

The CLUE

Calendar of Events

Tuesday, September 15, 7 pm

Board of County Commissioners (Port Deposit Town Hall, 64 S. Main St., Port Deposit)

Wednesday, September 16 & 23, 6 pm

Comprehensive Plan Citizens' Oversight Committee (Cecil College Tech Center, Room 208)

Thursday, September 17, 7 pm
CLUA Meeting (Elkton Library)



Monday, September 21, 12 noon and 7 pm

Planning Commission (County Admin Building)

Tuesday, September 22, 7 pm

Planning Commission work session (County Admin Building, "Rising Sun Room" upstairs)

Friday, September 25, 2:30 pm

MDOT Public Forum (County Admin Building)

In This Issue: CLUA Meeting (p. 1); New Comprehensive Plan (pp. 2 & 3); Circuit Court Decision in Artesian Suit (p. 4); Rail Transportation in Cecil County (pp. 4 & 5).

CLUA Meeting on September 17 to Focus on Transportation

The CLUA meeting on Thursday, September 17, beginning at 7 pm at the Elkton library, will focus on transportation issues in the county, especially the possibilities for expanded rail service. We have invited state Delegate David Rudolph, who is a strong proponent of commuter rail, to speak (not yet confirmed). Delegate Rudolph met with the CLUA Board in August. Federal economic stimulus money might be available to help move this much-needed transportation option along.

For more information, see stories beginning on pages 4 and 5. Note that MDOT will meet in Cecil County on September 25.

New Comprehensive Plan Described; Public Input Ignored

On July 29, ERM, the contractor/consultant for the county's new Comprehensive Plan, presented an overview of the new plan to the public at the County Administration Building. The presentation was similar to the one given by Rupert Rossetti at the CLUA meeting earlier in the month. ERM's work on the plan is supervised by a Citizens Oversight Committee (COC), which has been responsible for providing guidance on overall policy. (There are a number of CLUA members on the committee.) The overview document is available online at the county web site at http://www.ccgov.org/uploads/PlanningAndZoning/Meetings/cpcoc/CPC_Maps/CecilCompPlanConceptPlan7_20_09.pdf . Although the document runs to 30 pages, it is basically an executive summary of the plan and does not contain all of the detail that will make up the final product. The final documentation on the plan is expected to run close to 200 pages and be available in October.

About 100 people were in attendance for the presentation, which was followed by public comment and questions. About 12 people made remarks (limited to 3 minutes each) during the public comment period, and about 30 others submitted written comments over the next two weeks. The transcripts are all available on the county web site at http://www.ccgov.org/uploads/PlanningAndZoning/Meetings/cpcoc/CPC_Maps/CecilCOCpacket081909.pdf (this is a 4.5 Mbyte file).

Unfortunately, at its subsequent meeting on August 19, the Citizens Oversight Committee voted 19-7 against including consideration of *any* of the public comments in the plan. Comments made by representatives of the towns will also be ignored. That is, ERM is proceeding with their work in finalizing the Comprehensive Plan documentation without taking account of any information, concerns, or suggestions made by members of the public during the comment period from July 29 to August 12.

One COC member wrote, "Essentially, what happened that evening [Aug. 19] was that the pro-development community (who had dominated the land use subcommittee) would not accept any changes to the land use map, even those based upon the new 'Urban Growth Boundary Plans' recently received from the towns, without putting everything else that was commented upon at the Public Forum (comments also heavily dominated by developers) back on the table for a re-vote. No one wanted that, so we've essentially dumped it in the laps of the consultants [ERM] to write the best plan they can, and we'll let the Planning Commission sort out the discrepancies among the maps!" Another committee member said, "All the responses from the public review were basically ignored, including that from cities of Elkton, Perryville, Port Deposit, and Chesapeake City. Some of these responses pointed out errors and omissions by the COC, but the majority (the CLUA reps objected) supported [the position] that the COC had acted and would not change anything, even if it was in the county's best interests to do so. Another sad day for the public welfare! And a total waste of 3½ hours." Not to mention the time that citizens took to make informed and intelligent remarks that were disregarded.

The Comprehensive Plan still has a long way to go, and other public hearings will be held at various times later this year and into 2010. Changes can still be incorporated into the

plan at several stages. Our best chance of substantive input and changes might lie with the Planning Commission, which assumes responsibility for the plan in October (see next story). Final approval by the Board of County Commissioners is not expected until early 2010.

Planning Commission Preparing for New Comprehensive Plan

The Planning Commission has been regularly holding a work session on the Tuesday evening after the regularly scheduled Monday session. The next scheduled work session meeting is 22 September. It will be at 7 pm in the Rising Sun room upstairs in the County Administration Building. Its purpose is to try to get past the reactive approval/disapproval process and get pro-active about issues such as clustering, TDRs, homeowner associations and the like. At the last work session, the Planning Commissioners started discussing the new Comp Plan in the context of the recent public information session. What some members heard was concern about property rights, farmers losing their "401K" land, and too many restrictions on stream buffers. Some were vocal about reversing some of those features in the draft plan. The point was made that the COC process took 41 people two years to accomplish, and that they are mostly influential people in their own right, appointed by the Commissioners — not to be tossed out lightly. There is an education element to the process as well. The COC heard endless briefings and read numberless documents in the process — which many of the PC members are not privy to, so far.

The Planning Commission is scheduled to get the Comp Plan handoff in October, and they voted to plan to meet about once a week for the duration of the review period, specific dates to be determined. They plan to meet at around 5 pm to make it convenient for Eric Sennstrom and Tony Di Giacomo and other County staff to stay around and attend. The meetings, like all their meetings, are open to the public and must be advertised. During these informal work sessions, no one has taken formal meeting notes or minutes so far, but it is something they might consider in the future. The ground rules, such as they are, are that it is a working session and the public may not formally comment, but they nevertheless have entertained an occasional observation from the "peanut gallery" where appropriate.

There is no formal agenda established yet. ERM's contract follows the entire Comp Plan process, and it is presumed that they will participate in this process. They have not yet evolved a process design, but surely that will soon be determined. These important meetings will be open to the public, and will be instrumental in shaping the Comprehensive Plan for a very long time. CLUA encourages members of the public to attend, to observe, and to keep the sunlight of the public shining upon this process. We'll provide more details as they become available. The Planning Commission will begin its review in October after the "hand-off" from the COC. It has a minimum of sixty days to review the plan and it will include a Public Hearing in January after the holidays. In the end, the final product will be a recommendation to the Commissioners.

Circuit Court Rules Against ARCA and CLUA in Artesian Case

Judge Campen of Talbot County has ruled against ARCA and CLUA in our suit against Cecil County regarding the Artesian deal — specifically, the transfer of county-owned wastewater treatment plants in the eastern part of the county to Artesian Water Company. In a hearing in Cecil County Circuit at the end of June, our attorney, Carroll Holzer, argued that state law does not permit the commissioners to transfer county-owned facilities that are still in “public use” to a private entity. The county argued that the law was actually about public *ownership*, and determining whether there was a need for the county to own the facilities was within the commissioners’ discretion. Basically, Judge Campen agreed with the county’s interpretation of the law.

Our motivation in taking this case to court was to try to prevent the northeast corner of the county, now largely rural, with productive farms and orchards, from becoming a designated growth area; and to prevent the county government from making critical and irreversible decisions like this behind closed doors, without public debate, open competition, or independent review.

We have already filed a notice of appeal to the Maryland Court of Special Appeals in Annapolis, and the entire matter has yet to be decided by the Maryland Public Service Commission, which must approve various aspects of the deal. A decision by the state court could take years, but the Public Service Commission will probably act this year. We are also exploring whether some settlement with the county might be possible to spare all parties the time, effort, and expense of further litigation.

Maryland Department of Transportation Public Forum September 25

The MDOT Consolidated Transportation Program (CTP) “Tour” meeting, which is the public's yearly opportunity to voice their preferences for transportation investments in Maryland, is scheduled for Friday, September 25, in the Elk Room of the County Administration Building beginning at 2:30 pm.

The Consolidated Transportation Program is Maryland's six-year capital budget for transportation projects. This capital program includes major and minor projects managed by the Maryland Department of Transportation.

The County staff and elected officials have been telling our MDOT friends that we need rail (MARC, SEPTA and Amtrak) connectivity. It seems that it would be absolutely great if they also heard it from citizens. CLUA is on record in supporting rail transit between Elkton and Perryville. See the following article about the need for a third track between Elkton and Perryville.

Transportation Issues: “The Third Rail” aka “The Chesapeake Connector”

CLUA has endorsed “The Third Rail” (a third parallel track along the Amtrak right of way) between Perryville and North East, and the CLUA Board recently met with Del. David Rudolph to learn more about its status and to find out how we can help it to become a reality.

Delegate Rudolph has formed an ad hoc group to investigate all types of transportation issues in Cecil and Harford Counties and Newark, Delaware. The group includes representatives from Delaware, Maryland, and the Federal level, U of Del, U of Md, WILMAPCO, and Baltimore County Transportation.

Delegate Rudolph will be hosting a regional rail summit in October at the University of Delaware, specific date and venue yet to be determined, and will bring in experts to lead discussions about the Chrysler Yard, as well as the Newark, Elkton, Aberdeen and Edgewood Stations. We are most welcome to join them.

Here’s a brief run down of the status and the issues regarding “The Third Rail”:

The right of way is already there, and about 5 miles of the old track between Perryville and North East were pulled up a few decades ago. It cost almost nothing to pull up, but will cost a lot to put back.

In Delaware, the lack of a third track is a major freight issue. Norfolk Southern freight trains can’t get north into Delaware except at night. The track is owned and used by Amtrak during the day, so the freight trains have to lay over in Perryville and on up the Susquehanna to Lancaster. This constrains the supply of products to the Port of Wilmington and the Eastern Shore chicken farms.

This also affects Maryland because some Baltimore-bound trains are held up in the queue.

Amtrak stresses the importance of enhancing commuter traffic, not just the freight side.

One of the technical and engineering issues to be resolved is how to get the freight trains across the Amtrak lines during the day. Right now, they have to go very slowly, because of the nature of the track and the points they have to negotiate. For freight to run during the day they would need to be able to speed up significantly. Options include using new technology or tunneling under Amtrak and coming up on other side.

The Elkton Rail Station: How to get the Elkton Station back operational? The plan is to set up a layover lane for the passenger trains on one side of the station and do loading & unloading east-bound & west bound all on one side. The tunnel can no longer be used.

The Newark Rail Station: The Newark issue becomes where to locate the station. U of Del wants to keep it where it is. DELDOT would like to move it.

The Chrysler Yard is a key. U of Del will most likely take it over for research facilities, but the back side is all Norfolk Southern. They would like to lay over the MARC trains in Newark rather than Washington, to be ready for the morning commute.

Aberdeen: At Aberdeen, the group is pushing for a multimodal yard outside the APG perimeter. They haven't yet had a meeting of the minds with the base command. The base says: let them drive to work, we have plenty of parking. The problem is getting the cars to the base! There is not much funding for road improvement projects outside the base. However, once people start driving, it will be difficult to get them back out of their cars. In the short term if there were a road trolley that would run from Newark to Aberdeen, it might work.

SEPTA would be willing to come down to Elkton. They already come to Newark, but Delaware pays a ransom for them to do so, and they would likely charge us a lot more. It would be better to get MARC service to Newark, but this doesn't sell right now. The MARC trains have standing room only now, southbound toward Baltimore. Extending service to Newark may not increase the ridership until more trains are put into service further south.

There is stimulus money available, however it is a competitive grant.

Del. Rudolph would like to have two immediate priorities:

1. At Newark Train station, arrange for two Amtrak trains, one in am and one in pm to provide BRAC related service from Newark to APG and back, with MARC tickets to be recognized by Amtrak. Have this in place by 2011 so that people can do a working day at Aberdeen and get there by train. There would be no stops in Cecil.
2. In parallel, go for the third rail. The State of Maryland wrote and submitted the grant for stimulus funds last week. The grant being applied for is the Design & Engineering for the Third Rail.

What can CLUA and its members do?

- Express very strongly how difficult it is going to be for folks to drive to work at APG.
- Stress how important it is to travel by rail rather than road.
- Promote expansion of public transportation in our region. Rail should be the highest priority.

— Rupert Rossetti

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://cecilanduse.org>

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