

Takeover study irks council

By JENNIFER CLOUGH
Staff Writer

Councilman William H. Brill of Annapolis ruffled some of his colleagues' feathers yesterday when he and Mayor John L. Apostol made a surprise announcement of a county-city study on combining city and county services.

"I question the wisdom and the appropriateness of involving the council and the council staff in such a high profile controversial area when we are in litigation with the city involving the situation to be addressed," said Councilman Ronald C. McGuirk, D-Glen Burnie. "I certainly feel that the other members of the council should have been consulted prior to undertaking a study like this."

Brill and Apostol yesterday announced that Alderman Gustav J. Akerland, R-Ward 2, a member of the city's Finance Committee, and County Auditor Joseph Novotny, who works for the council, would undertake a study on the costs and benefits of having the county provide services such as police and fire protection to Annapolis residents.

The announcement followed an earlier announcement by County Executive Robert A. Pascal that he would appoint a citizens' panel to study combined services in order to cut costs for city residents. Pascal has failed to appoint the panel yet, and Brill's announcement apparently preempted Pascal's plans.

Brill didn't inform the council of his decision to initiate a study with Apostol nor of his intent to use Novotny.

Council Chairman George F. Bachman, D-Linthicum, said Brill's announcement didn't surprise him. "This is the way Mr. Brill operates and I've gotten used to it," he said. "He talks about regulations and how things should be running smoothly. This runs against that."

Bachman said he wasn't very upset with Brill's lack of protocol because "the councilman from the city of Annapolis is trying to do something to lower the cost of taxes of city residents."

But Bachman wants to check with Novotny to make certain the proposed study will not take time from other duties—in particular, the annual county audit soon to get under way.

"I thought he should have had the courtesy to let someone know about this," Bachman said. "Not because I'm George Bachman, but he should have let the chairman know because we have scheduling procedures. It could have put us in a bind if I had the (auditor's) staff working on several audits outside the normal procedures. But I don't see too much of a problem."

Councilman Wallace R. Childs, D-Millersville, also said he believed Brill should have notified the council even though he has the right to use the auditor's staff. "Mr. Brill—he doesn't know what he's doing. He shoots from the hip," Childs said. "He's stirring up a hornet's nest. Brill is just like a kid, and this won't help him any."

Brill could not be reached for comment.



Each Wednesday, fleet and flaccid gather to run

By RANDY WILSON
Staff Writer

The seminarian passed the construction worker near the foul pole at Collison Field and headed into the woods along Spa Creek. The fleet and the flaccid followed gamely on their heels.

"This is actually the Caribou Open," laughed Al Cantello, the Naval Academy cross country coach, as he watched the herd of runners straggle out of the woods and head toward the Truxtun Park tennis courts. "It's the Water Buffalo Derby."

Every Wednesday this summer, the water buffalo and caribou—as well as some gazelles—will gather in the cool twilight by Spa Creek to spit watermelon seeds and click their stopwatches. The races, dubbed "Fun Runs," seem almost incidental.

"It's the social aspect that draws them here," said Rob Bushnell, a co-founder of the Annapolis Striders, as about 75 persons in short shorts and heavily cushioned shoes clustered on the grass near the city swimming pool for some pre-race small talk.

Now in their fifth summer, the low-key races have prospered as a once-a-week antidote to the loneliness of the long-distance runner. While some come to record their weekly progress over measured two and four-mile courses, many runners pay their 50 cents each week just to meet in person the faces often passed on the roads without time—or breath—to acknowledge.

"It puts a little fun in my schedule," admitted Robert Pastrana, a construction worker by day and a pavement pounder by night.

Heavily muscled and with a loping gait, Pastrana will never be a match for seminary student Robert "Nut" Hall, the lithe running nut who always fits a fun run into his 100-mile-a-week training schedule.

But although Hall could win every race if he chose, the prizes often go to the water buffalo under a system of "running roulette" devised by Cantello.

"I had to come up with a handicap system," said Cantello, who coordinates the program for the Annapolis Recreation and Parks Department. "Otherwise the same guy would win the prizes every time."

This summer, Cantello will award gym bags and sweat bands to the most improved runner and to persons who finish six of the nine evening runs.

Last Wednesday, another handicap system—predicted team time—sent Pastrana home with a prize despite trailing Hall in the four-mile run by about six minutes. Pastrana's randomly picked, four-man team missed predicting their total time by only 41 seconds, a tribute at least to self-knowledge if not to training rigor.

"It's kind of tribal," mused Cantello, searching for an explanation to the continued popularity of a sport many pundits wrote off as a fad of the 1970s. If there is any doubt that running is alive



Above, Robert Pastrana of Annapolis enjoys a cool watermelon after his race.

and growing in Annapolis, Bushnell dispelled them by warning the group that entries will be cut off soon at 2,000 for the Annapolis 10-mile Run in August.

The seminarian, vowing to better his 13th-place finish last year, said he already has signed up.

So has the construction worker

Board backs suspension for criticism

By RANDY WILSON
Staff Writer

In a decision that may stifle dissent within the troubled Department of Public Works, the county Personnel Board has upheld the suspension of a former bureau chief after he criticized in writing the department director.

Peter J. Accorti, former chief of the Bureau of Administration, was suspended for 22 working days this spring by DPW Director Anthony Ferrara after he circulated a memo calling his boss "intellectually sterile and a naive, ill-informed simpleton."

Now retired after 10 years with the county, Accorti appealed the suspension to the director of personnel and, later, to the Personnel Board, citing his First Amendment rights and the alleged truth of his accusations.

Other employees have criticized Ferrara for his use of abusive language and his hot temper in a department that has seen more than 100 employees leave or be fired since Ferrara became department chief in January 1979.

Ferrara's defenders, including County Executive Robert A. Pascal, point to the "dead weight" employees left from the former county administration Ferrara has replaced to improve department efficiency.

Others, however, say there is no pattern to the firings, and that Ferrara resists considering different points of view and discourages creative problem-solving.

Accorti was one of the first employees to put opinions in writing, which were contained in a memo concerning a retirement party to be given in his honor. The memo was circulated widely throughout county offices, and Ferrara suspended Accorti without pay for one month before his May 1 retirement date.

Accorti appealed first to Personnel Director Don Pennington, who upheld the suspension as "proper and reasonable." Ferrara had accused Accorti of insubordination, citing county personnel regulations which prohibit conduct which threatens "...public respect for the county service."

In his final administrative appeal to the Personnel Board, Accorti argued for the right to exercise free speech during a hearing in which Ferrara did not take the witness stand. A county attorney pointed out that Accorti could have been fired, forfeiting his eligibility for a county pension.

The unanimous ruling by the personnel panel supported Ferrara, charging that Accorti "showed a lack of professionalism and good taste, especially for a man of his background and position."

In a mild surprise, however, the panel voted to return one week's pay to Accorti, who was paid \$29,000 a year.

Anne Arundel Report

Two July 15, 1980 13

Defender cuts may hurt poor

By SCOTT FLANDER
Staff Writer

The state Public Defender system, increasingly unable to keep pace with inflation, has substantially reduced the fees it pays private attorneys to handle special cases.

One local attorney predicts the reduction means more experienced private attorneys will be unwilling to take on public defender cases and the quality of legal representation for poor people here subsequently will suffer.

However, Stephen Harris, who heads the county Public Defender's Office, said Friday only "a couple" of private attorneys will now refuse to handle public defender cases.

"Most lawyers do feel some sense of responsibility toward their profession, and some have told me they're willing to work for nothing," Harris said.

Private attorneys are asked to represent poor clients the Public Defender's Office cannot represent because of conflicts of interest. Those cases nearly always involve situations where two or more people have been charged with the same crime and have said they will testify against one another.

The Public Defender's Office will represent at least one of the clients, but the state must hire private attorneys to represent any others in such cases.

About 50 county attorneys have put themselves on a list to be called to represent that 6-8 percent of cases the Public Defender's Office is not allowed to handle, Harris said.

Fees for those lawyers have been reduced from \$25 to \$20 an hour for time spent in the courtroom and from \$20 to \$15 an hour for time spent preparing for a trial, Harris said.

One county lawyer, who asked not to be named, said Friday that a number of private attorneys will no longer be able to afford to spend time representing Public Defender clients. Attorneys generally receive \$40-70 an hour for private cases, he said.

Harris said Friday the fees are being reduced because "we simply don't have the money." He said most private attorneys on the list will continue to handle Public Defender cases.

He warned that if too many refuse, however, the state may have to require attorneys to handle the cases for free—a system similar to the one used before the Public Defender's Office began seven years ago.

Hughes: Other priorities equal poverty

Gov. Harry Hughes told organizers of last month's Tent City demonstration Monday that although poverty is a deep problem in the state, "there are other priorities of equal importance."

Hughes sent the demonstration leaders a 13-page letter he had promised organizers which he released Monday.

In his letter, Hughes summarized the efforts his administration has made in coping with the problems of the needy.

He also cautioned against slipping into rhetorical promises "that can only raise unrealistic hopes and expectations and further disillusion the poor."

Carl Snowden of Annapolis, one of the organizers of the three-day demonstration which attempted to focus attention on the problems of the poor in Maryland, said

he would respond to the Hughes response after reviewing the document.

"The governor appears to have addressed some of the issues, but he has not redressed them," Snowden said. "Poor people will not disappear."

Snowden said that by capturing the attention of the governor, one of the aims of Tent City was accomplished: making the plight of the poor more visible.

"Now that we have his attention, the coalition will look at his programs and respond," Snowden said. "We expect to work with him at times as well as against him."

Tent City organizers had called on Hughes to declare war on poverty and make it his number one priority.

"Elimination of poverty is a priority with my administration," Hughes wrote. "and, indeed, there is no

higher priority.

"But there are other priorities of equal importance aimed at meeting the needs of all people of the state, including the poor, in such areas as health, education, transportation, social services, criminal justice, environmental protection and economic development."

During the demonstration, Hughes met with organizers and had what they termed was a very "frank" discussion. During that meeting they had presented the governor with a list of what they felt were the primary needs of poor people and minorities.

The governor said he will ask the new State Development Council to consider drafting a policy statement on poverty. The council was named in January to develop more coordinated policy and to improve state and local coordination of physical and economic

development in the state.

In his statement, Hughes noted the creation this year of the Office of Minority Affairs, "which will concentrate heavily on the development of minority business enterprises ... (which) are the first line of defense against the further impoverishment of minority communities."

Addressing another of the organizer's concerns, Hughes took note of "the several rental housing shortages in Maryland," under which the poor are "being financially squeezed out of the housing market."

He added, however, that "direct subsidies at a level that can have any significant impact on the problem is beyond the fiscal capability of the state." He then noted various federal housing programs the state administers

Limiting annexation density questioned

By ED KEAN
Staff Writer

A deed restriction that would limit construction on a 189-acre tract off Spa Road and just outside city limits may not be enforceable by nearby residents, according to the City Attorney's Office.

The four-page opinion issued last week casts doubt on the contentions by developer Thomas I. Baldwin that the deed restriction is binding and buttresses the arguments of a group of Annapolis Neck Peninsula residents opposing Baldwin's development plan that the restrictions cannot be enforced.

Baldwin, president of Wimbledon Inc., is asking the city to annex his site and zone it R1, a classification that would allow him to build homes on minimum 7,000-square-foot lots. He has pledged to build no more than 359 homes—two units per acre—on the site at Harness Creek and Spa Roads.

Members of the Annapolis Neck Federation, a civic league representing more than a score of communities, opposes the R1 zoning and has urged the city to zone the site R1-A, a lower-density zoning that requires minimum lots of 21,780 square feet. Baldwin has said he does not want the parcel to be annexed into the city if the site is zoned R1-A because it would not be feasible to develop the site.

The deed restrictions are considered important by some aldermen in deciding

whether to accept the developer's request. They have hinted that if they are not satisfied the deed restrictions can be enforced, the developer's request will not go through.

In their opinion, City Attorney Richard G. Anderson and Assistant City Attorney Richard T. Wright say they cannot guarantee the deed restriction proposed.

"Because of the uniqueness of the restrictions proposed, the lack of legal precedents in this area and the general attitude of Maryland courts toward private land-use restrictions in general, we can not state unequivocally that this declaration would be 'ironclad,' binding and fully enforceable," the opinion says. "We are particularly concerned with the ability of residential property owners living outside the annexed area to enforce the restrictions in question. Such a declaration would have to be enforceable on a contractual basis but the petitioner has made it clear that no contract here is intended."

The developer has proposed to make the deed restrictions enforceable by residents living in the development and within a two-mile radius of the site.

Meanwhile, Alderman John R. Hammond, R-Ward 5, proposed setting up a new zoning district that appears aimed at producing a compromise.

The council agreed to postpone a decision until at least Aug. 11.



To France! Russell and Sheri Brown of Annapolis toasted France during Bastille Day festivities held yesterday at the Maryland Inn. The 191st anniversary of the storming of the Bastille was celebrated with day-long activities that included a Monte Carlo casino and dancing in the street.

No charges seen from shooting

An off-duty Baltimore County policeman who shot a man last week while breaking up an apparent holdup in Glen Burnie probably won't face criminal charges, prosecutors said yesterday.

Although a final determination has not yet been made, prosecutors believe Patrolman John D. Waters, 30, acted in self-defense when he shot and critically wounded the suspect, Deputy State's Attorney Frank Weathersbee said.

Waters rushed to an Isabel Road residence from his nearby home after a young woman told him her two roommates were being robbed.

Waters confronted one man, 21-year-old Warren Sullenger of Baltimore, and told him to freeze, Weathersbee said.

Sullenger reportedly tried to attack Waters with a butcher knife and the officer shot him in the chest, Weathersbee said.

The other suspect, believed to be 30-year-old Joseph Myers of Brooklyn, dived through a closed window and escaped. Waters fired a shot at the suspect.

Sullenger, who remains in critical condition at the Shock Trauma Unit of University Hospital in Baltimore, will likely be charged when his condition improves; a warrant has been issued for Myers' arrest, Weathersbee said.