

The CLUE

Calendar of Events

Tuesday, May 12, 2 & 7 pm

Public hearing on 2010 budget (County Admin Building)

Monday, May 18, 12 noon and 7 pm

Planning Commission (County Admin Building)

Tuesday, May 19, 7 pm

Board of County Commissioners (Charlestown Fire Company)

Wednesday, May 20 and May 27, 6 pm

Comprehensive Plan Citizens' Oversight Committee (County Admin Building)

Thursday May 21, 6:30 pm

Cecil County Transportation Forum (Perryville library) *See story on page 4.*

Tuesday, May 26, 2 pm

Board of County Commissioners adopts 2010 budget and tax rate (County Admin Building)

In This Issue: CLUA Loses a Good Friend (p. 1); State Program Supports Septic System Upgrades (p. 2); Artesian Case Moves Forward (p. 3); Transportation Forum May 21 (p. 4); Comp Plan Committee Schedule (p. 4); Development Near Port Deposit to be Revised (p. 6); Maryland General Assembly Follow-Up (p. 6).

CLUA Loses a Good Friend

We were shocked and saddened to hear of the sudden death of Tom McWilliams on April 23. Tom had just been at the CLUA meeting the night before. Tom was an indefatigable volunteer and civic activist, and his presence was ubiquitous at county meetings. Because of his service on many county boards and committees, Tom was a unique source of information on how the county works and why things are the way they are. Tom was a charter member of CLUA and was always a spokesman for smart growth. He was also a kind and charitable man who cared about the less fortunate in the county. Tom's many

friends and admirers — including many present and past county officials — packed Immaculate Conception Church in Elkton at his memorial service on May 2.

Ken Wiggins writes...

I just heard the news of Tom McWilliams' sudden death. I met Tom the first time at the Elkton Library. It was 2004, I had just recently retired from my job in Washington and was getting myself acquainted with Cecil County. Tom had his ubiquitous name tag announcing his candidacy for Commissioner. He bent my ear a little in his Eastern Shore accented manner. He is the first politician who ever spoke to me, and I was impressed right from the start. .

As I got settled in, I began to see Tom's name on everything from the Business and Economic Development committee, to the Friends of the Library, to membership in CLUA (where I saw him just last Wednesday night). Others will list all his credentials and all of his accomplishments, but to me he was a model of what an involved citizen should be. He deeply cared about his County and he was a tireless advocate for good government. He was a public servant in the highest form of that characterization. He gave his time and effort to attend Planning Commission hearings, the County Commissioners, and endless other brain-numbing exercises in self-licking government ice cream cones. Tom would offer a comment, usually brief and to the point, although his actual delivery was an art of oratory all by itself. His comments were always the result of his thoughtful intellect, and were always on the side of reason.

He was a personal hero to me, and he will be sorely missed by many in this community. Tom was a genuinely nice fellow, generous, engaged in the day, and always ready to help.

State Program Supports Septic System Upgrades

County residents who use an On-Site Sewage Disposal System (aka septic system), which happens to be the majority of homes in Cecil county, may be eligible to get theirs upgraded at little or no cost. The upgrade would extend the life of the system while significantly reducing the nitrogen discharged into local underground and surface water.

Funding for the program is available through the State's Bay Restoration Fund, created in 2004 and funded by the infamous "flush tax." New equipment and installation costs are eligible for 100% reimbursement, along with five years of free maintenance. Average cost is \$11,000 per system.

Excess nitrogen, along with phosphorous, is among the chief nutrients polluting the Chesapeake Bay and its numerous tributaries and streams, causing increased algae blooms that block sunlight and kill underwater grasses, while decreasing the oxygen content in the water. Traditional septic tanks are designed for treating sewage but not for removing the nitrogen content. The upgrades will reduce the nitrogen discharged by at least 50%.

Businesses as well as residents are eligible to apply.

So far, applications have been fairly modest, most likely due to a lack of public knowledge, along with the fact that the application process has been found to be a bit cumbersome. Once approved, the owner must obtain three bids for systems and installation costs. The bids are sent to MDE for approval, and then the owner must secure a permit from the local health department. Applicants must have the funds available to make the initial payments for the upgrade, although the time involved from approval and installation to reimbursement is often as little as 60 days.

Although nearly all applications have been accepted to date, priority is given to designated critical areas.

Visit <http://www.mde.state.md.us/Water/CBWRF/osds/index.asp> for further info or contact the Maryland Department of the Environment at 410-537-4195.

— Mike Burns

[See also story on page 6 on General Assembly actions.]

Artesian Case Moves Forward

We have received our first favorable ruling in our suit against the county's sale of its wastewater facilities to Artesian Water Company. We still have a long way to go, but some of the procedural dust kicked up by the county has been cleared away.

ARCA, CLUA and other individual plaintiffs have filed various motions against our county commissioners related to the Artesian franchise agreements and transfer of county water and wastewater facilities to Artesian. The essence of our case is that state law does not permit the commissioners to transfer county-owned facilities that are still in "public use" to a private entity (see October and November CLUA newsletters for more information, at http://cecillanduse.org/clua_docs.html). As described in last month's newsletter, at a Cecil County Circuit Court hearing on March 27, the county sought to have the case dismissed on procedural grounds. On April 30, Judge Campen handed down his rulings. The judge's opinions are summarized below:

- 1) The county commissioners have the right to create franchises and the plaintiffs have no standing to challenge the creation of these franchises in court.
- 2) The plaintiffs have standing concerning the county commissioners transfer (sale) of the properties to Artesian. In essence, this transfer of properties, on the basis that they are "no longer needed for public use", cannot be arbitrary, capricious or discriminatory by the county commissioners. The plaintiffs' motion against the transfer (sale) of properties has standing and can be heard in court on its merits.

- 3) It was ruled that the county must release all the documents which have been requested by the plaintiffs and not yet released.

These rulings allow our suit to proceed. Hopefully the next hearing will be on the merits of the case — the legality of the transfer of the county facilities to Artesian.

Thanks to Ron Hartman and Ed Cairns for the above information.

Transportation Forum Scheduled for May 21

There won't be a regular CLUA meeting in May, but we encourage all members to attend the **Cecil County Transportation Forum** on Thursday, May 21, at 6:30 pm at Perryville Library. The library is located at 500 Coudon Blvd, east of town and just south of U.S. 40.

The Cecil County Commissioners, Cecil County Planning Commissioners, members of the State Delegation, and other key leaders in Cecil County will be on hand to talk about transportation issues we face in the 21st century. The Wilmington Area Planning Council (WILMAPCO) will make a presentation on regional transportation issues and the commissioners and leaders in attendance will participate in a panel discussion based on the presentation afterwards.

Please RSVP Ted Patterson at: 443-350-5065 or theodore@udel.edu .

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Cecil County Comprehensive Plan Citizens Oversight Committee Schedule March 2009 Update

The Citizens Oversight Committee continues its work and has recently published the following schedule, in which some key meetings and hearings have been highlighted.

The meetings highlighted in blue are ones in which ERM, the consultant, will present their "Draft Concept" and "Preliminary Draft" Plans to the COC, so may be particularly worthwhile attending. The public may audit but may not participate.

The events highlighted in yellow are ones designed for public interaction, so pencil them in your calendars and we will be sure to keep you posted if the schedule changes.

— Rupert Rossetti

**Cecil County Comprehensive Plan
Citizens Oversight Committee Schedule
March 2009 Update¹**

April 15, 2009	<ul style="list-style-type: none"> • Subcommittee reports: Economic Development, Housing and Recreation, Land Use • Distribution of cumulative list committee goals (information only)
May 20	<ul style="list-style-type: none"> • ERM reports to COC on results of testing on Land Use Concept Map, Q&A • Implications of testing, Q&A • Begin COC discussion on implications of testing for goals, policies, and the Preliminary Land Use Concept Map
May 27	<ul style="list-style-type: none"> • Continued COC discussion on implications of testing for goals policies, and the Preliminary Land Use Concept Map (Feb 18) • Discuss refinements to Preliminary Land Use Concept Map based on: <ul style="list-style-type: none"> - Input from Towns (since 1/09) - Incorporating all the subcommittee goals - And, possibly, test results • ERM will frame the discussion in terms of policy decisions for COC consideration.
June 3, if needed	<ul style="list-style-type: none"> •
June 17	<ul style="list-style-type: none"> • ERM presents Draft Concept Plan to COC <ul style="list-style-type: none"> - Based on results of May discussions - A mini-Plan, comprised of <ul style="list-style-type: none"> ▪ an “executive summary” of major plan policies and recommendations (10 to 18 page document) ▪ Revised Land Use Map ▪ Transportation Map • COC discussion
June 24, if needed	<ul style="list-style-type: none"> • Continue COC discussion
July 1, if needed	<ul style="list-style-type: none"> • Continue COC discussion
July 15	<ul style="list-style-type: none"> • Public Forum on Draft Concept Plan
Sep 9	<ul style="list-style-type: none"> • Mail Preliminary Draft Plan to COC
Sept 16	<ul style="list-style-type: none"> • ERM/staff presents Preliminary Draft Plan to COC • Subcommittees meet in September to review plan and prepare comments to ERM/staff
Oct 14 (2 nd Weds)	<ul style="list-style-type: none"> • Final COC meeting to formalize Preliminary Draft Plan for submission to the Planning Commission
Oct 21	<ul style="list-style-type: none"> • Planning Commission accepts plan for 60 day review. • Cover page changed to read “Planning Commission Draft Plan”
Jan 18, 2010	<ul style="list-style-type: none"> • Planning Commission Public Hearing
Feb 15	<ul style="list-style-type: none"> • Planning Commission recommendation to County Commissioners • Cover page changed to read “Planning Commission Recommended Plan”
Feb 23?	<ul style="list-style-type: none"> • County Commissioners Public Hearing

¹ With some modifications based upon COC discussion

Plan for Large Development Near Port Deposit to be Revised

The proposal for a 700-home development that borders the town of Port Deposit, described in the newsletter last month, was taken off the Board of Appeals agenda just a few days before the scheduled hearing on April 28. The developer, who had been seeking a special exception that would allow him to build a Planned Unit Development (PUD), apparently wants to make changes in the plan. The development was the main subject of the CLUA meeting on April 22 in Port Deposit, which was covered by the Whig. At that meeting, CLUA members and Port Deposit residents expressed concerns over a number of aspects of the proposal, including traffic, the effect on local schools, increased flooding danger from storm water runoff, and the lack of community input in the development plan.

Maryland General Assembly Follow-Up:

- **Smart Growth With Accountability**
- **Critical Area Septic Systems**

The two state bills described in last month's newsletter were both passed by this year's General Assembly session. The first bill sets goals for managing growth in Maryland and requires local governments to annually report on their progress. The second requires special nitrogen-removing septic systems for new construction in the Chesapeake Bay Critical Area (within 1000 feet of tidal shoreline) that is not connected to a public sewage system. Rupert Rossetti went to Annapolis to testify in favor of the first bill, which was much stronger in its original form — it passed only after being considerably weakened by amendments. For the wording of the two bills as passed, see <http://mlis.state.md.us/2009rs/bills/hb/hb0295e.pdf> and <http://mlis.state.md.us/2009rs/bills/sb/sb0554t.pdf>.

Sadly, neither of these bills was sponsored or co-sponsored by anyone in Cecil County's General Assembly delegation.

Let us hear from you! The CLUE belongs to you. We'd like to know what you have to say. What are your concerns and interests regarding Cecil Land Use? Tell us about your pet peeves, your ideas for improvement, people you'd like to praise, process suggestions, new problems identified, new opportunities arisen, or new challenges to face. Speak up, and share with us. Write to the editor at gkaplan@zoominternet.net

The Cecil Land Use Alliance newsletter is published periodically under the auspices of the Board of Directors. It is provided to all members, directors and available to the public at large. Suggestions and articles are welcome. They should be submitted to the editor by e-mail to gkaplan@zoominternet.net, or by mail to P.O. Box 215, Colora MD 21917. We encourage our readers to visit our website at <http://cecillanduse.org>

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