millions in there. It is only
18 worth \$100,000 and your Health Department served an order
19 on them. They have to do something. They have stuff
20 laying on top of the damn ground down there. All it
21 needs is authorization for the pumping station.

1 MR. GROSS: I have a very strong feeling this
2 additional Federal will be available within the next
3 two weeks. I felt we should explore that alternative
4 before, strike out before coming to the Board for ad-
5 ditional funds.

6 MR. LOUIS GOLDSTEIN: Did you get all the
7 Federal money that you could get here?

8 MR. GROSS: Again, the additional Federal that
9 becomes available might be enough to offer Cumberland
10 some assistance, the increase.

11 MR. LOUIS GOLDSTEIN: Maybe, that is the point
12 I make. You give Cumberland a priority and the Health
13 Department in the County has already served an order on
14 the hospital, according to my file right here. The sewer
15 is laying right on top of the ground down there this past
16 week. They can't build more septic works. If there was
17 ever an emergency, that is an emergency.

18 MR. GROSS: As I understand it, that project,
19 the pumping station is not yet designed, is not ready
20 to go to contract.

21 MR. LOUIS GOLDSTEIN: I talked to an engineer

1 on the phone last night at 10 o'clock and he told me he
2 was ready to go to contract.

3 MR. GROSS: I am not aware of that.

4 MR. LOUIS GOLDSTEIN: I talked to him last
5 night. How do you give priority for something that is
6 already going to create a hazard?

7 MR. GROSS: I wasn't aware that Calvert County
8 was ready to proceed with the contract that would receive
9 equal attention. It was my understanding it was not.
10 At that time they were to explore other alternates. In
11 Cumberland they took bids on February 20. Really, the
12 bid expires on June 20, but the contractor has agreed to
13 extend until July 1.

14 GOVERNOR MANDEL: Yes, sir.

15 MR. HILL: I am Fred Hill. I am President of
16 the Chamber of Commerce of Cumberland. I would like to
17 point out in answer to Mr. Goldstein's remark, Cumberland
18 is building this really for the benefit of the State,
19 because the sewage is passing through Cumberland and out
20 into the river and lower, so frankly, we think we are
21 making a tremendous contribution to the State when we

1 put forth the moneys that we do. Really, we are only
2 asking for the 80 percent that we had done all along.

3 MR. LOUIS GOLDSTEIN: That is why we approved
4 it back in March at the Board of Public Works meeting.
5 We understand what Cumberland needs. I was just using
6 this as a comparison. Here you have a situation where the
7 Health Department from one branch has served an order
8 on the hospital that is already in being, taking care of
9 people and the waste is on top of the ground and another
10 branch is holding up the okay to build a pumping station
11 on the highway and the hospital paid for connecting it.

12 MR. HILL: These are different situations.

13 MR. LOUIS GOLDSTEIN: I know. I want to find
14 out today why they give priority to one and not another.

15 MR. GROSS: I'm sorry, it must be a misunder-
16 standing on my part because I was not aware that pumping
17 station was ready to go to contract.

18 MR. LOUIS GOLDSTEIN: I am 100 percent in favor
19 of helping Cumberland. I was up there the other day.
20 It is a great city.

21 MR. GROSS: The lower part of the Potomac is

1 ready to be developed.

2 MR. LOUIS GOLDSTEIN: Right, no problem with
3 that.

4 GOVERNOR MANDEL: You know, that is a great
5 line.

6 MR. DeWITT: I am John DeWitt. I would like
7 to make one thing known. Our bid was \$1,100,000 below
8 the engineer's estimate. We had another bid, \$1,000,100
9 above it, so our engineer was right on the button, but if
10 this were to be rebid, all indications are that it would
11 cost us at least \$3 million. We know we have to build
12 this plant and sometime, and somebody is going to have to
13 give us some money for it. This is the last desperate
14 chance for us, and we are trapped for time.

15 GOVERNOR MANDEL: We are not opposed to it,
16 but you have got to remember you are talking here about a
17 \$9 million project. We are talking about Statewide,
18 possibly \$500 million.

19 MR. DeWITT: Yes, sir.

20 GOVERNOR MANDEL: Or maybe a \$1 billion, and
21 we only have so much State money to distribute around
the entire State, and if we start putting 95 percent or

1 100 percent of money into these projects, we are not
2 going to have money to do what has to be done around the
3 entire State. That is our problem. I understand your
4 problem, but here you are, and I am not being critical,
5 but you are getting a \$9,260,000 grant with \$900,000.
6 I think that is a pretty good deal.

7 MR. DeWITT: Yes, sir.

8 GOVERNOR MANDEL: Don't you?

9 MR. DeWITT: But isn't it just the intent,
10 ordinarily an 80-20 deal with Appalachia contributing
11 13 --

12 GOVERNOR MANDEL: It is 87.5-12 percent.

13 MR. WAHBE: The law says Federal grant, not
14 EPA, Appalachia or any other; it says maximum Federal
15 grant.

16 MR. DeWITT: It is my understanding that any
17 grants would usually total 80 percent for the local con-
18 tribution of 20 percent.

19 GOVERNOR MANDEL: If you want to make a 20
20 percent contribution, we will approve it right now.

21 MR. DeWITT: That is what I am getting at.

1 Appalachia contributes 13 percent, which would leave us
2 in the Appalachian Region only with 7 percent.

3 MR. HILL: It depends on whose pencil you are
4 using.

5 GOVERNOR MANDEL: That is right, it is the
6 old saying, figures don't lie, but liars can figure.

7 MR. WATSON: I'm Tom Watson, Commissioner of
8 Finance of Cumberland. You lost me some time back when
9 you said you couldn't go above 87 percent.

10 GOVERNOR MANDEL: 87.5 percent.

11 MR. WATSON: This was approved at one time
12 when this plant was originally planned for a lesser amount
13 of money. It was approved, the 7 percent participation
14 from Cumberland, but now I find that is totally illegal.
15 I can't understand that.

16 GOVERNOR MANDEL: The act that was approved by
17 the Legislature, originally we changed it because under
18 the old Federal law your local subdivision would have
19 been responsible for 20, what was it, Val --

20 MR. WAHBE: 25 percent.

21 GOVERNOR MANDEL: -- 25 percent. The Federal

1 law was changed that they would put up half, or a total
2 of 75 percent, and we the State didn't have to put up any-
3 thing. They made it 75-25 local. The State didn't want
4 to put local subdivisions in the position of having to
5 put up more under the new Federal law than they were put-
6 ting up under the old law, so we passed an act saying that
7 you only had to put up 12.5 percent and the State would
8 pay 12.5 percent, and now we have a project here where
9 the State is putting up more than what the law allows.
10 That is the problem that we face. I am all in favor of
11 the project. I just want to say to the Department I am
12 not objecting to it, but to the Department, that in the
13 future, as far as I am concerned, all Federal funds are
14 Federal funds and the State's share is not going to exceed,
15 or the local share has to be the 12.5 percent.

16 GOVERNOR TAWES: Didn't they use Appalachian
17 funds?

18 GOVERNOR MANDEL: Sure, for their own money.

19 MR. GROSS: I find a State grant of \$3,030,000.

20 GOVERNOR MANDEL: I'm not objecting to this
21 one, but I want to make it clear as far as I personally

1 am concerned in the future projects, the local share
2 has got to be 12.5 with all Federal funds being included
3 as Federal funds.

4 MR. GROSS: All right, fine.

5 GOVERNOR MANDEL: This one I am not objecting.
6 This has been on the Board long enough and they desperate-
7 ly need it. I realize that. We have to think about the
8 rest of the State and the billions of dollars we are
9 going to be involved in spending.

10 Do you have any objection to it, Louie?

11 MR. LOUIS GOLDSTEIN: No. We approved this
12 back in March.

13 GOVERNOR MANDEL: That is right.

14 MR. LOUIS GOLDSTEIN: We thought it was a very
15 fine project. I think it is still a great project. I
16 just want to bring the overall picture to you. There
17 are other places where they have dire emergencies, worse
18 than Cumberland. In fact, it is worse, and all going out.
19 Stuff laying right on top of the ground. There are other
20 places where they have a dire emergency, almost worst
21 than Cumberland; in fact, it is worse. Here you have a

1 hospital handling their sewerage system with septic tanks
2 and all going out, stuff laying right on top of the
3 ground. The hospital is filled to capacity and they are
4 ready to put the money up and build the line to the pump-
5 ing station, but they can't get the okay.

6 MR. WATSON: Aren't you glad we are thinking
7 ahead?

8 MR. LOUIS GOLDSTEIN: Yes. That is why we
9 want to congratulate you.

10 GOVERNOR MANDEL: We are not objecting to your
11 project. The principle is we have 387 plants that we have
12 to build around the State of Maryland. If we did this
13 with every plant, we would run out of money before we got
14 past a hundred.

15 MR. LOUIS GOLDSTEIN: I move we approve the
16 project.

17 GOVERNOR MANDEL: Will you ask Mr. Bingley to
18 get in touch with Mr. Wahbe and they can get together on
19 the plan for the use of all Federal funds?

20 MR. GROSS: Yes, sir. The message is clear,
21 and we will go on that basis.

1 MR. WAHBE: We will propose a policy for you
2 to adopt.

3 GOVERNOR MANDEL: That is right, so we will
4 know in the future and the local people will know in the
5 future what the Federal funds mean. That is all.

6 MR. LOUIS GOLDSTEIN: I move we approve the
7 allocation set forth in the application.

8 GOVERNOR MANDEL: All approved.

9 MR. GROSS: Thank you very much.

10 GOVERNOR MANDEL: All approved.

11 MR. LOUIS GOLDSTEIN: Praise hallelujah. You
12 are back on top of the mountain.

13 GOVERNOR MANDEL: What else do you have, Andy?

14 MR. HEUBECK: Governor, we now go to the agenda
15 of the Secretary of the Budget and Fiscal Planning. He
16 has a number of personal appearances.

17 GOVERNOR TAWES: Is that all of yours?

18 MR. HEUBECK: That is all I have.

19 GOVERNOR MANDEL: Do you want to go ahead?

20 DR. BARNES: I don't have any requests. On
21 the Center Stage, I was approached this morning by the

1 Deputy Secretary of that department, the Department of
2 Economic and Community Development.

3 GOVERNOR MANDEL: Is there someone here from
4 Center Stage?

5 MR. CULMAN: Yes, sir, three of us.

6 MR. LOUIS GOLDSTEIN: Three of these distin-
7 guished gentlemen.

8 GOVERNOR MANDEL: We don't have that on our
9 agenda. I don't want to make your trip unnecessary, so
10 we will hear from you. Who would you like to speak for
11 you?

12 MR. CULMAN: I am the Producing Director,
13 Peter Culman, with Gordon Becker, member of the Board,
14 previously President of the Board, and Sue Watts, who
15 is currently Chairman of our Board, and actually, Dr. Barnes,
16 we came to see your department about getting a request
17 for a \$10,000 grant to break even on this year's oper-
18 ation. As you may remember, we were given a grant last
19 year from the Ford Foundation, which enabled us for the
20 first time to get out of debt. We raised \$220,000 in
21 private moneys from the Baltimore Community, and we started

1 this season debt free for the first time in ten years.

2 We are now faced with getting additional
3 roughly \$90,000 from the Ford Foundation. However, it
4 is contingent upon our breaking even on this season's
5 operation. We are right now faced with a \$10,000 gap.
6 That is why we are down here this morning.

7 DR. BARNES: Governor, these requests generally
8 come in through the Maryland Arts Council, which has a
9 \$322,000 Object 12 Grant and Subsidy Account. In Fiscal
10 1974 that goes to 355, which gives you an extra \$30,000
11 for next year. The question I would have, can the Depart-
12 ment of Economic and Community Development through that
13 budget afford the \$10,000. If it can, it should be done
14 that way, rather than through the Emergency Fund.

15 MR. CHMELIK: Jim Chmelik, Community Develop-
16 ment. Ken, on our proposal I did get the endorsement of
17 the Arts Council for this project. As you know, in total-
18 ity they had no budget increase for Fiscal Year 1975 or
19 '74, excuse me. What I would like to do is if the Board
20 would agree to this, is the Department will have a rever-
21 sion and have this as part of the reversion expenditure

1 to balance them up.

2 DR. BARNES: Is that part of your mandatory
3 reversion?

4 DR. CHMELIK: No. This would be in addition
5 to that.

6 DR. BARNES: The Board's decision should be
7 whether they want to allow the Department to exceed its
8 appropriation for this purpose, not just for Center
9 Stage, but for all cultural type activity.

10 MR. CHMELIK: No, all I'm asking is for this
11 particular purpose. I am not asking for a blank check
12 on the Treasury of the State of Maryland.

13 MR. LOUIS GOLDSTEIN: Don't you understand,
14 in other words, you are going to have a reversion in the
15 1973 budget?

16 MR. CHMELIK: Correct.

17 MR. LOUIS GOLDSTEIN: Of the Maryland Arts
18 Council?

19 MR. CHMELIK: No, for the Department as a
20 total.

21 MR. LOUIS GOLDSTEIN: Your department?

1
2 MR. CHMELIK: The Arts Council won't have it.
3 The Arts Council is part of the Department.

4 MR. LOUIS GOLDSTEIN: I see, other than
5 Mr. Rovner's department?

6 MR. CHMELIK: Right.

7 MR. LOUIS GOLDSTEIN: You want to take the
8 \$10,000 out of that reversion?

9 MR. CHMELIK: Right.

10 MR. LOUIS GOLDSTEIN: And give it to the Center
11 Stage?

12 MR. CHMELIK: Right.

13 DR. BARNES: They want to revert \$10,000 less
14 than what it was normally.

15 GOVERNOR MANDEL: That is over and above the
16 reversion figures that you gave them?

17 MR. CHMELIK: That is correct, sir.

18 DR. BARNES: And it simply means a realignment
19 of the budget.

20 GOVERNOR MANDEL: Are there any more questions
21 that you have?

MR. LOUIS GOLDSTEIN: No. I have a letter from

1 Mrs. Gail Parker, and I have a letter here from Honorable
2 Donald Rothman.

3 MR. CULMAN: He regrets, Mr. Goldstein, he
4 couldn't be here this morning.

5 MR. LOUIS GOLDSTEIN: He spoke to me down at
6 the Bar Convention at Ocean City last Saturday, that he
7 would be writing to us about this money in order to get the
8 money from the Ford Foundation.

9 MR. CHMELIK: It is really \$10,000 to buy them
10 \$90,000, and they got caught in this critical time period
11 and as a result of the change in management, there has
12 been a great deal of progress made by their organization,
13 and this \$10,000 will give them a new lease on life and a
14 clean book to start it off.

15 MR. LOUIS GOLDSTEIN: If we give you this ten,
16 can you make out all right next year?

17 MR. CHMELIK: Yes.

18 MR. LOUIS GOLDSTEIN: Do you have enough people
19 in Baltimore to really go in there and really pay the ad-
20 mission and to really see and enjoy the show and take care
21 of it?

1 MR. CULMAN: Yes, sir. The thing that tore
2 us up, we toured eight States from a national endowment,
3 and we had the unfortunate effect of having a heart attack
4 of the leading lady and we had to switch the show, so we
5 had about --

6 MR. LOUIS GOLDSTEIN: Did you have a backup
7 for her?

8 MR. CULMAN: We had a backup and she came down.
9 The point is we took a different show out, a larger show,
10 and as a result that cost us more money.

11 MR. LOUIS GOLDSTEIN: Suppose you concentrated
12 in Maryland instead of touring. Suppose you went down to
13 Calvert County, Charles, Somerset.

14 MR. CULMAN: We did the whole State.

15 MR. LOUIS GOLDSTEIN: Calvert County?

16 MR. CULMAN: Part of that grant took us down
17 to Calvert County.

18 MR. LOUIS GOLDSTEIN: Suppose you concentrated
19 in Maryland instead of touring. Suppose you went down
20 to Calvert County, Charles and Somerset?

21 MR. CULMAN: We do.

1 MR. LOUIS GOLDSTEIN: Every county?

2 MR. CULMAN: Yes. Part of that grant took
3 us down to Southern Maryland. We played at Princess
4 Anne actually this year on a special residency.

5 MR. LOUIS GOLDSTEIN: Somerset?

6 MR. CULMAN: At your new college. They are
7 putting up that big --

8 MR. LOUIS GOLDSTEIN: That is correct, Maryland
9 State, Eastern Shore. You played at Garrett County too,
10 did you?

11 MR. CULMAN: Yes.

12 MR. LOUIS GOLDSTEIN: Allegany?

13 MR. CULMAN: Yes.

14 MR. LOUIS GOLDSTEIN: Washington, Frederick,
15 Carroll?

16 There are 23 counties in Maryland. Did you
17 play in all 23 counties?

18 MR. CULMAN: No, I wouldn't say we hit all 23.

19 MR. GOLDSTEIN: Don't you think you ought to
20 play in all 23 counties before you start touring out of
21 the State?

1 GOVERNOR MANDEL: Louie, they will be down
2 there for 25,000.

3 MR. LOUIS GOLDSTEIN: That is all right. Those
4 country folks need culture as well as the people in the
5 ghettos and other parts of the State.

6 GOVERNOR MANDEL: Fellows, I'm all for you, but
7 what date will you be down before the Board next year?
8

9 MR. CULMAN: I would like to point out --

10 GOVERNOR MANDEL: Do you want to set an appoint-
11 ment right now?

12 MR. CULMAN: No, I would like to point out,
13 Governor, we have not been here for a good few years,
14 which I am very proud of.

15 GOVERNOR MANDEL: I seem to recall --

16 MR. CULMAN: Last year we raised \$250,000,
17 all private money.

18 GOVERNOR MANDEL: But the year before, you
19 were down yourself.

20 MR. CULMAN: Two years ago.

21 GOVERNOR MANDEL: Two years ago.

MR. CULMAN: We were really broke then.

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GOVERNOR MANDEL: I know you were.

MR. LOUIS GOLDSTEIN: You have done a great job.

GOVERNOR TAWES: Louis, include Somerset County.

MR. LOUIS GOLDSTEIN: That is what I said, Somerset.

GOVERNOR MANDEL: Princess Anne.

MR. LOUIS GOLDSTEIN: I said 23 counties.

MR. CULMAN: We played there. We did a special residency there for you on a Federal project. We were there for three days, four days, a week.

GOVERNOR MANDEL: Ken, will you work it out with them?

MR. LOUIS GOLDSTEIN: I move we approve it. A lot of folks want to see that nice act continued.

MR. CULMAN: We are getting out there.

DR. BARNES: The next personal appearance is Mr. Kleir who is Director of Classification, Department of Personnel. Basically there are three items. Item 6, just rapidly, and I don't know that you need to testify on that, is that Mr. Bosz is recommending an alternating

1 audit be made of the personnel system. In the long run
2 this will save us a lot of money.

3 Item 6 in the General Emergency Fund, Page 2,
4 basically what it means is that instead of each agency of
5 the State, hospital, school, hiring summer help, along
6 with the employees, what their salaries are, that automated
7 system, the Personnel Department will send out a list.
8 This will be the personnel list for the State for Fiscal
9 1975. We will save money in the long run.

10 If there are no questions on that, we will
11 proceed from there.

12 On Item 9, Mr. Goldstein is Chairman of the
13 Retirement System. What this does is it will enable
14 employees to save up their funds collected, so this nominal
15 cost will result.

16 The final one, the key one is Item 21, Page 10.
17 The reason for bringing this to the Board's attention is
18 that there is a recommendation from the Legislature that
19 this salary be \$32,800, the same as the Deputy Secretary.
20 There is a letter to that effect referred to the Legisla-
21 tive Committee. However, Secretary Bosz's salary admin-
 istration secretary has studied this particular job and

1 compared it to similar bench mark jobs and recommended a
2 salary of \$30,200. I checked with Mr. Eldridge. There
3 is no violation of legislative intent.

4 If the Board approves this salary as requested,
5 and I would like to request the Board's position on Line 3(b)
6 changed to the word classification, because the job was
7 approved by the General Assembly and simply means the
8 classification and salary established.

9 The Department of Budget concurs in the Secretary
10 of Personnel's recommendation of \$30,200, rather than the
11 the \$32,800 which is the salary of the Deputy Secretary
12 and Assistant Secretary. We are afraid of the domino
13 effect also.

14 There are umpteen other secretaries who would
15 like to have \$32,800. That is why we were trying to hold
16 it to \$30,200.

17 MR. LOUIS GOLDSTEIN: I move we adopt \$30,200
18 as the classification for the job.

19 DR. BARNES: This is the same salary --

20 MR. KLEIR: This is the same salary as the
21 identical position of the Deputy Commissioner of Mental

1 Hygiene, and we are not going to recommend higher than
2 either of those two classifications for this new job.

3 GOVERNOR MANDEL: If there is no objection, we
4 will approve the salary as recommended.

5 DR. BARNES: This particular item, we received
6 a letter from Johnny Johnson recommending that these Board
7 members receive \$100 a day. There are no Board members
8 in the State currently receiving \$100 a day, and this is
9 a Budget Department recommendation of \$65, which generally
10 is concurred in by the head of the Insurance Fund, even
11 though there is a request for \$100. There is a prolifera-
12 tion of boards and commissions.

13 The Department of Transportation pays only
14 \$50 a day to its members, and we are trying to hold the
15 line on it, and if we go to the \$100 recommended, original-
16 ly recommended by the agency, we feel they will begin
17 to create a continuous situation among many other Board
18 members. There is a limit of \$2,400 a year.

19 GOVERNOR MANDEL: Isn't this item actually paid
20 by the company itself?

21 DR. BARNES: Special Fund income.

1 GOVERNOR MANDEL: I agree with you on the salary
2 range. I just want to point out it is not coming out of
3 General Funds anyhow.

4 MR. LOUIS GOLDSTEIN: How many members are on
5 their Board?

6 GOVERNOR MANDEL: Three.

7 DR. BARNES: One is the Chairman who is not
8 paid.

9 GOVERNOR MANDEL: Johnny Johnson is the Chair-
10 man and you have two other members. This just affects
11 two members.

12 MR. LOUIS GOLDSTEIN: Two paid members.

13 GOVERNOR MANDEL: Originally they weren't paid.
14 They amended it to say they should receive a per diem
15 and they want to set the per diem at \$65 a day. They re-
16 quested \$100. The Budget Department said \$65 should be
17 fair and I believe the Budget Department is right.

18 MR. LOUIS GOLDSTEIN: I move we adopt the \$65
19 a day, a maximum of \$2,400 per year.

20 GOVERNOR MANDEL: If there is no objection, so
21 approved.

1 Item 35, Page 19.

2 MR. LOUIS GOLDSTEIN: Item 35. Is Dr. Sensen-
3 baugh here?

4 GOVERNOR MANDEL: Yes. What item are you on?

5 MR. LOUIS GOLDSTEIN: Item 35, Page 19, State
6 Board of Education. What item are you talking about, sir?

7 DR. BARNES: Payment of overtime for super-
8 visors.

9 GOVERNOR MANDEL: We are in favor of the prin-
10 ciple. We want the Budget Department to take a look at
11 the personnel involved, so we move that that be deferred.
12 Mr. Barnes will be in touch with Mr. Bosz and report back
13 to the next Board of Public Works meeting on that. There
14 is no objection to the principle. We are all in favor of
15 it. It is just a question of some of the personnel.

16 MR. LOUIS GOLDSTEIN: You want that deferred?

17 GOVERNOR MANDEL: Yes. That is the overtime
18 payment during the work stoppage.

19 DR. BARNES: The next item, since submitting
20 the agenda, an item, 23 and 24, we are requested to be
21 withdrawn.

1 MR. LOUIS GOLDSTEIN: Item 23 and 24.

2 GOVERNOR MANDEL: Just a minute, 23 and 24?

3 MR. LOUIS GOLDSTEIN: Mr. Barnes, can you slow
4 down, please, sir? You have one agenda; I have four
5 agendas here. If you don't mind slowing down a bit so
6 we can get the record straight. Which item?

7 DR. BARNES: Items 23 and 24, Page 11.

8 MR. LOUIS GOLDSTEIN: Just one moment. It is
9 like a poker game. Now I am on it.

10 DR. BARNES: We recommend these be withdrawn
11 until the Department negotiates. At the time these were
12 filed they thought they would have their problems worked
13 out. They haven't. They will probably be back.

14 MR. LOUIS GOLDSTEIN: May I ask a question on
15 this item, No. 23? Here you are getting ready to put
16 a sewage disposal plant in a State park. Have you talked
17 with the State park people?

18 MR. MCKEWEN: Yes, sir, we have.

19 MR. LOUIS GOLDSTEIN: Have you talked with the
20 Natural Resources people?

21 MR. MCKEWEN: Yes, sir.

1 MR. LOUIS GOLDSTEIN: And do you have something
2 in writing? From the top down didn't they okay this?

3 MR. McKEWEN: They have, but there was some
4 question about the legality, some of the legal technical-
5 ities.

6 MR. LOUIS GOLDSTEIN: Before you bring it back
7 here, I would like to see an agreement in writing signed
8 by number one, two, three, four, so somebody at Level 6
9 won't come along here next year and say, "I didn't agree
10 to this." You will ruin your State park. Before you came
11 on the scene, we had these kind of things happen. If any-
12 body has anything to do with passing on this project,
13 either your Department, I would like to see it in writing
14 and have somebody sign it, saying that they discussed it
15 and that Department approved it. Do you understand?

16 MR. McKEWEN: Yes, sir.

17 MR. LOUIS GOLDSTEIN: Governor Tawes knows what
18 I mean. We had someone pull a fast one on us once, a
19 No. 4 man in the echelon. Otherwise, just vote me No. I
20 don't approve it.

21 GOVERNOR MANDEL: 23 and 24 is withdrawn.

1 DR. BARNES: Item 117 proposes that the Depart-
2 ment of Natural Resources, Maryland Environmental Service
3 take over the actual operation of 32 different plants in
4 the State. This is actually a reimbursement. That will
5 not cause any additional difficulty.

6 GOVERNOR MANDEL: In other words, the Environ-
7 mental Service is going to take over the operation of
8 these?

9 DR. BARNES: For example, Springfield State
10 Hospital.

11 GOVERNOR MANDEL: You are going to take that
12 over, work out an agreement with the State agencies to take
13 over operation of those facilities?

14 MR. MCKEWEN: This will emphasize the point
15 Dr. Barnes made.

16 GOVERNOR MANDEL: I can't see any problem about
17 that. I think it is good.

18 MR. LOUIS GOLDSTEIN: I think it is a great
19 idea.

20 GOVERNOR MANDEL: Can you get together with
21 Mr. McKewen?

1 DR. BARNES: Yes, sir.

2 MR. LOUIS GOLDSTEIN: In other words, after
3 this passes you will be responsible in case the sewage
4 plant at Spring Grove, Springfield or Rosewood goes down-
5 hill. They will hold you responsible?

6 MR. McKEWEN: That is correct.

7 MR. LOUIS GOLDSTEIN: I want to be sure. It
8 won't be on the superintendent of the institution. It will
9 be on you, sir?

10 MR. McKEWEN: There is a possibility I am wrong.

11 MR. LOUIS GOLDSTEIN: Be sure the record shows
12 that. If something goes wrong up at Spring Grove or Spring-
13 field, they won't make the superintendent responsible.
14 Dr. McKewen will be the culprit.

15 MR. McKEWEN: I have that in my record.

16 MR. LOUIS GOLDSTEIN: We have problems in other
17 places. They pass the buck.

18 GOVERNOR MANDEL: I think it will be a great
19 advantage. We are all for it. We approve it without
20 hesitancy.

21 DR. BARNES: Item 14, Page 7 of the General

1 Emergency Fund. We don't have any questions. The school
2 will be in position to approve curriculum, preparation,
3 things of that kind. In fact, we thought it would be
4 much later than this, but they met with the Capital Budget
5 Committee on Thursday and looked at it. It is moving
6 quickly.

7 DR. DENTON: I think that pretty well covers
8 it.

9 DR. BARNES: It was in our original budget
10 request.

11 GOVERNOR MANDEL: Fine. I have no objection.
12 Do you, Louie?

13 MR. LOUIS GOLDSTEIN: No, sir. I spoke to
14 Dr. Denton about this. I also spoke to Senator Clark
15 the other day about it. I think we have some 50-odd
16 students coming here. I feel it is a great institution.
17 I move that we approve it.

18 GOVERNOR MANDEL: If there is no objection,
19 it will be approved.

20 Ken, when we create these jobs that are not in
21 the budget, do you notify the Legislature?

1 DR. BARNES: Yes, sir.

2 GOVERNOR MANDEL: I want to make sure they
3 are kept aware of any of these new position.

4 MR. LOUIS GOLDSTEIN: I understand Mr. Hoover
5 represents all the legislators and it is up to him to
6 notify them that we take action; is that right, Doctor?

7 MR. HOOVER: Yes.

8 GOVERNOR MANDEL: Get down early, give them
9 the position and the reason for it..

10 MR. HOOVER: Yes.

11 GOVERNOR MANDEL: That is what I am interested
12 in. I want them to be aware of that. That is approved.
13 Thank you very much.

14 DR. BARNES: The next two are for Dr. Sensen-
15 baugh, Item 35 and Item 19. Dr. Sensenbaugh had about
16 40 jobs fully federally funded, and he has finally come
17 down to this number vacant, people he feels are absolutely
18 essential and should be funded in the General Funds.

19 DR. SENSENBAUGH: If you gentlemen have any
20 questions, I would like to answer them.

21 MR. LOUIS GOLDSTEIN: Suppose you get some

1 Federal money, will you reimburse the State?

2 DR. SENSENBAUGH: We will use that instead of
3 State money if this is what you would like us to do.

4 MR. LOUIS GOLDSTEIN: Yes, sir.

5 GOVERNOR MANDEL: I think it would be simpler.

6 DR. SENSENBAUGH: We are trying to get them
7 off the rolls.

8 GOVERNOR MANDEL: Let me make this suggestion.
9 If it is approved and paid out of Federal funds, you re-
10 imburse the Treasury if you get the Federal funds?

11 DR. SENSENBAUGH: If there is some possibility
12 of a continuing resolution.

13 GOVERNOR MANDEL: And you reimburse?

14 DR. SENSENBAUGH: Yes, sir.

15 GOVERNOR MANDEL: Do you understand? Then you
16 don't have to worry about it.

17 MR. LOUIS GOLDSTEIN: I think it is a good idea.

18 DR. BARNES: Item 19 on the supplemental agenda.

19 MR. DELANEY: I am a Superintendent in Charge
20 of Vocational Rehabilitation. If I may go back a step,
21 in 1955 the Federal Government made a contract with the

1 State to provide determination on disability insurance.
2 This has gone on for some 17 years, to the satisfaction
3 of the Federal Government and a number of State people.
4 In fact, the number of determinations has led up to the
5 point that the disabled in the State are getting some-
6 where around \$76 million in benefits from the Federal
7 Government. With the Social Security Administration tak-
8 ing over the supplemental security insurance provisions, they
9 have asked that the Vocational Rehabilitation, State
10 Department of Education and Division of Vocational Rehabil-
11 itation expand their operation to provide the determina-
12 tions for this new group. Their expected numbers are
13 just about the same as the numbers that are in the Social
14 Security determination insurance program, somewhere around
15 20,200 applications during the next fiscal year.

16 MR. LOUIS GOLDSTEIN: 22,000?

17 MR. DELANEY: 20,200. This is a difference
18 in Vocational Rehabilitation in that the counsellors
19 that we have here, or examiners, as they are called in
20 some States, do not see the clients. This is
21 a paper determination. The information is collected.

1 The person will apply to the Social Security local office.
2 At that time his determination and need will be taken.
3 If he appears to be disabled, he and the information that
4 he has collected will be turned over to the higher deter-
5 miners. The examiners will then review it with their
6 medical consultants. If there is sufficient information
7 they will make a decision. If there is not sufficient
8 information, then they will ask for and arrange additional
9 medical benefit, medical examinations and work evaluations,
10 and when the information is collected, they in turn will
11 with the physician make a determination as to whether this
12 person is medically or physically in such condition as to
13 prevent him from working, or allow him to work.

14 This would be forwarded to the Social Security,
15 and payments would be made if it is allowed there.

16 Now, this has to be done in 45 days. If a per-
17 son shows up in the Social Security office, he gets his
18 pay. He gets payment because he is in need. Determination
19 has to be made in 45 days. I am sorry, it is 90 days,
20 three months it has to be. Under the current obligation
21 it is necessary for the determination unit to send back a

1 report in 75 percent of the cases in 45 days, which means
2 that each examiner and his secretary that is assigned to
3 him has to prepare determinations on a 15 case basis a
4 week, and they have a caseload of somewhere around 100 to
5 110 cases at any one time.

6 This is the first time the Social Security
7 Administration has been able to give us some lead time.
8 As you gentlemen know, we have come back from month to
9 month with the change in the Social Security regulations,
10 asking for more people. You have been very gracious in
11 granting them. We have an opportunity here for six months'
12 lead time, and we plan to bring, if this is approved, bring
13 these people on in three stages. Whether we need them all
14 or not is another question. We anticipate that we need
15 at least 30 of the counsellors and the supporting staff,
16 and by November 1 we should know just about what our needs
17 are to determine the need for a third unit, an additional
18 15 counsellors.

19 DR. BARNES: This is an example of where the
20 Federal Government locks us in. It doesn't cost us any-
21 thing, but when the Legislature looks at the large number

1 of jobs the Board approves in the off season, if you want
2 the citizens of the State to get the program, you have to
3 buy the job to do the job for which we are 100 percent re-
4 imbursement in all respects. They pay the rent, Social
5 Security cost of employees, travel and everything.

6 MR. DELANEY: Indirect costs of 4.8 percent.

7 MR. LOUIS GOLDSTEIN: Let me ask a question.
8 Dr. Delaney, you are Assistant Superintendent, aren't you?

9 MR. DELANEY: Yes, sir.

10 MR. LOUIS GOLDSTEIN: Won't you be replacing
11 some jobs under Mr. Mason's department now?

12 MR. DELANEY: I don't know, sir. Many of these
13 determinations are made at a local level, and I haven't
14 been able to find out who made them.

15 MR. LOUIS GOLDSTEIN: Wouldn't that be duplica-
16 tion?

17 DR. BARNES: The Board will instruct the Budget
18 Department to look at those jobs.

19 MR. LOUIS GOLDSTEIN: Based on what? Dr. Delaney
20 has presented to us that we are taking caseloads out of
21 the Social Services and putting them in the Department of

1 Education. As a matter of fact, those people have a full
2 workload and to create 80-some jobs here it looks like
3 you may move some of those people from that department
4 over to you, so you can get your one-third to take care
5 of you up to November 1; is that what you said?

6 MR. DELANEY: Two-thirds.

7 MR. LOUIS GOLDSTEIN: After November 1 you
8 will be able to determine your next one-third?

9 MR. DELANEY: That is right.

10 MR. LOUIS GOLDSTEIN: Wouldn't that be the
11 logical thing to do? Right now money is tight. Why have
12 the duplication in order to accomplish your mission?
13 I think it is a great program. Maybe the Budget Depart-
14 ment could check it out and determine just how many
15 duplications you have, and maybe those people could be
16 moved from Mr. Mason's department to Dr. Sensenbaugh's
17 department under your direction. Do you see anything
18 wrong with that, Jim?

19 DR. SENSENBAUGH: No. I would say we ought to
20 conserve anybody that is available from these other agen-
21 cies and transfer into these positions.

1 MR. LOUIS GOLDSTEIN: Right, trained people.

2 DR. SENSENBAUGH: If they are available. I
3 don't know. Maybe we can figure this out.

4 DR. BARNES: We will have to make a study of
5 how many of those can be taken out.

6 MR. LOUIS GOLDSTEIN: I think their salaries
7 at the State level should be the same as the Federal.
8 In other words, you are going to start paying more money
9 because it is a Federal job and you will get a helter-
10 skelter proposition within the State ranks.

11 MR. DELANEY: That is not the case.

12 MR. LOUIS GOLDSTEIN: I am sure it isn't.
13 A lot of these Federal programs are under Washington and
14 salaries are different from the State. Governor Tawes
15 and Governor Mandel know this. You get a lot of discus-
16 sion within the State, why aren't we getting as much money,
17 our work hours and responsibilities are the same. I want
18 to be sure we don't have that problem.

19 MR. DELANEY: We are providing cheap labor for
20 the Federal Government. When they steal people from us,
21 at a comparative level, we are. At one time they were

1 reviewing our cases 100 percent. We do a determination,
2 they do a determination. Now it is down to about 5 per-
3 cent on their part. If they want an experienced person,
4 a person with an A.B. degree and three years' of experience,
5 and that is what they want, they will take them from our
6 agency and give them \$3,000 a year more right now.

7 DR. BARNES: They can crank out the green stuff.

8 MR. DELANEY: That is right. They get cheap
9 labor.

10 DR. SENSENBAUGH: The classifications we have
11 are State classifications.

12 MR. DELANEY: Exactly the same thing we have
13 had for the last 18 years.

14 MR. LOUIS GOLDSTEIN: It is a wonderful program.
15 We don't want duplication of effort. Too, salaries should
16 be comparative to the State.

17 MR. DELANEY: There will be a duplication of
18 effort for the first six months because ours will be tool-
19 ing up and the Department of Social Services will still
20 be paying these people.

21 GOVERNOR MANDEL: I think what the Comptroller

1 is saying is that during the period of time when you are
2 setting up the program, work with the Budget Department
3 to see if there is duplication. You may be able to take
4 some people doing this work right out of the Department
5 and transfer them over.

6 MR. LOUIS GOLDSTEIN: Right.

7 MR. DELANEY: All right.

8 GOVERNOR MANDEL: We will approve the item, then,
9 if it is all right with Governor Tawes and the Comptroller.

10 MR. LOUIS GOLDSTEIN: Yes, sir, with those con-
11 ditions.

12 GOVERNOR MANDEL: With those conditions, partic-
13 ularly that the job classification be in the State job
14 classification.

15 MR. DELANEY: That is right. Thank you very
16 much, gentlemen.

17 GOVERNOR MANDEL: Ken, this is another reason
18 why the State payroll ought to be broken down into State
19 jobs, Federal Government, part State and part Federal jobs.

20 DR. BARNES: We will have that about two years
21 from now.

1 GOVERNOR MANDEL: The Federal Government is
2 giving us more employees than we have ourselves. I bet
3 we are close to 6,000 people federally paid.

4 MR. LOUIS GOLDSTEIN: State classification?

5 GOVERNOR MANDEL: Yes, about 6,000 people on
6 our payroll are federally funded.

7 DR. BARNES: Item 17, Page 8.

8 MR. LOUIS GOLDSTEIN: What item?

9 DR. BARNES: Item 17, Page 8.

10 MR. LOUIS GOLDSTEIN: Does this meet the
11 Constitution requirement, raising salaries during term of
12 office?

13 DR. BARNES: The Budget Department simply
14 complied with the legislative intent. The Legislature
15 passed the bill.

16 GOVERNOR MANDEL: The Legislature passed the
17 bill setting salaries at \$32,000. That is the law.

18 MR. LOUIS GOLDSTEIN: Right.

19 GOVERNOR MANDEL: I don't think we have any
20 choice but to comply with it.

21 GOVERNOR TAWES: What item was that?

1 GOVERNOR MANDEL: Item 17, Page 8. I don't
2 think we have any choice but to go ahead and pay it. If
3 the question comes up of the legality or constitutionality,
4 that is something that they will have to work out.

5 MR. LOUIS GOLDSTEIN: I wanted to bring it up.

6 GOVERNOR MANDEL: I have asked them that ques-
7 tion, Louis, but they have said that the law provides it
8 and that is it.

9 DR. BARNES: To keep from jumping back to the
10 other agendas, I have two hand-carried items.

11 MR. LOUIS GOLDSTEIN: Don't you think you
12 should start with the front part and go right ahead?

13 DR. BARNES: All right, sir.

14 GOVERNOR MANDEL: We will hold these and go
15 right through the agenda. How about the public appearances?
16 Let's get rid of those if we can.

17 MR. LEWIS: We have some on my agenda, Governor.
18 The first one is on Page 184 and 185.

19 MR. LOUIS GOLDSTEIN: Give me a chance to get
20 my papers in order. You have got so many agendas.

21 GOVERNOR MANDEL: 184 and 185. You are really

1 getting down to the bottom.

2 MR. LOUIS GOLDSTEIN: Page 184. What item
3 did you say, George?

4 MR. LEWIS: Item D-7 and Item D-8. These are
5 two items that are community health centers that were de-
6 ferred at the meeting of May 9 which I had submitted
7 additional information to the Board and had requested
8 Dr. Albert to appear.

9 MR. LOUIS GOLDSTEIN: That still didn't make
10 sense.

11 MR. LEWIS: There were still some questions.
12 Mr. Albert?

13 MR. ALBERT: The first one, Governor, is the
14 Wheaton Center, and the second one is the center in Balti-
15 more. I think the Board has been furnished with informa-
16 tion from the Department of General Services. You may
17 want to ask questions.

18 MR. LOUIS GOLDSTEIN: Mr. Albert, I first brought
19 the matter up at the May 9 meeting as to the difference in
20 cost between these two centers, and I understood the one
21 in Montgomery County involved a lot of money for parking;

1 is that correct, sir?

2 MR. ALBERT: Yes. There is a parking garage
3 next to it.

4 MR. LOUIS GOLDSTEIN: Why would you need a
5 parking garage for a center? If you want to put parking
6 garages in Montgomery County, you will have them all over
7 the State. I thought we were taking care of people, not
8 cars.

9 MR. ALBERT: This particular site, Mr. Gold-
10 stein, was a choice of several sites. It is at the junc-
11 tion of Viers Mill Road, Greeley Drive and Georgia Avenue
12 in Wheaton. The entire project is a community health
13 center, of which 44 percent would be a community mental
14 health center. That is the only portion that the State
15 is participating in the funds. The balance are County
16 funds.

17 MR. LOUIS GOLDSTEIN: Is the State paying 44
18 percent for the parking garage?

19 MR. ALBERT: Paying 44 percent for the parking
20 garage.

21 MR. LOUIS GOLDSTEIN: We have never done that

1 before to my knowledge.

2 MR. ALBERT: Well, actually there is this ex-
3 planation, that the payment for parking is not really
4 different from what the State is doing in building its
5 own buildings, building an office building in Baltimore
6 City, for example. Right down here there is a parking
7 garage, so the fact that these people will be transporting
8 themselves via automobile, serving an area of 140,000
9 people, the location is such that it makes ready access
10 for parking. Now, we inquired of the people of Montgomery
11 County. This is not going to be a public parking facil-
12 ity. It is limited to the employees and the people coming
13 to that building for service.

14 The cost of the parking garage is not exorbitant.

15 GOVERNOR MANDEL: How much is it?

16 MR. ALBERT: Approximately \$2,000 a space.

17 GOVERNOR MANDEL: How many spaces? How much
18 is the parking garage?

19 MR. ALBERT: The project without -- the total
20 project was \$1,370,000. Let's see what I have here. The
21 parking garage is \$251,316.

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GOVERNOR MANDEL: That is 125 parking spaces.

MR. ALBERT: That is 120 spaces.

GOVERNOR MANDEL: How many employees do they have?

MR. ALBERT: I don't have that, sir.

GOVERNOR MANDEL: Are you sure you are not building a parking garage for the employees?

MR. ALBERT: Parking will be for employees.

GOVERNOR MANDEL: What part of it? How much are you leaving for the public? I just don't want to build a parking garage there for the employees. If it is going to be for the public, you won't be providing much room.

MR. ALBERT: I don't believe they have come up with a total figure for the staff. No, I don't have the figures.

GOVERNOR MANDEL: It is not an in-patient. It is out-patient. Do you have any other questions?

MR. ALBERT: The County is participating in 53 of these spaces.

GOVERNOR MANDEL: What I am getting at is if we start building a parking garage that is principally going

1 to accommodate the staff, then we are going to have to
2 build them all around the State for staff.

3 MR. ALBERT: I can appreciate that. At the
4 same time if this were in a different section, in a less
5 advantageous section, they would put out surface parking
6 and you would have to go to a three-story structure. We
7 wouldn't be providing the same type space.

8 MR. LOUIS GOLDSTEIN: You aren't building any
9 parking spaces for this one in Baltimore, the Woodbourne
10 Center?

11 MR. ALBERT: Originally that was designed with
12 a parking garage. There was not sufficient money so we
13 just had surface money.

14 MR. LOUIS GOLDSTEIN: That is 4,821. What is
15 the one in Montgomery County? You didn't give a breakdown
16 on that.

17 MR. ALBERT: Now there is a distinction here.
18 In Baltimore City I don't believe there is a City ordinance
19 to prevent parking. In this particular area there is one.

20 MR. LOUIS GOLDSTEIN: Let Montgomery County
21 provide the parking.

1
2 MR. ALBERT: They are providing basically three-
3 quarters of them.

4 MR. LOUIS GOLDSTEIN: Let them supply it all.
5 Once you set a precedent, you will have to follow it
6 throughout the State.

7 MR. ALBERT: If the Board would approve it with-
8 out the parking, then we would be talking fewer dollars.
9 We could make that adjustment. I think we do have to con-
10 sider the fact that people are going to be driving back
11 and forth to the location. That is one reason it was
12 chosen.

13 MR. LOUIS GOLDSTEIN: That is true all over the
14 State of Maryland. Why can't these people walk? They
15 don't have any public transit in rural counties.

16 MR. ALBERT: This may be something we have to
17 consider if we want people to come to that facility. It
18 may be a precedent.

19 GOVERNOR MANDEL: What you are saying, Len, in
20 effect, is that they are locating this center in an area
21 where parking is not available, and they have to build
their own parking garage. When I say parking not available,

1 surface parking not available.

2 MR. ALBERT: That is right.

3 GOVERNOR MANDEL: Are there any further ques-
4 tions?

5 MR. LOUIS GOLDSTEIN: No, sir.

6 GOVERNOR MANDEL: On either project? What do
7 you want to do on it?

8 MR. ALBERT: What should we do on the Wood-
9 bourne Center? There will be 32 beds constructed, 16 of
10 these additional beds. The other 16 replace existing
11 beds now. The building that the existing beds are in is
12 over 100 years old, to be converted to other use. This
13 particular project is part of a total project that Wood-
14 bourne School is contemplating. This is the entire project.
15 In addition to having^{at}/that time 48 total residential
16 beds, they have a large day program and we are only par-
17 ticipating in the residential piece for the 32 beds.

18 MR. LOUIS GOLDSTEIN: A very high price for a
19 bed.

20 MR. ALBERT: Mr. Goldstein, not when you con-
21 sider that this is about the price we are paying for some

1 other beds. I believe the comparison was made last month
2 with residential units. Unfortunately, we can't build
3 another regular residential.

4 GOVERNOR MANDEL: I have no further questions
5 on that. Do you?

6 MR. LOUIS GOLDSTEIN: No.

7 GOVERNOR MANDEL: What do you want to do about
8 that?

9 MR. LOUIS GOLDSTEIN: I think we are setting a
10 bad precedent building parking garages. We will have to
11 build them all over the State if we start. I vote for
12 the project but not the parking.

13 MR. LEWIS: What would be the difference if the
14 parking were removed? Do you have any idea?

15 MR. LOUIS GOLDSTEIN: The project is fine.
16 Once you start building these high-rise parking garages --

17 MR. ALBERT: The parking reduces this by
18 \$251,316. We are paying 44 percent. We are paying 44
19 percent of the cost.

20 MR. LOUIS GOLDSTEIN: I move we approve it with-
21 out the parking.

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GOVERNOR MANDEL: Remove the State's contribution from the parking.

MR. LOUIS GOLDSTEIN: Remove the State's contribution for the parking.

GOVERNOR MANDEL: Governor, is there a second?

GOVERNOR TAWES: Second.

GOVERNOR MANDEL: No objection, so approved.

MR. LEWIS: We will correct the figures and send it back.

GOVERNOR MANDEL: Woodbourne Center, you have no objection to that?

MR. LOUIS GOLDSTEIN: No.

GOVERNOR TAWES: No.

GOVERNOR MANDEL: No objection. Approved.

MR. LEWIS: The next item, Governor, is Page 116, an appointment item. Mr. John Baer is here to request that he be heard.

MR. LOUIS GOLDSTEIN: Page 116?

MR. LEWIS: 116, Item A-51, appointment, Engineering Survey Service for a marina and accessory buildings, Sandy Point State Park.

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MR. BAER: I would like to speak to this.

GOVERNOR MANDEL: Would you identify yourself, please?

MR. BAER: I am John Baer. I represent the Anne Arundel Chapter of the Chesapeake Bay Foundation. Mr. Skinner is Chairman. I am also a professor of Economics at Anne Arundel Community College, and I would like to take this opportunity to say that the Chapter opposes Item A-51 at this time because Item A-51 refers to the engineering and surveying services for the maintenance and accessories buildings at Sandy Point State Park.

The reason we oppose this study at this time is the overall plans are being developed in the Sandy Point State Park and these plans are not being coordinated with the plans for the unit, and we believe there should be some type of delay until we get some coordination here.

In 1973 the General Assembly allocated \$100,000 for the study of the wise use of the Sandy Point State Park.

GOVERNOR MANDEL: Is Jim Coulter here? While we are waiting for him, do you want to go ahead with that?

1 MR. BAER: Governor, I sent you a proposal to
2 the Board of Public Works of some of the things which we
3 have already started. The Department of Natural Resources
4 office also considered a \$1 million expenditure for an
5 exhibit building, and we still have the study, so we are
6 asking for a delay until an overall study can be made so
7 that we can have some kind of coordination here.

8 It is a fact that the Sandy Point State Park
9 has the largest numbers of swimmers visiting the park of
10 any Maryland State park, so you are talking about the
11 number one swimming spot for the State as far as Maryland
12 citizens visiting the parks.

13 Also we have the fact that nine-tenths of Mary-
14 land families do not own boats, and therefore if you build
15 a marina, we must consider those who do not have boats,
16 so that that is why we are requesting at this time that the
17 expenditure be delayed until we have some overall coordina-
18 tion to gain and that everybody can get their word in here
19 without the marina being set up independently. That is the
20 feelings of the members of our Chapter.

21 GOVERNOR MANDEL: Any questions? Thank you very

1 much, Mr. Baer.

2 GOVERNOR TAWES: What is the story here, George?

3 MR. LEWIS: At the request of the Department of
4 Natural Resources we began to consider the ramp, buildings,
5 and so forth. I have a statement by the Department.

6 MR. PHIPPS: Here is a statement by the Depart-
7 ment. Money for this boat launching facility was approved
8 by Senate Bill 696 last year. Funds were included in the
9 budget of the Department of Natural Resources, and it is
10 not a marina as such. The program has been fully reviewed
11 by the Capital Budget Committee and this is the first phase
12 for the facility for the construction of boat launching,
13 ramp facilities and parking that is presently there now,
14 but is on a gravel parking lot. We are using funds from
15 the Waterway Improvement Fund, which is derived from the
16 tax on boats, so it is not a General Fund appropriation
17 as such.

18 We have reviewed the project with the Wetlands
19 people, reviewed it with the Federal Fish and Wildlife
20 people and we believe we have met all their requirements
21 as far as any dredging of the water, and so forth. It is

1 not a marina nor will we have boat slips to rent to the
2 general public. We will have concession boats that will
3 rent the rowboats that are there now. It will upgrade that
4 facility and provide launching ramps.

5 GOVERNOR MANDEL: In other words, you are not
6 going to be renting boat slips?

7 MR. PHIPPS: No, sir.

8 GOVERNOR MANDEL: No one is going to be keeping
9 their boats there?

10 MR. PHIPPS: None are planned.

11 GOVERNOR MANDEL: Say that again.

12 MR. PHIPPS: None are planned or will be planned.

13 GOVERNOR MANDEL: Or will be planned. That is
14 better.

15 MR. LOUIS GOLDSTEIN: Mr. Phipps, right now
16 don't you have a marina over there? Isn't there some kind
17 of a place for boats to come? Somebody rents boats?

18 MR. PHIPPS: Yes, sir, we have a couple of
19 broken down wharves that are in deplorable condition. We
20 have one boat ramp which is in deplorable condition, and
21 we have a concessionaire there.

1 MR. LOUIS GOLDSTEIN: Are there sufficient boat
2 ramps in Anne Arundel County privately owned to take care
3 of the needs of the people coming in?
4

5 MR. PHIPPS: No, sir. This was a commitment
6 made three years ago, or four years ago, when we planned
7 to build a boat launching facility at Jonas Green Park,
8 and the residents there opposed this because it was on the
9 Severn River and they felt the proper place for boating
10 access should be close to the Bay. We have plenty of park-
11 ing there. It is close to one of the best fishing grounds
12 in the State, and there are some 30,000 that are going to
13 use this facility. Plans would be fully reviewable for
14 the Wetlands people.

15 MR. LOUIS GOLDSTEIN: How about ^{the} Chesapeake Bay
16 family? How about all these folks who have boats that want
17 to come down to the Bay and don't have a place to launch it?
18 Do you think that will interfere with the swimmers at
19 Sandy Point?

20 This is down next to the bridge?

21 MR. PHIPPS: Yes, sir.

MR. LOUIS GOLDSTEIN: In other words, you will

1 go across the bridge and this is to the left?

2 MR. PHIPPS: Yes. It won't interfere with the
3 swimmers. It was relocated when the bridge was constructed.

4 MR. LOUIS GOLDSTEIN: I want to be sure about
5 the location.

6 MR. PHIPPS: As the plans are stated, we have
7 no serious objection, except the 8-foot dredging doesn't
8 imply some large yachts are coming in there.

9 MR. LOUIS GOLDSTEIN: Why do you need 8 feet
10 when a boat draws only 4 feet?

11 MR. PHIPPS: Because of siltation it is neces-
12 sary to overdredge and have less maintenance in the future.
13 If we dredge 6 foot, in three or four years we will have
14 to go through the same program again to get a wetlands
15 permit, and we disturb the bottom again. This has been
16 agreed to.

17 MR. LOUIS GOLDSTEIN: Where will you put the
18 dredged material?

19 MR. PHIPPS: We will have to bulkhead it, behind
20 bulkheads.

21 MR. LOUIS GOLDSTEIN: That won't interfere with

1 any marine life in the pond?

2 MR. PHIPPS: It will interfere some, but the
3 Fish and Wildlife people have agreed with the proposal
4 as our Wetlands people have. This doesn't give a wetlands
5 license.

6 MR. LOUIS GOLDSTEIN: Do you have to have a
7 public hearing?

8 MR. PHIPPS: Yes.

9 MR. LOUIS GOLDSTEIN: Do you have any objection
10 to that, Mr. Baer?

11 MR. BAER: As far as special plans, we don't
12 object to that as much as the coordination. This huge
13 complex may be built out there. The marina is obviously
14 going to be part of it. We have on this plan 280 parking
15 spots, for example, so in other words, we have one plan
16 that is already being built while we are discussing an
17 overall plan. As far as specific plans, the Chapter might
18 go along with this as far as boating for the public and
19 the ramps. We are just wondering whether we are going
20 to have two different plans going here that may clash
21 head-on. We might better delay.

1 MR. PHIPPS: I would like to say that you re-
2 ceived these plans during the session of the Budget session
3 this year. It was fully reviewed with both the Senate
4 Finance and House Appropriations Committee and we met ob-
5 jections I believe of everyone in this case. This project
6 has been on the planning board for three years now. I
7 don't believe it will interfere with the total planning
8 of the park because it certainly wouldn't change the lake.

9 We will have to have some boating facilities
10 at Sandy Point.

11 MR. BAER: Why 280 parking places?

12 MR. PHIPPS: They are there now. This is up-
13 grading it.

14 MR. BAER: This is part of the overall park plan.

15 MR. LOUIS GOLDSTEIN: These people have to pay
16 to use the launch and parking their cars?

17 MR. PHIPPS: Yes.

18 MR. LOUIS GOLDSTEIN: Will the revenues gener-
19 ated from this facility take care of the extra employees
20 you are going to hire? Will they include maintenance and
21 everything?

1 MR. PHIPPS: Yes. Additional employees will be
2 on a special appropriation, Waterway Improvement Fund.
3 It is not General Fund money.
4

5 GOVERNOR MANDEL: I was over there not too long
6 ago to look at the old house. Do you call it a house?

7 MR. PHIPPS: An apartment.

8 GOVERNOR MANDEL: And what you say about the
9 parking, it happened to be raining that day. It is deplor-
10 able and I think you ought to fix it up.

11 MR. LOUIS GOLDSTEIN: That is the reason I asked.
12 You are going to blacktop the parking?

13 MR. PHIPPS: Yes, lights.

14 MR. LOUIS GOLDSTEIN: You will charge enough to
15 take care of the trash and these people that bring beer
16 cans, wrappers, plastic cans, tin cans, aluminum cans?

17 MR. PHIPPS: These are 280 new parking spots.
18 There is plenty of parking there. It is on a gravel base
19 and the whole, as the Governor said, the whole area there
20 is in a deplorable state of affairs. This is merely putting
21 back in first class condition what they have now.

MR. BAER: This is the land that is already

1 there.

2 MR. PHIPPS: We are not expanding the existing
3 area we have there now. We have no expansion.

4 MR. LOUIS GOLDSTEIN: In other words, we have
5 a facility that is inadequate?

6 MR. BAER: I had that impression.

7 MR. LOUIS GOLDSTEIN: That is the reason I was
8 trying to question Mr. Phipps to get it in the record.
9 You are going to go back to the same area and raise the
10 facility by having blacktop. It probably will be marked
11 off with white lines. You will have trash cans there.

12 GOVERNOR MANDEL: Plenty of trash.

13 MR. LOUIS GOLDSTEIN: And they will be paying
14 for the use of it. That will take care of the extra help.
15 That won't come out of the taxpayer's pocket.

16 MR. PHIPPS: This is Special Fund money.

17 MR. LOUIS GOLDSTEIN: Based on what you are
18 saying, I am in favor of the project if it doesn't inter-
19 fere with the swimmers. It couldn't possibly interfere
20 with the swimmers. They are up two beaches. I have been
21 mixed up with Sandy Point ever since we started it.

1 Mr. LaBro, were you here then?

2 MR. LaBRO: Probably not.

3 MR. LOUIS GOLDSTEIN: When did you come to Mary-
4 land?

5 MR. LaBRO: 1967.

6 MR. LOUIS GOLDSTEIN: That was back in the late
7 40's and early 50's. Mr. LaBro is the man who made a
8 fortune in Louisiana selling creosote piling. He made
9 millions and millions of dollars selling those pilings.
10 In fact, all of the barns were creosoted. They made pos-
11 sible Sandy Point. He was a great yachtsman. He wanted
12 marinas there for the people to bring their boat, launch
13 it, have two sandy beaches that were clean and that sort
14 of thing.

15 MR. BAER: As for myself, if the plans are as
16 stated --

17 GOVERNOR MANDEL: The point is they can't even
18 go ahead with any of this until they have a public hearing
19 on the wetlands permit, and so forth. There will be
20 plenty of opportunity. This is just for engineering and
21 surveying. I don't think there is any problem to approve

1 this.

2 MR. BAER: You have the problem as far as
3 objectives. If you don't know your goals and objectives,
4 you can't design the layout to reach that.

5 GOVERNOR MANDEL: That \$100,000 that you are
6 originally talking about happened to be somebody that
7 wanted to have an open air theatre over there and they
8 wanted to build an open air theatre. Remember, Louie?

9 MR. LOUIS GOLDSTEIN: Yes, sir.

10 GOVERNOR MANDEL: I think we are talking about
11 that now.

12 MR. LOUIS GOLDSTEIN: Governor, based on the
13 testimony given here by Mr. Baer and Mr. Phipps clarify-
14 ing it, I move that we approve the money for the engineer-
15 ing.

16 GOVERNOR MANDEL: If there is no objection,
17 it is approved.

18 MR. LEWIS: The next item, Governor, is Page
19 172, Item P-21.

20 Request by Montgomery County, Maryland, to
21 purchase the Maryland National Guard Armory in Silver

1 Spring, Maryland, and an offer of \$750,321. We have
2 Mr. John Hewitt, Executive Director of the Maryland
3 National Capital Parks and Planning Commission.

4 MR. HEWITT: Good morning, Governor.

5 GOVERNOR MANDEL: Hi, John, how are you doing?

6 MR. HEWITT: Governor, we have made an offer
7 to the General Services for the purchase of the armory
8 for parks and recreation purposes and received two
9 appraisals and we made an offer based on the average of
10 those appraisals, which was \$14.25 a foot, which is based
11 on what we considered the acreage, it would be about
12 \$758,000. We are here to urge that the State, the Board
13 of Public Works, accept this offer in order that this may
14 be made a part of the park system of Montgomery and
15 Prince George's County. I might just add that I am sorry
16 there is not a reverter clause in the deed to the State,
17 because my mother and father sold the State this property
18 in July of 1946, but we believe that the development that
19 is taking place in the Silver Spring area, that it is
20 desperately needed for the future of the Silver Spring
21 area.

1 I urge you strongly that you accept this pro-
2 posal.

3 GOVERNOR TAWES: Is that the one with the Open
4 Space money?

5 MR. LOUIS GOLDSTEIN: Where will the money come
6 from to buy it?

7 MR. HEWITT: We had \$719,000 in cash on hand to
8 buy it.

9 MR. LOUIS GOLDSTEIN: You are not going to ask
10 the State to give you the same money out of Open Space?

11 MR. HEWITT: Up to the extent we have an alloca-
12 tion from Montgomery County.

13 MR. LOUIS GOLDSTEIN: I would like to have a
14 qualified answer. In other words, you want the State to
15 reduce the principal and then give you the money to buy it;
16 is that right?

17 MR. HEWITT: I am not asking you to reduce the
18 price.

19 MR. LOUIS GOLDSTEIN: I have in my files here
20 that we had it appraised for \$1,066,148.

21 MR. HEWITT: I think that is a staff evaluation.

1 MR. LEWIS: State tax appraisal. Our appraiser
2 suggests \$940,000.

3 MR. LOUIS GOLDSTEIN: Right.

4 MR. HEWITT: This is a map of the Silver Spring
5 area which shows you the recent sales and price per square
6 foot since 1969 that has been paid for land in the general
7 area. This designates the armory, which range from a high
8 of 19 for the Holiday Inn down to \$7-something a foot, so
9 the two appraisals that we did have made were independent
10 appraisers and were not staff evaluations. We did make a
11 staff evaluation in the preparation of the improvement
12 program last year and we estimated it would cost \$719,000.

13 That money was appropriated and the cash is
14 available at the present time; based on the square footage
15 it would come out to \$785,000. I think 13-1/4 should be
16 based on a survey to determine the square footage.

17 MR. LOUIS GOLDSTEIN: George, we have quite a
18 few armories right now. Have you ever talked with
19 General Warfield to find out how many armories will be
20 obsolete and ready for disposal?

21 MR. LEWIS: There are four that have now been

1 declared surplus, and he is of course in the process of
2 constructing armories that will declare other locations
3 surplus, though I will get for the Board a complete resume.
4

5 MR. LOUIS GOLDSTEIN: There are two in Mont-
6 gomery County.

7 MR. LEWIS: Kensington and Laurel.

8 MR. LOUIS GOLDSTEIN: The Prince Frederick unit,
9 they are getting rid of that. You can make an overall
10 policy as to whether you are going to reduce the price.
11 Let them have it out of Open Space money. Whatever you
12 do for Montgomery County, you have to do for the rest of
13 the State.

14 MR. HEWITT: That is right. All I am saying is
15 you allocate Montgomery County \$2.5 million a year approxi-
16 mately toward Open Space acquisition and development.
17 In your mind if you are going to allocate us that to buy
18 parkland, whether on this site or some of the other 60 or
19 80 sites, as long as the \$2.5 million is used for this
20 purpose.

21 MR. LOUIS GOLDSTEIN: If you call an armory
parkland? That is a new definition for an armory.

1 MR. HEWITT: Metro will open in 1976 in Silver
2 Spring. We estimate we will have 200,000 people a day
3 circulating in the Silver Spring business district.

4 MR. LOUIS GOLDSTEIN: How far would Metro be
5 from this site?

6 MR. HEWITT: About four blocks from the station.

7 MR. LOUIS GOLDSTEIN: You have to have a park
8 for those people moving back and forth?

9 MR. HEWITT: We have to have some breathing
10 room, as they go around Washington.

11 GOVERNOR MANDEL: Can you use Open Space money
12 for this purpose?

13 MR. WAHBE: I believe the regulations you have
14 adopted provide for a section whereby the State pays once
15 for the property or it will be transferred again.

16 MR. HEWITT: Let me make this perfectly clear.
17 We don't care whether you approve it. We prefer you
18 approve Open Space, but in any event, we feel that this is
19 needed even if you don't contribute any funds from Open
20 Space.

21 GOVERNOR MANDEL: Don't you think there is any

1 question that we feel, I think all of us feel that the
2 localities are entitled to first call in these armories,
3 no question about it. It is just a question now that we
4 are getting into disposal of a large number of armories.
5 It is a question of policy as to how we are going to dis-
6 pose of them. I think the law almost says we have to
7 dispose of it on appraised value. We want you to have
8 them. We want the localities to have first preference on
9 them. It is a question of how you arrive at the price
10 and value of them. That is all. Why don't we defer this
11 until the next meeting, George, and get a complete report
12 on all the armories and establish one policy for all of
13 them and a recommendation.

14 MR. LOUIS GOLDSTEIN: I know down in Calvert
15 County they built the armory. The County Commissioners
16 bought that piece of property. They paid for that piece
17 of land in that county. The State wouldn't build it unless
18 the county furnished a piece of land. I got that armory
19 bill passed in 1947. Governor Tawes, I am sure you remem-
20 ber it. I introduced it first for Calvert County and
21 General Reckord said, "Why don't you consult me?" I said,

1 "What is your name?" He said, "I am General Reckord."
2 I said, "I am Captain Goldstein of the Marines." He says,
3 "I am going to kill that deal." I said, "You have a
4 racetrack bill you want to have passed, don't you? I will
5 kill that bill." To make a long story short we passed it,
6 got one for Howard County.

7 GOVERNOR MANDEL: Passed both bills?

8 MR. LOUIS GOLDSTEIN: Yes, and we got an armory
9 for Leonardtown, St. Mary's and Oakland, the only places
10 that didn't have armories. That is the history of it,
11 1947. Like Mr. Hewitt says, his wonderful parents sold
12 that armory site, right, Jack?

13 MR. HEWITT: Yes, I think it was 10 cents a
14 foot.

15 MR. LOUIS GOLDSTEIN: That was a big price in
16 those days, wasn't it?

17 MR. HEWITT: Not enough.

18 MR. LOUIS GOLDSTEIN: Back in 1926 that was a
19 big offer.

20 GOVERNOR TAWES: Did Prince Frederick have a
21 reverter clause?

1 MR. LOUIS GOLDSTEIN: I don't think so. I
2 haven't looked at it.

3 GOVERNOR MANDEL: We should have a policy for
4 the whole State.

5 MR. LOUIS GOLDSTEIN: My father sold a site
6 for \$3,500, cut his farm in half. He did it more as a ges-
7 ture. He paid only \$3,500 for the whole big site now.
8 Right across the road now it costs \$30,000. There are dif-
9 ferent parts. Kensington, they gave the land, but then
10 put the reverter clause in the deed, but it is in their
11 minutes.

12 MR. HEWITT: That is right. I just want to say
13 if you are not able to work out something with the town of
14 Kensington on the armory, Kensington armory site, we would
15 be interested in acquiring that as part of the park system
16 also.

17 MR. LEWIS: The law requires it has to be local
18 political subdivision. You have to work through one of them.

19 MR. HEWITT: We are working through Montgomery
20 County as their agent.

21 GOVERNOR MANDEL: We will be back to you just as

1 soon as we get that policy set up.

2 MR. HEWITT: I appreciate it very much.

3 GOVERNOR MANDEL: Let that apply to all the
4 armories, one policy.

5 MR. LEWIS: Present and future?

6 GOVERNOR MANDEL: Right.

7 MR. LEWIS: The one final personal appearance
8 we have, Item B-4 on Page 162.

9 MR. LOUIS GOLDSTEIN: 162?

10 MR. LEWIS: Mr. Herb Sachs is here. This is a
11 discussion on the Mine Reclamation and Water Quality
12 Restoration Loan and request to set aside money to buy
13 625 acres of land.

14 MR. SACHS: The agenda item is relatively
15 straightforward. That is to begin the acquisition of land
16 under the Abandoned Mine Reclamation Program. I have sub-
17 mitted to you all a report which summarizes the program
18 over the past two years.

19 MR. LOUIS GOLDSTEIN: I haven't had time to
20 read it.

21 MR. SACHS: This is for your information. It

1 goes into the details of what the consultants have been
2 doing, gives some explanation of the moneys spent so far,
3 just a general background information.
4

5 There is a very basic policy question that I
6 was hoping the Board could resolve at this time. When we
7 first started the program, there were two facts made in
8 the law as to the acquiring of land, one, purchasing and
9 the second, acquiring the deed. We discussed this with
10 Mr. Goldstein very early in the game. Decision was made
11 that in all cases possible, the State should acquire the
12 land. Whatever the State wanted to do with it afterwards
13 would be a decision to be made at that time, but that the
14 land should be acquired.

15 MR. LOUIS GOLDSTEIN: Governor, I think that is
16 the best policy. When you spend all this money for all
17 these studies, acquire it in fee simple title.

18 GOVERNOR MANDEL: Sure.

19 MR. LOUIS GOLDSTEIN: Then make it part of the
20 park system. If we have too much land, we can dispose of
21 it or put restrictions on it.

MR. SACHS: We have proceeded on that course of

1 action. I might add that the projects we talk about here
2 are receiving Appalachian money. This Appalachian Law so
3 requires us to have the land purchased by a public agency.
4 There is no real problem on this. There is another
5 project, however, called the Deer Park Daylighter Project.
6 This is a demonstration project.

7 GOVERNOR MANDEL: Daylighting? I know you
8 have a lot of moonlighting. What is daylighting?

9 MR. SACHS: This is going into an area that
10 was mined before, stripped and mined and actually to re-
11 move the entire top of the mountain, to remove the entire
12 top, take the coal out. In this particular case it is the
13 best reclamation method to remove it entirely. It is a
14 demonstration project which we have been going through a
15 feasibility study on, and we are at the point now where
16 we could proceed on it. Now, the EPA program does not
17 require public acquisition. In this particular case we
18 know that the landowners would prefer not to sell the land.
19 They prefer easements. This is different from the Appala-
20 chian project. This is a demonstration one where the
21 daylighting, steps are made to demonstrate a number of con-
trol practices, enables us to get a good cost data on this

1 activity. We will be going elsewhere. All of the discus-
2 sion about land acquisition, all of the questions are
3 pretty well resolved. They are pretty well determined
4 on Page 23 of our report.

5
6 There was a meeting with the Garrett County
7 Commissioners about this whole issue. They are all for
8 the program. There is no problem in this regard. What
9 they asked was that, all right, once the State acquires
10 the land and somehow gets ahold of the land, would it be
11 possible for the present landowners to get, I believe it
12 is called, first refusal or first option, where the State
13 would so choose, and also would there be some possibility
14 of these people using the land.

15 We indicated to the County Commissioners that
16 this was not our decision. It was that of the Board of
17 Public Works. The Board of Public Works indicated prev-
18 iously that we weren't to acquire the land. Wherever it
19 happened, it was four or five years in order to take that
20 long to stabilize the project, this would be up to the
21 Board of Public Works as to how to dispose of the land.
We indicated where we had projects that were next to a

1 State park, or a State park, we would probably want to
2 incorporate that into it. If there were isolated parcels
3 of land, such as many of these are, the State may sometime
4 in the future want to dispose of it but that more than
5 likely the State didn't want to tie its hands at that time.

6 This is the basic policy throughout. That is
7 in addition to the direct \$100,000 that we need for initial
8 acquisition.

9 MR. LOUIS GOLDSTEIN: Governor, if we didn't
10 buy the fee simple title, we would run into the same sit-
11 uation we have in Frostburg State College right today,
12 and I wouldn't vote to spend one dime without a fee simple
13 title. Then after we get that, daylighting, moonlighting,
14 anything else, if the State wants to lease the lands for
15 grazing, fine. We ought to have the title and control.
16 That way you won't have any problem.

17 GOVERNOR MANDEL: Isn't that what you are pro-
18 posing?

19 MR. HEWITT: Yes, sir. In all of the Appala-
20 chian projects, where the \$200,000 is going, yes. This
21 is what we are discussing. We only ask that the Board,

1 that they consider the exception and don't care either
2 way, on the daylighting project because it was different
3 from the other projects as to the source of funds.

4 GOVERNOR MANDEL: When you say daylighting
5 project, is that something that is going on right now?

6 MR. HEWITT: It is a process of mine reclamation
7 that has been attempted in several other places. The
8 Federal EPA teams said they wanted a demonstration project
9 in the State of Maryland and they indicated they would put
10 in approximately \$500,000. The State would put up about
11 \$100,000.

12 MR. LOUIS GOLDSTEIN: Why can't we go right
13 there in the parklands where that man has been digging
14 that damn coal up to last week and use that as a demonstra-
15 tion area, right there on the Savage River? Don't you
16 have a lot of stuff piled up there?

17 MR. HEWITT: Yes, sir. It wouldn't be applicable
18 for the daylighting project.

19 MR. LOUIS GOLDSTEIN: Why wouldn't it? In
20 other words, you are talking about a deep mine?

21 MR. HEWITT: Yes.

1 MR. LOUIS GOLDSTEIN: Don't we have any land
2 where the State has ownership where they have deep mines
3 in Garrett County?

4 MR. HEWITT: I don't know.

5 MR. LOUIS GOLDSTEIN: Can you check that out?
6 The State ought to spend the money on State owned land
7 where we have deep mines instead of going to private
8 people and not have title to the property. We've had too
9 many apples out of that barrel. I feel personally we
10 ought to acquire the land and have the project, else go
11 on State owned land where you have some deep mines.

12 MR. HEWITT: The daylighting would be relative
13 to a deep mine operation.

14 MR. LOUIS GOLDSTEIN: How about George's Creek
15 where you used to have deep mining years ago? Don't we
16 own some land down there?

17 MR. HEWITT: I don't know. I don't believe we
18 own any land on George's Creek, coming down from Frost-
19 burg. I don't believe there is any State land in there.

20 MR. LOUIS GOLDSTEIN: We have a State park
21 down there. We own acres, thousands of acres of farmland

1 down there. Can you check it out?

2 MR. HEWITT: Yes, sir, we could. The only
3 problem, the only sense of urgency on the daylighting
4 project is that we acquire these sites. We haven't com-
5 mitted ourselves. We want to move on.

6 GOVERNOR MANDEL: But it is a demonstration
7 project. We are not getting involved in anything but a
8 demonstration project. Is that what you are saying?

9 MR. HEWITT: It would be correcting the pollu-
10 tion problem.

11 GOVERNOR MANDEL: I agree with you, but it still
12 is a demonstration project.

13 MR. LOUIS GOLDSTEIN: We are putting up better
14 than \$100,000 in matching money.

15 GOVERNOR MANDEL: Right, but if we put up the
16 \$100,000 and they put up the \$500,000, when it is all over,
17 will we have reclaimed land?

18 MR. LOUIS GOLDSTEIN: We will have nothing.

19 MR. HEWITT: We will have reclaimed land. The
20 State will have an easement to the mineral rights. Nobody
21 will go back in there to mess it up again, but the surface

1 if you follow what the local people want, we wouldn't own
2 the surface land. The other program, all the other
3 Appalachian projects we said we would acquire it in fee
4 simple, but the surface rights and mineral rights --

5 GOVERNOR MANDEL: You are talking about deep
6 mine. These are two different things.

7 MR. HEWITT: This is in the Appalachian project
8 as well. In none of them would they refuse the daylighting
9 process.

10 GOVERNOR MANDEL: At this moment, what are you
11 asking the Board to do?

12 MR. HEWITT: One, for the approval to start on
13 the Appalachian project where we will purchase the land
14 in fee simple. Second, get a policy from the Board as to
15 whether in all cases we must acquire the land or whether
16 we would accept easements in some particular cases and at
17 this point it would be involved in the daylighting project.

18 GOVERNOR MANDEL: We acquire easements. Doesn't
19 that stop anybody from coming in? You are talking about a
20 complete easement that would prevent anyone thereafter from
21 ever going back and mining that land?

1 MR. HEWITT: That is right.

2 MR. LOUIS GOLDSTEIN: You are not stopping
3 the man from building homes or anything else. You are
4 giving him a resource paid by the taxpayers. You are
5 taking a piece of land that is now worthless practically.

6 MR. HEWITT: That is right.

7 MR. LOUIS GOLDSTEIN: You are going to spend
8 \$500,000 Federal money?

9 MR. HEWITT: Yes.

10 MR. LOUIS GOLDSTEIN: Roughly \$100,000 State
11 money?

12 MR. HEWITT: No.

13 MR. LOUIS GOLDSTEIN: That is \$600,000. How
14 many acres in that piece of daylight?

15 MR. HEWITT: Forty or fifty acres.

16 MR. LOUIS GOLDSTEIN: Let's say 50 acres. In
17 other words, you will be spending \$600,000 on a 60-acre
18 tract of land and not own it.

19 MR. HEWITT: Really, what have you really done
20 to that land?

21 MR. LOUIS GOLDSTEIN: I know what it did to it.

1 MR. HEWITT: As far as further use of the land
2 you probably could use it for grazing. You probably
3 wouldn't improve it that much for high-rises or condominiums.

4 MR. LOUIS GOLDSTEIN: You are spending \$600,000.
5 Tell those people, put it in the deed, the land will be
6 used for recreation use after the State buys it. How can
7 you find fault with it if it is used for Open Space?

8 MR. HEWITT: Basically the program is a Water
9 Quality Pollution Control program, not a Land Enhancement
10 program.

11 MR. LOUIS GOLDSTEIN: I know, but when you are
12 spending \$600,000 on a 50-acre tract of land, that is a
13 hell of a lot of money, man. It may not be much to you
14 but it is a lot to me.

15 MR. HEWITT: There is an awful lot of action
16 going on downstream from it.

17 MR. LOUIS GOLDSTEIN: We are not going to im-
18 prove that. Shouldn't the State have use of that land
19 after they spend that much money? That is the way I look
20 at it. We are going to spend \$600,000 on 60 acres, or 50
21 acres. Then that will stop the acid drainage. We will

1 create a clean stream and the people will be able to use
2 the stream because of public money being spent. Do you
3 see anything wrong with that, sir?

4 MR. HEWITT: No, sir, not at all.

5 MR. LOUIS GOLDSTEIN: Governor, I move we
6 acquire the fee simple title and acquire the property.
7 There are no houses or buildings on it, just a pile of
8 debris that came out of the mining when they were getting
9 a 24-inch seam of coal with all of the overburden.

10 MR. HEWITT: Yes.

11 GOVERNOR MANDEL: Let me get it clear. Maybe
12 I am not clear. Is there a pilot program to see if this
13 would work?

14 MR. HEWITT: Yes, sir.

15 GOVERNOR MANDEL: Or should we go in and start
16 acquiring the land before we know whether it works?

17 MR. HEWITT: We have completed the feasibility
18 study already.

19 GOVERNOR MANDEL: Will it work?

20 MR. HEWITT: Yes, sir.

21 GOVERNOR MANDEL: Is it going to cut out the

1 acid drainage downstream?

2 MR. HEWITT: Yes, sir. What we do in feas-
3 ibility, the Federal Government tries to get us from the
4 very beginning to go through with the whole thing.

5 GOVERNOR MANDEL: If we can cut out the acid
6 drainage, I am for it. I want to know whether it works
7 before we start with a program that won't work.

8 MR. HEWITT: The technical feasibility, there
9 is no question about it.

10 GOVERNOR TAWES: Have you tried to acquire the
11 property where the pilot study will be conducted?

12 MR. HEWITT: We have approached the people
13 and they say No. We went to the Land Acquisition Com-
14 mittee and they indicated their displeasure and quoted
15 the Federal law, the particular demonstration law where
16 it was not necessary to acquire the land, and they asked
17 for special consideration in it.

18 MR. LOUIS GOLDSTEIN: Who owns the land?

19 MR. HEWITT: Four or five different landowners.

20 MR. LOUIS GOLDSTEIN: Are they coal people?

21 Are they coal mining companies?

1 MR. HEWITT: No, sir. They are individuals
2 living in the area. They are not mining.

3 MR. LOUIS GOLDSTEIN: Once you make an excep-
4 tion you will have a hell of a time acquiring land up
5 there, I will tell you that.

6 MR. HEWITT: In terms of general projects, we
7 are going to spend \$200,000. I agree with Mr. Goldstein.
8 It should be up to the State to determine how it is used.

9 MR. LOUIS GOLDSTEIN: Governor, once you make
10 an exception, you will have a hard time in Garrett County
11 to acquire the land. They know everything that goes on
12 up there. There are a small number of people and they
13 talk to each other.

14 GOVERNOR MANDEL: The only thing now that you
15 want is the \$200,000 and then you are going to acquire the
16 land?

17 MR. HEWITT: That is right.

18 MR. LOUIS GOLDSTEIN: I think they had better
19 stick to that right today.

20 GOVERNOR MANDEL: I think we ought to go ahead
21 with that.

1 MR. LOUIS GOLDSTEIN: I agree with you.

2 GOVERNOR TAWES: I go along.

3 GOVERNOR MANDEL: No question, we will approve
4 of that.

5 Now, is there anything else?

6 MR. HEWITT: If the Board has a policy, they
7 want fee simple purchase of all land, in essence. Do we
8 go back to this daylighting project and say it is fee
9 simple or no project?

10 MR. LOUIS GOLDSTEIN: That is what I would say
11 right now.

12 GOVERNOR MANDEL: I think you should go back to
13 tell them that is the feeling of the Board at the present
14 time.

15 MR. HEWITT: Thank you, sir.

16 GOVERNOR MANDEL: Thank you.

17 MR. LEWIS: That is all the personal appearances,
18 Governor.

19 MR. ENGELMAN: I am the attorney for the
20 American Federation of Classified Employees and this
21 \$66,000 item is the Teacher Equilization item.

1 MR. LOUIS GOLDSTEIN: What agenda is this on?

2 MR. ENGELMAN: In the Budget.

3 MR. LOUIS GOLDSTEIN: Dr. Barnes's agenda.

4 GOVERNOR TAWES: What is the item?

5 DR. BARNES: Item 10, Page 5, General Emergency
6 Fund.

7 GOVERNOR MANDEL: That is the act passed by the
8 General Assembly?

9 MR. ENGELMAN: In 1972, and there are about 24
10 persons in your professional services that qualify to re-
11 ceive pay increases under that act. There is \$66,000 left
12 for equalization pay for teachers in the political sub-
13 divisions. My figures show 14 out of the 24 employed up
14 at Hagerstown in the Maryland Correctional Institute, and
15 this item would equalize their salaries with public school-
16 teachers.

17 GOVERNOR MANDEL: Did you have any problem with
18 it?

19 MR. ENGELMAN: No.

20 GOVERNOR MANDEL: We don't. You'd better quit
21 while you're ahead.

1 MR. ENGELMAN: Thank you.

2 MR. LOUIS GOLDSTEIN: Why don't we take a
3 break?

4 GOVERNOR MANDEL: Let's take a break now and
5 have a sandwich.

6 (At this time a short recess was taken.)

7 GOVERNOR MANDEL: Is Jim Coulter here?

8 (There was no response.)

9 GOVERNOR MANDEL: While we are waiting for him
10 do you want to go ahead with that?

11 MR. HEUBECK: Governor, I sent you all a pro-
12 posal for the improvement of the system for the Board of
13 Public Works, which are some of the things which we have
14 already started. We do not have or did not ever have the
15 capability of doing the indexing, which is on cards which
16 go into the computer. If you all would agree with this,
17 we would use this computer, which would be available to
18 everybody.

19 GOVERNOR MANDEL: Talking about indexing all
20 of the proceedings of the Board of Public Works?

21 MR. HEUBECK: Right, including your computers.

1 MR. LOUIS GOLDSTEIN: You have to work it out
2 with the computer people. Who will be responsible for
3 giving us the information on all that? You just don't take
4 and put something on a computer. It is not that easy.

5 MR. HEUBECK: I know. That is why this proposal.

6 MR. LOUIS GOLDSTEIN: Have you ever shown the
7 proposal to Mr. Art Southern?

8 MR. HEUBECK: I just sent it to the three of
9 you.

10 GOVERNOR MANDEL: All he wants to know is for
11 us to say if it can be done?

12 MR. LOUIS GOLDSTEIN: I have seen it.

13 GOVERNOR MANDEL: All he wants to know is for
14 us to say if it can be done, just a recommendation?

15 MR. LOUIS GOLDSTEIN: Certainly. Sit right
16 down there.

17 GOVERNOR MANDEL: You go ahead and see if it
18 can be worked out.

19 DR. BARNES: In other words, our people will
20 go ahead?

21 GOVERNOR MANDEL: See if it can be worked out

1 with Louie's people and report back to the Board.

2 Jim, do you want to talk to the Board?

3 MR. COULTER: If I may, Governor.

4 There has been a development that I would like
5 to advise the Board of and seek your guidance on. The
6 Attorney General has given us an opinion, in Section 161,
7 outstanding coal mining permits, strip mining permits.
8 They are rescinded effective July 1, 1973, and through the
9 Land Conservation Committee and the Bureau of Mines we
10 have notified the coal miners that their permits are
11 rescinded. Throughout all of this there was a question of
12 compensation and the equities involved with the coal
13 miners.

14 At the invitation of Mr. Walch, who represents
15 the two principals involved, Delsignors, of the Buffalo
16 Coal Company and a man by the name of Borsch, who owns
17 outstanding coal interests in State land, met with me this
18 morning. It is clear from our meeting that the coal
19 mining interests will abide by the orders and stop mining
20 on July 1. However, it is also clear that they intend
21 to file suit testing both the law and ask for damages

1 because of the action.

2 We have had a number of discussions through
3 Mr. Phipps's and my office with Mr. Borsch about bringing
4 this perennial problem to a close once and for all by
5 the State acquiring the mineral rights in State owned
6 lands.

7 Those negotiations are proceeding very well.
8 My discussion this morning was participated in by the
9 Attorney General's Office, members of our technical staff
10 and the principals involved on the other side.

11 We would like to go and present the court with
12 an agreement which would provide for the equities in clos-
13 ing down the coal mining operation that is under way now,
14 and it would also be contingent upon the State acquiring
15 outstanding mineral rights from both coal companies.

16 Now, the amount of money involved, I am not
17 really at liberty to say yet because there are some dis-
18 cussions back and forth, but it would appear that the
19 amount of money involved in effecting a straightforward,
20 complete quitclaim deed, not trying to list tract by tract
21 or arrangement by arrangement, simply a quitclaim deed,

1 that would cover some 6,000 or 7,000 acres of mineral
2 rights, that could be acquired from money which is present-
3 ly budgeted in the program.

4 Furthermore, it would appear that the operators
5 of the coal company who are separate from the people who
6 own the coal and mineral rights, would be willing to phase
7 out their operation with mineral damages to the State,
8 provided they could continue to mine after July 1 to the
9 extent that the disturbed ground for coal is now open and
10 ready to be offered until a remedy can be expected.

11 My position is clear. The matter is now nego-
12 tiable. The Attorney General has simply said that the
13 General Assembly has placed July 1, 1973, as the date that
14 the permits are rescinded. We have told them that we
15 cannot negotiate, but in the event they did go to court
16 with this, that they would be prepared to sit down with
17 the court and with the other side with some kind of an
18 agreement that would bring coal mining to an orderly end.

19 There is a good deal of merit in the arguments
20 to take over the ground of the coal that has already been
21 exposed, so to speak, ready to be harvested.

1 My request was to be allowed to inform the
2 Board that these negotiations were going forward, to seek
3 to advise them and also to carry this through as far as
4 we could and bring it back to the Board.

5 GOVERNOR MANDEL: Jim, I think you are doing a
6 good job. I thought it would be far more difficult than
7 it appears to be at this moment, quite frankly. I would
8 say just go ahead full speed the way you are proceeding.

9 MR. COULTER: If it works out, we will solve
10 this thing once and for all.

11 GOVERNOR MANDEL: I think that is fine.

12 Louie, do you have any comment?

13 MR. LOUIS GOLDSTEIN: No. We are not doing any-
14 thing but just keeping things under advisement?

15 MR. COULTER: Yes, sir.

16 MR. LOUIS GOLDSTEIN: You will bring back to us
17 any agreement?

18 MR. COULTER: Yes.

19 GOVERNOR MANDEL: You would have to come back
20 with any agreement.

21 MR. COULTER: Things will move rather rapidly.

1 I am not sure what the other side will do, but from the
2 discussions it would appear they are going to seek a
3 restraining order so they can go right on with their oper-
4 ations.

5 MR. LOUIS GOLDSTEIN: You can negotiate while
6 it is in court?

7 MR. COULTER: Yes, hopefully. By this afternoon
8 we will have the information. At least, our staff is
9 sitting down right now to prepare things.

10 MR. LOUIS GOLDSTEIN: You will buy fee simple
11 title to the coal, all mineral rights?

12 MR. COULTER: This is simply a quitclaim.

13 MR. LOUIS GOLDSTEIN: That is number one.

14 MR. COULTER: Not all the mineral rights. It
15 will be coal.

16 MR. LOUIS GOLDSTEIN: Wait a while now. You
17 see, my understanding is you will get a deed for all
18 mineral rights. If you don't, they will back there doing
19 something else.

20 MR. COULTER: They made it very clear they can-
21 not and will not discuss gas or oil.

1 MR. LOUIS GOLDSTEIN: There you are. You are
2 not accomplishing anything. You are liable to be back
3 here next year with another mess. I say all the mineral
4 rights. Otherwise, you will be back fighting again or
5 drilling for gas and oil, messing up the whole countryside.
6 The State of Maryland spent millions of dollars studying
7 this stuff. We all know what the conclusion is.

8 MR. COULTER: Respectfully, I think there are
9 two points. First of all, there are producing gas wells
10 and also exploration for gas in the western part of the
11 State, and it does not cause the damage strip mining
12 does.

13 Secondly, there is one large holder who has
14 significantly all the coal strip mining mineral rights,
15 and even on his holdings, the second and third parties
16 have gained control of the oil and gas rights. The other
17 side flatly states that they will not discuss oil rights
18 and gas rights, but I do think we are making a giant step
19 by cleaning up this first part of the operation and that
20 is all that Senate Bill 161 wants us to do.

21 GOVERNOR MANDEL: Let me get it clear. Under

1 the bill that was passed, the only authority you have at
2 this moment is on the strip mining?

3 MR. COULTER: The only authority we have,
4 specifically mandated, is to strip mining. The words are
5 mining the coal by strip or open pit mining.

6 GOVERNOR MANDEL: I don't know what else we
7 can do.

8 MR. COULTER: This will clear up one very im-
9 portant bothersome problem and do a lot of good if we
10 solve this old strip mining problem.

11 GOVERNOR MANDEL: It would be ideal, of course,
12 if you could get all of the mineral rights, but we don't
13 have any right, do we?

14 MR. COULTER: No, sir. There is a law on the
15 books that tells you, the Department, to encourage explor-
16 ation of oil and gas and the western part of the State is
17 one area where we have been able to encourage exploration
18 for gas.

19 MR. LOUIS GOLDSTEIN: We have been doing that
20 for quite a while.

21 MR. COULTER: Yes, sir.

1 MR. LOUIS GOLDSTEIN: We have agreements with
2 different companies on State owned land?

3 MR. COULTER: There are companies out there
4 getting some royalties.

5 MR. LOUIS GOLDSTEIN: If you don't buy the fee
6 simple title, you come in with other problems. All you
7 are asking for is simple title. Especially the Borsch,
8 I think they are from Uniontown, if I'm not mistaken,
9 and he has an agreement with third parties to mine the
10 coal; is that right, sir?

11 MR. COULTER: I believe Mr. Phipps has been
12 very close to this, but I think I am relating to the Board
13 accurately as far as the other parties are concerned, if
14 the State wants to take over their gas and oil rights,
15 they are not even sure what those rights are; they are
16 not willing to negotiate.

17 MR. LOUIS GOLDSTEIN: That fellow is making a
18 good sum of money. He is making it all at one time in-
19 stead of spending 15 years to get it out of there. That
20 is nice.

21 GOVERNOR MANDEL: I don't know what else you

1 can do.

2 MR. COULTER: We might be fighting for 15
3 years.

4 GOVERNOR MANDEL: Governor, how do you feel
5 about it?

6 GOVERNOR TAWES: I have been following this
7 from the time I was the Secretary of Natural Resources and
8 a great deal has been accomplished since I left there.
9 I think Jim Coulter is on the right track, to do what needs
10 to be done. Of course, there is this question of July 1,
11 1973, that he is mandated to make some kind of settlement
12 with those people. How do you feel about it, Governor?

13 GOVERNOR MANDEL: I feel he has proceeded to a
14 point now, strip mining is the biggest problem. I would
15 like to get all the mineral reserves and get out complete-
16 ly, if you can do it, but I think if you can clear up the
17 strip mining and we get it out of the way, at least you
18 are making one step forward.

19 I am in favor of going ahead and seeing if we
20 can do that.

21 GOVERNOR TAWES: I think it is all right.

1 GOVERNOR MANDEL: You go ahead, Jim.

2 MR. LOUIS GOLDSTEIN: I want to get rid of
3 strip mining. I was in favor of this way back, way back.

4 GOVERNOR MANDEL: Okay. That is all the per-
5 sonal appearances, isn't it, I hope? Can we get started?

6 Let's get back to Andy's agenda.

7 MR. LOUIS GOLDSTEIN: Let me get your agenda,
8 Andy.

9 MR. HEUBECK: Page 7, Item 5.

10 MR. LOUIS GOLDSTEIN: Item 2, Page 2 first.

11 GOVERNOR MANDEL: Let's go through your agenda.

12 MR. HEUBECK: What is the Board's direction on
13 Item 1? I had some discussions with Mr. Luetkemeyer
14 about this.

15 GOVERNOR MANDEL: I was in some State park in
16 another State, I believe it was -- I believe it was Mary-
17 land. I don't see anything wrong with that.

18 MR. LEWIS: That is a good idea. They want to
19 designate a local landscape area and Mr. Luetkemeyer and
20 I felt Paca Gardens would probably be the most logical.
21 He hoped to be able to get sufficient funds to do this,

1 but if you would go along with the direction of any local
2 or State facility, we can work out the details.

3 MR. LOUIS GOLDSTEIN: Mrs. Vita brought this
4 matter to my attention. I looked around. There is an
5 area between the Income Tax Building and the Treasury
6 Building which is ideal. She looked at it. There are
7 cars there. I walked around the Natural Resources and
8 Court of Appeals. There are beautiful lakes.

9 MR. LEWIS: That would be nice after the con-
10 struction.

11 MR. LOUIS GOLDSTEIN: There are two beautiful
12 areas there. This lady from the Federated Gardens would
13 help out and you can maintain it.

14 MR. LEWIS: I talked to Mr. Luetkemeyer about
15 this.

16 MR. HEUBECK: Paca Gardens, the thing is they
17 would want it restored, the way it was.

18 MR. LEWIS: These braille signs wouldn't hurt.

19 GOVERNOR MANDEL: They put a sign in braille
20 so these people can feel it. I have seen it. It doesn't
21 do anything to the park.

1 MR. LEWIS: It is a marvelous idea.

2 MR. LOUIS GOLDSTEIN: It gives blind people
3 a chance to walk in the park and feel the trees, to see
4 whether they are lilies, and so forth.

5 GOVERNOR MANDEL: I think it is a good idea.

6 MR. HEUBECK: Thank you.

7 GOVERNOR MANDEL: What else? Did you say Page
8 2?

9 MR. LOUIS GOLDSTEIN: Yes. The date for the
10 bond sale, Governor, has been changed to August 29.

11 GOVERNOR MANDEL: Okay.

12 MR. LOUIS GOLDSTEIN: Governor Tawes?

13 GOVERNOR TAWES: August 29.

14 MR. LOUIS GOLDSTEIN: August 29, at the Treasury
15 Office.

16 GOVERNOR MANDEL: Do you want to put that
17 million dollars on there?

18 MR. LOUIS GOLDSTEIN: Yes.

19 GOVERNOR MANDEL: Can we add it at this point?
20 I am not that familiar with it.

21 MR. LOUIS GOLDSTEIN: Item 2-B, I move we add

1 the million dollars for the Deaton --

2 GOVERNOR MANDEL: John L. Deaton --

3 MR. LOUIS GOLDSTEIN: John L. Deaton Medical
4 Center.

5 GOVERNOR MANDEL: One million dollars. Okay.
6 No objection. That is approved.

7 MR. LOUIS GOLDSTEIN: The next item I had --

8 GOVERNOR MANDEL: What do you have, Andy? Do you
9 have an item?

10 MR. HEUBECK: Yes, Page 7.

11 MR. LOUIS GOLDSTEIN: 3-D.

12 GOVERNOR MANDEL: I had one item before, on
13 Page 5.

14 MR. LOUIS GOLDSTEIN: We have already taken care
15 of that, sir. I had an item, 4-A, Page 5.

16 GOVERNOR MANDEL: I was going to ask that that
17 be deferred, because I really haven't had time to under-
18 stand that.

19 MR. LEWIS: This is the regulation.

20 GOVERNOR MANDEL: Yes, I would like to sit down
21 and get a real explanation of what we are getting into.

1 MR. LEWIS: We should have a short meeting on
2 this together over it.

3 GOVERNOR MANDEL: I think maybe you ought to
4 explain it. I think we ought to have a complete explan-
5 ation to all of us on that.

6 MR. LOUIS GOLDSTEIN: Did you read that?

7 GOVERNOR MANDEL: Yes. I read it. I wanted
8 some more information as to what caused it. I can under-
9 stand how it would work on an improved building, but sup-
10 pose you had to build a long line and they charged so
11 much a foot?

12 MR. LEWIS: We would be working on a maximum
13 of 500 feet on a mile frontage.

14 GOVERNOR MANDEL: I think it is best if we sit
15 down and really discuss it, to know what we are talking
16 about.

17 MR. LEWIS: The main purpose was the intent of
18 the Legislature to try to give the State its responsibil-
19 ity for lateral systems that does affect the local
20 communities. In other words, there are many areas where
21 the local community has to pay the cost of improvement

1 of lines past like Kingsville, the one past the Gunpowder
2 State Park, because there is no contribution by the State,
3 so it does put the burden on the local community, but we
4 will be very glad, if you would like to, Governor, to set
5 up a time.

6 GOVERNOR MANDEL: Set up a date where we can
7 sit down and go over it.

8 MR. LEWIS: Okay.

9 GOVERNOR MANDEL: Okay. That is deferred.

10 MR. LOUIS GOLDSTEIN: Governor, we have this
11 overtime payment on this agenda, same as you had it on
12 Dr. Barnes's, Item No. 5-B.

13 MR. HEUBECK: Should we have an opinion from
14 the Attorney General?

15 MR. LOUIS GOLDSTEIN: Dr. Barnes, do you see
16 what I mean, the same item we deferred on yours, on the
17 agenda, Dr. Barnes, so it ought to be deferred here.

18 GOVERNOR MANDEL: Yes. The two of you get
19 together and get it worked out. We have taken care of
20 Item 6. Which one do you have, Andy?

21 MR. HEUBECK: Item 5-D, Page 7.

1 GOVERNOR MANDEL: That is the one we just
2 took care of.

3 MR. HEUBECK: Page 8.

4 MR. LOUIS GOLDSTEIN: Item 6.

5 MR. HEUBECK: Has this been reviewed by General
6 Services?

7 MR. LEWIS: Yes, we reviewed plans for con-
8 struction prior to contract.

9 GOVERNOR MANDEL: That takes care of that.

10 Lou, what do you have next?

11 MR. LOUIS GOLDSTEIN: Item 10-A, Page 15 and
12 16. Dave, on Item 10-A, Page 15, State Roads Commission
13 got this land?

14 MR. FISHER: Yes.

15 MR. LOUIS GOLDSTEIN: Is that price pretty
16 well fixed?

17 MR. FISHER: Mr. Goldstein, basically this is
18 a request to be authorized to go in and negotiate with
19 the owner, based on this appraisal.

20 MR. LOUIS GOLDSTEIN: Okay.

21 MR. FISHER: Rather than go through a sale.

1 This is an appraisal that has been made. They take the
2 value as the basis to try to negotiate.

3 MR. LOUIS GOLDSTEIN: Okay; B, this house I
4 thought the State Roads Commission had a policy when they
5 acquired a home they rented it. Here this house has been
6 left to deteriorate, one and a half story frame house.

7 MR. FISHER: We rent all houses we can. Some-
8 times they need so much work, you can't get enough out
9 of them, and before you do anything with them, they deter-
10 iorate. It is a practice and policy that when we buy --

11 MR. LOUIS GOLDSTEIN: You acquired it in 1970
12 at a value of \$16,000. It must have been a pretty good
13 house.

14 MR. FISHER: I can't say. I can't speak to
15 the details, but that is the policy.

16 MR. LOUIS GOLDSTEIN: Thank you.

17 The next item is 10-E, Page 18. Mr. Lewis,
18 over in Howard County this man has this sign. He is ready
19 to buy the land/^{at}the appraised value?

20 MR. FISHER: Which one is that?

21 MR. LOUIS GOLDSTEIN: 10-E on Page 18, appraisal,

1 \$28,021, right at the shopping center, Route 29 and 40.

2 GOVERNOR MANDEL: He has that sign up there.

3 MR. LOUIS GOLDSTEIN: Right, reading the letter,
4 it is my interpretation he is ready to buy the land.

5 MR. FISHER: Yes.

6 MR. LOUIS GOLDSTEIN: Is that right?

7 MR. FISHER: Yes.

8 MR. LOUIS GOLDSTEIN: Okay.

9 Item 10-F, Page 19. In that Item 10-F, didn't
10 we give him the amount of money that was involved, Greer
11 Oil Company? That is Harford County?

12 MR. FISHER: I don't see that. Is there acre-
13 age there?

14 GOVERNOR MANDEL: There was no acreage listed
15 there. Dave, it is land that was acquired by condemnation
16 in 1966 at a cost of \$6,400. It has been given a fair
17 market value of \$2,035. This is the first piece of land
18 I have known of in a long time that has depreciated.

19 MR. FISHER: I think sometimes what we do here
20 is to give you a cost combination for acquisition and they
21 use part of it and the remaining value.

1 GOVERNOR MANDEL: Will you check on that and
2 make sure that is what is happening?

3 MR. FISHER: I will check on the acreage and
4 furnish that information.

5 MR. LOUIS GOLDSTEIN: Do you want to defer
6 that?

7 GOVERNOR MANDEL: Let's defer it until we get
8 that information. If these people need the land, I don't
9 mind them having it, but I don't want to give it to them.

10 MR. LOUIS GOLDSTEIN: That is the reason for
11 the question.

12 Item 14-B, Page 24. We took care of that.

13 GOVERNOR TAWES: 15, University of Maryland.
14 Is that a routine item?

15 GOVERNOR MANDEL: Yes, that is for the School
16 of Optometry in the Southern College of Optometry. I
17 think, Ken, you explained this, didn't you, or somebody
18 wrote a letter on it. They have the money in their own
19 programs. This is to send some kids to that school.

20 GOVERNOR TAWES: This is evidently something
21 new, School of Optometry.

1 GOVERNOR MANDEL: Optometry is new.

2 GOVERNOR TAWES: Necessary funds for this par-
3 ticular program will be included in the 1975 budget?

4 GOVERNOR MANDEL: I think this is a newer prog-
5 ram. They're doing it in other fields. Now they are
6 getting into optometry.

7 What is your next one, Louie?

8 MR. LOUIS GOLDSTEIN: That is the last one I
9 had on mine, Governor.

10 GOVERNOR MANDEL: I don't have any more on this
11 agenda.

12 MR. LOUIS GOLDSTEIN: We have some more on the
13 agenda that Mr. Phipps has, Open Space. I have a separate
14 file on that.

15 MR. PHIPPS: Page 1A.

16 GOVERNOR TAWES: Agenda A, 1A?

17 GOVERNOR MANDEL: Item 1A.

18 Do you want to defer this?

19 MR. PHIPPS: Yes, sir.

20 MR. LOUIS GOLDSTEIN: Let me get that.

21 MR. PHIPPS: This is Interagency School

1 Construction. I will withdraw it.

2 GOVERNOR MANDEL: You are withdrawing that
3 item, IA?

4 MR. PHIPPS: Yes, sir.

5 MR. LOUIS GOLDSTEIN: Withdrawing IA?

6 MR. PHIPPS: Yes, sir.

7 MR. LOUIS GOLDSTEIN: Next I have Item 34,
8 Page 34; is that right?

9 GOVERNOR TAWES: Item 34A has been deferred,
10 has it?

11 GOVERNOR MANDEL: 34A, just a minute.

12 GOVERNOR TAWES: 34A?

13 MR. PHIPPS: Fred Eskew. We will defer this
14 too.

15 GOVERNOR MANDEL: 34A is being deferred.

16 MR. LOUIS GOLDSTEIN: The next item I have is
17 41A.

18 GOVERNOR TAWES: Item 41A?

19 MR. LOUIS GOLDSTEIN: Yes.

20 MR. ESKEW: We checked the water quality in
21 this pond, which was good enough for fishing and boating

1 activities. However, swimming could not be permitted.

2 MR. LOUIS GOLDSTEIN: 41A?

3 GOVERNOR MANDEL: 41A.

4 MR. ESKEW: I'm sorry. That deals with four
5 small lots in Mount Rainier. The Comptroller asked me to
6 check to find out the status of the housing on the lots.
7 Two are vacant. One has a small house, abandoned; the
8 other is a two-story frame house. This is being occupied.
9 The one house is occupied. This is in the Avalon area
10 of Mount Rainier, right behind the Kaywood Apartments.

11 MR. LOUIS GOLDSTEIN: I know where it is.
12 Governor, what I was thinking, these are very small lots
13 and now one is vacant. You have got Lot No. 17. We are
14 paying \$8,000 for a little piece of land, is that right,
15 No. 12? Is that the house?

16 MR. ESKEW: Yes.

17 MR. LOUIS GOLDSTEIN: The information wasn't
18 on the agenda item.

19 GOVERNOR MANDEL: The house has to be on Lot
20 No. 13.

21 MR. LOUIS GOLDSTEIN: I would think so.

1 GOVERNOR MANDEL: If it isn't, there is some-
2 thing wrong.

3 MR. ESKEW: Lot 12 has the abandoned house.

4 GOVERNOR MANDEL: 13 has the house on it.

5 MR. ESKEW: It has the house on it.

6 GOVERNOR MANDEL: Improved house?

7 MR. ESKEW: Yes.

8 MR. LOUIS GOLDSTEIN: 14 and 15 are vacant
9 lots?

10 MR. ESKEW: That is right.

11 MR. LOUIS GOLDSTEIN: Maybe you can put that
12 information on your future agendas.

13 MR. ESKEW: I didn't have a chance after that
14 meeting. I submitted a letter.

15 MR. LOUIS GOLDSTEIN: I know. A big price to
16 be paying for land.

17 GOVERNOR MANDEL: It sure is.

18 MR. LOUIS GOLDSTEIN: It is a very thickly
19 settled neighborhood, but a big price to pay. You are
20 going to have to move two houses.

21 GOVERNOR TAWES: That is in Prince George's

1 County?

2 MR. LOUIS GOLDSTEIN: Yes, sir. You want it
3 deferred, is that right?

4 GOVERNOR MANDEL: We don't have to.

5 MR. PHIPPS: That is approved?

6 GOVERNOR MANDEL: Yes.

7 MR. LOUIS GOLDSTEIN: There is nothing we can
8 do about it. It is an awful high price. Is there other
9 land around there where no buildings are around? That is
10 31,400 feet, and you have to pay to take down the two
11 houses. That will be another \$4,000 or \$5,000.

12 GOVERNOR TAWES: 49A.

13 MR. LOUIS GOLDSTEIN: I had that too, 49A.

14 GOVERNOR MANDEL: That one is approved, 49A.

15 MR. PHIPPS: This one is the place that had the
16 lake.

17 MR. LOUIS GOLDSTEIN: We are buying a lake.
18 I asked a question, is the lake swimmable? In other words,
19 you have a lake and a bunch of kids around it. Some will
20 be swimming in the lake, sure enough. You will have a hell
21 of a time keeping them out. It is not suitable for

1 swimming.

2 MR. ESKEW: It is not suitable for swimming.
3 It has been stopped. It is suitable for fishing and boat-
4 ing. Swimming, it is not suitable. This is in Kenwood
5 Park, right behind the University of Maryland.

6 GOVERNOR TAWES: Twenty-five acres of it?

7 MR. ESKEW: Yes.

8 GOVERNOR TAWES: God, that is a lot of money.

9 MR. LOUIS GOLDSTEIN: That is the reason for
10 the question. I think we should go back and talk about
11 this, because those kids will jump in the lake unless
12 you have somebody to police that area.

13 GOVERNOR MANDEL: Did they give the reason why
14 it wasn't swimmable?

15 MR. ESKEW: It was just the water quality.

16 GOVERNOR MANDEL: Water quality?

17 MR. ESKEW: Yes, the water quality. There is
18 some industrial in that area.

19 GOVERNOR MANDEL: The water quality is not
20 good enough to go swimming?

21 MR. ESKEW: No.

1 GOVERNOR MANDEL: How about the fish?

2 MR. ESKEW: The fishing has not been stopped.

3 GOVERNOR MANDEL: Are they suitable to eat?

4 MR. ESKEW: I didn't ask that question.

5 GOVERNOR MANDEL: If somebody takes them out
6 and eats them and gets sick, we are just as bad off.
7 Maybe we ought to defer this and go back and get a little
8 check on it.

9 MR. LOUIS GOLDSTEIN: We should check it out.
10 We are paying a big price for this.

11 MR. PHIPPS: We will come back on it.

12 GOVERNOR MANDEL: Okay.

13 MR. LOUIS GOLDSTEIN: That is all the questions
14 I had on this agenda. We went on for several hours with
15 Mr. Phipps and members of his staff.

16 GOVERNOR MANDEL: I'm going blind from reading.
17 All right, we will take Dr. Barnes's agenda. The first
18 question I had there is that Item 5, the tobacco ware-
19 house, Ken. The only question I wanted to ask you is not
20 about the dollars, but have we found any other use for
21 it yet?

1 MR. LEWIS: We have presently through Whitey
2 Hance leased a small portion of it to the Tobacco Growers
3 Association for storage of fertilizer and so forth, and
4 we are working now, Bill Badger is working through Whitey
5 Hance, leasing some of it to Natural Resources for storage,
6 so there will be portions of it leased out. In the mean-
7 time, Mr. Hance is working on the basis of our prior
8 recommendation that it be considered the termination.

9 DR. BARNES: The State has no real use for it.
10 We can make a feasibility study. It is not surplus
11 property, but once you have something to dispose of, it
12 might cost more to run it than it would be worth.

13 GOVERNOR MANDEL: Fine, just work with George
14 on it and see what can be done.

15 MR. LEWIS: We will proceed with the idea of
16 taking our furniture that we normally would dispose of and
17 maybe using Sheltingham to refinish it and so forth. That
18 would be a good location. Even though it would cost a
19 few dollars, it might be better to do that.

20 MR. LOUIS GOLDSTEIN: You could sell it to the
21 Federal Government. Have a sale on it.

1 MR. LEWIS: We will be talking to Ken about it.

2 GOVERNOR MANDEL: Okay.

3 Item 7, on Page 3, I have marked. It says
4 Central Law Library in the Baltimore State Office Complex.

5 MR. LEWIS: I agreed to oversee the project.

6 GOVERNOR MANDEL: It is on both.

7 DR. BARNES: It is a Central Law Library located
8 in the Central Office Building Complex, so that instead
9 of each Assistant Attorney General of each agency coming
10 in for about \$15,000 worth of law books, each time you
11 get them an Assistant Attorney General, we refer him to
12 one space. That is located on 700 or 800 feet of space
13 in the State Office Building.

14 The purpose of this would be to have somebody
15 to keep track of the books, or else they will disappear.

16 GOVERNOR MANDEL: I am all in favor of having
17 the Central Law Library, but I hope after we do that we
18 don't keep seeing them purchasing books, because they
19 don't want to go up to the library.

20 MR. LEWIS: This will be a Central Library on
21 the 15th floor of the State Office Building, and it should

1 eliminate any law libraries elsewhere in the complex.

2 GOVERNOR MANDEL: Will you watch that closely,
3 Ken, because each department having its own law library
4 would be expensive.

5 DR. BARNES: Right. This ties into Item 16
6 also.

7 GOVERNOR MANDEL: Their law books, I saw that.
8 That is why I wanted to know we are going to have a
9 Central Law Library.

10 DR. BARNES: Yes, sir.

11 GOVERNOR MANDEL: Okay.

12 MR. LOUIS GOLDSTEIN: I had a item, Item 13,
13 Page 6.

14 MR. LEWIS: Item 8, Page 4. I want to point
15 out that the \$2,500 here that is being put in the buildings
16 and grounds for moving those murals is for only the moving
17 and placing them on the walls. They still have to be res-
18 tored.

19 MR. LOUIS GOLDSTEIN: Touched up?

20 MR. LEWIS: Yes.

21 MR. LOUIS GOLDSTEIN: The lady to paint them is

1 coming here.

2 MR. LEWIS: She has already been here, talked
3 to Mr. Schamel.

4 MR. LOUIS GOLDSTEIN: These murals that are
5 given to us by the Lord Baltimore Hotel, is that lady
6 going to come down and touch them up this summer after
7 they are on the wall?

8 MR. SCHAMEL: In August. There will be an ad-
9 ditional cost.

10 MR. LEWIS: Over and above the \$2,500?

11 MR. LOUIS GOLDSTEIN: Right. Still a bargain.
12 I saw the truck there this morning. For members of the
13 press, these murals were in the Lord Baltimore Hotel on
14 the east wall of the big ballroom, Lord Baltimore and his
15 wife, and George Calvert and Cecelia Calvert, and the hotel
16 moved the backdrop and exposed the windows and made a gift
17 of these to the State. You have seen them many times,
18 Governor.

19 GOVERNOR MANDEL: Yes.

20 GOVERNOR TAWES: Where will you put them?

21 MR. LOUIS GOLDSTEIN: As you come into the main

1 library of the Treasury Building, your building, sir, on
2 the big wall where they have two showcases with rocks and
3 sailboats.

4 GOVERNOR TAWES: Good place for them.

5 MR. LOUIS GOLDSTEIN: They have to have a big
6 wall for it.

7 GOVERNOR TAWES: Have the portraits been
8 painted of Thomas Carroll? Have they been completed, do
9 you know?

10 MR. LOUIS GOLDSTEIN: Thomas King Carroll?

11 GOVERNOR TAWES: Somerset County.

12 GOVERNOR MANDEL: It is not yet. I think it
13 is being done now.

14 MR. LEWIS: You raised the funds for that?

15 GOVERNOR TAWES: Locally.

16 GOVERNOR MANDEL: What is the next item?

17 MR. LOUIS GOLDSTEIN: Item 13, Page 6.

18 GOVERNOR MANDEL: I have that marked off too.

19 MR. LOUIS GOLDSTEIN: We paid \$75,000 to develop
20 a Statewide Board of Registration. I wonder what the
21 procedure is, how they will do that and keep it up to

1 date.

2 GOVERNOR MANDEL: I don't know. I have it
3 marked off too.

4 DR. BARNES: It is in the request of Mr. Barnes.
5 We tried to get a handle on all registered voters and we
6 worked with our Division of Management, our Division of
7 Computer Operations, to develop an appropriate program.
8 Some of these estimates are ours.

9 MR. LOUIS GOLDSTEIN: \$75,000 to develop the
10 program?

11 DR. BARNES: Develop and operate it for a full
12 year.

13 MR. LOUIS GOLDSTEIN: I see.

14 DR. BARNES: There is 1,115,000 registered
15 voters, and this would be an attempt to clear it, unless
16 people die or come off the rolls at that time, and the
17 cost is \$60,000 for the first year, including development,
18 and a \$15,000 additional cost. At present 8 Counties
19 don't have data processing equipment. This would be for
20 all 24 subdivisions.

21 MR. LOUIS GOLDSTEIN: What computer would you use?

1 DR. BARNES: I am not sure which one. I can
2 get you a quick answer if you want me to go out.

3 MR. LOUIS GOLDSTEIN: No. I think we ought to
4 do that. It is a State computer?

5 DR. BARNES: It would be a State computer, but
6 whether yours or Baltimore City I don't know.

7 GOVERNOR MANDEL: It would all be operated by
8 the State?

9 DR. BARNES: All operated by the State and come
10 under the State Election Laws. We would have a valid
11 list of voters.

12 GOVERNOR TAWES: Item 16, Page 8.

13 GOVERNOR MANDEL: That is the other item to
14 the law library.

15 I had Item 19, on Page 9.

16 DR. BARNES: There is a transposed figure.
17 That should be \$19,009.

18 GOVERNOR MANDEL: \$13,950. That really scared
19 me for a minute.

20 DR. BARNES: This is to make all salaries con-
21 sistent. In the present salaries, this man, based on his

1 you will do with the rental money.

2 MR. PHIPPS: It will go into the Forest and
3 Parks reserve account, Natural Resources.

4 GOVERNOR MANDEL: Why not the Bond Annuity
5 Fund?

6 MR. LEWIS: It comes out of Open Space, though.

7 MR. PHIPPS: If it exceeds \$200,000 a year of
8 all the fees collected by the Parks, all we can carry over
9 will go back to the General Fund.

10 DR. BARNES: It does give them a kitty of
11 \$200,000.

12 MR. LOUIS GOLDSTEIN: Are these long-term
13 leases?

14 MR. PHIPPS: No.

15 MR. LOUIS GOLDSTEIN: Right on that same
16 agenda, starting around Page 54, 55, you have leases on
17 barns and farmland way beyond what you recommend in No. 3.
18 You have 64 acres of land out here, \$10 an acre.

19 GOVERNOR MANDEL: Which one are you on now?

20 MR. LOUIS GOLDSTEIN: Item No. 3, and under
21 Item 25, the third requirement, land, barns, other

1 former salary grade is \$13,906, so putting it into the
2 same grade as the State's salary grade would be \$13,950.

3 GOVERNOR MANDEL: That is all right. When I
4 saw the \$31,000, it kind of bothered me.

5 What is the next one?

6 MR. LOUIS GOLDSTEIN: Item No. 22.

7 GOVERNOR MANDEL: That has been deferred.

8 MR. LOUIS GOLDSTEIN: Item 22, Page 11, with-
9 drawn.

10 GOVERNOR MANDEL: Right.

11 MR. LOUIS GOLDSTEIN: Item 24, Page 11.

12 GOVERNOR MANDEL: That is withdrawn.

13 GOVERNOR TAWES: How about Item 25, Page 12?
14 That relates to Open Space.

15 MR. LOUIS GOLDSTEIN: I discussed that with
16 Mr. Phipps. In other words, 80 percent of appraised value?

17 MR. PHIPPS: Yes. We will immediately lease
18 homes and houses to buy and report to the Board after the
19 fact.

20 GOVERNOR MANDEL: I have one little note on here.
21 It says, "What happens to the money?" It doesn't say what

1 outhouses, based on prevailing rates charged in areas
2 recommended by Soil Conservation Officer of the Maryland
3 Agricultural Extension Service, you come over on Page 55,
4 and from there on you have land up there, \$10 an acre,
5 Seneca Park. We are paying anywhere from \$3,000 to
6 \$10,000 an acre for that land, beautiful land. That
7 land there represents no less than \$20 an acre. It will
8 produce much more grain than land in Howard County. We
9 rent that land for \$15 to \$20 an acre, depending. Do you
10 see what I am saying, Dr. Barnes?

11 DR. BARNES: Yes, sir.

12 MR. LOUIS GOLDSTEIN: That is Seneca State
13 Park. That is where we pay the highest price in the State
14 for land, anywhere from \$3,000 to \$10,000 an acre. Some
15 ask for \$50,000. We haven't bought any of that yet.

16 GOVERNOR TAWES: In the event any of these
17 buildings would burn during the duration of the lease,
18 would that automatically cancel the lease?

19 MR. PHIPPS: I would say Yes, it would.

20 MR. LOUIS GOLDSTEIN: You ought to put a
21 clause in there, in the event of an act of God, destruction

1 by fire, the lease automatically terminates.

2 Number two, you ought to put a second provision
3 there are no moving costs involved. You had better put
4 it in there. I would put it in to be on the safe side.
5 The State Roads Commission might make you pay for it.
6 Just look at some of these items here starting on Page 55,
7 Seneca State Park. You lease valuable land there for \$10
8 an acre, 64 acres, \$10 an acre; 110 acres, \$10 an acre.

9 MR. PHIPPS: That won't bring in any more in
10 farming that area than \$10 an acre.

11 DR. BARNES: In other words, it is being leased
12 for farm use.

13 MR. LOUIS GOLDSTEIN: I understand. That is
14 prime farmland.

15 DR. BARNES: You have to find someone to farm
16 it.

17 MR. LOUIS GOLDSTEIN: Raising soybeans will
18 bring \$20 to \$25 an acre. Ask Mr. Millstone about that.

19 MR. MILLSTONE: I'm getting \$8 for mine.

20 MR. LOUIS GOLDSTEIN: You are giving it away.

21 MR. MILLSTONE: You have a different farmland

1 there.

2 MR. LOUIS GOLDSTEIN: Did you advertise this
3 1 and for rent? This guy said he would give you \$10 an
4 acre.

5 MR. PHIPPS: I can't answer that.

6 MR. LOUIS GOLDSTEIN: I am not arguing with
7 you, but I have sense enough to know today's soybeans in
8 the Chicago market, last week, \$12 a bushel; corn futures,
9 \$2.50 a bushel. Here you only get 50 cents a bushel.
10 You get \$15 an acre for cornland. I know something about
11 this business.

12 MR. PHIPPS: Do you use some of this for wild-
13 life?

14 MR. LOUIS GOLDSTEIN: No. You rent this land.
15 Tobacco barns, I have quite a few tobacco barns and one
16 time I rented them for \$10 a room. If the tobacco barn
17 is 40 feet, you see, there are ten rooms in that barn, you
18 get \$100. If it 60 feet, it is 15, you get \$150. If it
19 is 80 feet, that has 20 rooms, and you get \$200. That has
20 been the rule for years. I have been in this business
21 for 50 years. I used to run 25 or 30 of my own farms and

1 run 25 or 30 farms for clients. I know this business
2 backwards and forwards. I'm not trying to say you did
3 something wrong, but we want to get the current price.
4 Isn't that right?

5 MR. PHIPPS: Yes, sir.

6 GOVERNOR MANDEL: Do you want to defer those
7 items?

8 MR. LOUIS GOLDSTEIN: This man probably already
9 planted his corn or soybeans up in Seneca Park.

10 GOVERNOR MANDEL: He has? Get some of the soy-
11 beans.

12 DR. BARNES: I think what Mr. Phipps is saying,
13 he wants a policy developed for these properties.

14 MR. LOUIS GOLDSTEIN: You have to.

15 GOVERNOR MANDEL: You should look at it indi-
16 vidually.

17 DR. BARNES: He can go out and get bids.

18 MR. LOUIS GOLDSTEIN: If this man is renting
19 this land cheaper than he can pay taxes, why in hell would
20 the man own the land? He would be crazy to own land in
21 Montgomery County if he could get land this cheap.

1 MR. PHIPPS: We would hope the procedure
2 approved today would eliminate this from being leased at
3 lower than the market price.

4 MR. LOUIS GOLDSTEIN: Right. You and I know
5 right now people in Montgomery County, big farms, equip-
6 ment, they have to work 800 or 1,000 acres to keep
7 equipment employed. It is much better to rent than own
8 land. You can't buy land under \$1,500 or \$2,000 an acre
9 for farming, some more than that. A mortgage will cost
10 him 8 percent. If they had to buy land, say \$1,000,
11 that would be \$80 interest on 1 acre, plus taxes. You
12 see how simple it is? You are much better off renting
13 the damned land. If they are going to follow these guide-
14 lines, I think we have to put the prices in accordance
15 with No. 3, and with these prices on Page 55, they don't
16 reflect that.

17 GOVERNOR MANDEL: Let's approve the guidelines
18 and at least we will have a policy we can go by.

19 MR. LOUIS GOLDSTEIN: I move we approve the
20 guidelines.

21 GOVERNOR MANDEL: If there is no objection, we

1 will approve the guidelines.

2 GOVERNOR TAWES: 58, Item 77.

3 GOVERNOR MANDEL: Page 14, Item 28. Ken, what
4 is that?

5 DR. BARNES: The Department of Public Safety
6 has requested these conditions be established so the
7 State can do what they call administrative case analysis.

8 GOVERNOR MANDEL: It is 75 percent federally
9 funded and 25 percent State funded, but what are these
10 people going to do, evaluate what they already evaluated?

11 DR. BARNES: They have a backlog of people.
12 They claim they don't have enough people to do it. They
13 develop it with an AAA grant.

14 GOVERNOR MANDEL: This says they are going to
15 evaluate cases where an agent recommends revocation of
16 parole.

17 DR. BARNES: They feel there will be savings
18 in this by taking the necessary requests for institutional
19 commitments and putting them directly on parole rather
20 than putting them in an institution first.

21 GOVERNOR MANDEL: I guess it is all right.

1 DR. BARNES: This is an attempt to keep the
2 same people out of the prisons, out of the correctional
3 units.

4 GOVERNOR MANDEL: What got me is where it
5 said the project staff will prepare case evaluations for
6 the use of the Board of Parole when an agent recommends
7 revocation of parole.

8 DR. BARNES: Their request in the study grant
9 says it is an attempt to keep persons from actually being
10 put in prison institutions. These would be evaluations.

11 GOVERNOR MANDEL: Are you sure it isn't an attempt
12 to keep from putting them back, once they are out?

13 DR. BARNES: It could be.

14 GOVERNOR MANDEL: Will you check it out a little
15 further and just let me know?

16 GOVERNOR TAWES: Page 57, Item 77, Public
17 Liability Insurance. That is Item 77 on Page 58.

18 GOVERNOR MANDEL: I think we have gone through
19 most of this other stuff already, haven't we?

20 MR. LOUIS GOLDSTEIN: Yes. The only thing I
21 had was the leases on the farmlands, the barns, starting

1 with Page 55. All those rents are very cheap on those
2 barns and that land. He said he was going to check it out.

3 GOVERNOR MANDEL: He said he was going to check
4 it out. He said they were leasing. In the future, they
5 would operate under the policy we just set up.

6 Which one do you have, Governor?

7 GOVERNOR TAWES: 77 on Page 58. Isn't it cus-
8 tomary for the State to provide that insurance rather
9 than the lessor?

10 GOVERNOR MANDEL: Page 58?

11 MR. PHIPPS: We checked that out and the lessor
12 picked up the liability, so we will straighten that up.

13 GOVERNOR TAWES: Okay.

14 GOVERNOR MANDEL: That will be changed then?

15 MR. PHIPPS: Yes, sir.

16 GOVERNOR MANDEL: What is the next one?

17 GOVERNOR TAWES: That is all I have.

18 MR. LOUIS GOLDSTEIN: That is all it looks like
19 to me, Public Defender.

20 GOVERNOR MANDEL: I went through all of these
21 leases. I don't have any other questions.

1 DR. BARNES: A couple of hand-carried items.
2 123 is a request for the administrative form, Board of
3 Public Works; 124 is renewal of a lease for the Comptrol-
4 ler's Office; 125 is a new lease for the rental of Indus-
5 trial and Financial Authority, Baltimore; Item 126, the
6 new lease for the Maryland Automobile Insurance Fund.

7 The only change in policy would be Item No. 126,
8 which relates to having claims offices on a decentralized
9 basis by the Maryland Automobile Insurance Company so the
10 resident from another county doesn't have to come all
11 the way to Baltimore. He could go directly to his claims
12 center. In this instance they located a claims center
13 on the third floor of the same building that the Motor
14 Vehicle Administration is. It means they use the same
15 parking space, the same janitorial services, same tele-
16 phone.

17 GOVERNOR MANDEL: Fine.

18 DR. BARNES: It is all Special Fund.

19 GOVERNOR MANDEL: Special Fund. They pay for
20 it themselves.

21 DR. BARNES: Some months back the Board

1 approved an item for the Port Complex.

2 GOVERNOR MANDEL: Approve it today. Okay.

3 We will approve it today. Okay.

4 MR. LOUIS GOLDSTEIN: That is a loan?

5 GOVERNOR MANDEL: It is a loan.

6 MR. LOUIS GOLDSTEIN: Strictly a loan.

7 GOVERNOR MANDEL: Right.

8 GOVERNOR TAWES: No payment due until four or
9 five years, isn't it?

10 GOVERNOR MANDEL: Right.

11 Now we have got yours, George. That is about
12 as thick as I have ever seen.

13 MR. LEWIS: 182 pages.

14 GOVERNOR MANDEL: What have you been doing?

15 MR. LEWIS: Working.

16 GOVERNOR MANDEL: It took me a day and a half
17 to go through this.

18 MR. LEWIS: The first 24 pages are prior approval
19 items.

20 GOVERNOR MANDEL: I don't have any questions
21 on those. This is the biggest agenda I have ever seen.

1 MR. LOUIS GOLDSTEIN: The first one I have is
2 on Page 40. Anybody have anything before that?

3 GOVERNOR MANDEL: I didn't have anything before
4 that.

5 MR. LEWIS: Item 47?

6 GOVERNOR MANDEL: Yes, sir. There are several
7 of them.

8 MR. LEWIS: Bids were taken prior to May 1, so
9 these do not have the guarantee requirement in them.

10 MR. LOUIS GOLDSTEIN: There are three or four
11 wells, I think, 40, 56.

12 MR. LEWIS: The same things.

13 GOVERNOR MANDEL: I've got them all marked too.
14 I wanted to know where they guarantee water.

15 MR. LEWIS: We asked some well drillers, and
16 they indicated they would bid on Southern Maryland and
17 the Eastern Shore with guaranteed water because they know
18 their situation. When it comes up in the Northern Shore,
19 then they are talking about problems.

20 MR. LOUIS GOLDSTEIN: Why don't you talk to
21 Dr. Weaver of Water Resources? They have a record of all

1 wells dug. If you have a deep well, you get a permit.

2 MR. LEWIS: Yes. The only guarantee in the
3 rock area, you will hit a shaft of water. We have put
4 in the contracts, all bids taken, they will give us a
5 guarantee of water. If we don't get bids, we will have
6 to come back and get further permission. In the Eastern
7 Shore and Southern Maryland they know the conditions, and
8 they feel that there they can guarantee it, but these
9 were taken prior.

10 MR. LOUIS GOLDSTEIN: Governor, how many wells
11 have you had dug during your life?

12 GOVERNOR TAWES: Many.

13 MR. LOUIS GOLDSTEIN: Did you always have a
14 guarantee of water in your contract?

15 GOVERNOR TAWES: Yes. We had a well dug, 3,900
16 feet, and got 400 gallons a minute, an artisan well.
17 It is still flowing. That was in 1915.

18 MR. LOUIS GOLDSTEIN: For your bakery?

19 GOVERNOR TAWES: No, ice plant. We had to have
20 water for that.

21 MR. LOUIS GOLDSTEIN: Shanahan dug my well, 495

1 feet, a 4-inch well. I paid a good price. They guaranteed
2 me water. I have water sweet as honey.

3 MR. LEWIS: They know what they will hit in
4 Southern Maryland.

5 GOVERNOR TAWES: Getting water reminds me of
6 back in the days when McKeldin was governor and I was on
7 the Board of Public Works. We had a terrible draught on
8 the Eastern Shore and Southern Maryland, and the farmers
9 got together and they wanted a meeting of the Board of Pub-
10 lic Works and asked that we bring in the rainmakers from
11 Colorado, who would make it rain.

12 We had the professionals there, and I don't
13 know, Dr. Simons of the University of Maryland was there,
14 so I asked the question from these people who wanted
15 \$75,000 if they would guarantee it would rain within 24
16 hours. They said, "No, we don't guarantee it will rain.
17 We just came in to conduct an experiment."

18 MR. LOUIS GOLDSTEIN: Seed the clouds?

19 GOVERNOR TAWES: That night we had the biggest
20 thunderstorm you ever saw. It rained a flood. We saved
21 \$75,000.

1 MR. LOUIS GOLDSTEIN: Did you hire them?

2 GOVERNOR TAWES: No, they wouldn't guarantee
3 the water. They wouldn't guarantee the rain. Guarantee-
4 ing water reminded me of that experience we had.

5 MR. LEWIS: We do have in each contract that
6 goes out guarantee of water, but if we run into prob-
7 lems, we will let you know.

8 MR. LOUIS GOLDSTEIN: The same thing on Item
9 No. 77, 56; the same thing on Item No. 80, Page 57.

10 GOVERNOR TAWES: You mentioned Shanahan well-
11 diggers. They dug ours 60 years ago. They do a good job.
12 They're still in business.

13 MR. LOUIS GOLDSTEIN: They are the best well
14 drillers around. They guarantee it.

15 My next item would be on Page 102, Item No. 62.

16 GOVERNOR MANDEL: I don't have any questions.
17 Go ahead.

18 MR. LEWIS: 62 is reinstatement of items we
19 cut out of the Water and Sewerage Facilities.

20 MR. LOUIS GOLDSTEIN: When are they going to
21 finish this project?

1 MR. LEWIS: It is in good shape now for water
2 and sewer. This puts the tank back in, the major pumping
3 facility.

4 DR. BARNES: The request is for \$1.3 million.

5 MR. LOUIS GOLDSTEIN: Will it be open this
6 summer? People drive in there. They have the parking lot
7 built and signs up there, and every time I go up there they
8 raise a fuss.

9 MR. LEWIS: We have two contracts going in there
10 now.

11 GOVERNOR MANDEL: When will it be?

12 MR. McKEWEN: Two years until complete. \$1.4
13 million is requested this fiscal year.

14 GOVERNOR MANDEL: It will be open next summer?

15 MR. McKEWEN: Yes. There will be a beach area.

16 GOVERNOR MANDEL: It will be open next summer?

17 MR. McKEWEN: For public use, yes.

18 GOVERNOR MANDEL: That is in the minutes now.

19 MR. LOUIS GOLDSTEIN: We ought to set a date
20 right now.

21 GOVERNOR MANDEL: May 1. That would be a good

1 time to go up there, around May 1. Okay.

2 MR. LOUIS GOLDSTEIN: The next I have is 103A.

3 MR. LEWIS: Reinstatement of the items of the
4 Community Mental Health Center at the original prices,
5 \$575,000.

6 MR. LOUIS GOLDSTEIN: That didn't affect the
7 bid any, did it?

8 MR. LEWIS: No. We negotiated with the low
9 bidder, you will recall, to get this on a fast track
10 system basically, on a redesign and construction, and we
11 pulled out this 575 and replaced it soon as we got the
12 funds at the same price.

13 GOVERNOR MANDEL: You got the funds and re-
14 placed it at the same price you originally bid on, no
15 escalation?

16 MR. LEWIS: That's right. These are items
17 the contractor indicated he would proceed with and take
18 his partial risk in case we did have trouble getting the
19 funds, but we got them.

20 GOVERNOR MANDEL: There is no escalation in
21 cost involved?

1 MR. LEWIS: No escalation.

2 MR. LOUIS GOLDSTEIN: Page 119, Item A-64.

3 MR. LEWIS: That we are asked to hold so that
4 is being withdrawn. That is Fairhill.

5 MR. LOUIS GOLDSTEIN: Holding it up?

6 GOVERNOR MANDEL: This is off the record.

7 (Discussion off the record.)

8 GOVERNOR MANDEL: We will hold everything up
9 for the time being.

10 MR. LOUIS GOLDSTEIN: Page 160 and 161.

11 GOVERNOR MANDEL: This is a report --

12 MR. LOUIS GOLDSTEIN: Right. That is why I want
13 to look it over here.

14 MR. PHIPPS: One small item, Cedar Hill was
15 deleted from the Capital Budget.

16 GOVERNOR MANDEL: Which one is that, Cedar Hill?

17 MR. LEWIS: That is eliminated as of this
18 bond. This is the bill that came up. This doesn't mod-
19 ify that. The present '73 or '74 bond, Program Open
20 Space, it is not reflected.

21 You have changed a number of them.

1 A VOICE: This year there are quite a few
2 changes.

3 MR. LEWIS: Dan's Mountain.

4 GOVERNOR MANDEL: What are we supposed to do
5 in the minutes?

6 MR. LEWIS: This goes in the minutes and next
7 month will reflect this modification.

8 GOVERNOR MANDEL: In other words, you are going to
9 keep giving us a current report every month?

10 MR. LEWIS: Yes, sir.

11 GOVERNOR MANDEL: So we can update it, right.

12 MR. LOUIS GOLDSTEIN: Then we start on property
13 items, Mr. Harrison and Mr. Phipps, Mr. Schamel and members
14 of Mr. Phipps's office were in mine. We had a meeting
15 on the 21st all afternoon, reviewing these property items,
16 and the first one was Item No. P-7, on Page 164.

17 GOVERNOR MANDEL: Louie, one thing, P-6, just
18 before that, it says the grantor will be granted a life
19 estate, subject to only the maintenance of liability
20 insurance and utilities. What are we doing there? We are
21 giving a life estate? We are buying it and then giving

1 them a life estate?

2 MR. HARRISON: Yes.

3 MR. LOUIS GOLDSTEIN: I asked the same ques-
4 tion of Mr. Harrison.

5 MR. HARRISON: These are some of the methods
6 of obtaining property. We will grant a life estate to an
7 older person who we don't feel it is proper they should
8 have to be moved or take back scenic easements. The pur-
9 pose is not to try to disturbe them if we can't. In this
10 instance, it had been decided to grant this lady a life
11 estate in the property.

12 GOVERNOR MANDEL: Is it an elderly person?

13 MR. HARRISON: Yes. She is a widow.

14 MR. LOUIS GOLDSTEIN: I asked him the same
15 question, Governor. We have another one, even though we
16 deferred.

17 Governor, on this item here, Number --

18 GOVERNOR MANDEL: P-7.

19 MR. LOUIS GOLDSTEIN: Yes, sir, deferring that.
20 There is some question here about supplying these people
21 with water if the State builds a new water project down

1 there. Is that right, Mr. Phipps?

2 MR. PHIPPS: Yes, sir. We have an unofficial
3 Attorney General's, I guess draft of the facts involved in
4 Point Lookout State Park and the original purchase of the
5 water company in the first part of the park that goes
6 back to Attorney General Finan's time, and the consensus
7 of the draft and the draft opinion is that we will have to
8 supply these in holdings with water once their new water
9 system is complete. It will be completed in very short
10 order and the Department feels that this could be a bad
11 precedent, that^{if}/we had a difficult time getting the prop-
12 erty now, there will be no holdings in the park and we
13 feel we should have the right to condemn them before they
14 start using State water.

15 There is also one other problem, in that we
16 would have to get the approval of the Public Service Com-
17 mission, which we could not.

18 GOVERNOR MANDEL: Let's defer it. Is that what
19 you want to do?

20 MR. LOUIS GOLDSTEIN: He wants it approved.

21 GOVERNOR MANDEL: Okay.

1 MR. LOUIS GOLDSTEIN: I mean I wanted it dis-
2 cussed so you understand. It is an unusual situation.

3 GOVERNOR MANDEL: That is why I was looking
4 at this, where they said they won't allow you on the prop-
5 erty.

6 MR. LEWIS: It is the property down below the
7 hotel.

8 GOVERNOR MANDEL: They are the ones down near
9 the end.

10 MR. LEWIS: Down near the hotel.

11 MR. PHIPPS: That is deferred?

12 MR. LOUIS GOLDSTEIN: We deferred it the other
13 day so we could discuss it here today.

14 MR. PHIPPS: Once they have their water, I can
15 see all kinds of problems.

16 MR. LOUIS GOLDSTEIN: It is these little small
17 pipes.

18 MR. LEWIS: We don't want to get in the water
19 business.

20 GOVERNOR MANDEL: Once you file condemnation
21 proceedings, do you have the right to get on the property?

1 MR. HARRISON: We don't have right of quick
2 take.

3 GOVERNOR MANDEL: How do you appraise the prop-
4 erties?

5 MR. PHIPPS: I think if they realize the Board
6 means business, they will allow us to appraise it.

7 GOVERNOR MANDEL: I am curious, that is all.

8 MR. PHIPPS: It would cost us an additional
9 \$22,000 to make the necessary hookups which the Attorney
10 General is going to tell us we have to do.

11 MR. LOUIS GOLDSTEIN: Something unusual.

12 GOVERNOR MANDEL: It sure is. What do you
13 think, Louie?

14 MR. LOUIS GOLDSTEIN: I was down there in
15 April. I went back down there. I try to make a visit to
16 every State park, and I don't see where these properties
17 are interfering or anything, but if you have to furnish
18 water and build new water lines, this is another story.

19 Did you ever get straightened out on the other
20 contract that was closed down because of a dispute?

21 MR. LEWIS: Should be open now. I got the thing

1 straightened out.

2 GOVERNOR MANDEL: Approved.

3 MR. LOUIS GOLDSTEIN: Condemnation.

4 GOVERNOR MANDEL: Yes, approved for condemna-
5 tion.

6 What is the next one you have, Louie?

7 MR. LOUIS GOLDSTEIN: The next one was Page 171.

8 MR. HARRISON: This is a deferred item. We
9 request this be deferred. We are going back to try to
10 negotiate with the property owner to see if they won't accept
11 the house and one acre, whatever it is, one or two acres
12 of land for themselves and we will get the rest of the
13 land.

14 GOVERNOR MANDEL: Okay.

15 MR. LOUIS GOLDSTEIN: It is on Pleasant Valley
16 Road up there.

17 GOVERNOR MANDEL: That is deferred then.

18 MR. HARRISON: Yes, sir.

19 MR. LOUIS GOLDSTEIN: The next Item is on
20 Page 172.

21 GOVERNOR MANDEL: We have deferred that.

1 MR. LEWIS: For further study.

2 GOVERNOR MANDEL: Right. George will get us a
3 report on all the armories.

4 MR. LEWIS: What is your feeling about using
5 Open Space money on this? That is going to be a tough
6 one.

7 GOVERNOR MANDEL: I think that is something we
8 ought to -- you make a recommendation. I think we have to
9 discuss that. That is really a little more complicated
10 than it looks like.

11 MR. LOUIS GOLDSTEIN: The next item I have is
12 on Page 180. Governor, this little piece of land is way
13 down on Saint Inigoes Creek. It has a No. 4 priority, is
14 that right?

15 MR. HARRISON: No. 4 priority, yes, sir.

16 MR. CHMELIK: Governor, if I may, this partic-
17 ular property has been, there is a willing buyer here.
18 Part of the land has been sold off for subdivisional pur-
19 poses with 8/10 of an acre. The man received \$11,000
20 for that 8/10 of an acre that he sold off. The rest of the
21 lot, the rest of the acreage is going to be subdivided

1 further and even though it was the priority schedule,
2 was to also include two other factors, where there was a
3 willing buyer or in the second situation, where there
4 was threat of further development, and this is exactly
5 what we have here.

6 Originally it was 5.6 acres, with an option
7 price of \$26,000 -- I am sorry, 6.5 acres offered to the
8 Board at 31.5. It is now, Harrison is in a better position --

9 MR. HARRISON: Offering 5.5 acres.

10 MR. LOUIS GOLDSTEIN: Do you have the map?

11 MR. CHMELIK: I don't. It is inside the take
12 line as established by the Legislature under House Joint
13 Resolution 42. It is inside the take line and that is
14 established by the Legislature, House Joint Resolution
15 42.

16 GOVERNOR MANDEL: You say these people are
17 willing to sell?

18 MR. HARRISON: Yes, sir, we have the option agree-
19 ment.

20 MR. LOUIS GOLDSTEIN: They have.

21 MR. HARRISON: Just one tract.

MR. CHMELIK: One tract. This is a crude

1 drawing.

2 MR. LOUIS GOLDSTEIN: Let me get the appraisals
3 out of here if you don't mind. That is Item No. D-2.

4 MR. HARRISON: We have a \$24,000 appraisal and
5 we have a \$25,000 appraisal. We are buying it for 26,
6 almost the middle.

7 MR. LEWIS: Did Skip talk to you about that,
8 Governor? That is the thing I mean. He didn't hang around.

9 GOVERNOR MANDEL: He mentioned that, but I
10 told him we ought to get together. Yes, we approved this.

11 MR. LEWIS: We approved the first phase.

12 MR. LOUIS GOLDSTEIN: Here is a subdivision
13 plat of this property here. They sold one tract here,
14 No. 1, they have sold Tract 2, Tract 3, is that right, sir?

15 MR. CHMELIK: They sold Lot 1. They still
16 have Lot 2, and Lot --

17 MR. LOUIS GOLDSTEIN: And this land right here.
18 This is up to the head of this little creek, Saint Inigoe.

19 MR. CHMELIK: Yes.

20 MR. LOUIS GOLDSTEIN: You are buying?

21 MR. CHMELIK: That's right.

1 MR. LOUIS GOLDSTEIN: Is that correct, sir?

2 MR. CHMELIK: Yes.

3 MR. LOUIS GOLDSTEIN: Here is a survey.

4 MR. CHMELIK: This is the limit of the take line
5 established. You have got your take line right here.
6 That is your river. You are right up to the boundary of
7 your take line on these particular properties.

8 MR. LOUIS GOLDSTEIN: You don't have the over-
9 all plat so you can see how this fits in here.

10 MR. CHMELIK: Are you after the overall
11 St. Mary's City map? This is it. Here we are. Mr. Har-
12 rison, maybe you can help me out.

13 MR. HARRISON: Down at the bottom.

14 MR. LOUIS GOLDSTEIN: I am going to orient you.

15 GOVERNOR MANDEL: Where is it on there?

16 MR. LOUIS GOLDSTEIN: It is right down in
17 this corner here, sir. You see they call this Milburn
18 Creek.

19 GOVERNOR MANDEL: Yes, I know it.

20 MR. LOUIS GOLDSTEIN: Here is Barrow Road right
21 here.

1 MR. CHMELIK: We are in the process of working
2 out an arrangement with General Services where we would
3 allocate a laborer to concentrate on this area. There
4 were two other cases.

5 GOVERNOR MANDEL: What is your recommendation?

6 MR. HARRISON: My recommendation, based on the
7 House Joint Resolution and the recommendation of Planning
8 is that we acquire this, in that it falls within that
9 category of you having a willing seller or the property is
10 under threat of development. This we find meets those
11 two criteria. We are making the recommendation. Here is
12 the House Joint Resolution which doesn't establish a
13 priority, but just establishes the 1,200 acre tract of
14 land and asks that all of that land be acquired.

15 GOVERNOR MANDEL: What is your feeling?

16 MR. LOUIS GOLDSTEIN: Just vote me No on it. I
17 thought we agreed on a priority to get that land from
18 Church Point to Chancellor's Point.

19 GOVERNOR MANDEL: Governor, what is your feel-
20 ing? I don't know.

21 GOVERNOR TAWES: I don't know.

1 GOVERNOR MANDEL: Do you want to defer it
2 until we get a chance to look at it? Let's defer it
3 until we get a chance to look at it.

4 MR. LOUIS GOLDSTEIN: Okay.

5 GOVERNOR MANDEL: All right. Let's defer it.
6 What is the next one you have, Lou?

7 MR. LOUIS GOLDSTEIN: Governor, the next one
8 was 181, Item D-4.

9 MR. LEWIS: That is deferred.

10 MR. LOUIS GOLDSTEIN: That is another armory.

11 GOVERNOR MANDEL: That is deferred.

12 MR. LOUIS GOLDSTEIN: The other one was D-7,
13 Page 184.

14 GOVERNOR MANDEL: That has already been taken
15 care of.

16 MR. LEWIS: That is the Beacon Center.

17 GOVERNOR MANDEL: We have taken care of the
18 last two.

19 MR. LOUIS GOLDSTEIN: That is all I had on my
20 list.

21 GOVERNOR MANDEL: That is all I have.

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MR. LEWIS: Three o'clock, Governor.

(Conference concluded.)

WILLERS DALLIE
REZBERA
COTTON CONTENT

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BOARD OF PUBLIC WORKS MEETING

JUNE 25, 1973

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