



THE FREEDOM

INFORMER

A Publication of FACC / Freedom Area Citizens' Council

www.freedomareacitizens.org

August 2002

Circuit court declares (James/Jimmy) HOLT winner in Mt. Airy

On July 30th Circuit Court Judge Raymond Beck handed down his decision declaring write-in candidate James Holt mayor of Mt. Airy.

The decision forced the inclusion of 252 write-in votes in the May 6th election to be counted and gave Mr. Holt a margin of victory of 71 votes over incumbent Gerald Johnson.

Although Mr. Holt did not contest the outcome of the election, two citizens, Mike Boyer and Constance McKain, took the matter to court, arguing that the town's elections board did not do its job in informing citizens of the procedures related to write-in votes. After the decision, Mr. Boyer commented that voters should be happy their votes were counted.

Michele Johnson, co-founder of the group, Mt. Airy Citizens for Tomorrow, commented on the decision saying, "I am delighted to hear of the judge's decision which reflects the wishes and intent of the majority." She also expressed pride that members of the community took the initiative to challenge the election results.

Mr. Holt was sworn into office on Thursday August 1st, 2002.



Candidate forum planned

FACC questions commissioner candidates

The Freedom Area Citizen' Council will sponsor a public forum for candidates for county commissioner on Thursday, Sept. 5th. The forum will be held at the Sykesville-Freedom Volunteer Fire Department facility on Sykesville Road (MD 32) at 7 p.m.

In preparation for the event, *The Freedom Banner* will publish responses to a series of six questions already sent to the candidates. Each candidate has been asked to provide answers to the Banner not later than August 15th. The six questions are:

1. What is the top issue in your race for office, and if elected, how will you address it?

Johnson to speak at August FACC meeting

Frank M. Johnson, President of the Mr. Airy town council, will speak at the August 20th meeting of the FACC. Mr. Johnson will address the relationship between the county government and the municipalities in the county on growth and other issues. The meeting will begin at 7 p.m. in the Carrolltown Christian Church.

We were also discussing an appearance by the newly-elected mayor, Mr. James Holt, but at the time that this newsletter went to press, we had not reached agreement.

2. Do you think a water treatment plant should be built at Piney Run Lake? Why or why not?
3. What have you done for the Freedom Area that demonstrates your concern for its people or issues?
4. What would you do to control growth in South Carroll for the immediate and long term?
5. If elected what will you do to make Carroll County government more responsive and accessible to its citizens?
6. Why should people vote for you?

Unfortunately, because of the large number of candidates, the length of each candidate's answer to the questions will be limited. The candidates will have an opportunity to expand their answers at the forum.

Because this is a more contentious election than normal and because the FACC forum occurs only five days before the primary election, this event is expected to be of critical importance to the citizens of the Freedom Area.

FACC, Finksburg Planning Area Council support municipalities on growth

The FACC and the Finksburg Area Planning Council (FPAC) have joined the effort by the town councils of Mt. Airy and Sykesville to stem unmanaged growth in Carroll County.

The two citizens' councils co-authored a letter to the county commissioners, dated July 24, 2002, urging the county to take steps aimed at getting uncontrolled growth in South Carroll under control.

In response to charges from two of the county commissioners that the problem with growth in the county was caused by unrestricted growth within the county's eight municipalities, Frank M. Johnson, President of the Mt. Airy Town Council, drafted a letter to the commissioners outlining the position of the county's municipalities on the issue. Mr. Johnson and his colleagues on the Mt. Airy body have been seeking formal agreement from the town/city councils of the other municipalities and have already obtained unanimous support from the Town of Sykesville council.

Because the residents of the Freedom Area and Finksburg, two of the fastest growing areas in the county, remained unrepresented by the letter and by the county, the FACC Board of Directors drafted a letter on the issue and sought agreement from the Finksburg group. The resulting letter is enclosed with this issue of *The Freedom Informer*.

In his letter to the commissioners, Mr. Johnson argued that the Concurrency Management Ordinance adopted by the county four years ago only partially addressed control of growth.

Part of the Concurrency Management Ordinance was an overall constraint of not more than 6,000 new residential permits in each six-year period. However, that limit was passed in less than five years because the Carroll County commissioners and the department of planning did not develop the database (required by the ordinance) needed to provide the data required to analyze growth and to plan for future development.

A study done by the towns of county and town records showed that of the 3,844 permits issued outside the towns since the ordinance was enacted, 2,608 (68%) were exempt from the ordinance. In the same time frame, the total number of permits from all of the towns was 1829 or 32 percent of all permits in the county.

The Johnson letter outlined the following actions needed to control countywide growth:

1. Any growth control measure should cover the vast majority of all residential development outside of municipalities.
2. [Building permits] should not be granted for future years, but only for current building year on a first-come, first-served basis.
3. [Building permits] based on inaccurate or incomplete data should be immediately rescinded, or if facilities are adequate in the area, phased in depending on available or planned facilities.
4. Building restrictions, including annual building permits, ... [and] capital improvement programs should be tailored to needs within planning regions or for the county as a whole.
5. Growth controls and capital improvements should be planned with the participation of the municipalities and county and municipal planning departments and elected officials should [host] a ... quarterly meeting open to the public.
6. Information on permits and lots available for development should be maintained ... and shared among municipalities and county agencies.

In a related move, the County Commissioners held a public hearing on July 25th to hear comments on proposed changes to the Concurrency Management Ordinance. The proposed changes include reduction of the number of houses developers could build each year in each subdivision from 50 to 25, and limitations that would permit builders to record only 50 lots in each two-year period in each subdivision (as opposed to 50 per year now). On the other hand, the new ordinance would allow builders to proceed after 36 months, provided that building permits are available, if the county does not provide adequate public facilities in an area.

In a letter from Maryland Secretary of Planning, Roy Kienitz, presented at the July 25th hearing, the MDP said that the proposed ordinance "would be only marginally effective in slowing the pace of residential growth in the County ... or reducing intrusion into the County's Agricultural and Conservation zones. More important. ... it may inadvertently direct development away from several areas planned for growth and towards the Agricultural and Conservation zones."

The MDP estimated that "residential building in the County would have been [only] six (6) percent lower from 1997 to 2001 if this Ordinance had been applied to the issuance of building permits over this period."

FACC sends letter to Governor about Piney Run WTP

In a letter dated July 24, 2002, the FACC asked Maryland Gov. Parris N. Glendening to compel the Maryland Department of the Environment (MDE) to reject Carroll County's request for a construction permit for the proposed water treatment plant at Piney Run Lake.

The request was based on concerns that the proposed plant would spur growth that is inconsistent with the governor's Smart Growth initiative.

"It is our position that building a WTP at Piney Run will ... facilitate growth outside the designated Freedom Priority Funding Area (PFA)," and threaten "Maryland's legacy as a protector of the environment and champion of Smart Growth" the letter said.

The letter listed several "facts about the county's plan for the WTP:"

- **Carroll County does not know how much water is going over the Piney Run dam every day.** The agreement between the county and the state on Piney Run requires that a million gallons per day must be released to maintain downstream wildlife habitats and fisheries. The Maryland Department of Natural Resources contends that nearly twice that amount of water is needed.
- **Environmental impact engineering has not been contracted since 1989.** The 1989 Greenhorn & O'Mara study, the last professionally done report on Piney Run,³ indicates that in times of drought, the level of the lake could cause severe damage to hundreds of acres of submerged aquatic vegetation and severely reduce the pool available for fish habitat.
- **Watershed protections do not exist at Piney Run.** Although listed on the Environmental Protection Agency's 303(d) list of polluted bodies of

water for many years, Carroll County has made no effective attempt to control run-off from farms and residences in the watershed.

- **South Carroll does not need a \$16 million WTP on Piney Run.** There are two feasible alternatives to using Piney Run for drinking water (agreement with Baltimore City to draw more water from Liberty Reservoir and already drilled but not connected wells in the Sykesville area). Instead, the county proposes to build the WTP with a mixture of debt and user fees predicted on increased growth in the area.
- **Carroll County consistently ignores Smart Growth initiatives.** A recent study by the Baltimore Regional Partnership concluded that 58% of Carroll's residential development through the year 2020 will be outside of priority funding areas. In order to pay for the infrastructure needed by this development, several thousand new houses will be required to be added to the already overburdened Freedom area infrastructure. The development of Piney Run as a water source will force expansion of the water and sewer service areas outside of the PFAs.

The letter concluded by asking the State to reject the construction permit application for Piney Run, sending a strong message to Carroll County that protecting the environment and adhering to the Smart Growth Act "will be rules that Maryland is governed by."

FACC Chairman Ross Dangel commented, "Actually our letter contains nothing inflammatory. It just lays out the environmental reasons with real statistics." He added that "... the governor has nothing to lose with Carroll and the law would be completely on his side. ... We're keeping our fingers crossed, but who knows what will happen?"

Copies of the letter were also sent to MDE, the Maryland Department of Natural Resources, the Maryland Department of Planning, the Smart Growth Office, and the Carroll County Government.

Baltimore City, County impose water cuts

Baltimore City and County declared a "drought emergency" and imposed restrictions on outdoor use of water beginning Saturday August 10th.

Lower than normal rainfall and high evaporation rates have caused the city's three reservoirs to fall to approximately 53 percent of capacity. Low levels of water in the Susquehanna River have caused Baltimore to cut pumping from that source drastically. South Carroll also draws up to 3 mgd from Liberty Reservoir.

FPAC to host forum for commissioners

The Finksburg Planning Area Council (FPAC) will host a forum for commissioner candidates on August 15 at Sandymount United Methodist Church at 7 p.m. The church is on Old Westminster Pike near Sandymount Road in Finksburg.

Each candidate will be given two minutes to define his/her candidacy. This will be followed by a number of questions from the FPAC host which each candidate will have one minute to answer.

FACC
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Eldersburg, MD 21784

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**Next FACC meeting:
7 p.m. Tues. Aug. 20, 2002
Carrolltown Center**

County to hold a public hearing on Water/Sewer Plan revisions

The Board of County Commissioners has announced that a public hearing will be held on revisions to the Water/Sewer Master Plan. The hearing will be held Thursday, August 29th at 7 p.m. in Room 003/004 of the County Office Building.

The proposed plan has been revised because the Maryland Department of the Environment has twice told the county that a construction permit for the water treatment plant (WTP) will not be approved by the State until the Plan is brought up to date. Once submitted to the State (after approval following the public hearing), the State will have 90 days to respond.

The proposed plan includes several capital improvements to the water/sewer system including:

- Construction of a WTP at Piney Run Lake.
- Acquisition of land for a reservoir at Gillis Falls.
- Construction of water-storage tanks at Mt. Airy and at Union Bridge.
- Expansion of the Freedom wastewater treatment plant from 3.0 mgd. to 4.0 mgd.

The plan does not include expansion of the Freedom Water Treatment Plan at Liberty Reservoir (because the current board of commissioners has refused to negotiate with Baltimore City to increase Carroll's share of the water there) nor use of already drilled wells in the Springfield area. It also does not include an emergency contingency plan should the water treatment plant at Liberty Lake fail. In addition, the Plan is a short-term plan. It does not include proposals for connection of the county

system and municipal systems in the long term (20-30 years out).

The county has already spent nearly \$3 million on construction at Piney Run and has allocated nearly \$16 million for the WTP. These expenditures include revisions of plans for an earlier WTP, building a water main from the dam site to Obrecht Road and constructing an access road.

Get Involved



Get Out & Vote

July 24, 2002

Julia W. Gouge, President, Carroll County Board of Commissioners
Robin B. Frazier, Commissioner
Donald I. Dell, Commissioner

Dear Commissioners:

We applaud the recent efforts of the eight municipalities, who have come together to express to you their concerns and recommendations surrounding the unchecked rate of growth in the county. The Freedom Area Citizens' Council (FACC) and the Finksburg Planning Area Council (FPAC) as representative voices of both the Freedom and Finksburg community planning areas (CPAs) are similarly united in expressing our recommendations for immediate actions which should be taken to stem growth and protect our quality of life:

1. Close Current Zoning Loopholes.

The conservation zone was originally intended to protect environmentally sensitive land, but is now a magnet for development outside intended growth areas. A recent Baltimore Regional Partnership study of the county's own permit data show that 58% of residential development is expected to come from outside priority funding areas (PFAs) through 2020. In addition, conditional uses on industrial land have restricted opportunities for expansion of our industrial tax base, hampering our efforts to attract industrial employers and limiting meaningful economic development. The conservation zone should be at least as protective as the agriculture zone and conditional uses should be removed altogether from industrial land.

2. Relieve our Schools by Capping Growth and Raising Impact Fees

Year after year the Board of Commissioners continues to be unable to fund the proposed school budget and as a result, schools continue to have declining test scores and to be overcrowded. Carroll's future school construction budget is now dependent on building at least 950 houses per year — the same rate of growth that has our schools bursting at the seams. As such, we recommend growth limits be set substantially below the current paper goal of 1,000 units per year and impact fees raised to make up for the difference in revenue.

3. Cancel the Piney Run Water Treatment Plant

There has been no recent environmental impact study to support Piney Run's use as a viable drinking water source. Missing reservoir watershed protections and data detailing the actual water yield available (derived by subtracting possible yields from what is going over the Piney Run dam every day), demonstrate that the county has not ascertained whether there is even enough available yield to justify a water treatment plant. It is fiscally irresponsible to spend \$16 million for a new water treatment plant, when a 30% increase in existing water capacity is readily available and can be attained for as little as \$1.6 million (wells).

4. Sign the Watershed Protection Agreement

Recent monitoring data from Liberty Reservoir has shown chloride pollution levels roughly doubling over the past decade — pollution that is linked to commercial and industrial development in the watershed area, which is inversely proportional to the amount of agricultural land. It is important that we assure all affected citizens of our resolve to protect our valuable water supply and open up logical negotiations with Baltimore City to relieve our current water supply crisis through an increased water draw from Liberty Reservoir.

5. Revisit the County Master Plan

Many of the recommendations above involve changes to the county's current Master Plan. The County should re-evaluate the Master Plan to make it possible to manage our runaway growth, relieve the pressure on our critical resources like police, fire and rescue, while at the same time preserve what is special about Carroll County. The failed Concurrency Management Ordinance must be eliminated and replaced by an ordinance consistent with the mandates of Maryland's Zoning and Planning Law (Article 66B).

Sincerely,

Ross A. Dangel, Chairman
Freedom Area Citizens' Council

Deborah Ridgely, President
Finksburg Planning Area Council