



## Pleasant Plains Community Meeting Minutes November 30, 2022

Eric Tabacek, Area Engineer, Traffic Engineering Division, AACO (Led the meeting in Nestor Flores' absence)

Debbie Russell - DPW Engineering, AACO

Robert Fernandez - DPW Engineering, AACO

David Braun - DPW Engineering, AACO

Peter Dixon - President, Burley Creek Community Association

Ellen Weiss - Resident

Patrica Lynch - President, Broadneck Council

John Joynes - Resident

Curt Vinyard - Resident

Mary Ann Zaruba - Resident

**Eric Tabacek** (Led the meeting in Nestor Flores' absence)

- *Signal at 179 and Pleasant Plains* - Last we were updated SHA is still working on clearing right-of-way for the pole locations around the intersection.
- *Kingsberry Sightline Issues* - We are going to update the new LED sign with a supplemental sign which will state *Traffic From Right When Flashing* to better explain what the sign means to motorists as they're passing by. We anticipate this being installed in about a week. After installation, please let us know what you feel it is being perceived, but we feel that it will help explain what the flashing sign means.
- *Alternative 1 Implementation Update* - No updates at this time.

**Debbie Russell**

- *Ponding/Freezing Cherry Rd Update* - At the last meeting, presented the plan for the project; a preliminary design. The next step is our consultant finalizing that design and submitting to the permit agencies. This is a Maryland Department of the Environment (MDE) permit called a joint permit application. We expect about a two month turnaround time, and once we get an idea of what type of comments that are going to come back, we can have a better idea of our full scope of work. There is the issue that we do not know how far down the stream we are going to have to make improvements. That is something we are waiting to hear back about from MDE. They will provide the expectations. We will have to make the fixes they require us to make as it is a requirement of the permit. We also have a critical area permit for this project because some areas that we will have to work in are within the critical area. We expect to start the process for the environmental permits within the next three to four weeks, and a two month turnaround to get the comments back from MDE. Once I have the comments back, I have a better idea of how much right of way we will require and how much it will impact the property owners. At that point, we will set what's called the 'right-of-way line', on the 'right-of-way plat'. Only then will we be ready to start the process of obtaining the right-of-way.
- *Pole Relocation on Pleasant Plains Update* - No new updates since last meeting. We're waiting to see if we can get the funding for the burying of the powerlines. If we are granted the additional \$5M we will need to submit the design of which side of the road we will be burying the lines as quickly as possible as we will also need to submit for environmental permits (the Critical Commission and the MD Dept of the Environment) so that we can have all of their comments and decisions in writing and are able to negotiate with them about what they will allow/not allow.

## Community Comments

- **Kimberly Tran held a meeting with the community here about a month ago regarding this intersection (signal at St. Margarets @ 179). The money is in their possession and the design is finished and cleared. What they are working on now, as you said, is the right-of-way. They are doing what they need to do to obtain the land from the landowners there and they expect to have a pole installed by the end of 2023.**
- **Addressed to Debbie: The top end of Whitehall Creek is almost unusable due to a mistake made by the State of Maryland when they were building the road across Cape St. Claire. The head of Mill Creek is also unusable due to the construction of the community above it. Little Burley Creek runs in front of the home of a friend and he has six inches of water in front of their house, where they used to have six feet. A man in Whitehall did a lot of design work for the addition to the farm that you're going to impact with runoff. All we have filtering the runoff into the creek is grass and a couple of bales of hay. I have six feet of water in front of my house. You're going to take \$500,000.00 out of the value of my house if you clog up the creek. I am not happy with that. I'd like to hear a whole lot more from you about the permit people that are looking at that and what they're saying. My personal feeling, and I've been working on this for years, is where that border is dumped into Burley Creek, is a lot that was given to a man that lives in Oklahoma City in a will. He has tried to sell it for the last three or four years. He's had signs up there. He's tried to get the neighboring properties, the Duvall farm, to give him rights to put their septic system on his property so they could build a house there but that did not work out. He has given up and the property should be very cheap. Alongside the firehouse at Cape St. Claire, and on the other side of the baseball field, there's rocks and a path there to block the silt from coming into the creek. Please take a look at that setup and consider it for us.**
- **Minnow Creek needs to be mentioned as well. Now there is an upcoming debate of whether we're going to be adjacent to a national park. Regarding the runoff situation on Minnow Creek. I've sent pictures into Natural Resources. I've never gotten a call back. It's pretty clear; you can see the water, the run off, and every time it rains there is water coming from the other part of the sod into a drainage ditch that's not working correctly. I don't know if it's related to the same culvert, but the three people that live on the other side said that is happening every time there's rain, and it's coming from a culvert there, so I don't know if it's an old culvert that's County/State owned, or privately owned. But if we're already using resources to look at this situation, we would love somebody with the expertise to figure out what's going on there.**
- **State Natural Resources accompanied Amanda Fieldler on a walk through of the farm. I know she made some comments about the culvert under Pleasant Plains Rd @ Hidden Point Rd which were ignored. I think Dudley Dixon is actually trying to get a grant to stop the run off on the Amberly side of his property. He's already had a grant of over \$1M, and used it to deal with the drainage on that side but unsure what is happening on the other side. The property on Cherry Rd could be owned by Stansbury, not Dudley Dixon.**
- **What's the lag time between the detection of a vehicle at that Stop (Kingsberry Dr), and the flashing lights being activated? The last three times that I've seen a vehicle coming out of that Stop sign, it is not flashing as I'm approaching, I crest the hill, there's a vehicle out in front of me, and then the sign starts flashing. It should be flashing as soon as a car approaches that stop sign on Kingsbury. *We will check on it. With other flashing signs, we've had issues with the power. There's a solar panel on top of it, and sometimes that needs adjusting to make sure that the sun powers it up. I (Tabacek) will personally check on that to see if there's any issues out there, and then I'll check with our signal shop on how it operates. Maybe it activates and then goes off immediately after the car turns onto Pleasant Plains. If that's the case, we will put a lag time in there of a few seconds, so it remains flashing until a car can pass through the intersection.***

*UPDATE: This issue was investigated and the sign is functioning properly. We found parents stopped, waiting for kids at the school bus stop keeping it activated. We put in a 'No Stopping' zone there.*

- **Another issue with Kingsberry is when St. Margaret's Church and school has a lot of people on the weekends, typically they're all parking in a little side area of Pleasant Plains which is not really a parking area, so that whole area is blocked. People coming out of Kingsbury can't see left or right as they're pulling out. Maybe if there was a No Parking sign that might help. They have plenty of grass to park on at the church but they don't use it. If there was a sign that no parking was allowed on the shoulder, I think that would really alleviate a lot of the near accidents. We will investigate installing a no parking zone.**
- **I love the rumble strips and the signs with the lights. I think it's really helped. I'd love to have police enforcement there for a week or two. I think if there was a repercussion for not obeying we'd see a lot more self-enforcement. We have a police liaison officer that we can work with. We will reach out to them. Update: Requested enforcement from Cpl. Stanley.**
- **Originally, we were going to have all the poles relocated on the same side that they're currently on, and all the survey work was done on that same side, and all of the property owners, I thought, were at least approached, that we were really close on that side. Then, when the tree incident came up where you had to re-plant an acre of trees, it was cost prohibitive. Is it now true that you're trying to take it to the opposite side now? Because then you would have to resurvey everything. No. We have surveys for both sides of the road and it is not true that we approached every property owner, and that every property under has agreed. We do have one property on that side of the roadway where the existing poles are that has told me that they do not want to sell their property and they're not in agreement with the project. On the left side of the roadway, the issue comes down to the impacts of those trees at Hidden Point and that's why we're going to go to the north side, however. I have not spoken to the owner of the sod farm. Is it your intention to move the polls to the opposite side or not? I'm confused by that. We feel better to go to that side of the road because of the impact to the Critical Area Commission. I guess I'm confused about that, because there are more trees on the left side and the water is probably closer to the side where the poles currently are. The quality of the trees near Hidden Point are the main concern for the critical area commission. Agencies will ask why we aren't performing the work on the other side of the road so as not to impact them, and we have to prove why we can't go to the other side of the road. The agencies are not looking at it from a property owner, they look at it from a strictly engineering perspective. From working with agencies over the years, I have learned that we have to prove that there is a legitimate reason that we cannot go to the left side of the road, and the reality is that I can't prove that. There isn't an engineering reason for impacting the environment for going to that side versus the south side. I am still not understanding. If you can't plant the trees on Pleasant Plains, then the option would be no different for us homeowners than if we could give the right to have you plant them on Route 100 or another location. Is that correct? Or do you give the bond back? It is my understanding that the trees do not actually need to be on Pleasant Plains Rd but they do need to be in the area. We haven't actually submitted a plan yet to the agencies to get anything in writing. My consultants at JMT have, however, been in discussions with the agencies. We have already contacted them, and they've been reviewing the information informally so I don't have everything in writing yet, but they're saying that we can put them off site. There was one gentleman at the meeting the other day that volunteered to consider letting us put the trees in but he did not commit. I intend to follow up with him as I do have his contact information. I do not understand how they could legally deny you the right to put the trees in another location or give the bond back if that is what the code states. For example, if I as a homeowner take a tree down in the critical area, for each tree of significance that I remove I have to plant roughly three trees or four bushes, and it has to be a certain diameter. If I'm not able to do that on my property, then I can choose to give the bond back and the County will relocate and plant them or you can choose an alternate spot to have them plant it. That's the way the code, I believe, is written. (Another citizen comments) If you're unable to replant and do the forestry plan, then you can pay a fee for the agency to do it for you. In the past we (the**

County) have opted to pay the fee that is associated, however, agencies are no longer allowing the County to pay a "fee in lieu" for this type of project. They want us to replace the trees.

- **Since there is only one hold out on the property owners to approve having the poles moved on his property, can the County just do a "taking" of the land since this is a serious public safety concern?** *It is more than just one person on that side that is opposed to selling the land. It's also the agency. Additionally, I cannot obtain the permit from the Critical Area Commission to do the work on that side of the road, and this is why they're informally telling us to consider installing on the other side. However, for instance, if the sod farm does not want the pole on their property, there is a type of "taking" that will require the County to pursue legal discourse, which can be a lengthy process. The County will need to prove the case of why we are taking his property and provide fair compensation.*
- **I want to comment that this was put out to a community vote, and the vote was not to go above ground with the relocation. The vote of the community was to forgo the \$3M that we already had in place for the overhead relocations, and to push this back to a funding cycle because the new total cost is around \$8M. This has gone back to budgeting for an additional \$5M for this project. The remaining discussion is moot, because this project is on hold until we either get the information that says we're going to get an additional \$5M. If we don't get the \$5M, then the community will have to decide if we want to go ahead with the overhead or continue to fight for the \$5M.**
- 1. **Can any of the Critical Area Committee/MDE permit processes get started before the funding project? It's going to be the same area of ground that will be disturbed. It will be the same critical area that will have trees lost.** *The issue is that if we go underground, there will be more impact than what we're showing now on the plans. That's one of the reasons why we're not yet formally submitting. We are holding informal meetings with our contacts at the agencies to give us guidance on what is going to be required.*
- **Is there any interest from the community at all in forgoing the buying of the lines and just having the poles relocated aboveground as the fastest method of making the road safer?** **(Another citizen comments)** *That is what we've struggled with over the last five months. We had an initial meeting where a community outreach survey initially got 15 votes out of the ~450 community members contacted. We asked them to reopen the survey to the community, and it looks like it was 121 votes for underground and 79 for above. Burying the lines is the "dream" outcome for the community and many people are pursuing this because it sounds good but ultimately is going to take a very long time. They are not very interested in the practical, attainable decision. I believe the funding will be denied for this project. At that point, I'm happy to go back to my community and implore everybody to make a smarter, more practical decision that'll actually have these polls move rather than pray for some h project that's going to allocate \$8M to move 1/2 mile of polls.*
- **Much of the community has been ill informed to think that the pole relocation project is for the entire length of Pleasant Plains. They are not aware that the project only encompasses the S-curve just north of Millville Road to Cherry Road. If the funding is not available, I believe that the community should be somehow better informed of the actual scope of the project. This may change their minds to accept the pole relocation above ground for a faster, safer option.**
- **I really think you need to review the bidding on this whole effort, because it doesn't seem like we are going to receive that amount of money for such a small portion of the road.**
- **I think that it is ridiculous that we asked the community for input and now we are going against their will. I do not think we should delay seeing if we can get the funding. If we can't get the funding, then we have no alternative. We'll go back to relocating the polls.**

- **When you did the survey, did you explain to the public how long it possibly could take for the money to be obtained to have the poles buried? Or did you just put out a service that said either above ground or below ground? Ms. Weiss stated that when she canvassed her community she included a cover letter that explained the differences between time and money for both options. Mary Ann confirmed that it did include the difference in cost but not the background history of all of the work that has already been done to have this project move forward.**
- **The last several meetings that we have had, we have reached out to the communities. It was our jobs as presidents of the local communities to educate our community members. I've tried my best. I know that our community has had two meetings about these polls. We have reached out to the communities, we have requested the funding, and this is the direction that it is going. The budgeting cycle will occur, and we'll have an answer on budgeting by May. Over the last three meetings, we've spoken quite clearly on the fact that this has delayed the project a minimum of six months to a year for the budgeting process. Some money is still there, and it's not going anywhere. There's \$3.3M sitting approved for this project. If we don't get budgeting, then it's going to come back to the County into this group to re-educate our communities and inform them that the money is not there and ask if we want to try to go ahead with the next best option because of the matter of safety.**