

County Commissioners' MeetingTuesday, May 26, 1970

Present: F. Elliott Burch, President  
 J. Wilmer Bowles, Commissioner  
 George R. Aud, Commissioner  
 David M. Williams, County Attorney  
 Paul R. Raley, Administrative Assistant  
 Helen M. Bailey (Mrs.), Admin. Asst. (Recording)

The meeting was called to order at 10:00 a.m.

The minutes of the previous meeting, which was held on May 19, 1970, were read, amended and approved.

Payments Approved

\$175.00 to John W. Thomason for sign erected at St. Mary's County Airport.

\$2,294.41 to State of Maryland for the care and treatment of mental and chronic hospital patients.

\$75.00 Counsel fees to Neal P. Myerberg, in Criminal Case No. 2765.

\$100.00 in Counsel fees to Marvin S. Kaminetz, in Criminal Case No. 2277.

Executive Sessions, Tape Recorders and Cameras

Mr. Charles Norris, Attorney for the Enterprise and Jack Kershaw, Reporter for the Enterprise appeared to protest the use of Executive Sessions and the prohibition of tape recorders and cameras during County Commissioners' regularly scheduled Tuesday meetings.

Mrs. Patty Duke (Beacon), Mr. Dick Myers (WKIK), Miss P. J. Chymsak (WPTX) were also present and participated in the discussion. Delegates Henry J. Fowler and John Hanson Briscoe were also asked to join the group, since they had arrived to attend the first meeting of the day on the subject of bringing the Sheriff's Department into the County Merit System.

Mr. Norris stated that his publisher, Mr. Charles Molitor, contended that there are too many executive sessions held by the local governing body and that the public has the right to be informed of their activities. Mr. Norris called the Commissioners' attention to Article 25, Sec. 5, of the Annotated Code of Maryland which reads: "All meetings, regular and special, of the Board of County Commissioners or of the County Council of any County in this State shall be public meetings and open to the public at all times. Nothing contained herein shall be construed to prevent any such Board of Council from holding an Executive Session from which the public is excluded but no ordinance, resolution, rule or regulation shall be finally adopted at such an executive session."

At Mr. Burch's request, Mr. Williams gave his legal opinion to the effect that the Commissioners had a perfect right to go into Executive Session when the health and welfare of the community is at stake.

Mr. Burch stated that in his opinion he did not feel the County Commissioners were abusing the privilege of going into Executive Session in order to resolve delicate problems and that to his knowledge, no decisions, resolutions, proclamations or such had been made in such sessions. So far as tape recorders and cameras are concerned, Mr. Burch stated that the Commissioners' position remains unchanged -- they would restrict the use of tape recorders and cameras while meetings were being conducted in order to preserve the dignity and individual rights of participants. Mr. Burch stated that the County Commissioners were banning tape recorders and would exercise control over the use of cameras.

Mr. Dick Myers of WKIK and Miss P. J. Chymsak of WPTX went on record as being in support of the position taken by Mr. Charles Norris of the Enterprise. There was no comment from Mrs. Patty Duke who was representing the St. Mary's Beacon.

Mr. Williams counseled the Board of County Commissioners that it was within their discretion to go into Executive Session, when it is within the best interests of the public. He stated that when you get into matters where your discretion as a body could not be necessarily correct, or could be compromising the property rights of the public, the legislature has taken those specific instances into consideration and has stated where you are required to hold public hearings on those issues. Otherwise, you are acting within your sole discretion and it is presumed discretionary unless someone can show it is arbitrary and capricious. Mr. Williams stated that he had been sitting with

the Commissioners for two years and had not observed an abuse of "executive session". Mr. Williams stated that he was advising the County Commissioners that they could declare an executive session to the exclusion of the public and the press.

Delegate Briscoe expressed the opinion that it probably should be a fairly weighty problem to call an executive session, but that it was permissible in order to afford freedom of expression, etc. Delegate Briscoe said he felt very strongly that tape recorders and cameras did not allow casual, informative discussion on issues. Delegate Briscoe stated that he felt there was a great deal of discretion allowed so far as cameras and tape recorders were concerned, but very limited (discretion) when calling executive sessions. Delegate Fowler concurred with Delegate Briscoe's opinion.

Mr. Norris summed up by saying that he would seek an opinion from the Attorney General and that he would report the results of this meeting to the Maryland/Delaware/D.C. Press Association, of which Louis Goldstein, Comptroller, is a member; and that the Press Association might see fit to take the matter to Court.

The press remained for the next meeting. Messrs. Sterling and Donaldson, Office of Finance, also joined the meeting.

#### Merit System for Sheriff's Department

Sheriff Burroughs and Chief Deputy Lancaster appeared to request that implementation of the Merit System for the Sheriff's Department be accomplished as soon as possible. Delegates John Hanson Briscoe and Henry J. Fowler also spoke briefly of their interest in having this plan take effect. Mr. Donaldson was asked to explain how this could be accomplished and stated that job descriptions had been written and were being forwarded this date to the Commissioner of Personnel for evaluation. The salary scales and requirements for the jobs would have to be prepared by the Commissioner of Personnel, examinations would have to be given and passed by existing deputies in order to remain on the local force. Tests would be open to the general public; however, the County Commissioners would be required to make selections from an eligibility list prepared by the State. Mr. Donaldson also

stated that if adopted, St. Mary's County would be the only County in the State to have a Sheriff's Department under the State Merit System.

The Board of County Commissioners made it clear that decision on the implementation of the Merit System for the Sheriff's Department would not be made until advisability studies had been completed, qualifications and standards set, salary scales determined, etc.

#### Alcoholic Beverages Board

The members of the Alcoholic Beverages Board, Mrs. Virginia Russell, Clarence Bell, Secretary Robert Pogue, and their Attorney, Marvin Kaminetz, appeared and requested an Executive Session due to the delicacy of their problem. Messrs. Kershaw and Myers excused themselves -- the other members of the press having left after the discussion on the Merit System.

Mr. Kaminetz explained that the Alcoholic Beverages Board was experiencing difficulty in fulfilling their assigned tasks because Mr. Cryer, the County Inspector, did not have arresting powers.

The Alcoholic Beverages Board would like to have a deputized part-time worker to take over those duties which Mr. Cryer has, heretofore, been performing for them. Mr. Kaminetz stated that Mr. Cryer did not work for the Liquor Board and that the Liquor Board had heard rumors about Mr. Cryer's activities. In answer to Mr. Burch's query, Mrs. Russell clarified by saying that while Mr. Cryer works with them, they have no power to tell him what to do. Mr. Kaminetz said that the problem may be between the Sheriff and Cryer, but that the people who were suffering were the Liquor Board. Mr. Kaminetz thought that the part-time help they would need would be approximately 20 hours per week. The Board is disturbed because for the last three months, no violations have been reported to them by Mr. Cryer, this in spite of the fact that they know definitely of violations which exist but have gone unreported.

Mr. Bowles offered the proposal that one of the new Sheriff Deputies who will be coming on duty on July 1 be trained and assigned to give the Alcoholic Beverages Board the service they need.

Mr. Burch stated that he thought something could be worked out with the Sheriff's Department to become effective when the

Sheriff gets the three additional Deputies. Mr. Burch said that the Commissioners would discuss the matter with the Sheriff and advise the Alcoholic Beverages Board of their findings and decision.

#### Bid Opening for Sheriff's Patrol Cars

Present: Messrs. Myers and Kershaw of the Press; representatives from Fenwick Ford and Patuxent Motors.

Prior to opening of the bids, Mr. Burch explained that there was some question as to compliance with proper advertising of bids; and if this were so, the bids might have to be rejected and re-advertised at a later date. The bidders were in agreement with this procedure.

The bids were as follows:

Patuxent Motors: 3-1970 Mercury Monterreys @ \$3,533.23  
Total -- \$10,599.69

3-1970 Ambassador Ramblers @ \$2,833.00  
Total -- \$8,499.00

No trade-ins; delivery 45 days

Fenwick Ford: 3-1970 Fords @ \$3,237.58  
Total -- \$9,712.74

Notation: The above automobiles would be equipped with Police Interceptors, 360 h.p. - same engine used by the Maryland State Police.

#### William J. Cairns vs. County Commissioners

##### Budd's Creek Drag Strip

The Sheriff of St. Mary's County served a Bill of Complaint for Injunction and Other Relief, Case in Equity No. A-3794, against the County Commissioners, suit being filed by Guyther and Raley, on behalf of William J. Cairns and Francine L. Cairns, together with an Order of Show Cause which requires an answer by June 12, 1970, and an order to stand for hearing on June 16, 1970 at 10:00 a.m. in the Circuit Court for St. Mary's County.

### Recreation and Parks

Mr. John Baggett, Director, of Recreations and Parks and Town Commissioners Mrs. Jeanne Dorsey appeared to request financial support to open the Camp Calvert swimming pool at Ryken High School to the public. The Xavarian Brothers do not plan on using the facility this year as a boys' camp. Mr. Baggett proposes to keep the pool open for ten weeks. Expenses for a Pool Manager, Lifeguard, Chemicals and Electricity, Custodial Costs and miscellaneous are estimated to run \$4,250.00 for the season. To this must be added the cost of modifications to the pool area and lavatory facilities to accommodate both boys and girls, which is estimated at approximately \$2,500. The Xavarian Brothers are willing to accept a \$25.00 a week rental and 50% of the net profits.

Mr. Bowles raised the Health Department's position on the pool and Mr. Baggett said he has talked with them about the facility and has their verbal approval. Mr. Bowles requested that this be obtained in writing.

The Board of County Commissioners gave tentative approval to the request and requested Mr. Baggett to write up the plans and specifications for the modifications and operation for the approval of the Commissioners prior to the letting of bids.

### St. Mary's County Library Restoration

Messrs. Oliver R. Guyther and Russell Frazier of the Frazier General Contracting firm appeared to discuss the contract on the Library Restoration (Tudor Hall). The shingles that were placed on the roof of the Library have been rejected by the Architect, Mr. Bullock. It also developed that the number of shingles per bundle is inadequate to cover a standard square, the result being that the contractor has an inadequate supply. Mr. Guyther pointed out that any litigation entered will be long and involved and that financial assistance will be required from the County in order for Mr. Frazier to complete the roof. The County Commissioners decided, since there are architectural and constructional technicalities, as well as legal involvements, to call a meeting with the HUD representative, Mr. Moschetti, the Architect, and the Library Board, to discuss the problem. A meeting has been set up for June 9 at 11:00 a.m.

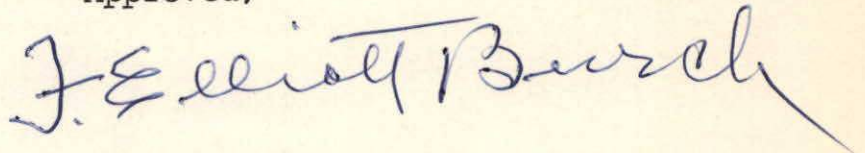
Mobile Home Parks  
Approvals

Plans for the Suburban Mobile Home Estates were approved by County Commissioners Burch and Aud.

Plans for the Shetland Acres Mobile Home Park were approved by the Board of County Commissioners.

The meeting adjourned at 4:45 p.m.

Approved,

A handwritten signature in blue ink that reads "F. Elliott Burch". The signature is written in a cursive style with a long, sweeping tail on the letter "h".

F. Elliott Burch  
President