

Cecil Citizens Land Use Forum Record of Proceedings

Preface:

In the autumn of 2005 a group of concerned citizens began to meet with an eye towards the future of land use in Cecil County. Their aim was to provoke discussion about the planning and preparedness of our County and its response to the increasing pressure for development, the swelling population, the quality of our lives, and our environment. Representatives from a dozen or more civic groups and interested organizations participated in the planning for three Citizen Forums on this topic of interest.

Our emphasis is on the citizen. There are other venues that represent the interests of various government and commercial groups, but none where the ordinary citizen can be heard. What evolved was an attempt to educate and inform the populace to the issues facing us. The planners naturally want to broaden the base of knowledgeable people and get them engaged on this important issue. It was hoped that an open discussion would lead to a positive and pro-active response to land use in Cecil County. Democracy is a participative endeavor and it requires an informed citizenry.

A series of three forums was planned, each with a different theme. The first, on January 9, 2006, would be an attempt to outline the concerns and problems faced by the County. It would be both a report card of the status quo, and a peek into the future. It was designed to be inter-active and to involve the audience.

Our second forum (March-April) will seek to address the concerns raised at the first forum and provide possible solutions to the issues and answers to the questions raised.

Our third and final forum (July-Sept) will attempt to address the implementation of the solutions devised at our second forum. It will seek ways to provide a workable process that addresses the concerns of the citizens.

Cecil Citizens Land Use Forum I, January 9, 2006: Issues, Concerns and Questions

The Cecil Citizens Land Use Forum was introduced by Mr. Rupert Rossetti, an experienced volunteer moderator.

British by birth and a US citizen since 2000, Mr. Rossetti has been a resident in the USA since 1978. After 17 years in Houston, he and his wife moved to a farm outside Port Deposit in 1994, where they have a small vineyard, cut hay, keep bees and maintain woodlands and wildflower meadows as wildlife habitats and streamside buffers.

He worked for Conoco and DuPont for 30 years before retiring in late 2004. Mr. Rossetti has served on the Cecil County Economic Development Commission since 2001. A geologist by training, he is actively engaged in watershed protection in several organizations. In addition, since retiring, he has used his consulting, facilitation, presentation and meeting management skills to assist several local groups in the development of their Long Range Strategy and Work plans; He served as the meeting resource for a local citizens' group, the Partnership for Cecil County.

Mr. Rossetti welcomed the attendees and laid down the ground rules and safety requirements and expectations of the participants and attendees. He thanked the sponsors, organizers and presenters.

Meeting Ground Rules

- Honor time limits
- Take care of your own needs & be considerate of others
- Seek first to understand
- No personal attacks
- Submit concerns and questions on the 3*5 cards
- Cell phones off or on mute ... or ... *\$10 donation to the Friends of the Library*

The evening's agenda included:

An Introduction *by Eileen McClellan*

Presentations

- Growth in Cecil County - Joe Tassone, MDP*
- How Cecil County compares to other counties - Eileen McClellan, ESLC*
- How other communities have managed growth - Joel Dunn, The Conservation Fund*

Panel Discussion

- Eileen McLennan, Joe Tassone, Joel Dunn & Mike Pretl*

Wrap-up

“Nearly 300 residents, farmers, environmentalists, developers and public officials got a glimpse on Monday night (January 9th 2006) of how Cecil County's population may almost double in the next 30 years -- and how farmland may disappear as subdivisions sprout across the Maryland countryside”. News Journal, 10 January 2006

Eileen McClellan: An Introduction to the Future of Cecil County?

Eileen McClellan first became interested in land use while growing up in her native Britain. After a research and teaching career at University of Maryland she worked as a legislative assistant and lobbyist in the U.S. Senate. She worked for three years as Chester Riverkeeper and Executive Director of the Chester River Association here on the Shore, before joining Eastern Shore Land Conservancy as Policy Director last year.

Eileen McClellan of the Eastern Shore Land Conservancy began her discussion by encouraging citizen participation in the process. She asked for audience opinion on sprawl issues like traffic congestion, pollution, lost farms and higher taxes and found no takers for any of the above described conditions. She made the point that we have choices, and cited the Eastern Shore Land Conservancy annual poll which revealed what the Eastern Shore is saying:

- *87% of Shore residents were “very concerned” or “concerned” about the impact of the current rate and type of growth.*
- *6 out of 10 county residents: managing growth, sprawl and protecting the environment was the most important issue*
- *82% of County residents: if current rates and type of growth continue, quality of life will deteriorate*
- *71% of County residents gave the County government a “poor” or “just fair” rating for handling growth*

The problem symptomatic of the above responses is poorly-planned growth. She defined it as irresponsible development that takes our tax dollars away from our communities and destroys farmland and open space. Residential development is tax-negative, and drives the need for increased spending on services and facilities, costing more than the revenue gained.

She cited poorly planned growth in Cecil County and described it as growth in the wrong places, growth that doesn't meet the needs of the community, and growth that doesn't pay its own way. We have a comprehensive plan that encourages growth in the Primary Funding Area or “growth corridor” roughly along the I-95 and Route 40 east west section in mid-county. Yet more development takes place outside this planned PFA area than does inside. Her chart depicted a pattern of improved residential acres built *inside* the growth corridor ranging between 57 and 93 acres per year over the past thirteen years. The same

number of improved residential acres for *outside* the corridor ranged from 549 to 929 acres per year– an order of magnitude difference.

She posed the following rhetorical questions we should be asking ourselves: Whose priorities are being met? The builders and developers, or our community? Is our growth by choice, or by chance? Is it pro-active or reactive? Are we providing economic support for farmers and for farmland protection? Is there an honest accounting of and accountability for the real costs of growth? Who will benefit? Who will pay? What problem does this proposed development solve? Is there a public review process in place to involve the citizens? Is this the right development in the right place?

Ms. McClellan suggested that the time had arrived for Cecil County to choose...between reactive, developer-driven permit processing resulting in: communities by chance, or proactive, citizen-driven planning offering communities by choice. She suggested that what we need is well-planned development that protects our assets, revitalizes our communities, provides housing choices, supports local businesses and local jobs and improves our quality of life. Her vision includes working farms, and true neighborhoods-not housing projects.

She offered several examples of success stories where communities have gained citizen involvement and have fostered responsible and good growth programs. In conclusion, she urged interested citizens to investigate the following communities taking charge of growth:

- Vienna, Maryland
- Boulder, Colorado
- Pittsford, New York
- Grand Rapids, Michigan

Mr. Joe Tassone, Maryland Department of Planning: Growth in Cecil County

Joe Tassone is Director of Resource Conservation Planning, Maryland Department of Planning. His unit assesses State and local ability to achieve Maryland's conservation goals, identifies shortcomings, and recommends legislative and programmatic solutions. He manages State certification of county land preservation programs; developed the guidelines used by Maryland's Rural Legacy Program to value conservation easements; and chaired a recent legislative Task Force to Study the Maryland Agricultural Land Preservation Foundation. He serves on the Maryland Agricultural Land Preservation Fund (MALPF) Board of Trustees, developed Maryland's Guidelines for Land Preservation, Parks and Recreation Planning, 2005 – 2006, and published a 2004 report Maximizing Return on Public Investment in Maryland's Rural Land Preservation Programs. Since 1985, he has authored and co-authored several State and interstate reports on the Chesapeake Bay.

Ms. McClellan's presentation was followed by Mr. Joe Tassone, of the Maryland Department of Planning. He offered a glimpse at the future of our county based on demographic and economic trends developed by the Department of Planning.

Population growth in Cecil County will nearly double over the next thirty years. Cecil County had 53,291 residents in 1970. Today our County population has swollen to over 85,951 (2000 census), and by 2030 it will be approximately 160,000. While the gross numbers will increase, the rate will decrease somewhat from 2.64% to 1.85%. Those rates will still far outstrip Maryland as a whole (declining from 1.24% to .68%). This makes Cecil County one of the fastest growing areas in Maryland. We will gain approximately 25,000 new residents per decade over the next thirty years. That population will tend to age as well, particularly after 2010.

Our growth has come primarily from without, (vs. existing population) as a result of migration into the county mostly from other places in Maryland (7245), other states (7619) and Harford County (1790). The commutation patterns of these residents show an increasing trend toward negative net commutation (negative 15,871 in 2000). That is to say, more people live here and work elsewhere than vice versa. We are a bedroom community for workers who commute out of County for their place of employment. By 2030, 34,851 workers will be commuting out of the County, a huge percentage of our workforce.

In terms of residential development, the County experienced a 127% increase over the last thirty years (1973-2002) with a population increase of 61%. It gets worse. Projections for the next thirty years (2002-2030) indicate corresponding figures of 159% growth in development and 77% increase in population. There has been no corresponding rise in employment opportunities to equal this growth.

Mr. Tassone brought maps of the County, color coded by land use. His 1973 map indicated a rural county of farms and forests broken by a few populated areas and towns, as well as scattered small areas of low to medium density. His contrasting map of today (2002) shows an epidemic of rapidly spreading sprawl of suburban medium and low density development unchecked almost everywhere but below the C&D Canal, and not even exclusively there. The largest parcels of protected open space are also below the Canal although there are also preserved and protected lands in the northern part of the County.

His maps also illustrated the rapid growth of high-priced (\$300,000 or more) housing from areas around suburban Baltimore and DC in 2002 to a rapid spread up the I-95 corridor to Cecil County in 2005.

Mr. Tassone recapped the anticipated effect of growth at Aberdeen Proving Ground as a result of the latest Base Re-alignment and Closure (BRAC) initiative. It will result in 4700 military jobs transferred to the Post plus two to three times that number of government contracted positions. The total increase is estimated at 10,000 to 12,000. Will these people commute from where they now live? Will they move or transfer to the area? What will their market preferences in Cecil County be? PFAs / NAR / SAR? Will we be able to provide the necessary water, sewer and infrastructure? Have we thought about how we will accommodate this growth and channel it responsibly? Do we have the right ordinances and zoning in place to handle this?

In summary - The prognosis is for fast growth 2000 – 2030, heavy in-migration plus an aging population. We will experience more out-commuters. The County will be a richer market for development products resulting in more loss of land than population increase. It will be a major threat to a high quality environment.

The County will have to determine its priorities. It's all about the marketplace. We will experience continued pressure, and so will have to find a way to meet the prospect of development while maintaining our environment. Cecil County will need plans/programs for water / sewer in a Smart Growth context. It will have to develop incentives for diverse, high quality communities in planned areas. It will have to find tools and set limits for subdivision and development restrictions and seek more preservation outside Priority Funding Areas.

At the conclusion of his remarks Mr. Tassone fielded several questions.

Q. What is a growth area and how is it determined?

A. This is a local decision, based on their priorities.

Q Why is there more growth outside growth area (PFA) than within?

A. Incentive and disincentives to builders drive the business decision. Developer awareness, and infrastructure needs being met also influence the process. The process is key. It should be well defined, well implemented, and well administered. It is an iterative process from general to specific with community review from concept to final stage to meet developers, county, and citizen objectives.

Eileen McClellan, Protecting the Shore

Following Mr. Tassone's futuristic forecast, Ms Eileen McClellan of the Eastern Shore Land Conservancy returned to the dais with a comparison of Cecil with other Counties. It served as a kind of report card on our present status. Her presentation emphasis was twofold: Strategic Land Conservation and Sound Use Planning (in concert with other Eastern Shore Counties).

She first outlined what the Eastern Shore wants (as a result of her polling data). Citizens want well defined towns; vibrant thriving farms, forests, and fisheries; and, protected scenic, historic, and natural landscapes. "It's our playground, it's our grocery store," she said.

Ms. McClellan then painted a picture of the reality of our situation, with the increasing pace of development; a new expansion area for major metropolitan builders; and exploding towns.

Survey results from the Eastern Shore Land Conservancy show

- *87% of Shore residents: “very concerned” or “concerned” about the the rate and type of growth.*
- *6 out of 10 county residents: managing growth was the most important issue.*
- *82% of County residents: if current rates and type of growth continue, quality of life will deteriorate*
- *71% of County residents: gave the County government a “poor” or “just fair” rating for handling growth*

She showed that Cecil County is the largest and the fastest growing County by far of the nine Eastern Shore Counties with a projected population of over 160,000 by 2030. She compared Cecil to the other counties by housing unit authorized from 2000-2003. Cecil dwarfs the other counties with an annual number of authorizations increasing from about 800-1100 as the other Eastern Shore Counties had an annual authorization ranging from about 100 to 500.

This situation is aggravated by the fact that Cecil is at the back of the pack in percentage of protected lands, with only about 13% protected. The other counties range from about 18% to about 32%. Conversely it will be no surprise that we lead the other Counties in farmland lost, losing approximately 20,000 acres to development over the last twenty years. The bright spot is that the rate is slowing somewhat over the last ten years, but it still dwarfs the other counties which average about 3000 acres lost per decade.

Cecil County is also inconsistent with the other counties in having a zoning regulation that permits one home per either five or eight acres in the agricultural areas compared to one home per twenty acres in Caroline, Dorchester, Kent, Queen Anne’s, and Talbot, Counties. While Cecil has preserved more farmland in the past ten years, it still loses an average of 2.5 acres per day to development. Perversely, the majority of building lots approved each year are in the rural parts of the County, not the growth corridor.

“Cecil County has among the lowest percentages of land protected from development. In the past two decades, the county has lost almost twice as much land to development as other counties along the Eastern Shore.” -News Journal 10 January 2006

As part of an Eastern Shore 2010 initiative our County elected leadership pledged the following goals:

- *Protect 50% of Eastern Shore land outside of locally-designated growth by voluntary conservation.*
- *Build support for agriculture, fisheries, and forestry.*
- *Guide at least 50% of new development into locally-designated growth areas.*
- *Develop a regional transportation plan.*

Unfortunately Cecil County lags an estimated 29% behind its pledged goal of preserving 55,000 acres, once again finishing dead last among all Eastern Shore counties. This may be because it leads the pack in granting permits at the rate of between about 300 – 400 per

year during the last ten years for new construction outside the growth area. The other counties were all less than 200 per year during the same time period.

“Cecil County Commissioners’ President Nelson Bolender said he was disappointed that some of the statistics shown by the ESLC failed to show his administration’s contributions to land conservation. “A little more credit could have been given to (the county government),” Bolender said. “The last four, five, or 6 years, we’ve put more money into land preservation than any commissioners had done before.”- Cecil Whig, January 10, 2006

Ms. McClellan rhetorically asked “Where Do We Go from Here”? She suggested that Cecil County examine the growth management tools other communities are using to good effect. She suggested that we collectively must determine how, when, and where we will grow in a conscious way. We will need to protect our working farms, create a better future for existing neighborhoods, and protect our communities, the economy and our environment. Our goal will be to provide choices and opportunities for everyone.

At the conclusion of her remarks Ms. McClellan fielded several questions.

Q. You imply that cluster development is not good –why? Mr. Harlan Williams

A. It depends on where it takes place – on the edge of already developed areas such as on the edge of town for example – it can be a good tool. If it is applied in rural areas to working farms, it not a good technique for the community as a whole. These clusters sprinkled through out the countryside, are not good because neighbors complain about dust, manure, flies, noise etc. risking conflicts between farmers and suburbanites.

Q. Developers want to develop where the public wants to be, at the shore, or in the country. How do we deal with this? Mike Goetz

A. Convenience: commute times, schools, amenities close together mean less time in the car and more time with families. Pastoral views are a community asset and should be protected for all, and not ruined with development

Q. Water is a concern for both the state and the county as well as concerned neighbors. In these new \$300,000 houses where does water supply fit in?

At Maryland planning workshops last fall it was identified as big problem on the western shore. It is a limiting factor for growth. There is a finite supply of this limited resource and we are going to have to manage it intelligently.

Q. Town annexation of tract homes. How do we get town officials to listen to residents?

A. Stay tuned for follow-on forum (solutions).

Joel Dunn, Chesapeake Associate, The Conservation Fund: Conservation and Development Options

Joel Dunn is the Chesapeake Associate at the Conservation Fund – a group that has protected 141,000 acres in Maryland. Joel has a master’s degree in Public Policy and another in Environmental Management – both from Duke University. He has worked for federal and state governments and several non-profits on environmental issues, including The Nature Conservancy, Nature Serve, Harvard University and the University of California at Berkeley.

The Conservation Fund has protected Five million acres in the United States, 141,000 acres in Maryland, and 12,000 in Cecil County. Mr. Dunn outlined his remarks by offering better models for development, and planning for conservation and development success. He said, (paraphrasing a Cecil Whig editorial whose subject was tonight’s forum) “development may be inevitable, but destruction of the community character is not”.

He brought three examples as illustrations at the community, county and regional level, all success stories that show how to plan and implement conservation and development wisely.

“And destruction of our environment is not inevitable” he added, and suggested that we must, “maintain a sense of place”. Offering ideas for creating more livable and prosperous communities he volunteered that we first must conserve farmland and open space and scenic resources –deciding where not to develop. We should maintain a clear edge between country and city, and build livable communities; offering Port Deposit as a model. Preserve historic resources and honor the heritage of the community. Respect local community character in new construction. Reduce the impact of automobiles.

Mr. Dunn offered things to consider when planning for conservation & development success. Green Infrastructure: An interconnected network of natural areas and working landscapes that protect natural ecological processes, support wildlife and benefit people.

He offered Vienna Maryland as an example of a community scale success. Their vision plan included accommodating future growth, enhancing quality of life, protecting cultural and natural resources, and maintaining the rural legacy Vienna.

He discussed a process that included Community Input, Surveys, interviews, town meetings, and partnerships. It would include a physical assessment of the town including land use, amenities, ecological and visual resources, and development potential. It would provide an assessment of economic, recreation and conservation opportunities. They cataloged community facilities, open space, and land protection. The result was a community vision statement that generated community ideas for improvement.

After considering “build-out” possibilities, historic properties, and green infrastructure, a model community plan evolved that overlaid all the various possibilities and reflected the town vision.

At the County level Mr. Dunn offered as an example a plan by Talbot County whose plan was to simply prioritize its land use issues. The process they devised included physical assessment of County ecological resources, aquatic resources, and rural/working landscapes. They prioritized conservation & development efforts and made recommendations regarding implementation strategies and funding sources.

For ecological resources, the evaluation criteria they used included proximity to natural areas, streams, wetlands and floodplains, distance from roads and urban areas, as well as vegetation type/land cover.

For agricultural resources, the criteria identified prime farmland soils, proximity to existing protected lands, and distance from urban development.

For aquatic resources, their evaluation looked at Forested and non-forested wetlands, proximity to streams, and proximity to existing protected lands.

Overlaying all these assessments and analyzing multiple-use focus areas the planners were able to prioritize their needs and implement a plan for the future.

Mr. Dunn’s third example is a regional one. It is called the Captain John Smith Chesapeake National Historic Water Trail. Supported by a wide range of corporate and civic organizations including *Chesapeake Exec. Council Chesapeake Bay Comm., National Geographic Society, DuPont Corporation, Lockheed Martin, Sultana Projects, Inc. Garden Club of America, the Izaak Walton League, Chesapeake Bay Foundation, The Conservation Fund, MD Leg. Sportsmen Caucus.*

He noted that John Smith’s travels took him to three of Cecil County’s waterways. He illustrated how the region could capitalize on this kind of enterprise. The resulting products included Movies, Articles & websites, Classroom materials, Maps, Voyage re-enactment & shallop museum tour, Water trail study, and a NOAA buoy project.

Mr. Dunn discussed ways Cecil County could tie into this regional venture by celebrating Cecil County’s history and environment, educating children, expanding sustainable heritage tourism, and setting the tone for future growth.

The process he describes includes a Water trail study, County and community support, Letters and resolutions, and Trail establishment and development.

Following his remarks, Mr. Dunn took a question.

Q. What do you see different about Cecil County and what do you see that might work?

A. There is lots of existing geographic data available to start an assessment – it's at our fingertips on the web. I'd suggest that the Four rivers that Smith explored – would be a low impact heritage tourism draw with a high yield.

Mike Pretl, Lawyers for the Bay

Mike Pretl graduated from Georgetown University Law Center in Washington DC in 1969, and is a member of the Maryland and District of Columbia Bars.

He practiced at a major Baltimore litigation firm (Smith, Somerville & Case) for 12 years. He left as partner, to establish his own firm (Pretl & Erwin) in 1981, and represented over 1000 individuals worldwide in a \$3 billion pharmaceutical tort litigation for about 15 years. Eight years ago, he was hired as General Counsel for the American Urological Assn, and continues in that part-time role at its national headquarters near BWI airport.

Meanwhile as a volunteer for about 30 years in Baltimore, he was involved with more than a dozen activist community organizations involved in racial stabilization, housing and zoning issues, health care and the arts, as well as a number of progressive political clubs and election campaigns. One of the nonprofits which he served as President is the Community Law Center, which provides pro bono lawyers for other community organizations.

Since moving to the Salisbury area about two years ago, he has assumed a leadership role with the Wicomico and Nanticoke watershed groups -- and will tell you briefly about a new pro bono legal initiative for the environment, launched formally this month.

Mr. Rossetti introduced Mike Pretl, an Attorney from Salisbury who worked in Baltimore on land use issues. Often working pro bono for community organizations. He is a watershed expert and planner. He is a founding member of Lawyers for the Bay. His purpose is to sit in on our panel discussion and be a legal resource.

Panel Discussion:

Q. How do we compare to the Western Shore? Is Cecil County an Eastern Shore County?

A. Mr. Tassone – Cecil County is in the lead among Eastern Shore counties in becoming a Western Shore County. Compared to Montgomery County – it is a very different ballgame – so far. Employment centers in Del aware and Central MD drive commutes to Baltimore and Wilmington areas.

Q. Will "MALPF" fund (Maryland agricultural land preservation fund) give money to Cecil this year?

A. Mr. Tassone – They will start with their standard 1/32 share in the first round, but then the discussion becomes weighted by various considerations. *(not sure I got this one right – my battery started to fail)*

A. McClellan – It is a public investment, and a public benefit. We must take care not to allow our taxpayer funded public investment be devalued by development.

A. Dunn –Pay close attention to the farm bill re-authorization. Bay region – look at the report and write to your elected representative. Farmers not the problem – part of the solution.

“Neal McCleary, who owns a fourth-generation family farm near Fair Hill, said the forum helped him gain a broader understanding of land-use issues. He said more government money should be offered to farmers such as him who are considering whether to one day sell their farms. He doesn’t want to sell to a developer, he said, but he might have to if the government cannot make a viable counter-offer.” I don’t want to see it developed,” said McCleary, a 64-year-old Cecil County native, “but I’ve got to retire sometime”. News Journal 10 January 2006.

In closing, Mr. Rosetti announced that the next forum – focused upon solutions will be held at the Cecil Community College Auditorium in a March or April timeframe. According to Rosetti, this two-hour forum was the first of three sessions planned to inform residents of the county’s growth issues. Solutions for the growth issues would be identified in the second workshop, scheduled for April. The final session, scheduled for August or September, will be aimed at organizing, and implementing those solutions and a strategy for influencing the policies of local delegates.

The meeting was attended by over 300 people including all five Cecil County commissioners, Nelson Bolender, Phyllis Kilby, Commissioners Manlove, and Guns (including a late-arriving Harry Hepbron)and state delegates Michael Smigiel (R-Upper Shore), David Rudolph (D-Cecil), Richard Sossi (R-Upper Shore), Mary-Dulany James (D-Cecil, Harford), and Sheryl Davis-Kohl (R-Cecil, Harford.) State Sen. E.J. Pipkin (R-Upper Shore) also attended the meeting. Also present were Mayors John Bunnell of Cecilton, Bob McKnight of North East, James Eberhardt of Perryville, and Judy Cox of Rising Sun.

“Co-sponsored by the 21st Century Republican Club, the Democrat Club of Cecil County, and the local anti-sprawl group Partnership for Cecil County, the meeting at the Cecil Community College’s Bay View campus was held to discuss the county’s growth issues.” Cecil Whig January 10, 2006

Sponsoring organizations were:

21st Century Republican Club
Contact or call Skip Yust at 410-658-2144

A.R.C.A.
Appleton Regional Community Alliance Contact www.arca-md.org

or call Owen Thorne at 410-620-2078

Cecil Land Trust

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Call Lindsie Carter at 443-309-0787

Colora Civic Association
Contact www.coloracivic.org/ or
Call Hazel Jenkins at 410-658-4220

The Conservation Fund
Contact www.conservationfund.org/

Eastern Shore Land Conservancy
Contact www.eslc.org or call Eileen McLellan at 410-827-9756

The Environmental Communication Foundation
Call Paul Hughes at 443-553-5888

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Call Ron Smith Sr. 410-658-4606,

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Mike Pretl, 410-341-6234, mikepretl@aol.com

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Thanks again to our Sponsors, Organizers and Presenters

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