

STATE OF MARYLAND
BOARD OF PUBLIC WORKS
GOVERNOR'S CONFERENCE ROOM
STATE HOUSE
ANNAPOLIS, MARYLAND

10:00 o'clock a.m.

October 1, 1975

Reported by:

Clifton J. Hunt

P R E S E N T

Governor Marvin Mandel, Presiding
Honorable Louis Goldstein, Comptroller
Honorable William S. James, Treasurer
George R. Lewis, Secretary, General Services
Louis N. Phipps, Deputy Secretary,
Department of Natural Resources
Max Millstone, Deputy Secretary,
General Services Department
R. Kenneth Barnes, Secretary,
Department of Budget and Fiscal Planning
H. Louis Stettler, Assistant Secretary,
Department of Budget and Fiscal Planning
Edward L. Middleton, Administrator,
Board of Public Works
Andrew Heubeck, Jr., Secretary,
Board of Public Works
Vladimir Wahbe, Deputy Secretary,
Department of State Planning
Mrs. Betty Chaney, Administrative Assistant,
Board of Public Works

is

GOVERNOR MANDEL: Do we have a list of public appearances?

Let's get started.

MR. HEUBECK: Governor, the first item is Item 8, page 10 of my Agenda, Department of Health and Mental Hygiene, Juvenile Services Administration, and we have before you a list of people that would like to be heard.

GOVERNOR MANDEL: Go ahead.

MR. HEUBECK: Item 8, page 10 of my Agenda, Juvenile Services, resubmission of request by Department of Health and Mental Hygiene for approval of the proposed site for the 100-bed maximum security institution for Juveniles.

Dr. Solomon is here.

GOVERNOR MANDEL: Dr. Solomon?

DEPARTMENT OF HEALTH AND MENTAL HYGIENE
"Item 8, Page 10"

DR. SOLOMON: Governor, Members of the Board: Perhaps it would be best to clarify our position apropos the last time this was on the agenda, Mr. Goldstein was on the agenda., representing the Department.

My position, and the position of the Department is as follows: In the area of Juvenile Services we need an entire array of services with a heavy emphasis on community-based services, at one end of the spectrum, whereas, you know we are keeping the maximum of children in a community wherever possible, to the other end of the spectrum, what has been called an optimal security unit whereby boys who are in need of special protection from one another and from the community and to the community can be placed, with the emphasis on rehabilitation therapy so that these children too can then go into the mainstream of our thinking and, hopefully, into community programs.

We need, as I say, this array of service.

When this optimal security unit was presented the last time, and we asked for a delay, we had certain concerns that we wanted to make sure were well known to everyone in advance. One was that it is an expensive proposition - Mr. Hilson will talk to that - to save not only the security unit -- and there was no question about those funds being available, but the enrichment-

type of program that would be necessary. We wanted to lay out just what in anticipated cost it would be.

We realized that it is the will of the legislature that this security be built, and we are carrying out that mandate. On the other hand, we wanted you to know our total feelings about it.

We also have three criteria that we are handcuffed with: One, is that the facility must be on State-owned land;

Secondly, that the County has to have given prior approval of wanting this facility;

Thirdly, that it be approved by the Board of Public Works.

This makes it very difficult, because if you look at what is ideal for this type of a unit, it would be to have it as close as possible to the people that we are serving. That means in the Metropolitan Baltimore area, or immediate surroundings.

Yet, for the 25 acres that are needed, some 20-to-25 acres that are needed, because of the concept of the cottage style where we could incorporate this

enrichment idea, rehabilitative aspect, this makes it just about impossible to put in the Baltimore area because of land problem.

There are many counties who do not want -- the majority of the counties, in fact, in the State, do not want this. Of those counties that have agreed to accept it, and Mr. Hilson will review those and give you the pros and the cons of each one and then we will come up with a final recommendation, based on the facts at hand, but I think it is important to realize that the limitations that have been put on us make our job very difficult to accomplish -- what we all want to accomplish and accomplish it in a way that would be least expensive, because the further out you go into the transportation costs and under-developed areas, road costs and things of this nature, it just increases, as I said, the cost factor.

Bob will now review for you the sites, and he will also review for you the programmatic aspect of what we hope to accomplish with this unit.

MR. HILSON: Governor, Mr. Comptroller, Mr. Treasurer:

Good morning.

On August 20, 1975, this Board asked me to contact the Washington County Commissioners to see if land at the Hagerstown Institution would be available.

I did so. Last week they held a public meeting. There was overwhelming opposition to the site being located there.

I followed up with a telephone call to the Chairman of the County Commissioners, who stated that the County Council had voted not to accept the facility in Washington County. We contacted all 24 subdivisions in the State. There have been six who have responded in a positive way, those six being Worcester, Somerset, Wicomico and Dorchester, on the northeastern shore; Harford County in central Maryland, and Allegany County in western Maryland.

As Dr. Solomon states, the Department has embarked upon a program of keeping them in the community. I am a strong advocate of that. At the same time I recognize the need for a facility to house the recalcitrant youngsters in a juvenile facility. It bothers

me to see so many juveniles being sent to the penitentiary, being sent to the Maryland Institute for Correction when many of these youngsters could be salvaged, I believe, in a juvenile institution that is properly staffed and properly programmed.

I am not naive enough to think that all could be salvaged. I think probably some belong in adult institutions, but there are some who could be salvaged.

Therefore, I accept the need for this kind of a facility to meet the needs of those youngsters.

In Fiscal '74 only there were over five hundred youngsters who were waived by the Juvenile Court to the Adult Court. The Fiscal '75 figures would at least equal that number but not exceed it.

Many of these youngsters were waived, not only because of nature of the offense but because there is nothing in the juvenile program to house these kinds of youngsters.

We need a place to house these youngsters but also more importantly a place where they can be rehabilitated; and this is an expensive proposition.

In this facility certainly there is attitude changing in terms of necessary psychological and psychiatric services that would be needed. It is my experience that most of these youngsters are mostly four to five years, or more, academically retarded. Most of these youngsters are school dropouts or school kick-outs. They need to be trained in a skill so that they will be valuable when they return to the community.

We would propose having a heavy emphasis on vocational training and remedial education in the facility, along with the other components, such as recreation, of course, and the group life therapy to help them develop.

There is no question that this facility is needed. It is a relatively small facility, one-hundred beds, although some would say that this is a large facility. I think that when you look in adult terms, when a 100-bed facility is mentioned, that is an extremely small facility. I consider 100 beds to be a small facility also. In fact, it is smaller than any of our existing institutions except insofar as the camps.

In terms of the actual sites that would be available to us, at the last meeting we discussed previously the site in Allegany County, a site in Flintstone Park has been recommended for possible use.

Every site has some pros and some cons to it. The Allegany County site would require about four-fifths of a mile of roadwork to be constructed. It would require the necessary water and sewage plants to be constructed, as well as other utilities being brought in off of Route 40.

However, the Allegany County Commissioners, and some of the delegates from that area have endorsed that as a possible site.

In Harford County, Harford County is certainly the most accessible site to Baltimore City where most of the youngsters will probably come from. In fact, I believe Harford County is considered to be in the Metropolitan area.

For that reason, I would possibly favor Harford County as the site.

We have looked at State-owned land in Hartford

County, and we have narrowed this down to one potential site, and that is in Gun Powder State Park. There is some land owned by the National Guard, but they use that for training purposes. There are some other parklands which are dedicated to open spaceland.

We have not met with the Department of Natural Resources to discuss specific sites in either Allegany County or Harford County.

On the Eastern Shore, we think that the distance is one factor which sort of rules against land on the Eastern Shore.

Much of the land in the three southernmost counties on the lower Eastern Shore, a large part of that land is under water, that is owned by the State, which would not be useable.

Dorchester County has recommended the use of land on the Eastern Shore State Hospital grounds. We know from experience, quite recent experience in trying to locate a site for a 15-bed detention center to serve only the Eastern Shore, that the community does have some strong feelings about that property.

The operating costs connected with this facility depends on where it is located.

Approximately \$3 million-to-\$2.3 million per-year will be necessary, if we are going to do something other than warehouse kids, and we don't want to do that. We do not want to run a mini-program without the proper programming.

I think that the issue today before the Board is not whether the institution should be built. I think the legislature has already made that decision; rather the issue should be where it is to be located.

As Dr. Solomon pointed out, our choices are quite limited to these six counties. I think Baltimore City would be receptive to it, but they don't have the land available that would fit the plans for this institution.

This will be on a cottage-plan basis, 15 boys to each cottage, probably covering about 20-to-25 acres. That land is just not available in Baltimore City. It means we would have to go to the suburban areas, or possibly even a little further.

GOVERNOR MANDEL: Senator James?

SENATOR JAMES: How was the \$100 figure determined? There are a couple of questions that arise in my mind in connection with that. Would that actually take care of --

GOVERNOR MANDEL: You mean the 100 beds.

SENATOR JAMES: One hundred beds, which I assume means you have capacity of 100 that you could handle.

Would that actually make a dent in handling the number of inmates of this type, or young people of this type?

MR. HILSON: Yes, sir. I believe it would. It would not eliminate all juveniles going through the adult system.

First of all, some probably should be in the adult system; secondly, when you look at the kinds of sentences that these youngsters are getting from the adult system; not more than 18 months, not more than two years, et cetera, and usually they are paroled at the end of four, five, six months, if we can keep these youngsters eight, nine, for possibly a year, it would make some dent.

I don't think it would totally eliminate the problem. I would not want to see anything larger than 100 beds.

I do have for the Board's consideration copies of all letters received, those who are receptive and those who are not receptive, as well as a group of those who endorsed Allegany County.

SENATOR JAMES: I would like to ask another question.

GOVERNOR MANDEL: Go right ahead.

SENATOR JAMES: I understand from Dr. Solomon's statement that you, if you had your choice, if you put it in the best place it would be actually in the City; is that correct?

MR. HILSON: Yes, sir. It would be.

SENATOR JAMES: Have you eliminated all pos-

MR. HILSON: I worked very close to the City, and we looked at all open space and the one site that they came up with was earmarked for the Cold Spring Development on Cold Spring Lane. That is the only

open space with 20 or 25 acres. They have exhausted all possible spaces. Our plans are for going out rather than going up.

GOVERNOR MANDEL: Louis, do you remember that place we looked at that is for sale out there?

MR. BARNES: Down at St. Agnes.

MR. GOLDSTEIN: Right.

Dr. Hilson, you say you have around 500 of this type youngster a year in Maryland?

MR. HILSON: Over five hundred people are waived by the Juvenile Court to the Adult Court for various kinds of offenses.

MR. GOLDSTEIN: How many young men or boys, whatever you want to call them, in a year, of the type that would go to this facility if it were built?

MR. HILSON: In my opinion, at least half of the youngsters would -- are now being sent to adult institutions could be served and rehabilitated.

MR. GOLDSTEIN: That would be 250.

MR. HILSON: Yes.

MR. GOLDSTEIN: 250. You have a place that

will hold a hundred. You said, in answer to Senator James' question, you said you would keep them eight months to a year. If these boys are that bad how could you do anything in eight months to get them in a training course, in an Arts and Science and Crafts course and teach them trades?

MR. HILSON: That would be a combination of treatment programs, impacting upon the youngster at the same time he is learning a trade, learning how to read and write, even, and will also be exposed to attitudes changing programs.

MR. GOLDSTEIN: Where are you going to get that kind of faculty? Will they be full-time faculty that will teach those boys?

MR. HILSON: Yes, sir.

MR. GOLDSTEIN: What will you pay them, \$15- \$25-, \$35, \$45,000 a year -- experts?

MR. HILSON: No, sir. The law requires us to pay teachers in our institutions at the same rate that the County teachers are paid.

MR. GOLDSTEIN: I understand that. I mean

to get these teachers that would be dedicated, willing to go into this institution you are talking about to teach these folks.

MR. HILSON: We can find them, sir.

MR. GOLDSTEIN: Can you find them?

MR. HILSON: Yes.

MR. GOLDSTEIN: They are standing in line waiting for a job?

MR. HILSON: They aren't standing in line, but we can only place more emphasis on our recruiting efforts and the training that goes along with training teachers, how to work with this particular type youngster.

MR. GOLDSTEIN: What is the age of these youngsters?

MR. HILSON: I would assume they would be the oldest juveniles; 16, 17 years old.

MR. GOLDSTEIN: Sixteen, seventeen years old?

MR. HILSON: Yes.

MR. GOLDSTEIN: You tell me you can take these youngsters 16, 17, that have been neglected, haven't had love, haven't had affection for sixteen years and

in eight months you can cure all that and make them fine, outstanding young people?

MR. HILSON: No, sir.

MR. GOLDSTEIN: You can do that?

MR. HILSON: I am not a miracle-worker, sir. I can't cure every youngster who comes into our system. We will make an effort to do so.

MR. GOLDSTEIN: The reason I am asking these questions, I voted, when I was in the General Assembly, for Pautuxent. Very similar arguments you make today were made then. Pautuxent was the model, it was going to be the cure-all, the greatest penal institution in the world. Maryland was going to set the pace. We know that it hasn't worked that way. When I was out practicing law I had one client who asked to be sent to Pautuxent. I never sent anybody else there because I knew what they wanted to do with this young man.

I am interested in this institution.

MR. HILSON: As to the adult institutions, I have seen these kids, or young men who are not being rehabilitated. With all due respect to the Department

of Correction, I think we do as well as they can with what they have, but they are overcrowded, et cetera. I think we can do a better job with these juveniles than the adult system can.

GOVERNOR MANDEL: I don't think that what Mr. Hilson is saying is he can cure the problems, but he is saying that this is a better alternative than what is happening now.

MR. HILDSON: Yes, sir.

GOVERNOR MANDEL: These same kids you are talking about are spending that time in either the penitentiary or down at Jessup or one of the other institutions; adult institutions, where, frankly, what they are learning is how to be better criminals.

MR. GOLDSTEIN: How would it then be if you had these nice camps that they had during the CCC days where the young men could get out in the country somewhere. You don't have to put them all in one place.

You have got all types of institutions built by the State for manual training and all types of trades now in practically every county. Couldn't you work out

some kind of contract with the Board of Education to use those facilities, and maybe take them there two-three hours a day and use them as teaching facilities?

Have you thought about that?

MR. HILSON: Yes, sir. We have looked at the camp setup. It is a very good setup. We are very strongly in favor of forest camps, or camps in small settings, but we are talking about a different group of youngsters. We are talking about those youngsters who are probably the most aggressive ones in the system, those who probably have the longest history of delinquency in the system, and in a camp setting usually if we can keep a youngster in our system for the first couple of months we can make it, but to put him in a camp system, put him out to work in the first few weeks, or first month, you will never see him again.

MR. GOLDSTEIN: Naturally you would have certain types of training before you put him out there. In other words, you have to get his body in condition. You may have to keep him in a building or keep him close somewhere, try to educate him about nature and the things they can

derive from it.

MR. HILSON: That is very possible also in this type of facility on a work-release basis. If after these youngsters acquire certain skills and show a readiness to at least move half way back to the community, a work-release could be worked out in a state park, forest, with private industry. It can be accomplished in this type facility also.

MR. GOLDSTEIN: You have got a hundred young men in one of these facilities. What is going to be the cost, about \$2 million, \$2.2 million a year?

MR. HILSON: Yes, sir.

MR. GOLDSTEIN: That works out to be about \$20,000 per individual.

MR. HILSON: Yes, sir.

MR. GOLDSTEIN: Do you think the taxpayers of Maryland right now can justify spending \$20,000 a year?

MR. HILSON: I can only ask you how much is human life worth?

MR. GOLDSTEIN: You are not asking me. I am asking you. You are justifying this program.

MR. HILSON: That is right.

MR. GOLDSTEIN: A human life is worth millions of dollars. You can't measure it in dollars and cents.

MR. HILSON: I would hope the taxpayers would support this kind of per-capita expense, because if we spend \$20,000 and are able to salvage the person that will save the taxpayers from the person being incarcerated for thirty, forty years, as well as the damage you might do to society in the interim.

MR. GOLDSTEIN: Thank you.

GOVERNOR MANDEL: Any other questions?

(No response)

GOVERNOR MANDEL: Thank you.

Go ahead.

SENATOR JAMES: Our function is really very narrow here. I want that understood. Our function is to try to ascertain, No. 1, the best site available. That is our function. I don't really think that we have full and sufficient information to make that decision at this time. I feel as though you ought to come to this Board with a specific recommendation as to what you think

is the best site, documented as to your reasons, and the full description of what you plan to do with it; that is, preliminary plans and the program. I don't really feel as though this Board right at the moment is in a position to make the decision as to what the best site is.

I think it should be in the Metropolitan area, myself, and if you can identify an acceptable site in the Metropolitan area, I believe the Board would probably buy it. But I don't really feel as though sufficient exploration of this has been made. I would like to ask for that type of planning.

GOVERNOR MANDEL: Dr. Solomon?

DR. SOLOMON: Maybe we can recommend an alternative, and that would be for the Board to give the Department the permission to go ahead and make a decision between the Glen Ridge State Forest, in Allegany County, narrowing it down to there, and the Gun Powder State Park at Harford County. We will do this, obviously, after conferring with the Department of Natural Resources, who has land there, after working jointly with the General Services Department, with the Services of the

Department, and we would like permission to move on one of these two sites.

SENATOR JAMES: Is the Military Reservation property under consideration? I think you mentioned that in your discussion.

DR. SOLOMON: They said "No."

SENATOR JAMES: The other property may be encumbered by Federal restrictions, if it is part of the Program Open Space, and Federal money is being utilized in that area. It is conceivable that would not be available from that standpoint, although --

DR. SOLOMON: Earl Seboda, Chief Engineer, Health Department.

MR. SEBODA: When we went through Hartford County the properties that are owned by the State are Rock State Park, Susquehanna State Park, Gunpowder State Park; a number of holdings from the Department of Transportation, a 450-acre tract that was donated to the State by a will that was dedicated in perpetuity to conservation, and the Military Reservation up in the Havre de Grace area, and having gone through the roads properties, these were

all under planning for highways.

This, then, left us with the Military Reservation and the three State Parks. The two State Parks, Rock and Susquehanna, most of that land in there was procured through the Open Space program and therefore, talking to the Department of Natural Resources, they said it was not possible to use this for any other purpose. It was then narrowed down to Gun Powder. There they have acquisitions that preceded the Open Space Program, and that we would have to deal with these on a site-by-site basis.

SENATOR JAMES: I am not putting in my pitch for Hartford County.

MR. SEBODA: This limits us to Gun Powder, and then actually walking the site lines with the Department of Natural Resources, so this is why we are down to the two sites: the Allegany County site, which is Glen Ridge State Forest, and the Gun Powder site in Hartford County. And what we would like to do is have permission of the Board to look at these sites jointly with the Natural Resources and the Department of General Services and, based on the joint decisions of the three

Departments, to come up with the site that is best for the State of Maryland.

GOVERNOR MANDEL: Any other questions?

(No response)

Thank you.

We also have some other people that have requested to be heard.

Is Senator Mason here?

SENATOR MASON: Yes, sir.

Governor Mandel, Members of the Board:

I will make my comments very brief. I am just here on behalf of the -- speaking on behalf of the Board of Allegany County Commissioners who are supporting this in the majority. Two of the members are in strong support of this program for Allegany County. One member is opposed.

The Senator who is here will speak for himself, who actually represents this district that we are talking about. He is in support of this. I am in strong support of this myself, for Allegany County, and we have the entire delegation here. We have two of those members in support of it, two in opposition.

The other point I would like to make, Governor and Members of the Board, is this came down as an Executive request last year in the Capital Budget. We in the General Assembly approved this request, and at the time when we had a Floor battle in the Maryland Senate I don't think there was any question in anybody's mind when the Capital Budget Bill finally passed that the intent of the Senate was to have this juvenile detention center located in Allegany County.

Based on what Dr. Solomon has said, and what Mr. Hilson has said, they are in support of this program. I do not propose to be a professional, to know whether this is a good or bad program. From what I can understand, I certainly support this type of a program, so it appears to me with the request of the Executive for this type of institution, with the support of the professionals for this type of institution, it appears to me that then the State would need this type institution.

We in Allegany County, as you all know, have a very high unemployment, so we need the jobs that this type of institutional facility will create.

Based on that, I think this makes a pretty good marriage, both for the State and Allegany County. And I would certainly urge that you gentlemen support this program for Allegany County.

Thank you very much.

GOVERNOR MANDEL: Thank you.

Is Senator Corderman here?

SENATOR CORDERMAN: Yes, sir.

Good morning, Governor, Mr. Treasurer, Mr. Comptroller:

I was not here for the August 20 meeting, and this is the first Board of Public Works Meeting I have attended other than those that were held during the General Assembly Session. At the outset, I would like to say I am quite surprised at what I have heard thus far this morning. This was a request for a maximum security juvenile facility which was included in the Capital Budget. I am really shocked this morning to find out the Department of Health and Mental Hygiene, Juvenile Services, have no more idea where they want to put this facility today than they did in August.

I really think that if this thing is going to

be kicked around, and kicked around, you are -- you are watching construction costs right now and you know what inflation is doing to construction costs. But if this is a facility that is needed, which apparently it is supposed to be, then I expected to come here this morning -- and I heard Dr. Solomon say that Mr. Hilson was going to make a recommendation. His recommendation was to put it in Harford County, or Allegany County, or any of those other four counties which are not quite as desirable -- and I have heard Senator James discuss Harford County and I am certainly --

SENATOR JAMES: I haven't mentioned Harford County.

SENATOR CORDERMAN: I was in the back of the room. I really couldn't hear.

I think there is no question, as Senator Mason has said, that when this came before the Senate, that there was absolutely no discussion of any other location than Allegany County. The facility is needed. There is no place to put these aggressive youths other than an adult facility. If you put them in forest camps, training facilities, they push off. Sometimes

you get them back, sometimes you don't.

I have heard the presentation by Juvenile Services, I heard it in Allegany County, I heard it in Washington County. All they are asking for is a facility where they can attempt to deal with some of these people.

It is \$20,000 an inmate.

Maybe we would be better off giving the \$20,000 to the inmate. Maybe that would help him more. I don't know. It sounds like an awful lot of money to me. But it is an investment in the future of the State, and these people aren't coming, and they don't represent, and they are not the types of people who serve on the Floor of the Senate or House of Delegates as Pages, they are not representative of the vast majority of the juvenile population of the State, but they are in fact aggressive juveniles who have had serious brushes with the law, and which, under our present correctional system and our present juvenile services system, we don't have a facility to deal with them.

Certainly downtown Baltimore would be an ideal location. But as Mr. Hilson has said, there is a

restriction, and that is that this facility be built on State-owned land.

This was originally a \$10 million proposal. A million and a half had been allocated for site acquisition. That was reduced in the capital budget to save the State a million and a half dollars in site acquisition, put to State-owned land.

I think that is a good idea.

We have enough land right now that is going off the public tax rolls onto the State tax rolls, and we should utilize what we have.

Glen Ridge State Forest is indicated in Allegany County. It is a little bit of a drive from Baltimore City. I am sure there will be arguments made here today that will separate juveniles from their families. If they had families in the first place they wouldn't be in this institution.

These people who got caught snatching purses, or for some petty crimes, themselves are aggressive juveniles. I am sure their parents love them, but their demonstration of that love, or affection, or the environment from which they come, has not permitted them to

to lead a life which has been that which is represented by most juveniles in this State.

I think this Board has an obligation to the State of Maryland, and to the people, that the State-owned land is available. The County Commissioners have approved and will accept the site. The Board of Public Works must approve the site.

Now, this morning we are here, now at the first of October. We are here, but no further down the road than we were on August 20. The Department of Juvenile Services has no recommendation other than taking your picture, or, "Let us come back later on."

I think it is time that this thing was settled once and for all. If we don't build it, that is your decision, or, do build it.

My District extends from Hagerstown to Cumberland, is where this potential site is located in the Glen Ridge Forest. I think it is a good site for a couple of reasons:

One, there is unemployment in Allegany County; this does offer 150 jobs, and, the testimony I have heard

is that approximately 80 percent of those jobs could be filled by people from that area of the State. That is, they can be trained and hired. There are certainly some positions which would have to be served by professionals who would not be located in Allegany County, but they would move there. They would have to buy homes there, they would have to buy their groceries there. So the 2.3, or 2.5 million dollars is certainly going to help the economy of Allegany County, as it surges through the system.

Now, I think there are other benefits to it, also. If you put somebody out in the Glen Ridge Forest they are not going to run very far because there is not really, very many places to run. There are animals out there, maybe one or two guys would get eaten by a bear, and that would take care of them. We have people leaving MIC, MCTC on a regular basis. You can follow their path. They beat it to the Interstate or down the road, grab a car and they are in Baltimore in an hour and a half. It won't be that easy from Allegany County.

I would just ask you gentlemen to seriously

consider today making a firm decision on this. We are not going to have any more information later on than we have right now, and I think really that time is getting short, it is going by, construction costs are getting higher. This facility isn't going to be ready for a while. But any delay now is going to delay that facility.

You know the population of our correctional facilities in this State.

As Mr. Hilson has said, right now they have 250 youths that they could put in this facility. This is only a 100-bed facility. They want to try to make an investment to salvage some of these people, and I think we ought to do it.

Thank you.

GOVERNOR MANDEL: Any questions?

Do you have any questions?

MR. GOLDSTEIN: No, sir.

GOVERNOR MANDEL: There is only one thing, Jack. I really feel that on behalf of the Department, it is not that they have not, or they can't make a

got a facility that is needed, that absolutely no one in the State wants, and maybe we will have to build it in West Virginia.

MR. GOLDSTEIN: Jack, may I ask you a question?

Down at Brevardsville we have this large facility.

SENATOR CORDERMAN: Yes, sir.

MR. GOLDSTEIN: I understand your County Commissioners turned it down.

SENATOR CORDERMAN: Yes, sir.

MR. GOLDSTEIN: Do you know the reason why?

SENATOR CORDERMAN: Well, I don't know personally, other than the fact that they had a public hearing and that they had an awful lot of people against it.

I don't know.

SENATOR JAMES: That is the answer.

SENATOR CORDERMAN: They had generally endorsed Allegany County before, but had not voted "No."

I think that was the only county that hadn't sent Mr. Hilson the absolute "No. We don't want it."

So they had a public hearing. They got a packed courtroom, they went up and down the line, and everybody who lived around Brevardsville, and has had their car stolen, or seen guys hanging around the fence waiting for some guy that is coming through the field, you know, they just don't want another facility.

I don't know, myself, that it is really a good idea to build a juvenile facility right adjacent to the adult facility. I don't know.

MR. GOLDSTEIN: You have got better than a thousand acres there.

SENATOR CORDERMAN: We have some land there. You may consider building a penitentiary there.

MR. GOLDSTEIN: You have water and utilities and sewage?

SENATOR CORDERMAN: Yes, sir.

If you all decide to build that 400-bed penitentiary, let us know.

MR. GOLDSTEIN: You are not farming there anymore, are you?

SENATOR CORDERMAN: Somebody said, "You can't take these fellows out of the city and teach them farming,

it is bad for them. We are not doing it.

MR. GOLDSTEIN: The land is not being farmed. You had a canning factory there, didn't you?

SENATOR CORDERMAN: That was shut down.

MR. GOLDSTEIN: That is closed down?

I was there when you canned tomatoes, corn, peas, and I went back in the house and had some. I went in and had a delicious lunch.

SENATOR CORDERMAN: We had a bakery.

MR. GOLDSTEIN: You are still baking the bread and buscaits?

SENATOR CORDERMAN: Yes, sir.

GOVERNOR MANDEL: You have some good mechanical questions.

MR. GOLDSTEIN: That was my next question: You have the meat-cutting program up there, haven't you?

SENATOR CORDERMAN: I think as you all know, the Department's budget is not adequate to really handle the population that they have there. They don't have sufficient structures and sufficient resources.

MR. GOLDSTEIN: Suppose we built teaching facilities on that large tract of land?

SENATOR CORDERMAN: Sir?

MR. GOLDSTEIN: Suppose we were to build a first-class teaching facility so we could teach these fine young people, baking, working with meat, meat-cutters.

I was in Hagerstown yesterday. I went to Hoffman's place where they cut up the meat. In fact, I bought me a hind quarter and a good, old ham, to have for Christmas -- stuffed ham.

There is all kinds of work around there, and, they also advocate they put in a training course to work on roads -- they have all kind of state cars there.

Why couldn't you enlarge the facility there and build the other facility there?

You have around 1500 people there, if my memory serves me. You have three square miles of land up there, practically. If you go back towards the mountain, it wouldn't interfere with anybody around

Brevardsville. If you build it to the highway, sure, but build this in a little camp-type building structure. There you wouldn't have to build a new road, new sewer or waterworks. It would be in your District, it wouldn't be in Allegany County. It would be in your District.

SENATOR CORDERMAN: I have got a big District.

MR. GOLDSTEIN: You have a great District, some of the finest people in the world, up there. I love those people. I am thinking about it from a practical standpoint.

Yesterday I drove from Hagerstown, I had to go to Columbia to look at a site for another State facility, and I drove an hour and fifteen minutes during the height of the traffic -- all State roads, from Hagerswotn to Columbia. In other words, you can now drive from Hagerstown to Baltimore in an hour and a half.

SENATOR CORDERMAN: That is right.

MR. GOLDSTEIN: Is that right, sir?

SENATOR CORDERMAN: About an hour and forty-five minutes now, Mr. Comptroller.

MR. GOLDSTEIN: When traffic is heavy, say two hours. This gives you the benefit -- say about two hours.

SENATOR CORDERMAN: Yes, sir.

MR. GOLDSTEIN: At this time of the year, and Springtime, there is no prettier drive in the world than from Baltimore to Brevardsville.

Now we have the toilet facilities up on top of South Mountain.

SENATOR CORDERMAN: That has provided great relief for the area.

MR. GOLDSTEIN: They even have a place where they can stop and have a picnic lunch and relieve themselves. You have all those facilities.

I am thinking from a taxpayer's and, from a practical approach.

SENATOR CORDERMAN: I can't disagree with you. From a taxpayers' standpoint and the practical and logical approach, you ought to build it in Baltimore City. From a political standpoint --

MR. GOLDSTEIN: They don't have that land in Baltimore City. I wish we did.

SENATOR CORDERMAN: Now we have to get back to the capital budget where the politics are involved, and it says the County Commissioners have to approve, or the County Council, whatever the local governing unit is. Our County Commissioners unanimously, 5-to-0, voted against it.

SENATOR JAMES: Senator, could I ask: I want you to understand that I feel as though this Board's function is very narrow, but I do think we have a responsibility to act on the basis of a specific presentation of all the facts, and a recommendation by the Department. We haven't received that yet.

SENATOR CORDERMAN: That is the thing that disturbs me, Senator James. that this site has been talked about for two years and has finally got through to the point where the capital budget, you know, we can say "Okay, here it is," and the people were here in August and are now back on October 1st.

I don't understand that, Senator. I just don't.

SENATOR JAMES: We are talking about the next building season, so a week or two now doesn't really make too much difference. Once your site decision is

determined, then I think we are talking about the next building season, really.

SENATOR CORDERMAN: I think that is correct. But I think the things that go on in the interim, I just don't understand this type of delay.

I am a rookie in the Senate. Maybe I will get to appreciate this after a while. I don't know. But I think when the State Department is looking for a facility of this type, which is an awfully important facility -- at least from their standpoint, they ought to be in position to come in and say, "Here it is, gentleman," and you all can say "Yea," or "Nay."

GOVERNOR MANDEL: You are asking for two things: You are asking them to recommend what is the best site and then recommend a site. And I think that is the problem. If they could recommend the best site they wouldn't have any trouble making a decision in their judgment.

SENATOR CORDERMAN: The best available site.

GOVERNOR MANDE: That is the difference, what is available.

SENATOR CORDERMAN: Thank you very much for your time.

GOVERNOR MANDEL: You know it is very peculiar, really, Jack. You say we could build a penitentiary up there.

SENATOR CORDERMAN: I didn't say you could, I said I would like to know when you are ready.

GOVERNOR MANDEL: I think you are dealing with the question that is at the heart of this thing when you say that. I think there is more fear in communities to have these young offenders than there is to have the older offenders. There is more resistance in communities for these type, and these kind of offenders than there is for the older adult offender. People are afraid of them.

SENATOR CORDERMAN: And rightfully so.

GOVERNOR MANDEL: They are very much afraid of them, and right in your community, which is prison-oriented to the extent that a lot of people are involved in working in the institutions, and all, up there, yet they object to having these young, aggressive people in their community. And that is happening all over

the State. That is why the juvenile department has a problem.

Thank you, Jack.

SENATOR CORDERMAN: I recommend the Smithfield Ham. It is very good.

MR. GOLDSTEIN: Yes, sir, very good -- good meat, very reasonable, too.

GOVERNOR MANDEL: Delegate Barnes.

MR. BARNES: Governor Mandel, Senator James, Comptroller Goldstein:

I appeared here on August 20th, before your Board, in opposition to establishing this prison camp in Allegany County. I am still opposed to it -- very much opposed to it.

I know nothing about, I claim to know nothing about juvenile rehabilitation. It is completely new to me. However, I do respect the judgment of people who have spent most of their lives on this problem, and I only think of Judge Sol Liss, from the Supreme Bench of Baltimore City who states and claims that "Baltimore City would be the logical place for a camp, for a prison

of this kind."

And he said it would be "irresponsible," if I quote him correctly, "to place this detention center, or prison camp," whichever you refer to it as, "in Allegany County."

I quite agree, and I respect Judge Liss' recommendation.

I think Mr. Hilson, he also favors having these boys spend their time there -- in Baltimore City, because most of these boys will come from Baltimore City. I think to send them up to a rural area such as we have in Allegany County, it would not be well for them. I think that they can rehabilitate themselves better if they are where their families can talk with them and see them more often.

Some reference was made as to how this will affect the economy of our County.

I have never been given any assurance that the people hired at this facility will come from Allegany County. I was left to believe that most of the people employed would come from the eligible list from the

personnel office in Baltimore City, for the State of Maryland, Office of Personnel.

There will be some jobs, no doubt, come to Allegany County. How many, I am not sure, and I don't think anyone else -- no one has ever promised me that that would be 150 or 156 men or people employed at this facility.

I am not going to take up your time, because I am opposed to it; I am definitely opposed to it, but since our last meeting here on August 20, I have made an effort to contact people throughout our county, and I have talked to many people, and I know that many people in our county are more opposed to this facility coming to Allegany County now than they were back in August 20 when we appeared before your Board.

Not only that, since we were here, the only daily paper we have, the Cumberland Evening Times last Sunday came out suggesting -- recommending -- and they claimed that Allegany County is not the logical location for this juvenile center. They went on to state their reasons.

I respect the judgment of the Cumberland Evening Times. It is the only daily paper we have there. The Cumberland Evening Times and the Daily News we have, but the majority of people in our county, that is what I am concerned about, the majority of people in our county are definitely opposed to this thing coming to our county. We have four or five forestry camps in our county now, and I think that the State of Maryland has been very generous to us. We like for them to help us as much as you can in Allegany County, but I think you would be doing an injustice to us, and the citizens of Allegany County, to permit this institution to be established in the Flintstone area of Allegany County.

For that reason, I am opposed to it. I hope you will see -- favor some of the other counties who have been slighted in the past by not getting an institution of this kind.

GOVERNOR MANDEL: Thank you.

Any questions?

MR. GOLDSTEIN: No.

GOVERNOR MANDEL: Thank you very much.

Delegate Bolden.

MR. BOLDEN: Governor Mandel, Comptroller Goldstein, Treasurer James:

I will be very brief. I don't want to be repetitious.

I felt, as I sat here this morning and listened to some of the men testify, about two years this has been going on. I came down here in 1971 when we had a Bill -- back in those days -- and I am sure they had this problem before I got here five years ago.

But I think at this time the Department and the Board of Public Works is working under a handicap. You are working with your hands tied. I feel in the legislation that was passed that it stipulated the conditions of having the local governments approve this institution, and also particularly putting it on State-owned land. It has narrowed the location down. It is crippling. It is like trying to perform a job with your hands tied.

I would press for the Board to defer decision even though you have been mandated by the Legislature. I don't believe they are going to get real mad at you if you don't make a decision today -- defer a decision

until the legislature comes back into session, and either repeal this bill and write a new one, but take out these crippling handicaps that you are having to work under.

As far as acquiring private lands to place the institution in the county that a site would be selected, perhaps there could be a tradeoff. I am sure some of these other counties have desirable land. They may want to, you know, make a trade and get back some very desirable state land.

I would be glad to answer any questions.

MR. GOLDSTEIN: No questions.

GOVERNOR MANDEL: Thank you.

MR. GOLDSTEIN: The trees haven't changed up in Garrett County, have they?

MR. BOLDEN: No, they are on the way.

MR. GOLDSTEIN: See you up there next week.

MR. BOLDEN: Thank you.

MR. GOLDSTEIN: I am going up for the autumn festival.

MR. CUMISKEY: Governor Mandel, Members of the Board:

I think it is significant that there are six counties who have agreed to accept this, but the Delegation from the Assembly -- of the entire Delegation there is only one full delegation from only one county; that is Allegany County.

I am here personally because of what you commented about, Governor, this fear that people have.

I am here to tell you that in Allegany County, in my opinion much of that fear has been generated by an opponent of this facility.

Quite frequently in the local papers there has been used the word "hardened criminals."

Now, I must believe what has been told to me by Mr. Hilson and representatives from his office that the murderer, the rapist, robber with the gun will not be in that facility; that these are the type that normally go to our forestry camps. But he says they not not stay in forestry camps because of lack of security. In other words, they are incorrigible, they will not accept this on their own. So, therefore, they have to have some security.

Reference was made to our Cumberland newspaper saying that the logical place -- and, incidentally, they use very simple logic -- that it be sent down there. But they did not in that editorial refer to this fear. Apparently they don't fear it either.

I suggest to you that the fear that is supposed to be existing there is not as great as has been told to you.

Concerning the lack of recommendation on the part of the Department of Health and Mental Hygiene, I have before me a letter dated June 25th where Dr. Solomon did endorse, and it says, "The Staff has visited the proposed site in the Glen Ridge Forest." And it says, "This site would require approximately" -- he gives this remark regarding it, and has said also, in his letter, "Secretary Wahbe has determined Allegany County to be a feasible site."

So I understand that the Department of State Planning yesterday voted for Allegany County, so some decisions have been made by somebody, and I offer them as evidence of it.

As I say, I have never been a proponent of this for Allegany County. I just have not opposed it for the reasons that have been given.

GOVERNOR MANDEL: Any questions?

MR. GOLDSTEIN: Are you for or against it, in Allegany County?

MR. CUMISKEY: I see no objection to it being here.

MR. GOLDSTEIN: Thank you.

GOVERNOR MANDEL: Delegate Taylor.

MR. TAYLOR: No comment.

GOVERNOR MANDEL: Thank you.

We may have had some other requests.

Do you have a list there?

We have a number of people who have requested to be heard, and I don't want to put a limit too strict on anyone, but I think we are going to have to limit remarks to about two or three minutes. Otherwise we will just have to end the hearing, period. Because we have a lot of other work that we have got to get out.

(At this point, discussion was had off the record.)

GOVERNOR MANDEL: On the record.

Senator James has suggested that the feeling of the Board is that a decision perhaps won't be made today and if any one of the people here does not want to be heard, please tell us. We have some that would like to be heard, and I think they have come down here to be heard, and if they will just restrict their remarks to a minimum, we would appreciate it.

MR. GOLDSTEIN: Thirteen more people on the list.

GOVERNOR MANDEL: Who is the first one you have on the list?

MR. GOLDSTEIN: Henri Daniels, Executive Director, Governor's Commission on Children and Youth.

GOVERNOR MANDEL: Mrs. Daniels?

Is she not here?

Ms. WASHINGTON: Governor Mandel, I am representing Mrs. Daniels, who is on the Governor's Commission on Youth and my name is Lillian Washington.

The Governor's Commission on Children and Youth is requesting that the Board of Public Works defer

making any decision today to construct the maximum security institution for juveniles at this time. The Commission requests that the Board delay the decision and wait for results of a study now being conducted by the Commission on juvenile justice.

The Commission was created as a result of legislation passed in the '75 Session of the General Assembly.

The Commission has a task of reviewing and evaluating existing laws, programs and services related to juvenile justice in Maryland.

The construction of a maximum security facility is an enormously expensive undertaking. Any decision to construct such a facility to rehabilitate juveniles ought to await a comprehensive study of existing programs and services which the Commission is presently studying.

The merits of a maximum security institution needs to be studied carefully in terms of the ability of such a vehicle to successfully rehabilitate individuals who have demonstrated antisocial behavior.

GOVERNOR MANDEL: Thank you very much.

Mr. Eberhardt.

MR. GOLDSTEIN: Maybe he can summarize his statement.

MR. DAVID EBERHARDT: Good morning, Governor; Members of the Board:

I provided copies of my written statement to you, and I would like to enter it into your record, but for time saving, let me briefly summarize.

GOVERNOR MANDEL: We will enter it into the record. If you will summarize, that will be fine.

(The complete statement of David Eberhardt, National Moratorium in Prison Construction, follows:)

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MR. EBERHARDT: As a representative of a national organization in criminal justice reform, that is the National Moratorium on Prison Construction, and as a Maryland resident and taxpayer, let me strongly urge at this time a deferral of site selection, and a recommendation by the Board that the '76 Maryland Legislative Session review the basis, need and propriety of their '75 authorization of \$8.6 million for construction of this juvenile center.

In a survey of 19 similar facilities across the country, and the data that is in the Statement I provided, we find merchandise costs to be two and one-half times the average. The 8.6 million initial cost could double because of financing and bond debt service.

All this for an institution which meets none of the criteria the national trend suggests for a juvenile institution, which are smaller in size than 100 beds, community-based and close to the community of the confined youths.

As a citizen of Baltimore, I ask you to return these mostly Baltimore youths to our community, for that

is2 is where the solution of this problem must take place,
in community-based corrections.

GOVERNOR MANDEL: Thank you, Mr. Eberhardt.

MR. GOLDSTEIN: Could I ask him a question,
Governor?

GOVERNOR MANDEL: Yes.

MR. GOLDSTEIN: You say there are 19 facilities
throughout the United States.

MR. EBERHARDT: This is research we have done
in a rather brief period of time.

MR. GOLDSTEIN: You recommend a smaller facility
in and around Baltimore, or they would have one in
Prince George or Montgomery County?

MR. EBERHARDT: Our organization is against
the construction of large prison facilities on the face
of it. We would recommend the group homes for which
I understand moneys have been cut, at any rate, because a
moratorium on new construction while alternatives are
considered.

We feel the maximum security facility is a costly

is3 failure.

MR. GOLDSTEIN: You heard Dr. Hilson say he had to have a certain type of training, teaching program, eight months or a year. Let's assume you had, say, eight or ten community facilities. Could you make arrangements with the public schools where they have vocational training, use those facilities to train these people, use teachers part-time? How would you teach them? How would you train them?

MR. EBERHARDT: I understand the difficulties that the community corrections are having in Maryland, and this is one further detail that our office would have to research.

MR. GOLDSTEIN: Can you research it for us?

MR. EBERHARDT: Be glad to, working with Maryland groups.

MR. GOLDSTEIN: Is that what other States have done? In other words, these fine young people have gotten on the wrong road, they haven't developed along the right road for many reasons. We want to get them back on the right road, a road that would be profitable for them and the State. How can we have a teacher program

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that will train them?

You know there are quite a few adults in prison going to college, getting degrees, while in prison.

MR. EBERHARDT: I understand community colleges where -- in the country, where they have programs working with offenders. This may be adult offenders.

At any rate, it is something we would be glad to cooperate with the Maryland groups on.

GOVERNOR MANDEL: While you are looking at it, remember, we also have another obligation, that is, an obligation to the public to prevent the public from being subjected to some of the kinds of crime that is going on. If you can convince me -- and I wish you could, and I wish you could convince a lot of people in the neighborhoods, that you could take offenders who are convicted of armed robbery and convicted of murder -- I visited the prisons about two months ago -- and put them in a group home with no security and the people in that neighborhood are going to welcome it. If you can find that neighborhood, we will be glad to put a group home in there immediately. Just call us up and tell us where

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it is. I am sure -- aren't you ready to go right ahead
and put one in there?

MR. HILSON: We have money in the capital
budget.

GOVERNOR MANDEL: We have the money, and
everything. All we need is a neighborhood.

Tell me where it is and we will start tomorrow.

MR. GOLDSTEIN: I was in Frederick, Maryland
two weeks ago. They selected a site down there. I
talked with quite a few folks and asked "When do you get
that resolved?" We came down here, rushed it through,
signed the deed and got the money, and we can't get
that cleared up.

MR. HILSON: It is cleared up now.

MR. GOLDSTEIN: Did the court make a decision
on it?

MR. HILSON: Yes, sir, they ruled in our favor.

MR. GOLDSTEIN: Rap on wood. I am on the
ball. I saw the Judge. I wouldn't talk to him about it.

GOVERNOR MANDEL: I was going to say, I know
you saw the Judge and, you did a good job.

MR. GOLDSTEIN: I was up there riding in

Delegate Delphey's rennovated carriage, with a very beautiful lady, Mrs. Bonnie Smith. I wouldn't talk about the law that day.

MR. EBERHARDT: The Legislative Committee on Corrections, of which Mrs. Hennis is the Chairperson, recently considered many problems of placing correctional facilities in Maryland communities, and I think the discussion was productive. Some of the recommendations would certainly apply to placing juveniles in institutions, who need corrections as well as the adults, which they were addressing. That was the reason for the meeting.

GOVERNOR MANDEL: Thank you very much.

Mrs. Thompson.

MRS. THOMPSON: I am from citizens concerned with juvenile services. Mrs. Chaney told me I would have five minutes, but I will try my best to get it down to two or three, and really summarize.

Governor Mandel, Senator James -- Mr. Goldstein is gone --

GOVERNOR MANDEL: He is right here.

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MRS. THOMPSON: Good.

We are really here to answer the questions that Governor Mandel asked us and others at the meeting on August 20, what are the alternatives to this facility.

We start from the premise that only a small percentage of these delinquents are really tough, hard core, violent people -- 3 to 4 percent. The rest of them are very ill served by maximum security facilities, whether you call them optimum security or not, because they are always overcrowded and understaffed, and they breed violence. But if you are convinced that maximum security is necessary, here are some alternatives that we have thought up:

Maryland might be able to contract with the Federal Government for use of the facilities at Morgantown, West Virginia, for the 25 to 40 beds necessary for the dangerous people.

You could propose regional funding of a tri-state, smaller facility with Federal support. Maryland, Delaware and Pennsylvania could be the region, 50 to 75 beds could be the setup.

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You could construct a smaller facility of 35 beds for secured custody and intensive treatment and use the capital budget savings for additional facilities for the other 95 percent in five or six areas in the State which could concentrate on training for the kinds of employment available in those areas, like shipbuilding and repair, tanning, college activities on the Eastern Shore; you can use your imagination.

What about the Maryland Training School, and beds? I am not talking about politics in Baltimore County -- beds can be found at the Maryland Training School, because you are building four cottages now to replace obsolete ones. Certainly one or two could be fortified to maximum security status. And, what is more, this school is budgeted for 220 beds, 100 detentions, and 120 delinquents, and it is overcrowded by 120 right now.

You could pull out all of the detained persons which could be housed elsewhere, as necessary, and put a lock on house detention.

Boys Village is now used for detention only. You could empty some beds by letting juvenile services

use house detention. It would cost a third as much, and it is nearly a hundred percent successful.

Maryland Children's Center, it now has 98 beds, and it is over-used for evaluation. It could supply some beds for Baltimore youths who need the institutional detention. Others could be served by home detention at one-third the cost, and successfully, as I said.

So what do we conclude? Whether it will do us any good or not we have concluded that the training school should be properly staffed and never go beyond its budgeted capacity; that no detained person should be kept at MTS, but rather at Boys Village, or Maryland Children's Center; that most detained youths should be kept at home under house detention. The present facilities could handle and treat those who are placed in them, if they are properly staffed and not overcrowded. It is crowding that produces the bomb effect and the violence.

Governor Mandel, you said, as I understand, that once the big institution is built, operating costs

will be \$2 million -- as a conservative estimate.

You are going to take that from an over-starved juvenile budget?

Will you or your successor really be able to get \$2 million extra for juvenile services?

We think it is unlikely.

We think we are being realistic. The money for operating such a place could be better spent for court personnel, sadly lacking, and other lower cost programs, thereby treating 95 percent of all juveniles in trouble who now get so darned little. Prevention programs or small residential facilities are our real need, though I think you were talking, Governor Mandel, about apples and oranges when you were saying, you know, you don't want a big institution, so put them in group homes. It is not a question of that. There are big institutions, small institutions, and there are group homes.

We know you worry about it, and we share that concern about the hard core-type sophisticated juvenile criminal, but we submit, respectfully, that the law has changed, because it lumps together most of your hard core,

isll absolutely irretrievable tough juveniles and those who can be rehabilitated.

SENATOR JAMES: Why do you say that?

MRS. THOMPSON: Well, if you automatically waive somebody to adult court because he is 18 years old, he gets tried in an adult court.

SENATOR JAMES: The law would permit -- at the present time if you had the proper facility, the Judges could handle the juveniles in categories.

MRS. THOMPSON: I will show you how to get the space for the private facilities. But now they are waived to adult court, and Governor Mandel doesn't like to see children, chronological children, all of them in adult court and in adult jails. So what I wanted to suggest was, maybe the juvenile court should evaluate the juveniles and be able to recommend the waiver of those who are adult in development, if not in chronology. There are some who should certainly be in adult jails. The others shouldn't be handled automatically. Alternatives to what I have said could be one of the many combinations, and maybe you will think up some more. We would like to ask the Board to defer the site, because the legislature

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created HJR 50 last year and the Government approved of it, and it is a high caliber commission studying the juvenile laws and also the disposition of facilities. And we think it is just part of good sense to just don't site it until they come in with their report.

GOVERNOR MANDEL: I have gotten letters from Judges around the State, a number of the Judges who have worked both on the Commission and are working on the Commission. All urge us to approve a maximum security institution, that they absolutely must have it, because, they say, that not only is the problem getting worse every day that goes by but more and more are going to start to be waived into the adult courts. They think this is the way they are going to have to go unless we have someplace to send these type of offenders.

MRS. THOMPSON: There are some that are terribly hard core. There are others who can be taken care of in other ways, but you have got to have operating budgets to treat them.

GOVERNOR MANDEL: Thank you, Mrs. Thompson.

Mrs. Bright.

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MRS. MILDRED BRIGHT: First I would like to say Good Morning to Governor Mandel and all the Representatives on this Board.

I am speaking for the East-West Advisory Council, especially as a parent. I have heard a lot of conversation about this. You say there are no such things as group home-concerned parents or concerned citizens. It is not true. We haven't been asked.

That is all I would like to say.

GOVERNOR MANDEL: Thank you, Mrs. Bright.

Mr. Ryerson.

MR. WILLIAM RYERSON: Governor, Mr. Goldstein, Senator James:

My name is William Ryerson. I would like to discuss two matters that have come to LegiCUUM's attention since the 3-page statement presented by Robert B. Schwenger at the Board's meeting of August 20, 1975.

The first is the letter of September 11 from Deputy Attorney General Harry R. Lord, to Senator Wiser and Delegate Docter, regarding the validity of the legislative authorization for the 100-bed maximum security

facility for juveniles.

The relevant portions of that letter, on careful reading, seem to confirm two of our main August 20 points:

1. There was an unreasonable abridgment of the time customarily allowed legislators (from January to April) for scrutiny and public hearings on executive requests for large funds for public construction. Mr. Lord gives Thursday, February 27 as the date when "Governor Mandel directed" the request to the Chairman of the appropriate Senate and House Committees. LegiCUM gave Monday, March 3 as the date of receipt of the request by members of the House Committee. Given the intervening weekend, there is no substantial difference. Mr. Lord does quote a portion of a February 10 and 12 presentation to the Committees by Dr. Benjamin White regarding another facility to the effect that "the budget before you" also provides for a 100-bed maximum security facility for juveniles. However, we find no such provision in the budget and Mr. Lord neither cites one nor claims that there was one (except for giving the obscure quotation from Dr. White).

2. There was failure to observe the requirements of Article 15 Section 10 of the Maryland Code for the submission of preliminary plans and outline specifications as to the size and arrangement of the buildings and the sufficiency of the funds. Mr. Lord argues that a detailed narrative account of the intended building, quoted in the Budget Analysts Review presented the Committees on March 7--when the Committees were required to proceed to an immediate vote, complied with the requirements of the Code. However, the same Budget Analysts Review said, "Publication 4, 214-A, Supplement Showing Preliminary Plans and Outline Specifications for Major Building Projects on the 1976 Fiscal Year Capital Budget does not contain preliminary plans for a 100-bed maximum security facility for juvenile offenders" (emphasis as in the original). The Review recommended that the legislature approve funds for the preparation of such preliminary plans. Further, Mr. Lord confirms that the drawings sent to the floor of the House of Delegates on March 14 to support the 100-bed facility were, in fact, drawings for a 200-bed facility at Cheltenham. It may be because of these weaknesses in his claim of compliance with the law that

Mr. Lord added to his letter the dictum that, "even if we were to find a failure to comply...the legislative body... would be permitted to eventually waive compliance." This must mean that Mr. Lord considers it permissible for the leadership of the legislature to circumvent a law which the legislature has the right to change.

In summary, the content of Mr. Lord's letter lends support to our LegiCUUM request that the Board defer action until the validity of its authorization has been authoritatively clarified.

The second matter brought to our attention since August 20 concerns the conditions on which the State holds the land in Allegheny County proposed for the site of the juvenile facility. We understand that the deed specifies use for recreational purposes only. We urge the Board to clarify this matter before considering the site for a prison.

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GOVERNOR MANDEL: Any questions?

(No response)

GOVERNOR MANDEL: Thank you very much.

Ms. Tobias.

MS. JOANNA TOBIAS: My name is Joanna Tobias.

I am here from the Maryland Juvenile Law Clinic. We specialize in the legal research in the juvenile area of Maryland.

The location of any juvenile facility will have profound effects on the success of rehabilitating inmates. For this reason standards must be developed by which to judge proposed locations before a site is chosen.

After this Board has developed such standards, based on goals and needs of the proposed institution, then in-depth studies should be made to analyze the locations to meet the standards.

From what we have seen today, and from what we have known before today, it appears to us that neither the development of standards nor studies pursuant to them have yet occurred or have been brought before this Board.

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So a decision on site location must be delayed by the Board today.

Plainly it is not practical for any person or group in a few minutes this morning to set before the Board all the questions to be asked, not to mention supporting data in research which hasn't been undertaken yet. We will set forth a few factors -- appropriate factors to consider and suggest several areas that require careful research before any decision could be made on site location.

Now, the National Advisory Commission on Criminal Justice Standards and Goals has set out a list of five criteria which we think are good examples. I will read you that list, with a few comments.

MR. GOLDSTEIN: Do you have copies of your statement?

MS. TOBIAS: I do. I have a quite expanded version of what I will say.

MR. GOLDSTEIN: It would be easier to follow if we have one.

MS. TOBIAS: Well, sure.

MR. GOLDSTEIN: You will save me a lot of

is3 writing. I am making notes on your statement.

Thank you, Ma'am.

MS. TOBIAS: What I am referring to is on page 2.

There are many reasons why this is important. These inmates have to be returned to the community at some point. They have to be returned to their families and peer groups.

GOVERNOR MANDEL: Ms. Tobias, I have to interrupt you, but all five of these criteria, I can assure you, have been studied. You are talking about public transportation, availability of transportation.

As of right now, even in Hagerstown, they operate buses back and forth to Baltimore to pick up the people that want to visit the institution.

The courts in their auxiliary correction agencies, areas that have community services, areas of attracting qualified people -- we have been through it over and over again in reference to this institution, in every area.

This isn't new to the Board, believe me.

is4 MS. TOBIAS: Governor, all I can say is that I certainly haven't heard much of that today and I haven't seen much of that in the records.

GOVERNOR MANDEL: This has been going on for five years. This is not the first time we have had a hearing. This isn't the first time this matter has been before us. This matter has been before the Legislature for at least three to four years, that I know of, and all of this has been discussed.

Our people don't operate in a vacuum, either. It just appears -- it seems to me when you are reciting these criteria you are reciting it as if it is the first time any of our agencies have ever heard of it.

I can assure you, they have been through this from one end to the other.

MS. TOBIAS: I wouldn't want to imply that none of your agencies have heard of it. What I am saying today is, this Board is deciding on a site location. This Board should have a set of standards before it with which to judge locations and then each of those locations should be studied in accordance with those standards.

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Now, from the questions that have been asked from Members of the Board today, and some of the answers that have been given, it is obvious to me that there isn't any set of standards that has been used for this institution; used for this institution and applied to each site.

SENATOR JAMES: The Legislature has made it impossible to follow these standards.

MS. TOBIAS: We feel it is so necessary to develop such standards before selecting a site that if you are telling us there is no way to apply rational standards to selection of a site under the Legislature's decisions, then my only response would be that you can't select a site under the Legislature's mandate at this moment.

Certainly you should defer this issue until you can come up with standards and attempt to apply them.

MR. GOLDSTEIN: I can assure you the very thing you are saying I have already said.

MS. TOBIAS: Yes, sir, you have been saying that all morning.

MR. GOLDSTEIN: I have been saying that all

morning. I am familiar with these criteria.

The reason I asked the good Senator Corderman, for example during Governor Tawes' administration he wanted to build a medium-security facility in Frederick County. That site had all the qualities you list here in the wonderful research paper you have presented. Nobody in Frederick wanted it. He said "Go up to Hagerstown, Brevardsville, and find out the sentiment."

I met with my friend Neil Baylor, Editor of the paper. You know him, Jack. Neil Baylor was a wise man. He had the feeling of the community at his fingertips. He said, "Get in the car, and we will have lunch." We went through the County and I couldn't find a soul. We built a facility.

SENATOR CORDERMAN: Best in the State.

MR. GOLDSTEIN: I have been on, or been around here thirty-three years. To locate a place for young people is a hard thing. You build schools, universities, colleges; no trouble. As soon as you mention "juvenile delinquency" or kids that get in trouble -- and I used to be a juvenile delinquent, I was the toughest kid

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in Baltimore when I was a boy. You see?

GOVERNOR MANDEL: Wait a minute, now.

MR. GOLDSTEIN: I lived on a farm -- horse manure, cow manure, everything. I got to be a tough kid and got it out of my system. I didn't get into a reformatory.

SENATOR JAMES: You got in politics.

MR. GOLDSTEIN: Yes, I got in politics. You are right. I got in the Marine Corps. That is how I have been able to survive. I am as tough as anybody around the table. I have stamina. I was a dead-end kid.

I make that statement. Everybody knows my record. The FBI searched my records.

Putting them in prison won't make a better kid out of them. They have to have love, affection, they have to be made into human beings. The mommas and pappas should love the kid, beat the tail off them when they are bad. I have had my tail beat with switches. I am talking common sense.

I have listened to this stuff for months. This

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isn't common sense. Build all the prisons in the world and you won't cure these people.

I didn't want to say this today, but somebody has to say the truth. I tell it to my own kids -- I have been a dead-end kid. I stole watermelons, many, many a time. The people I stole them from used to be my clients later on.

MS. TOBIAS: Let me just add to the record at this point, our report is before you. You have seen these list of criteria before. It is still imperative to develop these kind of standards.

We have heard today a lot of talk about hard core juveniles. I would like to point out the hardest core juveniles aren't waived. The hardest core juveniles are the young people that have committed the worst crimes in the State. They are not even juveniles, under juvenile jurisdiction. We are not talking about murderers or armed robbers, we are talking about children, young people, and the whole juvenile system is premised on the system that these people still have some kind of complex, and if they are worked with their families and communities

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need to be worked with too. That is where they go back to. That, I think, is one of the most important points. And whether you speak in terms of mileage, you speak in terms of availability of staff, or all of the other criteria that we set out here today, these factors have to be studied extremely importantly, and are more important in a juvenile facility perhaps than any other facility.

We would be happy to assist the Board in any way we could.

MR. GOLDSTEIN: Can you find us five sites and bring them back to us?

MS. TOBIAS: Sure.

MR. GOLDSTEIN: Do it. You find us five sites.

MS. TOBIAS: I will do my best.

MR. GOLDSTEIN: You are a lawyer, I take it?

MS. TOBIAS: I am on my way. I am a law student.

MR. GOLDSTEIN: You will make a good one.

MS. TOBIAS: Thank you.

GOVERNOR MANDEL: Thank you very much.

We have a number of other people. I don't want

1810 to cut anybody off. We have a whole agenda left for the Board of Public Works. I would appreciate those that are going to be heard to please limit their remarks.

Mrs. Vogelsang.

MRS. VOGELSANG: Yes.

I am Mary Ellen Vogelsang, Legislative Chairperson of the Womens' Suburban Democratic Club, an organization of about six hundred members in Montgomery County. You have copies of our letter expressing the views of the Club's Executive Board, and you also have a copy of my short statement today, so I will just try to summarize and tell you that we concur with the testimony of Mrs. Betty Thompson, and also the testimony which asks you to wait for the results of the HJR Commission on juvenile justice study.

I would just add that we think the Board of Public Works should not act on the project, because there was not sufficient time by any input, by interested citizens, in the manner it was dealt with during the past legislative session.

There were four points. This project was

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 voted down twice in previous years after public hearings. The budget analyst recommended against it. The Juvenile Services Advisory Board voted against it at the November '74 meeting, and the 1974 Department of Juvenile Services Report cites a need for more resources for delinquency detention, additional court services personnel, and adequate staffing of existing institutions, but made no mention of the plans for a need for a new high security institution.

Therefore, I don't think this lone authorization for large expenditure of public funds ever received the scrutiny which it required.

I would just say, we certainly agree with Mr. Goldstein, and we have recommended in our letter that smaller units, at least the Department try small units, because we felt it is mainly a matter of trying to make humans out of these people, and you can't do that in a hundred-bed institution. And also to let me say, that many of us have spent much time and effort fighting this one building, because we believe it is a step backward for the State. We hope sometime to divert our efforts towards gaining juvenile support from the communities.

GOVERNOR MANDEL: Thank you.

(The complete statement of Mrs. M. E. Vogelsang,
follows:)

MRS. VOGELSANG: Governor Mandel, Mr. Goldstein
and Mr. James.

Thank you for the opportunity to appear before
you at this meeting to consider selection of a site for
the 100-bed juvenile maximum security institution. I am
Mary Ellen Vogelsang, Legislative Chairman of the Woman's
Suburban Democratic Club of Montgomery County, an active
Democratic organization of over 500 members. The views
of the Club's Executive Board in opposition to the project
have been set forth in the letter you already have and we
support the main points and proposals made in today's
testimony by Mrs. Betty Thompson, President of Citizens
Concerned for Juvenile Justice.

I would like to take just a few minutes to
state why we believe you can and should defer or not act
on this project. It was indeed passed by the Legislature,
but it took a second vote or reconsideration in the Senate
to include it. There was no time for public hearings or,
in fact, for any real input by interested citizens. The

General Construction Loan of 1975 specified funds for design, renovation, and conversion of a cottage at Boys' Village into a secure facility for juvenile offenders. While \$2 1/2 million seemed excessive for one cottage, this item appeared to indicate an interest by the Department in concentrating on small units for the hardcore delinquents rather than one large institution. In addition, although we had heard that a 100-bed institution might be in a later budget request instead of the cottage renovation, no citizen can effectively lobby a busy legislator against a possible proposal which has not yet appeared in print. Thus it was impossible to have any thoughtful discussions with more than a few of the legislators involved between the Monday evening we learned of the provision in the supplemental budget request and the Friday the initial vote was taken. In view of the following facts, this loan authorization for a large expenditure of public funds required a scrutiny it never received: 1) this project was voted down twice in previous years after public hearings, 2) the Budget Analyst's recommendation was against it, 3) the Juvenile Services Advisory Board voted against it at the November, 1974, meeting, and 4) the 1974

Department of Juvenile Services Report cited a need for more resources for delinquency prevention, additional court services personnel, and adequate staffing of existing institutions but made no mention of plans or a need for a new high security institution.

This Legislature also passed House Joint Resolution 50 creating a Commission of Juvenile Justice to "review and evaluate the existing law, programs, and services relating to the juvenile justice system in Maryland". Is it logical to commit \$2 million of the Juvenile Services Administration's operating budget to this controversial project prior to the results of this study?

Many of us have spent much time and effort opposing this one building project because we believe it is a step backwards for the State. We hope at some point these efforts can be diverted towards gaining community support for juvenile services in the community and assistance in delinquency prevention.

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GOVERNOR MANDEL: Mrs. Mattingly.

MRS. MARION MATTINGLY: Gentlemen, my name is Marion Mattingly. I am a resident of Montgomery County. The views which I express here today are those of the Montgomery County Juvenile Court Committee, a committee which was created by State Statute more than twenty-five years ago.

I am presently in my second term as Chairman and have been a member of that committee since 1969.

Several months ago, Governor Mandel, you appointed me to the Juvenile Justice Commission, a commission created by the Legislature under House Joint Resolution 50, to make a complete examination of the laws, programs and services pertaining to the Juvenile Justice system in the State of Maryland.

Although I am not speaking for that commission today, I think it appropriate to point out that I was chosen to serve as one of its three citizen members. I accepted that responsibility willingly because the responsibilities of the Commission are so obviously important in planning the future course of action which

is2 the State should take in attacking the enormous problem of juvenile crime.

Building an \$8 million maximum security facility for juveniles involves a major commitment of money and human resources. Wholly aside of whether the erection of a facility such as this is appropriate to meet the needs of our juvenile system, it is obvious that where such a facility should be located raises numerous critical questions. The Juvenile Court Committee is aware of no in-depth studies that have been made to ascertain the impact on families, staffing problems, and probability for successful rehabilitation by placing an institution in one part of the State as against another part.

We urge that the Board of Public Works defer its decision on this extremely important matter until a careful professional study can be undertaken.

We believe that the Juvenile Justice Commission should be requested to participate in the review of all possible locations.

This is clearly consistent with the mandate

is3 under House Joint Resolution 50. The Juvenile Court Committee recognizes, of course, that by law the proposed location of this facility is subject to approval of the political subdivision.

Considering the juvenile's right to treatment, however, we submit that equal consideration must be given to the rehabilitation program of this institution; location affecting involvement of family and community is without question an integral part of that rehabilitation program.

The final decision on this facility will have a long-term effect, not only on the juveniles and their families, but on all of Maryland.

GOVERNOR MANDEL: You know, Mrs. Mattingly, I want to say something: I agree with the Comptroller completely on what he said and what you said. I spent a day going around the Juvenile Courts to see what was happening in those courts, went in completely unaware that I was coming, just walked in and sat down. I want to tell you something: If parents would get more concerned about their children -- I saw in that juvenile court kids

is4 coming into court and the parents weren't even there.

I went in -- when we had trouble over at the University of Maryland and the kids were being brought up for being expelled from the University of Maryland, out of all the kids that were brought up to be heard only three parents showed up.

MRS. MATTINGLY: Were those adults, or juveniles?

GOVERNOR MANDEL: When they are in college, in their first and second year in college, to me they are still juveniles. Their parents should be concerned about them.

In the Juvenile Court they were all juveniles.

I think you ought to look to making that juvenile law require the parents to be in court when that child is in court and then you will find that there will be some interest in keeping them out of those courts.

MRS. MATTINGLY: Yes, sir.

GOVERNOR MANDEL: But as long as those parents, and the Court gets these kids flowing in and out all day long with no one concerned about them, and then you say to the State, "You be concerned about them," we will

is5 never be able to solve their problem. It has to be done not by the State but by the parents. I think it is time somebody said it. If we stop worrying about what the State is doing and start worrying about the parents, we can solve the problem.

MRS. MATTINGLY: The court can insist on the parents being present.

GOVERNOR MANDEL: I told the Judges that. They tried it. It doesn't work. They have no authority under law.

MRS. MATTINGLY: They send them to jail.

GOVERNOR MANDEL: They send them to jail.

Would you approve of that?

I am just saying, I agree with what you said, but when we get to the point of involving the parents, that is where we run into trouble, and the State can not stand as foster parents for all these children. We can't ask the Juvenile Department to be their parents. We can ask them to supervise them. We can ask them to set up programs, but we can't ask them to be their parents.

MRS. MATTINGLY: In Montgomery County we have

is6 a program for children with serious drug problems. I mean a thousand-dollar-a-week habit, that kind of thing. We have insisted that families, if they have a mother or father, that they be involved in that program.

That program so far is one hundred percent successful.

GOVERNOR MANDEL: Right, because you have involved the parents.

MRS. MATTINGLY: They know how to handle people.

GOVERNOR MANDEL: You involve the parents.

MRS. MATTINGLY: That is how it must happen. That is the major part of the problem.

MR. GOLDSTEIN: Have you considered the area of parent-neglect consideration?

MRS. MATTINGLY: Neglect?

MR. GOLDSTEIN: Have you all considered that?

MRS. MATTINGLY: We have barely begun.

MR. GOLDSTEIN: May I consider that you consider parental neglect and delinquent parents?

GOVERNOR MANDEL: And a requirement for them to report at court when their children or their child is required to be in court -- a legal requirement.

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Mrs. McMillan.

MRS. ENOLIA McMILLAN: Governor Mandel, Members of the Public Works, the Baltimore Branch of the NAACP urges you to delay the selection of a site for the maximum security facility until Judge Karwacki's Commission on the restructuring of the Juvenile System has completed its study and made appropriate recommendations.

As you know, the Maryland General Assembly passed House Joint Resolution No. 50, and the Governor signed it to act on this matter prior to the issuance of a report by the Commission. Making the study would be premature and ill advised.

Crime in Maryland is a major concern. By and large, our programs for prevention and rehabilitation have been ineffective. The State can not afford to spend our inflated dollars in the warehousing of criminals. Such practices have been ineffective in the past and hold little hope for the future.

We know that crime is increasing out of proportion to the increased population growth, so we are

is8 urging you to delay your decision until the report is received.

I might mention two other things. I understand that there is a Maryland Advisory Committee on the U.S. Commission on Civil Rights that is investigating the legality of picking up large masses of Blacks, from a reasonably, predominantly Black community, and transporting them to an entirely white community.

I would suggest that you check the legality. I don't know the details, myself.

One other thing: I certainly was glad to hear Governor Mandel make the statement he did about parents, a bit ago.

The NAACP is convinced that crime in America, Maryland and other places, Baltimore, will not be reduced and solved until such time as the communities become involved in the reduction of crime.

I wouldn't want criminals in our community, I wouldn't want criminals from your community to come in my community. I would like to have the opportunity of working on the potential criminals in my community, and

is9 until the population, the citizens decide on what we are attempting to do, the NAACP has a positive action program which centers attention to our side of the coin, what we can do, not what the State can do or the City or the Federal Government, but what we can do -- our responsibility.

The policies, the legislature, the administrators in the various systems are not going to solve it. It is our responsibility.

We have a terrific job, and we are aware of it. We must change attitudes. We must have parents, and when a child starts missing school, when he gets ready to drop out, is kicked out of school, that is the time for us to get busy, not until, not wait until he starts grabbing pocketbooks and breaking the law, stealing cars and that type of thing.

What happens when they get in trouble? They go farther and farther but no matter where he is, he usually comes back to the community, even when he gets out of jail they usually catch him in the neighborhood. He comes back, and the community-based facility must be the one to rehabilitate these youngsters if they are going to be

is10 rehabilitated. Yes, we do need a maximum security facility for the murderers. When they get that far they are usually beyond redemption, or rehabilitation. If you rehabilitate them we don't want them in the neighborhood, but the bulk of these youngsters can be rehabilitated before they get to that point.

We urge you to delay, and also urge you to support the community concept of dealing with these youngsters.

GOVERNOR MANDEL: Thank you very much.

I might say that I think the Legislature has gone a long way in supporting the community concept. There is five-and-a-half million in the budget this year for group homes. Unfortunately the communities haven't gone along as far as the legislature has, and until the communities go as far as the legislature has in approving the community facilities program, it is not going to be a success.

MR. HEUBECK: Yesterday I got a call from Judge Liss and Karwacki, and both support it.

GOVERNOR MANDEL: Mrs. Hybl.

isll MRS. LOIS HYBL: I am speaking for Leo Joseph, a member of the League of Women Voters Legal Committee.

The League of Women is opposed to the building of a maximum security institution for the incarceration of juveniles in Allegany County. As a result of a statewide study, the League of Women Voters of Maryland, of which the Baltimore League is a part, concluded that community resources and prevention programs are the real need in dealing with juvenile delinquency.

We saw no evidence that, in terms of the number of delinquents, a new institution was needed. Insofar as special programs or facilities are needed for the comparatively small number of dangerous young delinquents, we feel that it would be wiser and far less costly to make changes in the programs or in the physical structure of existing facilities, such as the Maryland Training School at Hagerstown.

We are also concerned about the priorities used in determining where funds are to be expended. A new facility will demand staff and program at a time when we all want to keep taxes down and budgets at a no-growth level. Yet valuable existing programs, or programs in

is12 which Federal funding will expire in two or three years such as Youth Service Bureaus, group homes, diversion and intensive programs, Baltimore Youth Service Centers, are now struggling to survive.

We feel strongly that priority and funding should go to prevention and community correction programs.

We are all concerned with the placement of the correctional facility, which unfortunately will probably draw much of the population from the more densely populated and more poorly-stricken areas of Maryland, Baltimore City and Prince Georges County, in the Northwest corner of the State.

Even the youngster committed to a maximum security facility should be considered a human being with potential for rehabilitation, family, after-care counselling, community resources, adjustment to a return to the community; all these will be physically separated from the juvenile.

The family tie, which can become a means of rehabilitation, will be broke by the difficulties of time and transportation. Hiding a youth from -- in the corner

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of the State will not rehabilitate him or make him a law-abiding citizen.

We urge you to vote No.

GOVERNOR MANDEL: Thank you very much, Mrs.

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Mrs. McShalley.

MS. BETTY MCSHALLEY: Governor, Members of the Board of Public Works, I am Betty McShalley, speaking for the Council of Catholic Women. It is our hope that the building of the Maximum Secure Facility be delayed if not stopped altogether.

The reasons for this are three-fold:

1. In these inflationary days of cutting back and eliminating proven programs in all areas of government, it seems difficult to justify the expenditure of over 8 million dollars for any single outlay. In addition, is there any assurance that the money necessary for effective programming in the years to come will be available? This Facility will be useless if sufficient funds are not available. It has been estimated that the program will cost from \$180,000 to \$200,000 per year.

Programs for the emotionally disturbed adolescents, group homes, C.I.N.S., etc., do not have enough funds to be fully effective. Boys Town Homes of Maryland, operating in Baltimore for the past five years are supposed to close down the end of this month due to a lack of funds. How can we start another program in view of this?

2. Most of the juveniles will be coming from Baltimore City. Building the facility so far removed from where the majority will be coming from defeats the currently accepted criteria of regional institutions -- places near the individuals' community. There should be family contacts and counseling available. How can this be done in an area far removed from accessible transportation? I have yet to get an answer to that question?

GOVERNOR MANDEL: Are you sure?

MS. McSHALLEY: Yes.

GOVERNOR MANDEL: Yes, ma'am. I would have to be responsible for putting it in the budget.

MS. McSHALLEY: The question raised about that was to get an answer.

GOVERNOR MANDEL: Feel sure of that.

MS. McSHALLEY: HJR.50 created a Commissioner

to do overall study of juvenile causes.

GOVERNOR MANDEL: The Chairman of that Commission called and requested we approve this item today.

MS. McSHALLEY: Taking a vote?

GOVERNOR MANDEL: In his personal opinion. We don't speak for the Commission. He is very concerned about the problem. He happens to be a juvenile judge and sees the problem every day and he is very much concerned about the problem and the way it is growing and that there is a need for a facility.

MS. McSHALLEY: It would seem to be logical that we wait until the Commission studies this entire question. Their recommendation as to need and site could be extremely helpful in reaching a final decision.

I respectfully request that the Board of Public Works delay their decision until further study is made.

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MS. McSHALLEY: What I am concerned about, I think we have heard assurances that other programs that have already been established would also continue to be funded and they are failing now, perhaps for emotionally disturbed adolescents, group homes, et cetera, do not have enough funds now. Group homes are closing throughout our State. There is a big concern.

GOVERNOR MANDEL: Let me make that clear.

You know, I think it is time somebody spoke out about this. Group homes are being closed throughout this State because they have been operated wrong, they say, operated improperly. Those are the only ones being closed. All of those that have been approved for continued operation are being funded.

I think there has been enough misconception about this. I don't think that this Board or the Legislature should be taking what I consider in the vernacular a "bum rap." They are provided the group homes. They are being funded. The ones who are not being funded are those who have programs who have been said not to be working, are not working and are not worth funding.

MS. McSHALLEY: I want to know an answer to something else.

GOVERNOR MANDEL: I think this ought to be made clear. It is about time it was made clear. We hear this about group homes. They are all being funded and are approved programs.

MS. McSHALLEY: I didn't realize that Boy's Town homes of Maryland, you know, were not an effective program. I know they don't have homes now. They don't have enough money and are supposedly going to close down the end of this month, but a question I had in mind --

GOVERNOR MANDEL: The State is paying, and we increased it, \$250 a month to these homes for these children just this past year. The State is now paying to these homes a little over \$600 a month per-child in these homes.

Does your child cost you anywhere near that in your home?

MS. McSHALLEY: The one that is going to college does, yes, very much so.

GOVERNOR MANDEL: But these kids aren't going to

s3 college, they are living at home, and we are paying over \$600.

MS. McSHALLEY: We are talking now about raising it to 20,000. I mean this is the point.

GOVERNOR MANDEL: You are talking about a totally different program. You are talking about hard core criminals. We are talking about group homes to help save them from becoming hard core criminals, but we are paying over \$600 a month per-child in those homes -- the State, and I think that that is a right good amount to take care of a child in a home -- \$600. That is over \$150 per week per child.

MS. McSHALLEY: I agree.

GOVERNOR MANDEL: That is \$7200 a year per child in a group home.

MS. McSHALLEY: You are saying none of the homes that are closing are closing because there isn't enough funds available? It is because the programs aren't effective?

GOVERNOR MANDEL: That is right.

MS. McSHALLEY: Then what about emotionally disturbed adolescents, for instance, in our mental hospitals,

is4 when we are told we don't have enough room? These are the questions that come up, if the programs that are running now, if you are not going to have enough money to take care of those youngsters, or because we haven't, they are already being treated, what are we going to do, you know, if you come up with a brand new program?

GOVERNOR MANDEL: I don't want to get into a physical debate with you, but you are talking about two different things. You are talking about \$8 million of capital funds and you are talking about operating funds. They are totally different -- two different things. Capital funds, \$89 million, comes out of bond money. Operating funds comes out of the general funds of the State. You can't take this \$8 million and transfer it over to these other programs. You just can't do it. You can only use it for this one purpose, or you don't have it.

MS. McSHALLEY: Then the programs, the paying for it year-after-year, will that come from --

GOVERNOR MANDEL: That will come from general funds about three years from now.

MS. McSHALLEY: That is what I am looking down

is5 the road for. That was my question. Can we be sure that those funds in three years time -- that is the thing I am concerned about.

GOVERNOR MANDEL: If you are concerned about that, you have no concern.

MS. McSHALLEY: If I could be absolutely sure of that I would be a lot more in favor.

GOVERNOR MANDEL: You can be sure of it.

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The Chairman of that Commission called and requested we approve this item today.

MS. McSHALLEY: Are you taking a vote?

GOVERNOR MANDEL: No, his personal opinion. We don't speak for the Commission. He is very concerned about the problem. He happens to be a Juvenile Court Judge and sees the problem of juvenile delinquency every day, and he is very much concerned about the problem and the way it is growing, and that there is a need for a facility.

MS. McSHALLEY: I just think --

Thank you very much.

GOVERNOR MANDEL: Thank you.

Mr. Kelly.

MR. RICHARD M. KELLY: My name is Richard Kelly. I am the General Executive of the YMCA of the Greater Baltimore area, which serves Baltimore City, Baltimore County, Hartford, Carroll, Howard. Prior to this assignment I was associate for the Metropolitan Washington Association serving Montgomery, Prince Georges County.

I am the Chief Executive Officer of one of the

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largest private youth-serving agencies, which has also one of the longest histories of serving youth in the United States. One of the six national goals of the YMCA identified by the National Council is to change the conditions which foster alienation, delinquency and crime, and we have identified this as a high priority for the YMCA, and we, as a private institution, have tried to gear up and be helpful to the State.

We have discovered the greatest cause of juvenile delinquency in crime in its most extreme and hard-core fashion is the juvenile justice system, and so when the Comptroller says that he heard this story before, around Jessup, he is quite correct, that what we hear, again sounds like the War Department asking -- or the Defense Department, asking for just so many more dollars for Vietnam, and we will get the problem straightened out.

There are no answers within the criminal justice system, and as is presently constituted will not solve the problems of juvenile delinquents, least of all being the dumping ground for human suffering at the tail-end of the system.

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So I would urge that you do delay. I urge that you ask the private sector, like the YMCA, like the NAACP, like other organizations, like the parents, to help.

You have no idea what a struggle it is for those of us who are in the private sector to cooperate with State Agencies.

MR. GOLDSTEIN: I want to say you are all doing a good job. You have a camp in Calvert County, Camp Druid Hill.

MR. KELLY: Kings Landing, it is called now.

MR. GOLDSTEIN: That is my father's old farm. He gave it to you. It was my recommendation when I came out of the Marine Corps. You have 325 acres of fine land. You are doing a great job. I have been over there and met with those kids, at different times, from Baltimore. I wish more of our organizations would do what you are doing.

MR. KELLY: We just opened the first group home in the County, in Baltimore County, and our facility in Dundalk. We have a residential treatment center in our

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Central Branch facilities, 24 West Franklin Street, over the moans and groans of some of our members who think the YMCA is only for middle-aged men to jump up and down and get off the fat a little bit. We are presently working towards two additional, similar correction facilities within the City.

I was involved, as Mr. Adkins is now, the Executive of the Towson YMCA -- he is here today -- we were involved with the first group brought in from Prince Georges County after Prince Georges County enacted special zoning exceptions for group homes.

I would say that there is a wellspring of good will on the part of the private sector; private agencies in the community do a job in helping the State in the broadest sense.

It is very difficult for members of the staff of private agencies and public agencies to work together, because our whole orientation is quite different. Our personnel practices are different. Our Staff are willing to work under different kinds of conditions than the bureaucracy and the Civil Service.

I am not being critical of it. I am

simply pointing out that it is difficult but not impossible.

I think it is tragic that we must, as a State, sit here and talk about where we are going to put the burial ground. And I would urge that you delay this. I do not know whether the Commission would take one stand one way or another, Mr. Governor. I would be concerned desperately with what we are doing to the lives of children, and that I see as your responsibility.

Thank you.

GOVERNOR MANDEL: Thank you very much.

Mr. Hoppenstein.

VOICE: Mr. Hoppenstein will not be here today with his statement.

GOVERNOR MANDEL: Thank you.

That is all of the people that have requested to be heard.

I thank you all for being here, and I thank you for being patient. I also thank the other two members of the Board for being patient, but I think that concludes the hearing on this one item.

I don't know what the Board will do at this

is6 moment, and I don't know whether either of the members of the Board want to take any immediate action.

MR. GOLDSTEIN: I have taken a copious collection of notes. I have paid strict attention to all these folks. I don't see how we can make a decision today in light of all of this testimony. I think it would be one of the worst things we could do. This is a very controversial issue. This and Hart Miller Island are two of the most controversial things I have encountered as a member of the Board of Public Works, for seventeen years. One is just as bad as the other. Here we take some spoil out of Baltimore Harbor, look for a place to put it. Baltimore City, kids on the wrong road, we have to make good citizens out of. This is a problem. It should be deferred until we get all the information so we can make a proper decision.

SENATOR JAMES: I would like to have a carefully considered presentation and recommendation from the Department of Juvenile Services so that we will have a specific proposal which will analyze alternatives and make a specific recommendation for our consideration.

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MR. GOLDSTEIN: One more thing:

All these wonderful folks, eighteen of them testified here today -- especially these latter ones. If they could recommend to us someplace where we could put these group homes, those they are talking about, Montgomery County, Prince Georges County, Roland Park, Guilford, I see folks from these places. If they could find the place to put these --

SENATOR JAMES: If they can't get these homes, maybe some will become available.

MR. GOLDSTEIN: I notice the pretty young lady in the red sweater. What part of Baltimore are you from?

MRS. BRIGHT: I am from Northwood.

MR. GOLDSTEIN: I can tell. I can always tell where folks come from.

Where would you recommend we put homes up around that area? I am not trying to put you on the spot. You come over here and sit in my chair. You see how tough it is?

I don't care what decision we make here on this

is8 proposition, we are going to be wrong. There is no way in the world. It is like Solomon trying to decide which woman would have that baby, you see.

We will make a decision.

GOVERNOR MANDEL: Whatever we do today, we are not going to give birth Louis.

Do you move we postpone it until the next meeting?

MR. GOLDSTEIN: I move we defer it for at least 30 days. I think that ought to give them time enough to make a decision.

GOVERNOR MANDEL: Dr. Solomon, how long would it take the Department to give the kind of information that Senator James has asked for?

DR. SOLOMON: We will have it to you within 30 days.

GOVERNOR MANDEL: Thank you very much.

The Motion is to postpone this for . . . days to get the information. If there is no objection --

DR. SOLOMON: Governor, the only ~~thinking~~ that won't include is the sign-off from the clearinghouse,

is? which is just because of the time constraints.

GOVERNOR MANDEL: We understand that.

SENATOR JAMES: I think that State Planning Department's comments or recommendations ought to be included in that.

DR. SOLOMON: We would have to ask Mr. Wahbe how long it would take regarding the Harford County, to go through the clearinghouse, to have your comments.

MR. WAHBE: We had a request from you.

My name is Vladimir Wahbe, State Planning.

We had a request from your Department to clear the Glen Ridge site. We have cleared it. We have sent it to all departments, received their recommendations. We have attached the recommendations and made the recommendations to you. We have not received any request from your office for the Harford County site. If we do, it would take us a maximum of 30 days, according to the regulations, and if you want, if the Board wants it expedited, we can do it in ten or fifteen days. We can do it by telephone or by following the paper, actually, physically.

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MR. GOLDSTEIN: Dr. Wahbe, Mr. Phipps says this matter has never been discussed with the Department of Natural Resources.

MR. PHIPPS: Only the clearinghouse section, only through Secretary Wahbe's office.

DR. WAHBE: We did send the correspondence together with the site plan to the Department of Natural Resources. They have sent a reply saying that they oppose it because they have no previous knowledge of this. I did discuss it with Lou Phipps and other members of the staff, not the exact site. The site was selected by the elected officials of the county and the Health Department.

The Department of Natural Resources opposes this, but I don't see why they should oppose the site when they have forestry camps in the same area and which are very successful programs.

DR. SOLOMON: We will follow through.

DR. WAHBE: I will follow through on this immediately.

MR. JAMES: All right.

GOVERNOR MANDEL: We will have the information within 30 days. Thank you all very much.

o2 Mr. Hilson, you have got another item.

Can we get started again? We have got an awful lot of work to cover. I would appreciate those of you who are leaving, please to leave quietly so that we can proceed with the rest of our agenda. It is going to be an awful long one, unfortunately.

There is an item here -- is Dr. Hilson here?

MR. BARNES: General Item 9, on our agenda. It still relates to similar kinds of problems.

MR. GOLDSTEIN: On your agenda?

MR. BARNES: Yes, sir. While Mr. Hilson is here if you have any questions --

GOVERNOR MANDEL: As long as he is still here we could ask him any questions if you wanted to.

MR. BARNES: Apparently there are 54 budgeted positions for educational programs in the juvenile and health institutions for the kids. That is state budgeted positions. In addition to these 5 that are being requested here, there is another 27 more juvenile services and 70 more in the Health Department for children in institutions

who are providing educational services to about 550 children so the state is doing a job in many ways.

It doesn't always seem to crop up. This particular request is for 5 more, to be funded through Title I of the Elementary and Secondary Education Act and would go into juvenile services institutions in relationship to forestry camps and Maryland training schools. Are there any questions?

GOVERNOR MANDEL: Do you have any question?

MR. JAMES: No.

MR. GOLDSTEIN: No. It is all Federal funded.

GOVERNOR MANDEL: I just wanted to be sure long as he was here.

MR. BARNES: It is an ongoing program. It has been going on for many years.

MR. GOLDSTEIN: I move we approve it.

MR. JAMES: Seconded.

GOVERNOR MANDEL: Moved and seconded it be approved.

Is Mr. Bowie Rose here?

VOICE: No, he is not, Governor.

MR. BARNES: Mr. Walt Kowalczy.

GOVERNOR MANDEL: Item GI-11

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MR. KOWALCZYK: My name is Walter Kowalczyk. I am acting director of the Regional Planning Council.

GOVERNOR MANDEL: Just give the last four letters.

MR. KOWALCZYK: C, Z, Y, K.

Mr. Miller, the chairman and Mr. Rose weren't able to be here today due to prior business commitments. I believe you may have our budget request for fiscal 1977 before you today. The budget as presented to the board does not contain additional merit system positions. It is approximately the same general funding level as for fiscal 1976.

It does, however, reflect staff assistance in the form of contracted service. These contracts are coterminous with the grant programs with which these people work. The FY 1977 budget request reflects the following grant programs: Department of Housing and Urban Development, comprehensive planning, HEW, Maryland State Health Department, comprehensive planning, Environmental Protection Agency, Section 208, Census Bureau, Maryland Department of Transportation, criminal justice planning through the Governor's Commission on

o5 Law Enforcement, and the Administration of Justice, Commission on Aging, Maryland Department of Education.

Very briefly, some of the major work items within these grant programs, if I may -- if there are any questions please stop me and I will to answer them --

GOVERNOR MANDEL: Let me say this. I reviewed this the other day. I spoke to the Budget Department about it.

In the future as far as I am concerned -- I don't know how the Senior Comptroller feels about it -- but when a budget is submitted I also want to see the non-budgeted items.

MR. KOWALCZYK: Yes, sir.

GOVERNOR MANDEL: Those non-budgeted items are not in this budget. You are talking about another million dollars that all are handling that we have no idea nor does anyone else know what is being done with that money, how it is being utilized, where it is going or the purpose of it, and I think that there has been enough trouble and the legislature is enough upset about non-budgeted items that somehow appear all around the place that in the future I am not going to vote for any budget that doesn't include

o6 all of the funds of an agency, whether they are budgeted or non-budgeted items, so that we know what is in that agency's budget.

By looking at this, the Comptroller or the Senator would have no idea what your actual budget is.

MR. KOWALCZYK: Yes, sir, I agree with you.

GOVERNOR MANDEL: This is \$1 million. Actually we are talking about 2.9 million.

MR. GOLDSTEIN: It has non-budgeted items attached to it.

GOVERNOR MANDEL: That is the way it came in.

MR. GOLDSTEIN: I would hold it up for that reason. Before I vote for this budget I have some questions to be answered.

MR. JAMES: This is designed to mystify.

GOVERNOR MANDEL: \$21,000 for travel. We are in tight times. Where do you travel, all over the world, Athens, Rome, making studies?

MR. KOWALCZYK: No, sir, primarily the continental U. S., with the National Institute of Manufacturers, etc. It includes travel for staff members.

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MR. GOLDSTEIN: How many people generally go on these events?

MR. KOWALCZYK: The state guideline says two. We are down to one now.

MR. GOLDSTEIN: Contractual service. Aren't there people in the state that can do this kind of work? Why do you have to let other contracts?

MR. KOWALCZYK: We have run into some trouble over the last 6 to 8 months when we received a HUD funding cutback. We had to hold open vacancies that existed. We didn't have any flexibility within the merit system really to fire the people or lay off the people, if you would who we thought would be necessary to lay off in response to the cutback.

As the few programs came up as a result, the chairman, Mr. Miller's idea and we may have enforced it, that if the program looks like it is going to be of short duration that we would not go for merit position, rather than contracted positions, and those contracts would run concurrent with the grant and once the funds ceased, so would the positions.

08 MR. GOLDSTEIN: Is there any duplication between what you are doing and what the Metro is doing and the Department of Transportation is doing?

MR. KOWALCZYK: No, sir.

MR. GOLDSTEIN: Natural Resources Department, Mr. Wahbe's department?

MR. KOWALCZYK: No, sir. I think if you take a look at the program that was before you about a month or two ago, there is a high level of cooperation between all departments concerned through various committee structures. The Section 208, which is a new program coming up is to be jointly sponsored by ourselves, the local jurisdictions, Department of Natural Resources and state planning.

GOVERNOR MANDEL: Lou, do you have any further questions?

MR. GOLDSTEIN: No.

GOVERNOR MANDEL: Go ahead, Billy, because I do.

MR. JAMES: You know, you really can't tell when you look at this, between salaries and wages. Well, a big chunk of what goes on is in the salaries and wages. When the Governor presents his budget to the legislature, he has

a list of the positions.

GOVERNOR MANDEL: Personnel detail.

MR. JAMES: Personnel detail, what is being paid, classifications and all that sort of thing. At least you have some idea concerning the type of people being employed.

I would hope that you would confer with the budget director and present a budget which is as understandable as possible. That is what I would like to see done in the future.

MR. GOLDSTEIN: I wonder if we could defer this until they gave you a budget on the same type of sheets that we have to make out our budget.

MR. BARNES: There is a legal budget October 1.

MR. GOLDSTEIN: Couldn't we extend it to the next meeting? Why couldn't they submit the same kind of sheets as we do? I have to submit a budget based on law.

MR. BARNES: They submit a budget and the people in that budget, like the transportation study, a staff for that purpose. We have a number of sub-projects coming to the same total. That is the only way you could know. That

o10 could be done.

MR. KOWALCZYK: Sir, what you see before you is probably a more summarized version than what we even gave the council. We do go through the normal state procedure, use the normal state budget forms. The forms that the presentation that we give to our council would probably make more sense to you because we take all the programs and put them together and that is basically what the problem is, in splitting out the non-budgeted, budgeted fund and who is working on what and our council format is somewhat different than the state.

I have a meeting set up for the 13th of this month to try to alleviate it.

GOVERNOR MANDEL: I don't think what we want is who is working on what but what we would like to know is who is working.

MR. KOWALCZYK: Okay. That is valid.

MR. GOLDSTEIN: Are these full-time jobs or part-time jobs?

MR. KOWALCZYK: Some of them, we have three merit system positions that are half-time. We currently have

oll on board one position that is part-time and it is based on the level of activity that we receive in that area.

MR. GOLDSTEIN: Salaries and wages budgeted \$1,111,073, now budgeted \$420,942, total \$1,532,015. Are those people ^{with} engineering degrees that work outside of your office?

MR. KOWALCZYK: No, sir. They are full-time people.

MR. BARNES: The budgeted ones we have in the book, the non-budgeted we don't.

MR. GOLDSTEIN: How do the salaries compare with the people in Mr. Wahbe's office who do the same work?

MR. KOWALCZYK: Same thing.

MR. GOLDSTEIN: Is that right?

DR. WAHBE: Yes.

MR. GOLDSTEIN: Salary is not excessive.

DR. WAHBE: They have to go through the state merit system.

MR. GOLDSTEIN: Executive director gets 33,000, special attorney gets 20,000. Is that a full-time or part-time attorney?

MR. KOWALCZYK: He is about three-quarters to full

time, sir, depending on the level of activity that we have with the merit system. We are going through a system of hearings now.

MR. GOLDSTEIN: He works 10 or 12 hours a week?

MR. KOWALCZYK: At least three-quarters.

MR. GOLDSTEIN: Does he work 10 or 12 hours a week?

MR. KOWALCZYK: More than that, I believe, and plus he is on call.

MR. GOLDSTEIN: Okay. I see.

Can you give us about five things you have accomplished in the past year?

MR. KOWALCZYK: In the past year the council has just passed comprehensive health plan for the Baltimore region. That is the basic document used for an annual implementation plan for delivery of health services in the region for the next year. It goes into an update phase now. We are currently winding up our Bureau of Air Quality grant. We don't have any idea how that, what kind of form that is going to take in the future but we have done a lot of work in that in relationship to the land use.

We have initiated, Mr. Miller has seen that 911 has

013 an emergency telephonic system, with the Baltimore area.
It has been initiated.

MR. GOLDSTEIN: Emergency telephonic system?

MR. KOWALCZYK: Emergency telephonic system for the
Baltimore region.

MR. GOLDSTEIN: What is that system?

MR. KOWALCZYK: Dial 911, you get a screen that
automatically channels to whatever emergency is necessary,
emergency system necessary, police, fire department,
whatever.

MR. GOLDSTEIN: Does the phone company pay anything
for that?

MR. KOWALCZYK: The local jurisdictions each bid on
what it would cost to install that in the local jurisdiction.
It is up to the local jurisdictions in turn to determine
whether they want to install it or not.

We are in the middle of and due to complete very
shortly a facility survey for fiscal, let's see,
cultural facility development, fiscal and support mechanisms
for the cultural institutions in the region. That will
come out I would imagine sometime in December, Phase 2

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of that study.

MR. BARNES: Senator James, this is really fiscal 1977 request, which will appear in the 1977 budget book come the second week in January. We can break out in detail.

GOVERNOR MANDEL: It will go into the budget.

MR. JAMES: I see.

MR. BARNES: Primarily the purpose of this is to give the local subdivisions the opportunity to know how much they are going to have to match in dollars so they can prepare their budgets.

MR. GOLDSTEIN: Thank you.

GOVERNOR MANDEL: Any further questions?

(No response.)

GOVERNOR MANDEL: Thank you very much.

MR. KOWALCZYK: You are welcome.

GOVERNOR MANDEL: Ken, would you get together --

MR. BARNES: I have a meeting set for the 13th.

GOVERNOR MANDEL: You and Val get together with the commission and set up a format for the budget submission. It doesn't have to be complicated, that complicated so when we get it we can look at it and know what we are doing.

015 MR. BARNES: Agreed.

GOVERNOR MANDEL: Thank you very much.

MR. HEUBECK: Are you going to defer this?

GOVERNOR MANDEL: We can't really defer it.

MR. JAMES: We can't defer it.

GOVERNOR MANDEL: We have to go ahead with submission.

MR. BARNES: Val is saying it has to be submitted by December 1. It doesn't have to be approved.

GOVERNOR MANDEL: This is an area, Ken, as I told you the other day and I think, Lou, I would agree these non-budgeted items that don't appear in anybody's budget cause us endless trouble.

MR. BARNES: Why they originally came out of the budget at one time they were included in, and you got a double double, like the DOT budget. It shows in planning. It is budgeted here again.

GOVERNOR MANDEL: We talked about how you could put it in.

MR. BARNES: Yes, and bracket.

GOVERNOR MANDEL: It causes confusion. Yet anybody

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including us or the legislature could look at it and know what actually is being handled. Here is a department council that is handling closer to \$3 million than they are 2 and yet when we looked at it it looks like they have got \$2 million.

We have one other item.

MR. GOLDSTEIN: Senator Gore is here, Governor, and Faye Springman.

GOVERNOR MANDEL: Senator Gore.

SENATOR GORE: Governor, members of the board, I am Louise Gore, Chairman of the Bicentennial Commission. Before I begin to talk, I think it will interest you and make you feel as proud as I did when I was recently in Rome to attend the canonization of St. Elizabeth Seton. I want you to know it was one of the most glorious feelings in the whole world to sit within four rows, looking up to the steps of the cathedral, being so close to His Holiness the Pope, to listen to him talk so strongly and so well about the United States of America, and especially to have him mention our state as many times as he did.

It was a great thrill to sit there with a hundred thousand people and listen to our state praised in the great way that it was, so I wanted to share that with you.

017 Also I would like to say how very nice they were to all of us who were there from Maryland. There were about 2000 of us, about 13,000 or 20,000 from the United States and they took very good care of us to make sure we had very fine accommodations.

We were taken care of. We had a good view of everything.

It was a very exciting day for all of us. I have been here once or twice before to talk about the Bicentennial and we have made one occasion for one problem to come to us because timing gets involved in it. As you know, the Maryland Bicentennial Commission has acted as the coordinator and the catalyst for our state Bicentennial activities and in some instances we have instigated projects of our own, only after we have done that to turn them over to the proper hands.

For instance, in regard to the Constellation. We put the bill in the legislature. We put together the foundation to take care of the money. We went out and raised the money but at the moment we had the money we turned it over to the people who we knew could do the best job. We

018 have also done the best thing when it comes to raising the money to get certain books published. Once we decided on an avenue, then we go to the Johns Hopkins Press or call the directors, our leading historians to let them make what would then be the final decision.

We have done everything in that direction to try and make sure that our Commission did the job it was supposed to do of turning things over to other people's hands, and we have that kind of a program, I won't discuss today, that is the Maryland Historic Outdoor Drama. Marylanders have wanted and worked hard to have a historic outdoor drama for years. They have thought the drama in the amphitheater would be an addition to the state, tell the history of Maryland's contribution to our nation, hire Marylanders, give entertainment to thousands of people and be profitable.

Outdoor drama is ever becoming more popular around our country. Last summer with the gas shortage the attendance went up as much as 30 percent in our over now 30 amphitheaters in the South and Southwest and new ones

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are being built. Two are being started in Pennsylvania and the closest one to us will be between Harpers Ferry and Charleston, West Virginia. This will be the third I think in West Virginia.

Kentucky, by the way, leads us all in having six that are all profitable and going every summer. If you recall, when the Commission began work on this project we came to the Board of Public Works. We came to you because of the time involved. We could have perhaps handled it ourselves but the writing of the play, the timing was of the essence. We had to get started.

I came to you to appeal for help and you answered that appeal, and as a result, we now today, I have with me today the very first act of the play. Paul Green has finished it. It is now being copied so that my Commission members can read it. The second act he is working on. He has finished the draft but it is very exciting and we are very pleased about it.

After you all helped us financially, we then were more sound on our own feet. We did get help from the

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Federal Government and we were able to actually pay for this project ourselves and we are very pleased that the Maryland Bicentennial Commission has made a contribution to the State of Maryland Historic Outdoor Drama.

Whether or not, where this goes from here I can always be very thankful that we have the outdoor drama, by Pulitzer Prize winner Paul Green. It will be ours and we can play it from Garrett County through Worcester County. That is not our dream. That is the possibility. So therefore our money has been well spent.

We also had to find the avenue and the wherewithal of knowing how to do this once we had the play, and we were very fortunate to have in our midst a teacher at the University of Maryland, Dr. Faye Springman who not only is a voice who has been heard around the world but a voice who started the very first outdoor drama, Paul Green's The Lost Colony.

With Mrs. Springman's giving us an entire summer now for two summers, there isn't very much about outdoor dramas that we do not know. We know all about the promotion that is necessary, all about the tourists that must be

21 reached, all about the bringing the citizens of the state into it, about food, about parking, about souvenirs. We know now all the details that have to be known.

They have an Institute of Outdoor Drama run by Mr. Robert Somers in North Carolina, Chapel Hill, who is always available to give us advice and help. These people are really tremendous the way they work together and try to help each other.

That is the two or three steps that had to be done. If we had known at the very beginning how much money we would get from the Federal Government or how much money the state would allot us perhaps we could have taken this project all by ourselves and not had to come to you.

Now I am back again because of two things: one, again, the Federal Government has not told us as yet what our allotments will be for this coming year, and, two, the Bicentennial Commission itself will be closing its doors in the early part of the spring of 1977, so we are not in a position now to take on long responsibilities, and the very next step to make the outdoor drama a success is what should be not a very long commitment, but

o22 a short commitment that does run over our time.

GOVERNOR MANDEL: Louis, Senator James would like to ask a question.

SENATOR JAMES: I don't know the item on the agenda for this day. Is there any specific action that you are requesting today?

SENATOR GORE: Yes. I can now say it in two opinions, yes, there is, and I am sorry it isn't on the agenda. I have just come in and I am a little bit -- I have got the flue, just the jet lag, and I am like this, but Mr. Goldstein was kind enough for me to say yes, come, and try to get it through today. Timing is of the essence; what it is, with the help of Dr. Springman we have put together a Maryland Outdoor Drama Association. This will consist of about 300 to 400 people who will be our citizens' approach to make exist an outdoor drama that belongs to the people.

In order to do this, we cannot be casual. These are very substantial citizens of Maryland, and we must say, yes, the outdoor drama is proceeding and we now have a time schedule and we have an office, we have a producer and we are moving. This is what I am here today for, to

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ask that such a program be accepted, and I would say for a two-year period, because in two years, I am so positive it is going to be a success, and profitable, that we will have no problems then in extending it.

However, I think for just good common sense, I think a four-year approach would be what we should have. What that would mean would be having an office, hiring a producer, hiring an assistant for the producer and a secretary and so forth.

Our main part of this work will be done by volunteers but we must have a central office and structure to go by. Dr. Springman has already done so much work connected with it. For instance, he has already talked to Mr. Blake, who could be his assistant, who has just spent the summer working down in an outdoor drama in North Carolina, who is with the University of Maryland.

We have been talking to Dr. Torge, we have talked about the music. We have with us today Dr. Pulier, who you know, Mr. Goldstein, did the wonderful production at Ford Theater which you liked so much.

24 SENATOR JAMES: Senator, we can't operate this way. We have to have a specific written proposal come through our budget director, to place it on our agenda, and then I am sure the board is very interested in your program, but we have to follow certain procedures. To make a specific record of it so everybody understands what we are doing, it has to be in writing.

SENATOR GORE: Well, I have submitted -- I didn't submit it to this Board of Public Works, you are quite right. I did send my suggestions in, hoping that somebody would follow through on them. You see, I don't believe that my Commission can make this proposal because my Commission will not be in existence for as long as what I am talking about, so what I am suggesting to the Board of Public Works is that they find the right avenue through which this can go.

It might be the University of Maryland. It might be the Department of Natural Resources. You don't know what department.

GOVERNOR MANDEL: Don't look too shocked, Buster.

SENATOR GORE: But --

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GOVERNOR MANDEL: It really ought to be under Planning, don't you think?

SENATOR GORE: My group is going out of existence. I don't see how I can be the legitimate one to ask for the money. What I am saying is that I am not asking to give it to me.

SENATOR JAMES: When do you go out of existence? When does the Commission go out of existence?

SENATOR GORE: I know in the spring of 1977. Now, this might be changed but it is not changed at this point, and as such, I can't commit. What I am talking to you, I could submit to you a budget for one year. I believe if I do that I am doing something which will not help to establish the Maryland Association in the firm way that it must be.

SENATOR JAMES: Couldn't you make a recommendation that you handle it for the first year and then a special organization be created to continue?

GOVERNOR MANDEL: Ken used to be very active in thespian activities at the University of Maryland.

MR. GOLDSTEIN: I think it should be in some

o26 department.

GOVERNOR MANDEL: He has something to suggest.

MR. BARNES: Last year we had a letter from Senator Gore which spelled out the need for getting Dr. Springman on the road, in effect, to look at the other places and get going on it. The Board acted in response to that. What Senator Gore is now asking for is an annualized budget. She can either go through the University of Maryland or Maryland Arts Council or Economic and Community Development, take your pick.

We would need to know from Senator Gore just what she is talking about in detail, dollars.

SENATOR JAMES: Wouldn't there have to be a supervisor agency that would carry on after the Bicentennial folded up?

MR. BARNES: I don't see any problem with it being in the Bicentennial Commission budget now. When they fold by executive order the Governor can move it over to the University or the Maryland Arts Council.

GOVERNOR MANDEL: I think the best way to get it going, instead of worrying where to put it two years

o27

from now is to let the Senator submit what she needs to you, Ken, you bring it to the Board.

For the time being we can leave it right under the Bicentennial Commission, get it going.

SENATOR GORE: May I understand that? Do I submit a budget for two years?

MR. BARNES: Submit a request for fiscal 1977 and for the remainder of 1976, can you do that, which will give you 18 months?

GOVERNOR MANDEL: Right. Get together, Louis, with Ken and get it straightened out.

SENATOR GORE: Well, I have been talking with many people that possibly could have done it. That is why I wanted to be here today, because I only have now two months in order to get the body organized so that they go to work in January. Without that, with the time lag I am going to be in problems now, and I want to avoid that because this is going to be one of the best Bicentennial products we have.

MR. BARNES: Dr. Stettler has been working with Dr. Springman. He thinks he can get you back something

by the 14th.

MR. GOLDSTEIN: Here is the reason I suggest that. If we are going to have this outdoor drama in July of 1976, you have to have that budget to put these people on the payroll so they can start making arrangements to get publicity. Yesterday, at the request of you, Governor, and Senator Gore and Faye Springman I had an appointment to see Mr. Springman. I spent the afternoon over there at Columbia. He is now making arrangements with New York to meet with the Neolander people with reference to getting the Meriwether Post Pavilion so it can be used five days a week for the outdoor drama.

They have an agreement with the Baltimore Symphony Friday for Friday night. You can have five continuous nights. There is 5 million people within one hour's drive of that great facility. They are willing to build a new amphitheater for us if it works.

Then we don't have to use state money to have the capital improvements. The people in Annapolis don't know it. I spoke another night at dinner, tried to bring it up to get reaction. They wrote an editorial about it,

they don't want it in my county. No use wasting more time talking about building it at Sandy Point.

We have a facility, one of the finest in the United States, with the lights, everything right there, the personnel and it is available on a rental basis and they will take a cut out of the gross proceeds.

SENATOR GORE: We may have had such good response from Prince Georges County. They are very anxious to have us come to Prince Georges. Howard County we have talked with leaders of Howard County, so there is great possibilities of, if we want to build the amphitheater we can.

GOVERNOR MANDEL: Louis, I think all of us are in accord. It is just a question of getting it in the form that we can put in the record and approve it. I think if you get together with Lou --

SENATOR GORE: Would this come under like the emergency fund or do we take this back to the University of Maryland?

GOVERNOR MANDEL: No, it could have to come under the emergency fund.

30 SENATOR GORE: I don't know.

MR. BARNES: I don't know whether the emergency fund might take all that the Senator is talking about. But it is going to cost several hundred thousand dollars for the lights and necessary things. If you can pick off July 1 you would have to have equipment ordered in.

MR. GOLDSTEIN: They have all lights and equipment. It is a matter of costumes. The lights and all that, that is the advantage of using the amphitheater, Meriwether Post at Columbia.

GOVERNOR MANDEL: If we can give enough money now to get it rolling and then submit to the legislature in January a budget for this, then we would have it all taken care of.

SENATOR JAMES: Mr. Springman's contract, has that been officially approved by us or should that be included in this proposal?

MR. BARNES: No. It would be included in here. All you have approved so far was the summer funding.

GOVERNOR MANDEL: Do that and get it back to us by the next meeting.

o31 MR. GOLDSTEIN: Can you give him a definite date when you can meet with him, Dr. Stettler?

DR. STETTLER: Yes.

GOVERNOR MANDEL: Thank you, Louis.

MR. GOLDSTEIN: Faye, do you have anything you want to say?

DR. SPRINGMAN: I want to thank you for your time. I have been waiting two years --

GOVERNOR MANDEL: Wait a minute. He said do you have anything you want to say.

DR. SPRINGMAN: Yes, sir. I listened to a whole lot of nothing here this morning. Just be a little patient. I have heard the down and outers. I am speaking for the up and outers. Look here. Here is a masterpiece. It is written by a Pulitzer Prize winner. He has nine of these dramas. And the dramas that I went through this summer are money-makers. You fellows like to make money. I hear you talking money all the time. These are not money losers, if you are talking about these fellows going to jail --

o32

MR. GOLDSTEIN: If you had a hero, it wouldn't be Al Capone, it would be George Washington.

GOVERNOR MANDEL: Could you make a copy of that and give one to each of us?

DR. SPRINGMAN: The play?

GOVERNOR MANDEL: Yes.

DR. SPRINGMAN: If you have a Xerox machine I will work it. I don't have a machine or office yet.

SENATOR GORE: We are having copies made right now.

DR. SPRINGMAN: I want to introduce Rudy Pulier. This is Dr. Pulier who you sent from the University of Maryland, and that gentleman just put on a show that Louis Goldstein saw and he said it is one of the greatest things that he has seen at the Ford Theater. He has been there for 25 years. If Paul Green approves this, the only thing I say, if Paul Green approves and he was his stage director in a show back in Washington called Faith of our Fathers, Rudy was the stage manager, he will be the stage director for this new play here.

I have also my music man. We are ready to go. I need some money before I starve to death, and you know, a

033 salary to get organized on. That is all I need, and an office.

MR. GOLDSTEIN: I wish you could have been over to the Ford Theater the other night when I was there and seen that.

GOVERNOR MANDEL: I would like to read that.

MR. GOLDSTEIN: They put on Abe Lincoln, between 1860 and 1865.

SENATOR JAMES: He looks pretty well fed. He doesn't look like he is starving.

MR. GOLDSTEIN: I have seen the best in New York, all around the world, London, to see the stocks but that show that Dr. Pulier put on at Ford's Theater the other night at Ford's Theater in my opinion was tops, I have never seen anything better, especially the one lady who was his boardinghouse keeper out in Springfield, that thing should have been put on TV. That was great.

If you can do half that good over at Meriwether Post that place will be a sellout night after night.

GOVERNOR MANDEL: I thought you said we were going to settle for nothing but the best. Now you are asking

o34

him to do half as good.

MR. GOLDSTEIN: We will settle for the best. This gentleman knows how to inspire and get the best out of people with enthusiasm.

SENATOR JAMES: What is the name of the show?

MR. GOLDSTEIN: Doctor, tell them the name of the show.

DR. PULIER: This was a series of short historical scenes taking place in Washington during the time of Lincoln, 1856-65.

GOVERNOR MANDEL: Our play is going to be about the Revolution. Could you get Louis in it?

DR. PULIER: We will find something.

GOVERNOR MANDEL: Let him be Paul Revere, spreading the message.

MR. GOLDSTEIN: I have got my costume. Hazel worked for six months and made the most beautiful costume you ever saw, Revolutionary. I will let my hair grow longer and be ready to go. I will work for nothing.

DR. SPRINGMAN: I have spoken to people in Virginia, they have an appointment with the Governor. We have to get a TV program for Christmas Eve, 1976, and we expect to have

o35 one from here December 23, and what we are trying to promote down there, we want good relations with the State of Virginia, and that is to have George Washington -- you should be at this, right downstairs in the room under here. We want to get that televised, a show from here.

We should have national TV. The only time in nine years he spent a night at home with Martha.

GOVERNOR MANDEL: Is that why you want Louis in it?

DR. SPRINGMAN: That is breaking them up. They want something nice. We will give them something nice. If the State of Virginia will come along with us --

MR. GOLDSTEIN: Right on that point, if I acted like George Washington I couldn't come home any more.

DR. SPRINGMAN: The State of Virginia will come along, it will be filmed at Mt. Vernon.

MR. GOLDSTEIN: We put that show on several years ago, Military Order of the World Wars and we had several actors in that case that were direct descendants of that Congress that met down here December 23, 1783. I played the part of the Speaker. They couldn't find a descendant of his.

o36

His descendants died in Pennsylvania. I played that part. NBC did it up. They had it on TV all over the country. We went to the National Archives and we got the original papers from the Archives and each part was spoken just like it was during that session at 12:00 noon on December 23, 1783.

GOVERNOR MANDEL: We have one other appearance here.

MR. HEUBECK: Two.

GOVERNOR MANDEL: Two?

MR. HEUBECK: Yes, a hand carried item from Natural Resources. Buster has the people over here.

SENATOR JAMES: What item number is that?

MR. HEUBECK: I made it 21.

GOVERNOR MANDEL: Do you want to go right ahead on this?

MR. ZENI: Governor, Mr. Comptroller, Senator James, Lee Zeni. I am here making a request from the Natural Resources Department, to request several needs of easement that would permit the Department to take action in an emergency out in western Maryland due to abandoned strip mines.

The situation is such that some years ago, perhaps in

o37

the thirties and forties, mining coal above the hills in which Congress created a spoil pile which is being saturated by water from a deep mine to the extent that during heavy rains there is a possibility of landslides.

There has already been a landslide in that area. I was there and looked down on it. It looked like tons of trees and rocks had come down the mountainside in approaching several private properties down on the highway, Highway 96. We have gone through the process of getting the lowest bidder. We have an engineering plan as to how to abate this situation.

It is not a complete reclamation but a partial reclamation in order to insure that the winter storms that are approaching will not create a dangerous situation for Mrs. Stafford in particular and several other landholders in general along the road.

We feel our action is in accordance with the law, the strip mining law, under Section 752 and Section 75410, which deals with the bituminous coal fund. We have asked our attorney if this is true and he agrees that it is a needful use of the funds, an action that should go forward.

GOVERNOR MANDEL: Are there any questions?

o39

a responsible company?

MR. ZENI: Yes, sir.

MR. GOLDSTEIN: George Hunt is a responsible man?

MR. ZENI: Yes, sir, a citizen of Maryland, living in District Heights or in that vicinity.

MR. GOLDSTEIN: Harold Moore?

MR. ZENI: I don't know that is a responsible man.

MR. GOLDSTEIN: Why shouldn't these people contribute something toward remedying that situation that was created on their property? That is the thing I can't get through my mind. Here you have people who own property that is causing a nuisance down the hill, a slide that will probably wreck their home or cause other damage. It may cause damage on the highways and cause cars to get wrecked if it slides on the highway.

If I have a septic plant that is leaking the health department will come along and put me in jail.

MR. ZENI: I understand your question.

MR. GOLDSTEIN: If I dump a 50-gallon drum of oil in front of my property down on the Chesapeake Bay, they can put me in jail because I am interfering with

o40 the fish, crabs, people's enjoyment of the great Chesapeake Bay. Here is a man, a group of people who own property that is causing damage and they want the state to come along and spend some-odd \$30,000.

MR. ZENI: Can I answer your question, Mr. Comptroller?

MR. GOLDSTEIN: Yes, sir.

MR. ZENI: Obviously before June 1, 1976 when there was some provision in the law for proper methods of strip mining and deep mining, that mine practices in the past were such there was very little consideration for the environment so the practice was to throw the spoil on down the mountainside, get the coal out and leave.

This was done. The people bought the coal throughout Maryland. They probably didn't pay any cost. It didn't include environmental protection and regulation but some time the General Assembly held that we couldn't be responsible for actions of people in the past. It is different today. They passed a law that says to me, for the good of all of Maryland, there are problems in western Maryland that we should correct today using funds, as I realize, sir, that are charged to every acre

o41 of mine that is stripped today.

Those funds go into the bituminous coal fund. The idea was that the state would take the responsibility. I don't disagree with your philosophy.

GOVERNOR MANDEL: I think, and let me try to clarify it a little bit. If I am mistaken -- I could very well be -- what you are saying in effect is this condition was created many years ago when there was no control by the state. The state allowed this condition to exist. Actually though the state is not paying for this, are we? You are paying it out of the money that you collect from those people who are presently mining.

MR. ZENI: That is true, sir.

GOVERNOR MANDEL: They put the money up to this fund. You are taking it out that fund to remedy a condition. Is that about right?

MR. ZENI: Except, Governor, that the state does match those funds.

SENATOR JAMES: How much state money is involved?

MR. ZENI: Well, the fund right now includes about \$251,000, Senator, and I would say that at least 75 percent

42 of it is private funds in the sense that it was charged against the present strip miners, but the remainder being matched by the state.

SENATOR JAMES: So it may be half this 32,000, a little better?

MR. ZENI: I would say 75 percent.

GOVERNOR MANDEL: Would be private.

SENATOR JAMES: 75 percent would be state and the rest private?

MR. ZENI: 75 percent private and 25 percent state.

MR. PHIPPS: We haven't been budgeting money for this lately in the past several years.

SENATOR JAMES: I agree with our Comptroller. I think he has a very good point. However, I think we have a special situation here that we really have to take care of, because if life and limb are involved in this situation, I just think that the state has some responsibility to move here and I think the legislature really ought to change the law, and I think you are studying this to provide that if the state has to go in or does go in and improve private property, that to

o43 the extent the property is improved, that there be a lien on it.

MR. GOLDSTEIN: That is my point. Why go ahead and do this but get a lien on Maryland Coal and Realty and Hunt and Moore.

GOVERNOR MANDEL: You have to change the law to do it.

MR. GOLDSTEIN: The law doesn't say anything about getting a lien.

SENATOR JAMES: You would have to get agreement with the owners to permit that lien.

MR. GOLDSTEIN: You wouldn't have to have agreement with the owners. You couldn't go in and start to work. Otherwise you would be trespassing. Have you contacted these people?

MR. ZENI: Yes, sir. We have a special agreement.

MR. GOLDSTEIN: Verbal agreement isn't worth a damn in Maryland.

MR. PHEPPS: We have deeds and easements prepared.

GOVERNOR MANDEL: That is what they want approval.

MR. GOLDSTEIN: I have never seen them. I asked the other way, where are the deeds and easements that we will

o44

get or give these people for improving the property. Isn't that what we asked you on Monday?

MR. PHIPPS: Sorry, I guess I misunderstood you.

MR. GOLDSTEIN: Do you remember that, Senator James?

SENATOR JAMES: We discussed it back and forth.

GOVERNOR MANDEL: I think Jim spoke to me about this sometime ago. Isn't it a situation where there is danger of a slide?

MR. PHIPPS: Yes.

GOVERNOR MANDEL: Coming down the side right over these other people that are below it?

MR. ZENI: Yes, sir.

GOVERNOR MANDEL: Isn't it really an emergency situation?

MR. ZENI: Yes, sir.

GOVERNOR MANDEL: It could be a disaster if it isn't taken care of.

MR. ZENI: It is hard to define an emergency situation which happened in May and which has not occurred since but we haven't had a storm since of the magnitude.

SENATOR JAMES: It could happen any time if you have a heavy snow.

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GOVERNOR MANDEL: Didn't it happen in May?

MR. ZENI: It happened this past May and it could get worse if you have another storm up there. That is what they are afraid of.

MR. GOLDSTEIN: It is all the same?

MR. ZENI: Yes. It is all the same.

SENATOR JAMES: Three-year easement.

MR. GOLDSTEIN: Right.

SENATOR JAMES: I don't see a deed reference.

MR. GOLDSTEIN: According to this, I have Harold D. Moore. It says enforcement action to take place on certain land, page 2.

GOVERNOR MANDEL: They have to get the folio number.

MR. GOLDSTEIN: Attachment No. 1.

GOVERNOR MANDEL: I personally think something has to be done but I would recommend to you very strongly to follow Billy James' suggestion and come back to the legislature in January to see that in the future we will be able to enter into a lien arrangement.

MR. PHIPPS: We will have the legislature prepared.

MR. GOLDSTEIN: Like the people on the waterfront where

o46 we are building these tremendous projects. We have erosion.

MR. ZENI: Mr. Comptroller, the Senator asked me to do that several months ago and we already have an amendment proposed.

SENATOR JAMES: I move we approve it.

MR. GOLDSTEIN: Since this is an emergency, I have great confidence in Mr. Zeni, I second it. I understand this is an exception to the rule.

MR. ZENI: I understand that.

GOVERNOR MANDEL: Without objection, it is approved.

Thank you very much, Lee. We can have a lot more of this occurring in the future, and I think we ought to be in a position, particularly if we are going to improve someone's land -- you know, I am not sure, and now that we have approved it I am not sure under the tort law these people down below would not have a valid claim against them in a court of law.

SENATOR JAMES: That is probably true. It is not too good if you are dead.

GOVERNOR MANDEL: That is right. I don't think we should make these people have to either go in at their own expense, and they could probably get an injunction to

o47 enjoin a nuisance, if it is that dangerous.

SENATOR JAMES: There is some possibility we might go in and enforce them to eliminate a dangerous condition, maybe. I don't know.

GOVERNOR MANDEL: They would have to go in and spend all kinds of money.

You say we have one more?

MR. HEUBECK: Yes, budget, Governor.

MR. GOLDSTEIN: Does this last item go in the budget?

MR. HEUBECK: My agenda.

GOVERNOR MANDEL: We have one more item where we had someone to be heard.

DR. STETTLER: Mr. Francis Gates, Maryland State Department of Education. Concerns General Item No. 5, which is a request by the State Department of Education to establish 7 Federally funded positions to operate a program for children of migrant workers. This is a program the state has been engaged in for a number of years and the State Department of Education would like to go into the mainstream of the state program by having these people become official state employees.

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MR. GATES: Governor Mandel, Mr. Comptroller, Mr. James, other members of the Board of Public Works, I am Francis Gates from the Maryland State Department of Education. I work for the program principally in the suburban.

You have before you a request for changing 7 positions for educating migrant children from temporary to regular status in order that employees might be afforded the same benefit that other state employees received. I should like if I may to offer a brief comment in support of this proposal.

GOVERNOR MANDEL: Are these people already working under contract?

MR. BARNES: They are under contract.

MR. GATES: They are already with the exception of one. The problem is they are not getting any fringe benefits, retirement, hospitalization, etc.

MR. GOLDSTEIN: May I ask you a question, Dr. Gates?

MR. GATES: Yes, sir.

MR. GOLDSTEIN: In response to what the Governor asked me, I have been down in Somerset County and Wicomico

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where the majority of these folks come from, is that right?

MR. GATES: Yes.

MR. GOLDSTEIN: They pick beans, strawberries, come in in the spring and work through summer.

MR. GATES: Yes, sir.

MR. GOLDSTEIN: What happens when they go back to Florida or the Caribbean areas?

MR. GATES: They don't go back to Florida right away. When they leave the Eastern Shore they will go to Frederick, Washington, Harford County to pick apples, peaches, etc. Then they leave the state and go to New Jersey to do some other type of farm work, Pennsylvania, wherever the case may be and when they leave Maryland, and go to the next state, that state picks up where we leave off in terms of educating the children.

MR. GOLDSTEIN: Are these people full-time year-around employees?

MR. GATES: They are full-time year-round employees because we have some migrant children who stay. We have about 250 migrant children in 22 schools in the State of Maryland. We are in the process of providing

o50

supplemental educational services.

MR. GOLDSTEIN: 200 how many?

MR. GATES: 250, and as they go, others come in. By the same token, there is such a complex program, that it requires an awful lot of planning and kind of things which don't go on in a regular school program. We have to provide a number of support services to the county school systems in order to make an educational program for these children meaningful.

SENATOR JAMES: Do they go in real schools?

MR. GATES: They go to the regular school. In the summer we operate 6 and 8-week summer school programs for them. In the winter when school is open they go in the regular schools in the counties where they are until they leave the area.

At the present time we have children attending 21 schools, in eight counties, Washington, Wicomico and Worcester. We will have programs in Kent County and in Harford County before the end of the calendar year. Our information is, if I may comment, that there are still more migrant children in other counties than we are

o51 serving.

We have found migrant children in Baltimore City, one or two families in Calvert, some in P. G. We are in the process now of attempting to identify these youngsters, getting them into the schools and helping the counties offer a program for them.

MR. BARNES: That is what this staff is for. They don't teach.

MR. GOLDSTEIN: Does the Federal Government put up any money?

MR. GATES: 100 percent.

MR. GOLDSTEIN: For the salaries. How about for the education of them?

MR. GATES: Yes, sir. In 1975, we received \$930,000.

MR. GOLDSTEIN: Wait a while now, did you give that money back to the eight counties?

MR. GATES: Yes. They submit project proposals.

MR. BARNES: 700,000 went back to the local school systems.

MR. GOLDSTEIN: In other words it is not costing the taxpayers?

MR. GATES: No, sir, 100 percent money.

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GOVERNOR MANDEL: It is not costing the taxpayers.

You mean the state taxpayers.

MR. GOLDSTEIN: I am talking about taxpayers of those eight counties he is talking about don't have it on their real estate tax to pay for these children who come in and pick apples, cucumbers.

MR. GATES: The Federal Government provides the funds for giving additional services to these children while they are in the schools to meet their special needs. Beyond that they receive the same services as any others in a particular school system.

MR. BARNES: I wouldn't be surprised if an enterprising county superintendent doesn't claim them as part of his total population against state aid.

MR. GOLDSTEIN: That is my question. That is what my question was directed to. Do they use this as part of the school population to get state aid and also get Federal money? They get it twice?

MR. GATES: Not necessarily. The children come and go all during the school year.

GOVERNOR MANDEL: That is our big problem in trying

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to figure out state aid, those who come and go.

MR. GATES: They will leave Florida around February and they will start heading this way. Some of them will get here March, April, May. They will stay until around the last of November, then go to New Jersey, pick apples, peaches, etc.

GOVERNOR MANDEL: It is a tough way to get an education.

MR. GATES: That is right. I have been in education in Maryland for 27 years, teacher, principal, supervisor, state employee and this is one of the most complicated programs I have ever worked with.

GOVERNOR MANDEL: I can imagine.

SENATOR JAMES: I think it is a very worthwhile program.

MR. GATES: Without a doubt, in support of what you said, Mr. Senator, I would like to mention about 6 cases that will give some examples of the results of the program. In one of our great universities in the State of Maryland we have a person who is dean of one of the departments who was a marked man from the day he was born until he finished college and now he has a Ph. D. in chemistry.

We have a young man from Federalsburg whose mother

054 and father came from North Carolina. They happened to be on public assistance. He worked his way through college and he graduated last year and he is now a football coach in the State of Virginia. He plans to move his parents to Virginia with him as soon as he gets settled.

We have one family in Caroline County that came here from Georgia about ten years ago, and decided to stay. They came as migrants. Today they have a 116-acre farm, a big supermarket in Easton, they have educated eight children so you see there are benefits from the program which would not have reached these children had you not had this program.

MR. GOLDSTEIN: I am 100 percent behind this program.

GOVERNOR MANDEL: It is a very worthy cause.

MR. GOLDSTEIN: You may remember the unusual facility of the University of Maryland down in Somerset County. You had to trade it so they could improve it. Are you familiar with that situation?

MR. GATES: Yes.

MR. GOLDSTEIN: That was one of the worst situations I have ever seen in my life. You wondered how people lived in those buildings. Is that right, sir?

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MR. GATES: It is pretty bad. These people have multiple problems. They move from place to place, live in substandard houses. Education for them is very, very difficult.

MR. GOLDSTEIN: I move we approve it.

SENATOR JAMES: Seconded.

GOVERNOR MANDEL: Doctor, I want to ask one question. When they go from a contractual basis, does the government pick up all of the expenditures?

MR. BARNES: They would have to pick up the cost of retirement.

GOVERNOR MANDEL: Retirement, Social Security and everything else?

MR. GATES: That is right, 100 percent Federal money. It doesn't cost the state a dime.

MR. BARNES: I still think when these kids are in class September 30, they make an application for state aid.

GOVERNOR MANDEL: There has been a motion made to approve it. I think it ought to be approved. It is approved. I want to compliment you. I think your presentation was very good.

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MR. GATES: Thank you.

GOVERNOR MANDEL: Shall we take a little break for a few minutes?

MR. GOLDSTEIN: I would think so.

(Whereupon, at 1:15 p. m., the luncheon recess was taken.)

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AFTERNOON SESSION

(1:50 p. m.)

GOVERNOR MANDEL: Let's get started.

Let's go back to start with Andy Heubeck's agenda.

Did you go through all those wetlands licenses?

MR. GOLDSTEIN: Yes, sir. Some of these wetlands --
there are four of them here --

GOVERNOR MANDEL: Yes.

MR. GOLDSTEIN: They didn't give enough information on
them.

MR. PHIPPS: Did Larry forward you additional
information, Larry Goldstein?

MR. HEUBECK: Larry told me he hand carried the
background himself.

SENATOR JAMES: I got those. I have the Bethlehem
Steel one. It is a strange situation where that pile
became so heavy the ground gave way over there.

GOVERNOR MANDEL: You got the U. S. Steel.

MR. GOLDSTEIN: Item 3, on page 5, is the first one.

GOVERNOR MANDEL: They are paying for that land.

MR. GOLDSTEIN: That is what I recommended, they pay

for it.

MR. HEUBECK: In fact, they called me to ask about the list of appraisers and I had them sent to them.

GOVERNOR MANDEL: I went through that one. I don't have any objection to it, do you?

SENATOR JAMES: No.

MR. GOLDSTEIN: No.

MR. HEUBECK: The reason I set it up is because it was a big deal.

GOVERNOR MANDEL: I am glad you did.

MR. GOLDSTEIN: That is the purpose of this, to let us know.

GOVERNOR MANDEL: Item 3, on page 5.

SENATOR JAMES: I move we approve it.

MR. GOLDSTEIN: Second.

GOVERNOR MANDEL: It is moved and seconded.

No objection. It is approved.

MR. GOLDSTEIN: The next was Item 4, 21,000 cubic yards.

GOVERNOR MANDEL: If I am not mistaken this is one that we turned down before and then they came back with a revised.

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MR. HEUBECK: That is right.

GOVERNOR MANDEL: A revised project.

MR. PHIPPS: It will never be done.

MR. GOLDSTEIN: What is that?

MR. PHIPPS: This project.

MR. GOLDSTEIN: Why is that?

MR. PHIPPS: No money.

MR. HEUBECK: That is their problem.

SENATOR JAMES: How much is it going to cost? How much will this project cost when it is finished?

MR. PHIPPS: This project I would say 700,000 to \$1 million, because of the long area involved.

GOVERNOR MANDE: You are talking about cost --

MR. PHIPPS: No. This is the small project. No, sir. This was budgeted for \$80,000.

SENATOR JAMES: They originally turned it down, didn't they?

MR. PHIPPS: Yes, sir. They wanted to do the whole project, which was around \$800,000. This will be around \$80,000. I am sorry.

SENATOR JAMES: I don't think the Board ever formally

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turned it down, did we?

MR. PHIPPS: No, sir.

GOVERNOR MANDEL: What we did we sent it back. They reviewed it.

SENATOR JAMES: I move we approve it, the Byrd River project.

MR. GOLDSTEIN: You sent us the additional information there. When the thing is presented why couldn't you put all the facts on this one page?

MR. HEUBECK: We could.

MR. GOLDSTEIN: You should. I had to get all of these other papers.

GOVERNOR MANDEL: Did you get this?

MR. GOLDSTEIN: I don't see it right now.

SENATOR JAMES: In the back-up material?

GOVERNOR MANDEL: Yes. It is all in here.

MR. PHIPPS: I think we will have to advise Larry Goldstein to put the information on the agenda, right?

SENATOR JAMES: The information is on the attachment.

MR. GOLDSTEIN: The trouble is, it didn't come in until late Monday. Don't wait until the day before to do

061 this. We should have all of this information with the proposal when it is extraordinary, when it is originally given to us. Do you follow what I am saying?

MR. PHIPPS: That is right.

SENATOR JAMES: That is right.

GOVERNOR MANDEL: I read them last night.

MR. GOLDSTEIN: I went over mine back on the 28th. This didn't come in until the 29th.

SENATOR JAMES: I read last night too, yesterday rather.

MR. GOLDSTEIN: So if he can give you the information to back up his proposal.

SENATOR JAMES: I didn't understand the difference between now and then, but he said he took them out there and showed them they had a little more water than they thought they had. The difference for the change in the opinion was because they had a little more water than they thought they had.

MR. PHIPPS: The one in Baltimore County.

SENATOR JAMES: Yes.

MR. PHIPPS: I think the Baltimore County executive wants to pursue it.

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SENATOR JAMES: I couldn't see much change in conditions.

GOVERNOR MANDEL: Only because they found more water than they originally thought was there.

Motion made to approve Item 4 on page 6.

SENATOR JAMES: All right.

GOVERNOR MANDEL: No objection. The item is approved.

Item 5, on page 7. That is the Delmarva water transport committee, Inc.

SENATOR JAMES: If they are going to keep fuel oil up in that country, I don't see how they can afford to keep the docks leased out.

GOVERNOR MANDEL: That is the same problem they have in Baltimore, taking care of it. I don't see anything wrong with that. Is there a motion to approve?

SENATOR JAMES: I move.

GOVERNOR MANDEL: Item 5, on page 7.

Item 6 on page 8.

SENATOR JAMES: This was one that really astonished me. I didn't see why U. S. Steel would be down there. What are they doing down there?

MR. GOLDSTEIN: They have a subdivision. There is

o63 900-some acres on the property. They went in and subdivided.

GOVERNOR MANDEL: Isn't that what's his name's old property?

MR. GOLDSTEIN: Benny Crane. He sold to U. S. Steel. They had some agreement with the county that they would put in this regional sewer system.

MR. MIDDLETON: That is right.

They have had a dispute since then. Isn't that by Popes Creek?

MR. MIDDLETON: Right next to it.

MR. GOLDSTEIN: He lives right near there.

GOVERNOR MANDEL: They have been having a battle with the county for three years.

MR. MIDDLETON: The Sanitary Commission.

GOVERNOR MANDEL: The Sanitary Commission, the district and the county. They have been fighting for about three years.

SENATOR JAMES: They have some prefabrication business, don't they, they have prefabricated homes?

MR. MIDDLETON: U. S. Steel?

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SENATOR JAMES: Yes.

MR. MIDDLETON: Yes, sir. They are not pushing those down there.

GOVERNOR MANDEL: Are they doing anything there now?

MR. MIDDLETON: They sold 250 lots I believe and those people wanted to be able to build and they had agreed to water and sewer. They had an agreement with the sanitary district and originally it was honored by the commission, the new set of commissioners and there is a difference of opinion.

They are wrangling over who will approve it and who won't. U. S. Steel was ready to back out. I think they are now renegotiating. I sat in on a meeting down there last, I think it was last month.

MR. GOLDSTEIN: This is properly known as Swans Point, approximately 950 acres.

GOVERNOR MANDEL: Benny Crane must have called me a thousand times.

MR. MIDDLETON: I almost got in on that deal myself.

GOVERNOR MANDEL: Benny Crane called me and called me. I told him there is nothing we can do. This is

065 strictly a county situation.

MR. MIDDLETON: J. Howard McGrath was tied up in it for quite a while.

GOVERNOR MANDEL: I can't see anything wrong with it. Is there any objection?

SENATOR JAMES: No.

MR. GOLDSTEIN: In other words they are recommending -- I read all these things --

GOVERNOR MANDEL: I read it all last night.

SENATOR JAMES: They are putting in an arena basically.

MR. MIDDLETON: That should be an asset down there, a definite asset. I know the spot.

MR. GOLDSTEIN: That is the next reason I mentioned the fact. You live there. You are an engineer. You ought to know.

MR. MIDDLETON: It is an asset, definitely.

SENATOR JAMES: They will put in 720 feet of riprap. And they want to build a pier.

GOVERNOR MANDEL: 295 feet long.

SENATOR JAMES: And a channel and a ramp.

066 MR. GOLDSTEIN: He moved it, I second.

SENATOR JAMES: Yes.

GOVERNOR MANDEL: Moved and seconded, no objection,
Item 6 on page 8 is approved.

We took care of Item 8.

MR. GOLDSTEIN: That is deferred.

Item 9, page 11, Governor, this project here, Item 9, page 11, I feel is a very worthwhile project. It certainly will be a real asset to the natural resources area as well as the Court of Appeals building complex, and I feel that we ought to name it after Mrs. Tawes. I move we approve it.

SENATOR JAMES: I second it.

GOVERNOR MANDEL: If there is no objection.

SENATOR JAMES: I think that will be a beautiful asset.

GOVERNOR MANDEL: If you want to get a good view of it fly over it. Unfortunately I can't understand why it was done that way, you can't see it from the road.

MR. LEWIS: That was the concept.

GOVERNOR MANDEL: To make it so nobody can see it.

MR. LEWIS: To avoid the noises.

o67

GOVERNOR MANDEL: It is a beautiful place. If you fly over it it looks magnificent. When you drive up the road -- by the way, ask them to correct those signs.

MR. GOLDSTEIN: What we need when the thing is completed is a beautiful attractive sign.

GOVERNOR MANDEL: Ask them to correct the signs. They have two signs, one says Courts of Appeals, the other Court of Appeals.

MR. LEWIS: That is a sample.

GOVERNOR MANDEL: The grammar is wrong. One says Court of Appeals, and the other says Courts of Appeals. One says Court, the other Courts. At least the Court of Appeals should have the right grammar on the sign. Those two big signs, one says Courts of Appeals and the other says the Court of Appeals.

MR. LEWIS: The green sign you are talking about?

SENATOR JAMES: Yes.

MR. LEWIS: That is the state roads sign. We have a little white one down there.

GOVERNOR MANDEL: The grammar should be correct.

MR. LEWIS: Let me get it corrected.

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GOVERNOR MANDEL: It is either Court of Appeals or Courts of Appeals.

MR. LEWIS: There is two courts there, and that is what they were trying to refer to.

SENATOR JAMES: On the Court of Appeals building it says Court of Appeals. That is carved in the ground.

GOVERNOR MANDEL: You don't say Attorney Generals, you say Attorneys General. The sign says Courts of Appeals. Then the second sign says Court of Appeal. They have got two different wordings on it.

MR. LEWIS: I will get it corrected.

MR. GOLDSTEIN: Number one, I feel a very attractive sign should be prepared for this interpretive garden and number two, you ought to check with Mrs. Mary Jane Little, who has really been the force behind it.

MR. LEWIS: We have a committee working on that with her.

MR. GOLDSTEIN: I move we write her, thank her for her work along with the Maryland Federation of Garden Clubs and all the other folks that were involved with this.

SENATOR JAMES: When will the dedication be?

69 MR. LEWIS: Is this being done at a very leisurely pace with the Federation of Garden Clubs and the two departments, without getting an additional budget. That is what we are trying to do.

GOVERNOR MANDEL: Good idea.

MR. LEWIS: We will build a small portion at a time.

MR. GOLDSTEIN: These folks have really put a lot into it.

MR. LEWIS: The whole concept is beautiful.

GOVERNOR MANDEL: No question.

MR. LEWIS: It will be a couple of years to complete on the basis we are proceeding.

MR. GOLDSTEIN: They are bringing in plants and shrubs from different parts of Maryland, and the reason I know something about this, my wife, we may have been giving all of the plants for our library. Monday morning I was late. I was down about the man who was digging them up. It is amazing how much material you have in these woods in Maryland. You have to get a good botanist to recognize them. They adapt very easily to what you are doing.

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MR. LEWIS: This is one of the ideas, to bring the materials in from Maryland facilities rather than buy them.

GOVERNOR MANDEL: Item 11, on page 13.

MR. LEWIS: I have known this as the Lowe building since the day we started to build it.

MR. GOLDSTEIN: I move we approve it.

SENATOR JAMES: Seconded, though I have to make this comment. Governor, I think you have probably had as much or more to do with it because I think when you were Speaker you got the project off the ground. I second the motion.

GOVERNOR MANDEL: I think we should approve it and call it the Lowe building.

MR. GOLDSTEIN: Why don't we call it the Lowe-Mandel House of Delegates building?

SENATOR JAMES: We may have another building, maybe we can work with.

MR. LEWIS: I think they want a dedication of this by way on the 6th of January.

MR. GOLDSTEIN: January 6th?

MR. LEWIS: Yes.

MR. GOLDSTEIN: Is that definite?

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MR. LEWIS: They have set that as a date pending getting all the facts and hopefully we will have it by then.

MR. GOLDSTEIN: January 6th, the legislature won't be in session.

MR. LEWIS: No, they want to have it before the session.

MR. GOLDSTEIN: I would think they would have it while everybody could be there.

MR. LEWIS: That is what they have in their correspondence. They have set for the 6th.

GOVERNOR MANDEL: That is probably the day before the legislature meets.

MR. GOLDSTEIN: 14th, second Wednesday.

MR. LEWIS: It is a week before the session.

GOVERNOR MANDEL: It is a week before.

MR. GOLDSTEIN: The date has been set, the 6th.

MR. LEWIS: Tentatively the correspondence indicates they want to have --

GOVERNOR MANDEL: George, let us know when they finally agree on a date.

MR. GOLDSTEIN: I will put the date down, January 6th,

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dedication of Lowe Building.

GOVERNOR MANDEL: That sounds awful, Lowe building.

MR. GOLDSTEIN: Swing low, swing high, sweet chariot.

My next item was Item 20, page 23.

GOVERNOR MANDEL: I don't have anything before.

SENATOR JAMES: That is what I have too.

GOVERNOR MANDEL: I don't understand that quite frankly.

MR. BARNES: Apparently this is one of those RAB programs.

GOVERNOR MANDEL: Does that mean we are getting higher or lower fees or what?

MR. GOLDSTEIN: It states out of state fees will be paid by the State of Virginia, increased rate for 1975-76 beginning with the fall semester. The way I understand they will pay increased rent.

MR. BARNES: Yes.

GOVERNOR MANDEL: It kind of shocked me to see the State of Virginia has requested they pay more money.

SENATOR JAMES: I couldn't understand that either. I didn't know who was going where when I read that.

073

MR. BARNES: I don't understand why they would.

GOVERNOR MANDEL: I don't either.

MR. GOLDSTEIN: I move we approve it.

GOVERNOR MANDEL: No, Item 20 on page 23 is approved.

MR. GOLDSTEIN: That is all I had.

GOVERNOR MANDEL: How about open spaces?

MR. PHIPPS: One item the lease for the Hurst property on Andy's agenda, a lease for the state, dock for the boat show, \$20,000.

MR. GOLDSTEIN: This is on Andy's agenda?

MR. PHIPPS: The last item, Item 22, page 25.

MR. GOLDSTEIN: The only question I have about this lease is do you have a place to dock the Maryland Lady?

MR. PHIPPS: The Maryland Lady is only planned to be used two days, the 9th and the 10th during the time of the boat show and we can make arrangements to use Matapeake or the facilities by the yacht basin company.

MR. GOLDSTEIN: In other words there won't be any chance of any damage happening to the Maryland Lady while she is out of use of this port for some 20 days?

MR. PHIPPS: 15 days.

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GOVERNOR MANDEL: 15 days.

MR. GOLDSTEIN: Excuse me, 15 days, from October 6 through the 20th.

MR. PHIPPS: For the record I would like to also state the City of Annapolis has leased their dock space and dock area to the boat show at the same time.

GOVERNOR MANDEL: Are we getting a commensurate rate?

MR. PHIPPS: We are getting more, sir.

GOVERNOR MANDEL: That is what I wanted to know.

MR. GOLDSTEIN: Governor, I move we approve it with the understanding there will be no opportunity for the Maryland Lady to suffer any damage while she is being docked in another place while this is being used for the boat show.

GOVERNOR MANDEL: You will talk to them about it. If there is any objection they can move it over there.

SENATOR JAMES: Second.

GOVERNOR MANDEL: If there is no objection the item is approved.

Open space.

SENATOR JAMES: I move the open space program be

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approved. Do you have anything special there?

MR. PHIPPS: Two items are to be withdrawn, Item 3 -A, withdraw that.

SENATOR JAMES: I thought that had already been withdrawn.

GOVERNOR MANDEL: Item 3 is withdrawn.

MR. PHIPPS: 3-A is withdrawn.

MR. GOLDSTEIN: Let me get my book, please. I know there wasn't anything controversial on it.

SENATOR JAMES: I forgot we did that yesterday.

MR. GOLDSTEIN: Open space, Item 3-A is withdrawn and Item 12.

MR. PHIPPS: Yes, sir.

MR. GOLDSTEIN: That was the only thing I saw there.

GOVERNOR MANDEL: I didn't have any other items at all to question on it at this time.

If there is no objection --

MR. GOLDSTEIN: I would like to ask one question on this Lake Roland, Governor, to be sure they had a place to put the spoil. I was assured by Mr. Phipps there was. They are spending a half million dollars, is it? That is

c76 Item 5-A, on page 5-A. A half million dollars, \$500,000 state share to dredge out Lake Roland.

I understand they are supposed to build some silt basin.

MR. PHIPPS: Baltimore County is doing this.

MR. GOLDSTEIN: That is the only thing I saw on there in any way controversial. The rest of it was routine stuff.

GOVERNOR MANDEL: Then there is a motion to approve all --

MR. GOLDSTEIN: I so move --

GOVERNOR MANDEL: -- open space agenda with the exception of Item 3-A and 12-A, which are withdrawn.

SENATOR JAMES: Second.

GOVERNOR MANDEL: No objection, those items are approved.

Let's go to the budget agenda.

SENATOR JAMES: You want to go to Secretary Barnes' agenda?

GOVERNOR MANDEL: Yes, to Secretary Barnes' agenda.

MR. GOLDSTEIN: The first item I had on Dr. Barnes' agenda, Item 2, page 17. We took care of the other ones

o77

this morning.

GOVERNOR MANDEL: I had another one; GE-2:

MR. GOLDSTEIN: GE-2, general emergency.

SENATOR JAMES: GEF, I guess.

MR. GOLDSTEIN: That is about the bar association.

SENATOR JAMES: I couldn't quite understand what you are doing there. You spend \$20,000. You say then it is inappropriate for the Commission -- if it is inappropriate for the Commission to incur the cost, but you are doing it for them.

DR. STETTLER: I think the answer to that is these are permanent renovations. These renovations will be made and be lasting. We don't anticipate the Commission to be there for a long period of time.

SENATOR JAMES: How do you know the additions will be suitable for the next occupant?

DR. STETTLER: The Commission has said that they will be. They will be picking up the space afterwards.

SENATOR JAMES: You will probably have to have another item to remodel it after the Commission moves out.

GOVERNOR MANDEL: I hope not.

o78 SENATOR JAMES: What kind of partition are you putting in, regular permanent partitions or ones like you have over in the Natural Resources building?

MR. LEWIS: This is relatively permanent, not permanent to the extent that you can't take them down and move them but they are not the type in the Natural Resources.

You approved this contract last week, or last meeting, which we have taken bids.

MR. BARNES: This is simply putting the funds in.

MR. LEWIS: Yes. At that time I mentioned the fact they didn't have the funds, and it would come through the emergency fund. They are the same partitions we are putting in for the rest of the district court buildings.

SENATOR JAMES: Okay.

GOVERNOR MANDEL: Item GEF-2, on page 2 is approved.

I don't have anything.

SENATOR JAMES: GE-13, page 12. That is additional people for the state police. That is 90 percent Federal. It says additional employees.

I imagine that they will become permanent employees

079

won't they eventually?

GOVERNOR MANDEL: I don't think there is any question about it.

MR. BARNES: These two really are the ones that set up the standards to make sure that all the people who are supposed to get this kind of training get the quality of training they are supposed to get. It is more or less an initial demonstration. They could be abolished I would think once those standards are set up and the thing is in operation.

GOVERNOR MANDEL: It will never happen.

DR. STETTLER: It may not need to be continued. They are doing some of the initial overhead administrative setup work particularly with reporting, training of all of the local police officers, developing forms and sending them in. There are a number of positions in this particular agency with an LEEA grant that is due to expire in 1977. It is not likely to be recommended in the budget.

SENATOR JAMES: This is very hard to eliminate once you adopt it.

o80

DR. STETTLER: There is one. This is the same agency with about six positions which will not be in the 1977 budget.

SENATOR JAMES: Okay. That is all I have.

MR. MIDDLETON: Item is approved, Senator.

SENATOR JAMES: Yes, I assume.

MR. GOLDSTEIN: I move we approve it.

GOVERNOR MANDEL: If there is no objection it is approved.

SENATOR JAMES: Do you want to go to transportation?

MR. GOLDSTEIN: Yes. My first question was on transportation.

GOVERNOR MANDEL: We try like hell to hold a number of state jobs down and every damned time you get more Federal programs that want to put more jobs in.

SENATOR JAMES: They are hard to drop.

MR. BARNES: Once they are in they are hard to drop.

SENATOR JAMES: They are hard to drop. You have to be careful about it.

GOVERNOR MANDEL: I sure wish there was a better way of handling it.

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Do you want to take the transportation items up?

MR. GOLDSTEIN: Yes, sir.

Governor, the first item I had is Item 2-T, page 17. That is where the low bidder neglected to sign the bid. The bond was signed but he didn't sign the bid for the contract. Is that right, sir?

MR. FISHER: That is right. He had a bid but he did not have a signed proposal. Of course the specifications spell out that failure to sign the proposal when it is submitted is an automatic rejection of consideration of his proposal.

There was comments from the Assistant Attorney General to the Port Administration commenting on it and saying that under the specifications that we have no choice except to reject the proposal and consider it irregular and not acceptable.

The question is, without a signed proposal we don't really have a legal document from him and we don't have a basis to legally require him to take the contract. It would introduce the opportunity for bidders to submit a bid, not sign it and if their bid was far out of line

o82

with what the other people bid, this would just indicate, well, that slipped in, came in without their knowledge, etc., and they had no intention of submitting it or for any other reason than just refusing to perform.

The legal document says we would not have any legal basis to require them to perform.

GOVERNOR MANDEL: I don't guess we have any choice.

MR. GOLDSTEIN: My question to Dave the other day was in such a technicality that could be waived and let the low bidder have the contract. He signed the bond, even though he neglected to sign the proposal.

MR. FISHER: There are a number of items that are considered irregularities but the failure to sign his proposal is an irregularity which the specifications say cannot be waived. Many of the things can be or can't be, depending upon how they might affect the interest of the state but failure to sign is an irregularity which can't be waived.

The specifications have been reviewed by the contractors' associations, all of them and all of them agree with this as a condition.

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GOVERNOR MANDEL: Is the low bidder aware of this?

MR. FISHER: He is aware of it.

GOVERNOR MANDEL: I haven't received any --

MR. FISHER: No protests.

GOVERNOR MANDEL: -- no protests from him.

MR. FISHER: Most of the people bidding are familiar with it. They readily accept these.

GOVERNOR MANDEL: I can understand. If he hadn't signed a bond I think it would be one thing but not signing this bid could leave you in one hell of a mess if you started the practice of saying it was just a little mistake. You could have a lot of mistakes.

MR. GOLDSTEIN: That is right. I thought it ought to be discussed here so in case somebody questions the reason why we gave it to the second bidder, it is in the record, that it was an irregularity that couldn't be waived. Is that the sum and substance of it?

MR. FISHER: That is the sum and substance of it.

GOVERNOR MANDEL: If there is no objection Item 2-A is approved.

MR. GOLDSTEIN: That is right.

084 The next item I have is Item 5 on page 20. Governor,
this is an item --

MR. FISHER: This is an item for the Commission at which time the Board asked for further documentation of interest in need for the project. I think since then we have received letters from the mayor and town council of Chestertown, from the county commissions and from a member of the House of Delegates indicating their interest in seeing this project proceed here without delay so that there is full awareness on the local community's part who desire to proceed with this.

MR. GOLDSTEIN: That is why it was held up and deferred the other time, to be sure we got the input from the local county commissions of Kent County, the mayor and town council and Delegate Mitchell that they all were in favor of this project going ahead, namely the bypass of Chestertown, Route 213.

MR. FISHER: That is right.

MR. GOLDSTEIN: I am satisfied that we now have the information for the record so there can't be any question about it in the future. I move we approve it.

085 GOVERNOR MANDEL: Item 5-T, if there is no objection is approved.

One thing, are those letters and all from the county commissioners -- I would like to see them made a part of the record.

MR. GOLDSTEIN: I have copies here. Dave, do you have them?

GOVERNOR MANDEL: Andy, will you just get some and make them part of the record? I just think they should be put in.

MR. FISHER: Copies were sent to Andy Heubeck, copies were sent to Budget and Fiscal Planning and copies sent to each member of the board.

GOVERNOR MANDEL: Just make the part of the record.

(Committee insert)

o86

MR. GOLDSTEIN: I think it is important because every time you get ready to do something over there, there is a lot of objection to it. I want to be sure we are on the right track when we give the final approval.

GOVERNOR MANDEL: Honorable Charles Blumenthal, my God.

MR. LEWIS: Do you see that?

SENATOR JAMES: He is right at the top of the list.

MR. LEWIS: Right at the top of the list. General Nichols is down at the fourth line.

GOVERNOR MANDEL: Send him a bill.

SENATOR JAMES: He is taking him into the organization.

GOVERNOR MANDEL: If you can't beat them join them.

SENATOR JAMES: The next thing right after that, Charley wrote a letter complimenting George about how he was operating.

GOVERNOR MANDEL: I wonder how that letter came out. Now I understand. You made a deal with him.

MR. LEWIS: Now you know.

GOVERNOR MANDEL: All right, George Lewis' agenda.

MR. LEWIS: A very nice easy agenda this time.

GOVERNOR MANDEL: I don't have many questions.

087 MR. GOLDSTEIN: The first item I had was M-7, page 34.

SENATOR JAMES: University of Maryland pool, Item No. 1 under contract awards. I just want to comment, that must be a great pool. It cost a million bucks for a pool.

MR. LEWIS: This is an addition to education building.

GOVERNOR MANDEL: This is an existing pool.

MR. GOLDSTEIN: This is the education building.

MR. LEWIS: This is the first pool they had out there. We had this budgeted about four years ago for about \$300,000. We bid it once. It came in 700,000 or 800,000. They went back for additional funding. It is an addition to the gymnasium. Of course all of your locker room facilities are involved.

MR. GOLDSTEIN: I was in a little country school. The pool cost \$200. I swam this morning at 7:00, the water was 75.

GOVERNOR MANDEL: Is Alternate No. 3 going to be included?

MR. LEWIS: All the alternates are rejected.

GOVERNOR MANDEL: How are we going to do without the hair driers now?

o88

MR. LEWIS: They will get them, I will tell you that.

GOVERNOR MANDEL: We run in cycles. Now it is hair driers. Everybody wants hair driers.

MR. GOLDSTEIN: I can't see that. I take an old towel and wipe my head.

MR. LEWIS: We have the position where we have to have the female coaches' room the same as the male coaches' room.

GOVERNOR MANDEL: Why don't you mix them?

MR. LEWIS: No.

GOVERNOR MANDEL: You are violating the Civil Rights Law.

MR. LEWIS: I am not.

MR. GOLDSTEIN: You are violating a Federal law. I think you should have one room for coaches, male, female or mixed. They would have to use it. Then you don't discriminate.

MR. LEWIS: Depends on what kind of coaching you are doing.

MR. GOLDSTEIN: They will be coaching something else probably. Let them coach. That is the only way I know how to have equality. You can't build any two rooms alike.

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I will tell you that right now.

MR. LEWIS: You better believe it.

MR. GOLDSTEIN: No architect ever designed two rooms alike. You find something. You have a rack in the wall, one floor will be lower than the other, won't drain properly.

GOVERNOR MANDEL: Ken was just telling me the coach of the women's basketball team is giving Jim Keyhoe fits. She wants the same salary.

SENATOR JAMES: You remember the last meeting while we were there the female member of the Board of Regents objected to receiving a donation to the athletic department because they didn't have any scholarships, athletic scholarships for women. She wanted to turn down the contribution, so now they have got that problem, whether to have the athletic scholarships for women.

MR. GOLDSTEIN: Let them play basketball.

MR. BARNES: Title 9 of the Higher Education Act requires the university to Federal funds to come up with the same salaries and same opportunities for women.

GOVERNOR MANDEL: I think the big problem they are making

o90

is going into these separate operations. I mean they ought to open up the football team to women who want to play. If they can qualify they ought to be able to play, don't you think so?

MR. LEWIS: It would be a lot of fun playing football.

GOVERNOR MANDEL: I am serious.

MR. GOLDSTEIN: All sports, baseball, football, swimming, lacrosse, ought to be opened up.

GOVERNOR MANDEL: Open it up.

MR. GOLDSTEIN: Let them play.

GOVERNOR MANDEL: Let them come out for the team.

MR. LEWIS: I would volunteer to play volleyball with the women than to play football with the men. You would get a hell of a lot more people coming out for sports.

MR. PHIPPS: Especially wrestling.

GOVERNOR MANDEL: I can just see that wrestling team.

SENATOR JAMES: Anything special, Louis?

MR. GOLDSTEIN: My first item was M-7, on page 34.

MR. LEWIS: We are paying slightly less than 50 percent of the cost here because of their intent to build

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some square footage there that does not qualify under our community college guidelines.

MR. GOLDSTEIN: I understand that. I want to be sure that what we are paying for is really under the guidelines.

MR. LEWIS: Definitely.

MR. GOLDSTEIN: Not discussed as something else.

MR. LEWIS: It goes through planning, our shop and community colleges. We have three stages on it.

MR. GOLDSTEIN: It is right high to pay \$50 a square foot. Isn't that a right high price for a building?

MR. LEWIS: This is estimated on the basis of the allotment. Hopefully it will come in for less than that after design but today's figures we are probably talking 45.

GOVERNOR MANDEL: How much?

MR. LEWIS: 45 to 50.

MR. GOLDSTEIN: Go ahead. In other words this building is not over-designed, is it?

MR. LEWIS: No, sir.

MR. HARRISON: The \$50 square foot cost we request is merely an allocation. Hopefully the building will come in less.

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Emory Harrison, State Board for Community Colleges.

MR. GOLDSTEIN: I wanted you to say that. Why don't you put it down at \$40 a square foot. Maybe it will come in at 38. When you go to 50 it comes so close to 50 it makes your head swim.

MR. HARRISON: I can assure you we are riding hard on this.

MR. GOLDSTEIN: You put \$50 in a public record and the people who are going to bid on this say, here is how much money we have got, we are going to bid close to this figure. If you put down 40 they may bid 39, 39, 37. They are all hungry for jobs. I talked to these people. They are all hungry, looking for jobs. I think it is a mistake to put \$50 in there myself.

MR. LEWIS: I think it would be unwise in the future to put cost per square foot.

MR. GOLDSTEIN: It is foolish. You open yourself for all kinds of high-priced bidding. Do you see what I am saying, Governor Mandel?

MR. LEWIS: We can give them an estimate for allocation without indicating cost per square foot.

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GOVERNOR MANDEL: You know, no matter how you do it, whether you put the 50 down or not, you can't expect that those people are stupid. You have got the figure here, 2,585,000 and if they divide it by the square feet they know how much money you have got per square foot whether you put \$50 down or not.

MR. LEWIS: When you put this out for bid you will have some site work involved and some utilities.

GOVERNOR MANDEL: I know, but they are not stupid people. I am wondering if we couldn't find a procedure.

SENATOR JAMES: That is one of the problems.

MR. LEWIS: Send an allocation without telling them.

GOVERNOR MANDEL: Yes, where we could give the allocation in some way there would be no allocation.

SENATOR JAMES: That is the state system. You appropriate so many dollars to buy a piece of ground, then you are in a fix.

MR. LEWIS: Any time you have to allocate money at least know what money is available for the appropriation. I haven't found that really to be a problem in bidding though. Like you take the House of Delegates building.

c94 We had a million and three quarters more appropriated than what the bid came out at.

MR. GOLDSTEIN: They will find a way to spend it.

GOVERNOR MANDEL: He is talking about the bidding. It came in over a million something.

MR. LEWIS: That is something we have to control. We can control what is left over, but when it comes to bidding I don't think the appropriation has too much to do with the bidding concept.

It would have a hell of a lot to do with it if the appropriation was very, very low. Then you would have a lot of bidders shy away from it if they don't feel it can be built within that figure.

MR. GOLDSTEIN: They are hungry for work and they want to keep the forces together.

MR. LEWIS: They are hungry today.

MR. GOLDSTEIN: They want to keep the force together.

MR. LEWIS: The next two years it might be different.

MR. GOLDSTEIN: Next two years it will be a hard time. The Federal Government is in the money market. You have the building and loans. There is just so much cash. The

095 next two years will be tough.

MR. LEWIS: I hope that the building industry, construction industry at least continues its present trend. It looks very good right now.

MR. GOLDSTEIN: Even unions are working on regular time.

MR. LEWIS: They are backing off.

MR. GOLDSTEIN: In order to get jobs. They don't have any jobs. They are out of work. They are eating out of an empty can.

MR. LEWIS: This doesn't mean they still won't start.

MR. GOLDSTEIN: Maybe not.

SENATOR JAMES: On page 20, Lewis, what about all of these incomplete bids? I don't understand that.

GOVERNOR MANDEL: What is that?

SENATOR JAMES: Page 20, E-22. I see awards, to bid the award is less than the low bid.

MR. LEWIS: No one could bid on every item, every piece of equipment that was in the proposal.

MR. GOLDSTEIN: It is all specialized equipment.

MR. LEWIS: What they have done, they have taken the

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low bid for each particular item.

GOVERNOR MANDEL: Actually it is lower than the low bid. It is 16,000 and 6000.

MR. LEWIS: 23,000 roughly.

GOVERNOR MANDEL: 23,000. They have taken individual items.

MR. LEWIS: There wasn't any one bidder that bid on all 23 pieces of equipment. So we had to take it on this basis. We took the lowest on each piece of equipment.

SENATOR JAMES: I see. The total -- well, then --

MR. LEWIS: None of the bids up here reflect 23 pieces of equipment.

SENATOR JAMES: But the two top bidders up here are the ones that were able to cover the whole field?

MR. LEWIS: No, they didn't. No one did.

GOVERNOR MANDEL: It says incomplete.

SENATOR JAMES: All right.

MR. LEWIS: Each item was in the proposal separately.

SENATOR JAMES: Suppose it said Fisher Scientific, we are low bidder on one item. Did they get that?

MR. LEWIS: If they were low bidder they got it.

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MR. GOLDSTEIN: The same thing happens at community colleges.

GOVERNOR MANDEL: They do it quite often. They break it down to the low bidder on individual items.

MR. LEWIS: Generally it is better if you can get one firm to handle all the equipment. You generally get a better bid.

MR. GOLDSTEIN: One agency should do this.

MR. LEWIS: We couldn't do it. We do the benefit of the low on each one of them.

SENATOR JAMES: Okay.

GOVERNOR MANDEL: What is the next item you have?

MR. GOLDSTEIN: Item M-7, we took care of that.

We have property items next.

The first item is on page 35, P-1. That has been deferred.

MR. HARRISON: Yes, sir, until the next meeting. I think the Senator promised to have a little meeting to have something cleared away for us.

MR. BADGER: I talked to John Briscoe, and as I understand on this item, St. Mary's and they both indicated

o98 they were in complete agreement to support the award, that the initial action should be directed toward acquiring the waterfront properties and we should not voluntarily move in the lands located behind it.

However, I think this is the policy the Board adopted, where a person approaches the Commission and expresses interest in selling the property, then we should not reject that and proceed with the acquisition so they are in favor of continuation of that policy.

SENATOR JAMES: What about this specific piece? Do they think we should proceed?

MR. BADGER: I understand from Bob that the property owner came to the Commission and indicated they wanted to sell their property.

MR. HARRISON: The owner had the property on the market for sale, the Commission heard about it and instructed me about it.

MR. GOLDSTEIN: We are supposed to find out about relocation costs. Do you remember the other day we discussed that?

SENATOR JAMES: There are none.

MR. LEWIS: This statement is wrong because it is a

99 Federally funded project, although this acquisition is not Federally funded. So it is a possibility that there would be relocation costs except for the fact that there is no one living there.

MR. HARRISON: That is correct.

MR. LEWIS: It is a vacant property.

MR. HARRISON: The tenant is not there long enough to qualify for relocation.

MR. LEWIS: This statement will have to be corrected. You will send out a new item?

MR. HARRISON: Yes, sir.

SENATOR JAMES: I move we approve it.

MR. HARRISON: Okay, sir.

GOVERNOR MANDEL: Motion made for approval. No objection. The item is approved.

MR. LEWIS: We will correct that one statement, Louis, because that is bad to have that in there.

MR. GOLDSTEIN: The next item was Item P-7, page 41.

MR. HARRISON: We ask that to be withdrawn to see if we can't purchase land without the improvements.

MR. GOLDSTEIN: You are withdrawing it, right?

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MR. HARRISON: Yes, sir.

GOVERNOR MANDEL: Okay.

MR. HARRISON: This piece of property has, I think, has three homes on it. Of course with the homes it would be subject to about 17,000 additional cost for their relocation expense. We have been instructed to go back and see if we can buy the man's land, leaving him his investment properties to himself.

SENATOR JAMES: Magnificent facilities, a rundown shack.

GOVERNOR MANDEL: Item P-7 is withdrawn.

MR. GOLDSTEIN: Do you know how much it would cost? Do you know what the relocation costs are on that, Governor, 17,155.

MR. LEWIS: That is estimated relocation.

GOVERNOR MANDEL: If we have another storm they won't be there anyhow. Good wind, they are all gone. That is terrible.

MR. HARRISON: That is real Tobacco Road.

MR. GOLDSTEIN: The next item I had was Item LA-1, page 48. That is the lease.

SENATOR JAMES: I have got the same thing, Louis.

MR. GOLDSTEIN: That is the lease. That is the one

0101 down in Queen Anne's County, Governor, about the construction of the statehouse-county courthouse complex.

GOVERNOR MANDEL: I read that lease or the agreement.

MR. BADGER: This is just a corrected item.

GOVERNOR MANDEL: I think you drove a pretty hard bargain.

MR. BADGER: That is my county.

GOVERNOR MANDEL: I don't know if it is your county, but whatever you did --

SENATOR JAMES: They really want it.

GOVERNOR MANDEL: They sure do. That battle is finally over.

SENATOR JAMES: One question I had on this bill, what is the estimated cost of this project? There is no figure discussed in here.

MR. BADGER: After the previous discussion I think you used that magic number of \$50. I hate to use that magic number of 50. That appears to be the estimate that we are placing on the proposed construction.

MR. LEWIS: 45,000 gross square feet in it?

SENATOR JAMES: 45,000, yes.

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GOVERNOR MANDEL: \$2,250,000 approximately.

SENATOR JAMES: That is 75 percent.

GOVERNOR MANDEL: The state share will be 75 percent.

MR. BADGER: The county has indicated that their share will be paid by a one-time property tax imposition and they do not anticipate any borrowing, nor do they wish to request any funding capability from the state, so right now, the agreement provides that they will contribute their lump sum contribution, based on their share as finally determined by the architect and developer of the program.

SENATOR JAMES: Bill, could I ask you a question on this? Do we have a consistent policy in connection with this type of agreement, as I recall the one at Frederick? Do we have a consistent policy for instance on land acquisition as to the state's participation in land acquisition or do you plan to just negotiate in each instance to see what you can work out?

MR. BADGER: Well, we really are guided by local situations. In Frederick for example, the State of Maryland was a very minor tenant. We had an occupancy of around 25

0103 percent and the county was the major tenant. There it was agreed that since we were really subject to the county commissioners that they should have control of the design.

In this instance, the county will be the minor tenant and the state the major tenant so it is only recommended to you that for that reason the State of Maryland have control over the design. Carroll County, that agreement will be coming to you, will be the minor tenant and Carroll County will retain control over the design of the project so it will really vary with each county, and that is exactly the reason the county was responsible for all land acquisition.

In this case the county owned part of the land involved. They went out and were successful and obtained options from other property owners.

SENATOR JAMES: What you are saying is you really are going to have to take each situation as it confronts you?

MR. BADGER: Yes. One feature we would like to have uniform, we don't want to get into property management business around the State of Maryland so every --

MR. GOLDSTEIN: Say that again.

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MR. BADGER: We don't want to get into the property management business around the state. What I am saying we don't want to have staff there to operate, maintain and clean the buildings so in every case every agreement contains a provision that we will contract with the county and the county, because they are physically there will assume control of operating and maintenance expenses, custodial and they will bill us on a monthly basis.

I think we have some pretty good standards from the point of actual cost. They don't have that experience. That is the one feature that will always be uniform in every agreement.

SENATOR JAMES: Okay.

GOVERNOR MANDEL: I think this agreement, I think you worked out a pretty good agreement as far as I am concerned.

SENATOR JAMES: Yes.

MR. BADGER: Two things I would bring to your attention. There are 18 state and county agencies proposed for this building. This is intended to really suggest to you that there might be other ones and some of these might be deleted but this is interest that has been expressed

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by state and county agencies and it will be subject to a program developed by an architect.

The second thing is that the part of the land that is planned for parking, when I received the deed, I saw some restrictions on it that run with the land, and working with our AG, he indicates that these restrictions will run with the land and against the state. We are working with the attorney in Queen Anne's County and since I have talked to you I think on Monday, they have contacted some of the owners to see if they will be willing to sign off of it.

Briefly, these restrictions provide that the lots can only have a dwelling constructed upon them. It would propose to use them as surface parking. We are working closely with the attorneys there to try to see what can be done to remove these short of going to court with a condemnation and paying damages, but any change in this basic agreement, should there be any change in the property that will be involved in it, we will come back to the Board with a revised agreement.

GOVERNOR MANDEL: If you have to you can go into

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court on a condemnation suit.

MR. GOLDSTEIN: Friendly condemnation suit.

GOVERNOR MANDEL: Friendly condemnation suit.

MR. BADGER: These lots are in the area and the neighbors are not friendly to a parking lot next to them.

SENATOR JAMES: Probably if you re-screen it you can get their consent.

MR. GOLDSTEIN: Another way to do it, if you let these people know they could park their cars on weekends, you see, and you have an old church, the old Episcopal church has no parking, right down the street. We let all the churches park, St Ann's Church and others.

MR. BADGER: We are not going to disturb that magnolia tree. That is a beautiful thing.

MR. GOLDSTEIN: Why don't you have the local people talk to the folks and say, we will build you a nice parking lot, you can use it on Saturdays, Sundays, Christmas holidays. There are a lot of parties down there. They can use it. They will help keep it clean. You do things a little different in the country than you do around in the city, right? So then you get a community of interest.

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You get the thing worked out real easy. Did you ever think about that? Use that approach. Let local authorities talk to them. Don't you talk to them.

MR. BADGER: We aren't.

GOVERNOR MANDEL: Don't approach those parties too much.

MR. GOLDSTEIN: They will get it worked out.

GOVERNOR MANDEL: What is the next one that you have?

MR. MIDDLETON: Is that approved?

MR. GOLDSTEIN: I move we approve.

GOVERNOR MANDEL: No objection. The item is approved.

MR. GOLDSTEIN: Item L-16, page 58, the district court in Baltimore County. Do you want to explain that? That is the one for Arbutus Court, the beltway professional building, partnership.

MR. BADGER: Yes, sir.

MR. GOLDSTEIN: It was hand carried on Monday. You gave us a copy. Maybe some of them don't have it.

GOVERNOR MANDEL: I don't have it.

MR. GOLDSTEIN: Governor, the reason I asked the matter be discussed here, you have an unusual situation in this area of Baltimore County where you have been using the

0108

Arbutus Fire Department as your district court facility.

GOVERNOR MANDEL: I have been there.

MR. GOLDSTEIN: There has been some kind of disagreement as to what the rental should be, and now they are moving it to this building where we formerly had the insurance agency.

GOVERNOR MANDEL: Is that the building off the beltway?

MR. GOLDSTEIN: That is right, sir. I wanted to be sure we had in writing from the so-called group leaders in that area that they approve of this moving of this facility out on the beltway from a very fine community of Arbutus. Is that right, sir?

MR. BADGER: Yes, sir.

MR. GOLDSTEIN: Does that summarize it all right?

MR. BADGER: Yes. The background is essentially that Baltimore County had contracted with the Arbutus Volunteer Fire Department and used the old court system and rented this facility for a period in excess of ten years and used the instrument really to obtain a construction mortgage, and unfortunately, the agreement with the county and the Arbutus Fire Department had no relationship to

rentables, and it was clearly just a subsidy to the volunteer fire department.

When the district court came into being in 1971, we assumed this lease from Baltimore County, and the lease expired. We had a rate of \$3.83 a square foot and the volunteer fire department had request 150 percent increase in the rental, or I guess to give you in clearer terms a rental rate that would approximate \$9.60 a foot, with all the sirens going off while court was going on.

GOVERNOR MANDEL: Have you ever been in that court, Bill?

SENATOR JAMES: I think I have.

MR. BADGER: It was our opinion that this came under Article 78-A, which prohibited payment in excess of 17 percent above market value. We met with Arbutus people, the volunteer fire department and our attorneys in an effort to keep the court there but we did not want to close down this court, and the final rate that was really negotiated with them was equivalent to \$6 a foot.

In our judgment it is still a violation of the code

0110 and after consulting with the Chief Judge and Judge Hinkle a number of properties were visited in the area and as a result it was determined that this property was the most suitable and as a result, the court closed down on September 5th and they had to have a lot of notice. All the cases have been transferred to Pikesville or Towson. This agreement here is for a three-year period. We hope we will have to be well on the way with the new court building that is proposed to be located on the University of Maryland property. That is Wilkins and Walker Avenue. That is state-owned property.

So this lease will allow us to really hopefully resume the operation of the court, effective November 1, for a reasonable date of occupancy. We tried to in every case, to keep the Baltimore County delegation informed. They actually participated with us in reviewing some of the locations.

I cannot tell you at this point but I have signed letters from the Senator or the delegates. And Malone, the copy of the letter that I have given you, he asked for a brief explanation of the background of it. We tried

0111 to relate to him negotiations that had occurred.

MR. GOLDSTEIN: Have you contacted Senator Coolihan for example?

MR. BADGER: Well, I have worked this agreement with Senator Coolihan. I tried to reach him on Monday. I tried to reach him yesterday. I finally reached Malone. He was going to try to locate him last night.

MR. GOLDSTEIN: Does Ed know about this?

MR. BADGER: He was supposed to call today.

MR. GOLDSTEIN: Can you call him? Governor, I just want to be sure that the elected officials in this area know exactly what we are doing so they won't come in and say we pushed this thing through, shoved the fire department and that sort of thing. I want to be sure we have an understanding with the leaders of that community that this is an agreeable site for a first-class district court, which you should have in this area.

MR. BADGER: He told me yesterday that he was going to meet with the Board last night, because he wanted to hear really, you know, their side of the story. I talked to Judge Hinkle and Judge Hinkle has indicated to

0112 me that under no circumstances will he return to a court operation in this location, because, one, it is grossly inadequate and because of the previous difficulty with negotiations with them, he does not plan to return there.

MR. GOLDSTEIN: Do you have that in writing from Judge Hinkle?

MR. BADGER: No, sir. I talked to him last night about it. He has approved this location.

MR. GOLDSTEIN: Judge Hinkle says he will not go back to Arbutus?

MR. BADGER: Yes, sir, he has approved this location as has Judge Sweeney.

MR. GOLDSTEIN: You have approval in writing from Judge Sweeney and Judge Hinkle?

MR. BADGER: Signature on the lease.

MR. GOLDSTEIN: Do you have the lease here?

SENATOR JAMES: That ought to be good enough.

MR. BADGER: No, sir, I don't have the lease here.

MR. GOLDSTEIN: Okay.

MR. JAMES: I move it be approved.

GOVERNOR MANDEL: If there is no objection we will approve it.

Actually the court is out of the other building, aren't

they? They are not even meeting.

MR. BADGER: It is transferred to Pikesville. That is the second largest caseload in Baltimore County.

GOVERNOR MANDEL: That place has been inadequate since it has been there.

MR. BADGER: This is a problem I think the district court and our departments have, that the courts were initially located in volunteer fire departments under an agreement really to help with the construction work.

GOVERNOR MANDEL: We have a meeting.

(Whereupon, at 2:45 p.m., the meeting was concluded.)

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