

County Commissioners MeetingTuesday, May 12, 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 convened at 9:30 a.m.

The minutes of the previous meeting which was held on May 5, 1970 were read, amended and approved.

Payments Approved

Payment of \$88.00 to the Maryland State Police Finance Department for expenses incurred in a lottery investigation.

Payment of \$38,629.00 to the Department of Health, County Share of matching funds for the quarters beginning April 1 and June 30, 1970.

Executive Session:Trial Magistrate

Judge John H. T. Briscoe and his secretary, Mrs. Margaret Eisgrau, appeared to request additional clerical assistance in the Trial Magistrate's Office on Mondays and Fridays, the days on which Court is in session. There is a back-log of approximately three weeks' work in their office. The telephone calls present an additional problem on Court Days, and there is a great deal of typing which could be done in order to relieve their back-log.

The request was taken under advisement.

Sheriff Burroughs and Chief Deputy Lancaster

Office Space -- It was requested that an accommodation for the better utilization of space assigned to the Sheriff's Department be approved; i.e., relocation of one wall, installation of a door, and sound-proofing.

File Cabinets -- The Sheriff requested that he be authorized to re-arrange, resort, and dispose of certain forms and papers on file in the Sheriff's Department, in order to reduce the number of filing cabinets present, and to improve storage facilities generally. Mr. Paul R. Raley mentioned that the disposition of documents must be approved by a representative from the Maryland Hall of Records.

Criminal Docket Books -- The Sheriff inquired as to a possible means of insuring that dates of birth are included on the Criminal Docket Books. The Sheriff advised that the recording of same would accomplish fool-proof identification when dealing with identical or similar names.

Inter-Communications Lines -- The Sheriff requested that something be done about the inter-communication system in his offices. The County Commissioners requested Mr. Paul R. Raley to work with the Sheriff on this problem.

The foregoing items, numbering four, were not decided upon and were placed on the County Commissioners Suspense List.

Secretarial Help -- The Sheriff requested reconsideration of the County Commissioners decision to allow a one-week overlap when the incoming Secretary, Mrs. Donna Norris, replaces Miss Carole Poe in July. Mr. Burch motioned, and it was carried, that a two-week overlap in employment be authorized for the purpose of giving Mrs. Norris adequate training in the new office methods recently installed in the Sheriff's Department.

Gas Masks -- The purchase of six new gas masks for the use of the Sheriff's Department was authorized by the Board of County Commissioners.

Tear Gas Bombs -- The purchase of three dozen tear gas bombs was authorized for the use of the Sheriff's Department. The tear gas bombs to be purchased are the new type which cannot be picked up and re-handled after discharge, thereby eliminating the possibility of the bomb being thrown back in counter-attack against the Deputies.

Finger-Printing Equipment -- Mr. Paul R. Raley was authorized to purchase additional finger-printing equipment for the Sheriff's Department.

Wad-Cutters -- Mr. Paul R. Raley was authorized to purchase additional wad-cutters for the use of the Sheriff's Department. This is target ammunition for use in target practice and essential for training purposes.

Mobile Radio Equipment -- The Sheriff reminded the County Commissioners that we would be needing three more call numbers for radios for the additional three deputies' cars. A letter will be written by Mr. Paul R. Raley to the Maryland State Police requesting this action.

County Inspector -- The Sheriff requested that Mr. Thomas Leonard Cryer, County Inspector, be relieved of mobile radio equipment in his automobile because of alleged misuse of the information received over his set. In answer to Mr. Burch's inquiry, the Sheriff advised the County Commissioners that the Liquor Board would be requesting an appointment for the purpose of discussing Mr. Cryer's work performance. Mr. Burch stated that if there is evidence against the ethics employed by Mr. Cryer, we should prefer charges, provided we have grounds. Mr. Bowles agreed with Mr. Burch and said that the first thing to do was to take the radio out of the car. The County Attorney, Mr. Williams, cautioned that if the County Commissioners decided to remove Mr. Cryer from office, they would have to have good and solid grounds because Mr. Cryer is under the Merit System and that the decision would have to stand up under appeal. The Board of County Commissioners unanimously agreed to have the radio removed from Mr. Cryer's automobile.

Jail -- The Sheriff reported that the Jailer and law enforcement departments are experiencing difficulty with narcotics and whiskey in the Jail. It was unanimously agreed that (1) a high rat-wire fence should be installed around the Jail; (2) "No-Trespassing" signs be installed and enforced in the parking area beneath the Jail windows; (3) that additional window protection be provided in the Jail; and (4) that visiting hours be limited or curtailed. Mr. Williams, County Attorney, stated that the Jail is under the control of the State Department of Correction, and any changes made will necessarily have to be cleared with the Department of Correction.

Messrs. Dick Myers of WKIK and Jack Kershaw of the ENTERPRISE joined the meeting.

Department of Social Services

Mr. Joseph D. Carter, Director, and Mrs. Mary Salisbury of the Department of Social Services appeared to solicit support from the Board of County Commissioners for the Southern Maryland Tri-County Community Action Committee, Inc., since they are interested in being named to administer the "Volunteers in Service To Your Community" program, which includes volunteer needs for Head Start, Neighborhood Youth Corps, Administration, and Community Organization. Funding of these programs will be discussed and voted upon at the Tri-County Council. If funds are not forthcoming from the Tri-County Council, Mr. Carter stated funding can be obtained elsewhere; however, it will show a lack of interest on behalf of the Tri-County Council if funds are denied.

Mrs. Salisbury left the meeting.

Food Stamp Program

Mr. Carter reported on the Food Stamp sales, which are at approximately \$50,000 per month, and requested approval to use any monies left over at the end of this fiscal year to purchase a used safe for the storage of the stamps, value of which will run over \$100,000 at times. Approval of this precautionary measure was granted.

Roads Meeting

Richneck Road -- Mrs. Doris Jones appeared with the following persons to press action on the rebuilding of Richneck Road: Mr. Joseph P. Jones, Sr., Mr. George F. Janet, Betty Ann Laurence, Catherine A. Jones, Maryann Jones Hayes, Charlotte V. Houston, and Ted Thisby. Mrs. Jones also presented copies of a petition previously submitted, which was undated, from citizens requesting remedial action on Richneck Road.

The Board of County Commissioners requested the County Engineer, Mr. August H. Wagener, to have a center line survey made. After this has been accomplished, it will be necessary to have a 40-foot right-of-way deeded before any work can commence on the road. Mrs. Jones volunteered her services in this regard.

Woodlawn Drive, Town Creek Manor -- Chief N. S. Ray, USN (Ret.) and Larry Ressler of Town Creek Manor appeared to discuss a dangerous situation which exists at the hidden entrance to Chief Ray's residence on Woodlawn Drive, Town Creek Manor. 1st Sgt. Carl H. Muchow, Maryland State Police, was present to assist in verifying the danger and in arriving at a solution. Sgt. Muchow stated that radar, speed controls and patrol had failed to correct the situation and suggested that if the street were barricaded off at the middle, making it "Not a Thru Street", vehicles would be unable to use this street as a speed short-cut to by-pass the traffic congestion on Route 235 during the rush hours. St. Muchow indicated that the street has become a "race track", that residents of the area were a contributory factor, and affirmed his opinion that the only permanent cure for reducing the traffic and excessive speed in this area is to block it off. Mr. Burch asked Chief Ray to obtain a consensus from the residents affected by such an action and to report back to the County Commissioners. Pending a favorable consensus, it was agreed by the County Commissioners, Mr. Douglas Bond of the SRC, and Sgt. Muchow that the street should be barricaded at a point near the Parks' residence. Sgt. Muchow left the meeting.

Snow Hill Road -- Mr. Burch suggested that "no Parking" signs be erected on Snow Hill Road to relieve congestion caused by cars being parked on both sides of the road near the residence of Charles M. (Mike) Gerek, who is conducting a small business. The County Commissioners agreed that "No Parking" signs would be erected on the south side of the road; if this fails, other remedies will be considered. Mr. Bond was requested to have the signs erected.

Tanner Creek, Scotland Beach

Mr. Charles Monroe of Scotland Beach appeared to discuss the progress being made on the sluiceway and jetties for opening up the waterway. Mr. Burch stated that the County Commissioners had paid a visit to Chesapeake Bay Affairs in Annapolis on Friday, May 8, and discussed this project. CBA is fearful of any jetties being put in without first performing a complete study of the entire shore line up on past Scotland Beach; and that CBA is agreeable to matching, on an even basis, up to \$5,000 for a study. The County Engineer is in the process of contacting three engineers to submit bids on studies for presentation to the County Commissioners so that a decision can be made on selecting a contractor to go ahead with the work.

Mr. Burch cautioned that the study, when completed and presented by the County Commissioners to the CBA, may not meet with their approval; that there is a new law enacted that provides money on a loan basis, but not on a participating basis; that CBA will lend up to the first \$20,000 at no interest; that the area must be set up as an erosion district; and there is the possibility of obtaining some matching funds provided the project will prove of benefit to the general public.

Mr. Monroe indicated that the creek is now a sedimentation bowl for that area and that it is physically and economically impossible for the local residents to keep it open. Mr. Monroe further requested that Mr. Eastwood be apprised, by the County Commissioners, of any further progress or developments concerning this project.

At 3:35 p.m., Messrs. Myers and Kershaw left the meeting since the Board of County Commissioners went into executive session:

Budd's Creek Drag Strip (Executive Session)

Mr. Bill Cairns, operator of the Budd's Creek Drag Strip, and his attorney, Mr. Clarke Raley, appeared to request some tax relief for the operation at the Drag-O-Way.

Mr. Raley outlined the basis for the request as being from an economic standpoint as well as a legal standpoint. He stated that the County Commissioners, by Resolution No. 66-7(a), in regular meeting assembled on the 20th day of June 1966, pursuant to the authority granted in said Section 403, Article 81, of the Annotated Code of Maryland (1957 ed.) and Chapter 729, Acts of 1965, levied a tax at the rate of 10% on the gross receipts of every person, firm or corporation derived from the amounts charged for admissions to any Drag Strip or Racing Strip in St. Mary's County. This tax is to be in addition to the 1/2% levied under Section 402, etc. Mr. Raley stated that in addition to the 10% tax imposed by the County, a tax of 4.5% on gross receipts is levied by the State of Maryland, thereby making a total of 14.5% tax against the gross receipts of the Budd's Creek Drag Strip. It was pointed out by Messrs. Raley and Cairns that this tax is discriminatory since there are quasi-similar operations in the County, such as the "Take-It-Easy-Ranch" and others upon which the tax has not been imposed. Mr. Cairns stated that he could no longer afford to pay the 14.5% tax and that he

would be forced , since he felt the tax was discriminatory and unfair, to sue the County for the return of his money unless the Commissioners saw fit to rescind the levy of 10% tax on him and/or reduce the percentage and also levy the tax on all persons and establishments falling into the same amusement tax category. Mr. Raley stated that the reason the levy was illegal in his estimation was because it singles out and discriminates against this single enterprise -- he said the law is very clear on that point. (At this point, Mr. Oliver Guyther, Attorney, joined the session.)

Mr. Guyther stated that if the gross receipts tax is reduced to a more realistic basis, it would generate the return of a lot more in taxes, provided all categories falling under the amusement tax are uniformly assessed. "That when you start to think about it, there are right many who are now subject to this same tax".

Mr. Burch advised the gentlemen present that the County Commissioners would take the matter under advisement.

CATV

Mr. Oliver Guyther brought up the matter of the amusement tax levy against the cable television operation in Lexington Park -- CATV. Mr. Guyther stated that in his opinion, CATV would negotiate for a 2% levy against their gross receipts.

The meeting adjourned at 5:45 p.m.

Approved,



F. Elliott Burch
President