

## Sigaty, Mary Kay

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**From:** Ann Balcerzak <annbalcerzakatty@verizon.net>  
**Sent:** Wednesday, April 18, 2018 1:34 PM  
**To:** Sigaty, Mary Kay  
**Cc:** Clay, Mary  
**Subject:** CB 21-2018

Dear Mary Kay,

I have listened to the testimony on this bill and on the prior version of this bill. After weighing the testimony, I oppose passage of this bill. My husband, Stephen, joins me in this opposition.

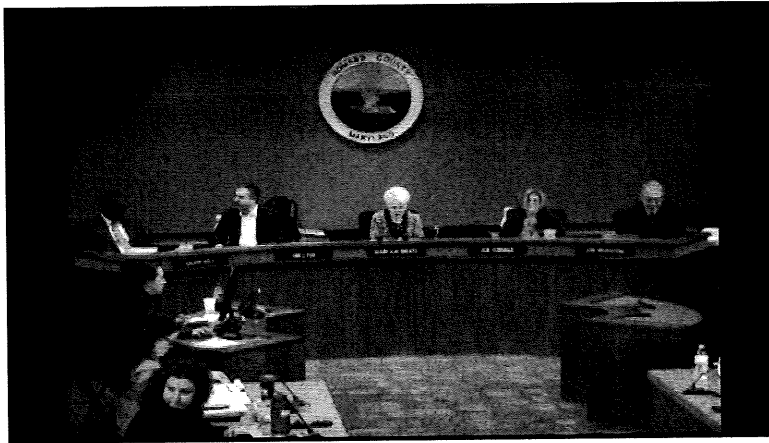
A woman testified that other uses, such as vineyards, should be explored as better commercial opportunities for farm concerns. I urge you, and others in County government, to follow this thread and look for cleaner, greener opportunities for the farm enterprises and for the whole county.

Sincerely,  
Ann & Stephen Balcerzak  
7303 Meadow Wood Way  
Clarksville, MD  
Sent from my iPad

## Sigaty, Mary Kay

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**From:** Dayton Rural Preservation Society <info@preservedayton.com>  
**Sent:** Tuesday, April 17, 2018 1:36 PM  
**To:** Sigaty, Mary Kay  
**Subject:** Key Testimony from Last Night's HoCo Council Meeting



LAST NIGHT: The HoCo Council heard testimony. Next, they will have a work session likely next Monday but we will post the date when we verify this. If you missed the most powerful testimony to date, watch it here:

(go to the 2 hour and 17 minute mark)

**If you only have time for a few of these testimonies, watch**

- John Tegeris
- Lorraine Tegeris (who read Dr Velculescu's testimony into record, our Johns Hopkins oncologist and Dayton resident)
- Abhay Moghekar, another doctor specializing in environmental effects on the brain, a neurologist at Hopkins and a HoCo resident.
- Ted Mariani
- Jeff Harp discussing environmental impact with studies from other communities negatively impacted by mulch operations.
- Susan Garber
- Residents: Corliss Glennon, John Allen, Jim Nichols, Mauri Bascom.

**Zero testimony was given proving that this CB 21-2018  
is safe for Howard County!**

**<https://cc.howardcountymd.gov/Online-Tools/Watch-Us>**

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HoCo Council Worksession  
on CB 21-2018  
Monday, April 23  
After Budget Presentation at 4:30pm - Agenda published soon

<https://cc.howardcountymd.gov/>

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Dayton Rural Preservation Society | P.O. Box 66, Glenelg, MD 21037

[Unsubscribe mksigaty@howardcountymd.gov](mailto:mksigaty@howardcountymd.gov)

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## Sigaty, Mary Kay

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**From:** Wade J. Gallagher <wjgallagher@mdgg.com>  
**Sent:** Tuesday, April 17, 2018 10:07 AM  
**To:** 'Shun Lu'; velculescu@gmail.com; tomlokey@rocketmail.com; edwarfield@outlook.com; tmayer7@gmail.com; t2underwood@verizon.net; sheilajonz@gmail.com; sandylutes@verizon.net; rsuritis@gmail.com; rockstroh@aol.com; dchsr23@aol.com; peter\_patrone@yahoo.com; ALEXRYANPACHECO@gmail.com; danielol12832h@gmail.com; peapod30@hotmail.com; mgshaw1@verizon.net; ttrrarj@aol.com; lmarkovitz@comcast.net; lyns377@gmail.com; artklaunberg@verizon.net; kathleen.e@verizon.net; johncinsao@netscape.net; kenbh2008@hotmail.com; gregorytg@verizon.net; gklaunberg@verizon.net; eric.conn@gmail.com; jleng1747@gmail.com; drivinghorses@gmail.com; donnersays@aol.com; devon.cordle@juno.com; skfarm@juno.com; cma2447@aol.com; tankercapt@aol.com; wlcissel@gmail.com; laurie.alderman6@gmail.com; pabel99075@aol.com; chanceland@aol.com; chi\_chi37@msn.com; agintomboy@aol.com; ajs333@aol.com; DAtticks@comcast.net; jazztmb@cs.com; brentloveless@aol.com; cathydatz@yahoo.com; contact@chinawilliams.com; dmbanwarth@verizon.net; daytonsociety@gmail.com; jenikingdeuber@icloud.com; drsjbstewart@aol.com; james.nickel55@gmail.com; jenikingdeuber@gmail.com; jess4tigers@aol.com; johntegeris@gmail.com; madamoverseas@aol.com; martinsmac@aol.com; rick.lober@gmail.com; rml739@gmail.com; smithfam123@verizon.net; swatek1@yahoo.com; vstewartmo@aol.com; dmeteyer@yahoo.com; saddleinfo@comcast.net; tglacken@verizon.net; sunnyside1998@aol.com; CouncilMail  
**Subject:** RE: CB21-2018 Testimony

Well said. I pray the Council reflects on the numerous negative comments and the long term consequence of approving industrial mulching. Once approved, you can never go back.

Wade J. and Rita S. Gallagher  
Woodbine/Lisbon

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**From:** Shun Lu [mailto:shunlu88@yahoo.com]  
**Sent:** Monday, April 16, 2018 9:24 PM  
**To:** velculescu@gmail.com; tomlokey@rocketmail.com; edwarfield@outlook.com; tmayer7@gmail.com; t2underwood@verizon.net; sheilajonz@gmail.com; sandylutes@verizon.net; rsuritis@gmail.com; rockstroh@aol.com; dchsr23@aol.com; peter\_patrone@yahoo.com; ALEXRYANPACHECO@gmail.com; danielol12832h@gmail.com; peapod30@hotmail.com; mgshaw1@verizon.net; ttrrarj@aol.com; lmarkovitz@comcast.net; lyns377@gmail.com; artklaunberg@verizon.net; kathleen.e@verizon.net; johncinsao@netscape.net; kenbh2008@hotmail.com; gregorytg@verizon.net; gklaunberg@verizon.net; eric.conn@gmail.com; jleng1747@gmail.com; drivinghorses@gmail.com; donnersays@aol.com; devon.cordle@juno.com; skfarm@juno.com; cma2447@aol.com; tankercapt@aol.com; wlcissel@gmail.com; laurie.alderman6@gmail.com; pabel99075@aol.com; chanceland@aol.com; chi\_chi37@msn.com; agintomboy@aol.com; ajs333@aol.com; DAtticks@comcast.net; jazztmb@cs.com; brentloveless@aol.com; cathydatz@yahoo.com; contact@chinawilliams.com; dmbanwarth@verizon.net; daytonsociety@gmail.com; jenikingdeuber@icloud.com; drsjbstewart@aol.com; james.nickel55@gmail.com; jenikingdeuber@gmail.com; jess4tigers@aol.com; johntegeris@gmail.com; madamoverseas@aol.com; martinsmac@aol.com; rick.lober@gmail.com; rml739@gmail.com; smithfam123@verizon.net; swatek1@yahoo.com; vstewartmo@aol.com; wjgallagher@mdgg.com; dmeteyer@yahoo.com; saddleinfo@comcast.net; tglacken@verizon.net; sunnyside1998@aol.com; CouncilMail <councilmail@howardcountymd.gov>  
**Subject:** CB21-2018 Testimony

Dear Howard County Council Members,

I am writing to urge you to carefully consider the concerns of Howard County residents over the negative impact of the proposed industrial mulching operation on our rural residential community using well and septic system. PlanHoward 2030, the blue print for county growth sets the goals: “to maintain its high quality of life by enhancing the environment, economy, and community.” Does the industrial mulching business in our rural preservation land enhance our environment, economy, and community?

It is well documented in the General Plan that the most cost effective way to protect our environment is **to be preventive**, and not to approve any new projects that put our environment, health and safety of the public at risk. Unfortunately, this guideline has often been ignored while actual implementation is badly needed. You may know after the approval for Clarksville Mortuary, SDP-14-059 in March 2016, a County stream/wetland/forests mitigation project was being designed for a small parcel in Windy Knolls downstream of the mortuary site. The starting mitigation budget is 1 million tax payers' money. The community had presented numerous evidence and facts that commercial construction at this site would most likely destroy our environment -- the damage could be irreversible, nonetheless, the costs to environment and taxpayers were not considered.

It makes business sense for the investors to buy at a low price and then apply for a conditional use to convert the residential property into intense commercial use. But what sense does this make to the residents who live around these businesses and will suffer the negative consequences of water and air contamination? And the community where the business is in? How much will cost the County/taxpayers to treat any contamination? Has any economic study been done that demonstrates an approval of the commercial operation at the proposed site will enhance environment, economy, and community?

We expect you to guide us to follow the Vision of the General Plan, weigh the consequences of any business application, not only on the benefits to the business, but also the sustainability of environment, the best interest of the public, and the future of our County. We rely on you to make a right decision on CB 21-2018.

Thank you for consideration!

Respectfully,

Shun Lu  
Clarksville resident

## Sigaty, Mary Kay

---

**From:** Shun Lu <shunlu88@yahoo.com>  
**Sent:** Monday, April 16, 2018 9:24 PM  
**To:** velculescu@gmail.com; tomlokey@rocketmail.com; edwarfield@outlook.com; tmayer7@gmail.com; t2underwood@verizon.net; sheilajonz@gmail.com; sandylutes@verizon.net; rsuritis@gmail.com; rockstroh@aol.com; dchsr23@aol.com; peter\_patrone@yahoo.com; ALEXRYANPACHECO@gmail.com; danielol12832h@gmail.com; peapod30@hotmail.com; mgshaw1@verizon.net; tttraj@aol.com; lmarkovitz@comcast.net; lyns377@gmail.com; artklaunberg@verizon.net; kathleen.e@verizon.net; johncinsao@netscape.net; kenbh2008@hotmail.com; gregorytg@verizon.net; gklaunberg@verizon.net; eric.conn@gmail.com; jleng1747@gmail.com; drivinghorses@gmail.com; donnorsays@aol.com; devon.cordle@juno.com; skfarm@juno.com; cma2447@aol.com; tankercapt@aol.com; wlcissel@gmail.com; laurie.alderman6@gmail.com; pabel99075@aol.com; chanceland@aol.com; chi\_chi37@msn.com; agintomboy@aol.com; ajs333@aol.com; DAtticks@comcast.net; jazztmb@cs.com; brentloveless@aol.com; cathydatz@yahoo.com; contact@chinawilliams.com; dmbanwarth@verizon.net; daytonsociety@gmail.com; jenikingdeuber@icloud.com; drsjbstewart@aol.com; james.nickel55@gmail.com; jenikingdeuber@gmail.com; jess4tigrs@aol.com; johntegeris@gmail.com; madamoverseas@aol.com; martinsmac@aol.com; rick.lober@gmail.com; rml739@gmail.com; smithfam123@verizon.net; swatek1@yahoo.com; vstewartmo@aol.com; wjgallagher@mdgg.com; dmeteyer@yahoo.com; saddleinfo@comcast.net; tglacken@verizon.net; sunnyside1998@aol.com; CouncilMail  
**Subject:** CB21-2018 Testimony  
**Attachments:** CB 21-2018 Testimony 1.pdf

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Respectfully,

Shun Lu  
Clarksville resident

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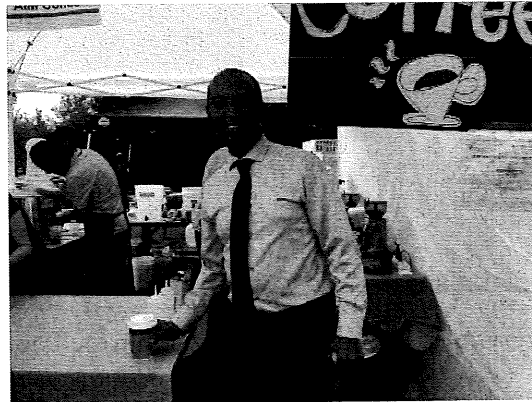
Respectfully,  
Shun Lu  
Clarksville resident

## Sigaty, Mary Kay

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**From:** Dayton Rural Preservation Society <info@preservedayton.com>  
**Sent:** Monday, April 16, 2018 8:00 PM  
**To:** Sigaty, Mary Kay  
**Subject:** Short and sweet... what one HoCo Council candidate says about CB 21

### Hiruy Hadgu Running for office in District 3 HoCo Council in 2018



Please find below my position on CB21-2018. I wrote about this issue last year:  
<https://www.hiruyhadgu.com/news/2017-7-3/howard-county-zra-180-cb60-2017>

#### I am opposed to CB21-2018 for the following reasons:

- The county government has not enforced existing regulations as evidenced by the numerous documented violations.
- The Planning Board does not have the technical competency to take an informed vote on this complex zoning regulation.
- The health and safety concerns raised by the community has not been addressed.

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## Sigaty, Mary Kay

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**From:** John Tegeris <johntegeris@gmail.com>  
**Sent:** Monday, April 16, 2018 6:47 PM  
**To:** Jack Hui; John Tegeris  
**Cc:** Kittleman, Allan; Sigaty, Mary Kay; Fox, Greg; Weinstein, Jon; Ball, Calvin B; Terrasa, Jen; Preserve Dayton; Rick Lober/Annette  
**Subject:** Re: Tonight's Big Meeting - Will your children be safe?

Hi Jack,

Greatly appreciate your kind words and your family's active opposition to what is proposed now as CB21-2018. Someone prominent in Howard County equated my efforts to showing up to a sword fight with a pencil. But we will fight on, even knowing that the system is not a fair one for communities who oppose the personal agendas of elected officials.

The reality is that individual members of the Council out-power the communities they represent who strongly oppose CB21-2018. That said, our attention will soon turn to work for and against candidates as the election season heats up. That is where our vote matters: to hold individuals accountable for broken campaign promises and for putting our children and our families in harm's way.

CB21-2018 WILL allow for industrial processing, WILL allow for mulch and compost to be trucked off for commercial sale, WILL allow for food waste, animal mortality and manure to be trucked in for compost processing (tantamount to a landfill like Alpha Ridge) on ANY farmland throughout Howard County and WILL allow for tractor trailer/3-axle dump trucks up and down our small rural roads, the same ones your children wait by the edges for school buses.

As we have stated from the beginning, we are very supportive of true farming activities in Howard County. That also includes the ability of farmers to do what mulching and composting is necessary on/by/for the farm. This extends, for example, to mulching a sections of forest or grove and to composting needed to enrich the soil so it is fertile to sustain corn/etc. for years to come. This, however, is not limitless trucking in/out for industrial processing and on a commercial scale, which occurs if even one acre in question is used for these purposes. We thought this is what we were working towards since 2014 but, unfortunately, not the case. Look forward to your support again tonight and to seeing your family then.

Best,  
John  
cell: 301-996-5102

On Mon, Apr 16, 2018 at 3:25 PM, Jack Hui <jklmhui@yahoo.com> wrote:  
John,

Thank you for keeping up the fight for citizens of Dayton and adjoining community. My family including our children have attended almost all the hear since 2014 and have heard the promises from Greg Fox back in 2014 and how County Executive Kittleman was against this Mulch Plant Bill. And now after getting elected with many Democratic neighbors voting for Allan Kittleman, he won by a slim margin.

If this Bill gets pass we will remember the empty promise and as many Republicans will vote for Calvin Ball for County Executive in this coming 2018 election.

My family had hoped to be able to live here forever, but if the mulch plant comes here, we will have to leave, as soon as our children are out of high school.

We know it is an uphill battle against County Executive Kittleman, Councilman Fox, Councilperson Sigaty, Councilman Weinstein.

I remember in an email from County Executive Kittleman said write up amendments if we did not like the bill, but every single amendment failed 3 against 2.

Thank you Calvin Ball and Jen Terrasa for your support of the Mulch Bill.

Sincerely,

Jack Hui  
Dayton, MD

On Monday, April 16, 2018, 11:40:36 AM EDT, Dayton Rural Preservation Society <[info@preservedayton.com](mailto:info@preservedayton.com)> wrote:



Fellow Supporters

Here is another reminder of the real potential consequences the come with turning our rural roads into industrial through ways if County Executive Kittleman and Council Members Sigaty and Fox succeed in getting CB21-2018 passed into legislation. We have been warning all of them of this risk for the past four years, but none have taken these concerns for your children seriously. They have not been addressed in any way throughout the past four year ordeal that has arrived at this horrible bill, just as they have been dismissive of our other health risk concerns. Simply put, this is reckless and irresponsible leadership in Howard County. Can you imagine witnessing, as these parents did in Central VA a year ago, a tractor trailer truck running down your children as they crossed the street to board their school bus with yellow flashing lights, and in an instant your child is gone from your life forever? From the Washington Post article below, here is the real basis for the concern and one of the major reasons we are fighting for your families to kill the bill CB21-2018:

***"The driver of the tractor-trailer braked, but the vehicle, loaded with 75,000 pounds of mulch and***

***traveling downhill, hit the children before it could stop."***

The truck driver was not found to be at fault, even though the children were crossing the road to a school bus with yellow lights, but not yet red. The reality of the situation is that there was no egregious error, and yet two children were still killed in front of their mothers and other children because a tractor trailer was carrying such a heavy load of mulch that it simply could not stop in time.

Why Kittleman, Sigaty and Fox don't think this could happen to your children is beyond me. Please email each of them to justify their positions and ask what facts they have, or what assurances they can make, that their actions will not result in any risk to the lives of your children. Their email addresses are listed below. If you agree, please email to voice your concerns, and also sign up to testify on Apr 16. Let's let the Council know that this is not acceptable to your family.

**Sign up online to testify by going to <https://cc.howardcountymd.gov> and clicking on the Testify icon on the upper right side of the screen (looks like a hand).**

I pray that we can stop the madness before we are mourning a child fatality tragedy in Western Howard County.

Hope to count on your support as we fight for the health and safety of your children, and to see you on Monday Apr 16 for the County Council Public Hearing.

County Executive and County Council emails:

[akittleman@howardcountymd.gov](mailto:akittleman@howardcountymd.gov)

[mksigaty@howardcountymd.gov](mailto:mksigaty@howardcountymd.gov)

[gfox@howardcountymd.gov](mailto:gfox@howardcountymd.gov)

[jweinstein@howardcountymd.gov](mailto:jweinstein@howardcountymd.gov)

[cball@howardcountymd.gov](mailto:cball@howardcountymd.gov)

[jterrasa@howardcountymd.gov](mailto:jterrasa@howardcountymd.gov)

Remember to sign up to testify against CB21-2018. Many thanks.

John Tegeris, PhD  
President, DRPS

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[https://www.washingtonpost.com/local/public-safety/two-va-children-struck-and-killed-by-tractor-trailer-as-they-approached-school-bus/2017/03/30/ca46f01e-1555-11e7-9e4f-09aa75d3ec57\\_story.html?utm\\_term=.86dadbdba594](https://www.washingtonpost.com/local/public-safety/two-va-children-struck-and-killed-by-tractor-trailer-as-they-approached-school-bus/2017/03/30/ca46f01e-1555-11e7-9e4f-09aa75d3ec57_story.html?utm_term=.86dadbdba594)

# **Tractor-trailer strikes, kills two children as they run across road to school bus**

Two children were struck and killed by a tractor-trailer Thursday morning when they ran across a road to board a school bus near the town of Dillwyn in central Virginia, officials said.

At about 7:40 a.m., officers responded to a report of a fatal crash in Buckingham County just north of Dillwyn, which is about 65 miles west of Richmond, the Virginia State Police said in a statement.

A tractor-trailer was traveling north on Route 15 when a Buckingham County school bus, with its yellow flashing lights activated, approached from the opposite direction to pick up a group of children, the statement said. As the bus slowed, two children ran across the road toward it. The driver of the tractor-trailer braked, but the vehicle, loaded with 75,000 pounds of mulch and traveling downhill, hit the children before it could stop.

The children, identified as Tori Perez, 5, and Jaiden Bartee, 6, died at the scene.

The tractor-trailer driver, a 66-year-old man from Dillwyn, has a valid commercial driver's license, according to police, and the tractor-trailer was in compliance with commercial vehicle regulations.

No charges will be filed, police said.

## **TESTIFY TONIGHT**

**Monday, April 16th**

**Council Bill 21-2018**

**Industrial Mulch Operations on Farms Bill, AGAIN!**

**7pm**

**George Howard Building**

**3230 Courthouse Dr**  
**Ellicott City, MD**

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Dayton Rural Preservation Society | P.O. Box 66, Glenelg, MD 21037 [www.PreserveDayton.com](http://www.PreserveDayton.com)

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Sent by [info@preservedayton.com](mailto:info@preservedayton.com) in collaboration with

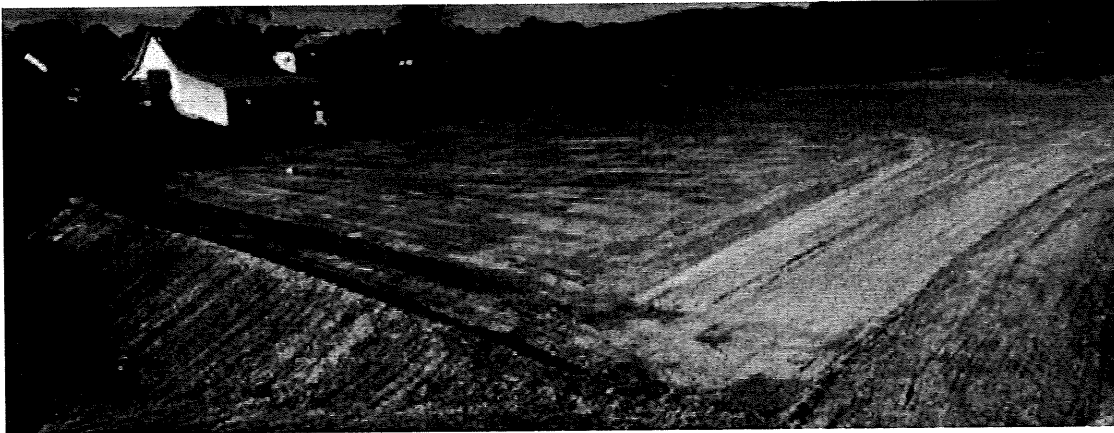
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## Sigaty, Mary Kay

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**From:** Dayton Rural Preservation Society <info@preservedayton.com>  
**Sent:** Monday, April 16, 2018 6:46 PM  
**To:** Sigaty, Mary Kay  
**Subject:** What is RLO going to do after CB 21 passes?



Fellow Supporters

How many ways are there to convey the same message? Only the numbers are changing...CB20, CB60, CB21...by this pattern the next one must be CB61. Will there be another one if we lose the vote again? You bet. And we will work our tails off to help the right candidates who support us get elected and do the converse for those that have a hand in passage of CB21-2018, aka Kittleman, Sigaty and Weinstein (DRPS candidate endorsements coming soon). We simply can't stop until your children and families are safe. If we can't count on our County Executive, or CB21-2018 bill sponsors Sigaty and Fox to protect us, then we have to work to protect ourselves. Kittleman made campaign promises. Broken. Fox sponsored acceptable and current CB20-2014 that most impacts his own District 5. Betrayal. Sigaty voted for CB20-2014 then seemingly pushes for ways to help farmers, but finally admits new CB21-2018 allows for commercial operations. Deceitful.

This ag preserve parcel in Dayton looks like a good place to grow mulch and compost with food waste, and not to grow corn.

**Let's take a big-picture look at how we got to this point, starting at the beginning:**

- In 2013, a businessman and his lawyer started the ball rolling on Comprehensive Zoning changes that would allow mulch processing to be considered farming. For them this was necessary because ag preserve farmland is cheap to buy, but doesn't allow for industrial or commercial activity, which is what they had planned.
- In 2014, that same businessman files a pre-submission plan to construct a 16-acre industrial mulch manufacturing plant on his newly purchased ag preserve farmland in the

heart of Dayton, exploiting the ag preserve program since changes in Comp Zoning paved the way for it.

- As a community, we work to get CB20-2014 passed that prohibits mulch manufacturing operations on all ag preserve farmland in Howard County.
- Sigaty and Fox immediately put forth Resolution 74-2014 to call for a Mulch Task Force to study the issue. They name members to the Task Force who support industrial mulch, with token members to represent the residents. Sigaty elects Richard Goldman to be the Chair for the residents group. Goldman proceeds to vote with the pro-mulch manufacturer contingent, and residents lose almost every vote taken during Mulch Task Force meetings 15-4. Goldman was subsequently honored by the Farm Bureau for “outstanding service on the Mulch Task Force.”
- CB60-2017 is crafted based on recommendations from the Mulch Task Force majority report, and now allows for Type 2 feedstock (food waste, animal mortality, manure) to be trucked in/industrial processed/trucked out for commercial sale. Oddly enough, Type 2 feedstock was never discussed during the Task Force meetings, and likely a Sigaty addition for unknown personal agenda-driven reasons. Recommendations put forth in the residents’ minority report were ignored.
- Around time CB60-2017 was introduced, said Dayton businessman begins an estimated 1,000 3-axle dump trucks in and out of his Dayton farm over a 6-8 week period. We are told he is conducting a soil conservation study, with no ulterior or forward-looking motive.
- On Nov 6, 2017 CB60-2017 passed, but was then determined invalid since the Council vote exceeded the statutory 125-day limit to vote on a bill.
- In 2018, hundreds more 3-axle dump trucks move in/out of businessman’s Dayton ag preserve farm, this time resulting in some type of cementitious all weather pad being installed, seemingly in the same location that the original pre-submission plan shows planned construction of a mulch manufacturing plant. Interesting side note, a pre-sediment plan and an all-weather pad are requirements for building a mulch manufacturing plant.
- Looking to the future, sound business planning would suggest a partnership between neighboring “farms” to stack acreage devoted to industrial processing and commercial sale of mulch and compost containing food waste (think slaughterhouses, landfills and garbage dumps since CB21 will allow for Type 2 feedstock), thereby allowing a mulch/compost manufacturing plant of increased size to be operated within the allowed rules.
- We could then see an 8 acre industrial mulch and compost facility per CB21-2018 and the ability to do 1 acre of mulch and 3 acres of food waste riddled compost on each ag preserve parcel, with no restriction on truck size and no limit to what is trucked on/off for commercial sale. Isn’t the County landfill Alpha Ridge just 6 acres in size? Guess that must be considered farming, too.

Bottom line is that CB21-2018 is a shameful product of poor leadership and lies that benefit industrial business owners, not farmers. Farmers live on the land that they farm. NWWR operators don’t live on the land that houses their operations, with good reason. NWWR is not farming.

Show up Mon Apr 16 and testify so your voices of opposition to CB21-2018 will be heard. We need each and every one of you to attend. Many thanks.

Best,  
John Tegeris, PhD  
President, DRPS

**Monday, April 16th -- RIGHT NOW!**

**Council Bill 21-2018**

**Industrial Mulch Operations on Farms AGAIN!**

**7pm**

**George Howard Building  
3230 Courthouse Dr  
Ellicott City, MD**

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## Sigaty, Mary Kay

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**From:** RICK WORMSBECHER <rwormsbecher@comcast.net>  
**Sent:** Monday, April 16, 2018 1:33 PM  
**To:** Sigaty, Mary Kay  
**Subject:** CB21-2018

Dear Mr. Weinstein,

I would like to encourage you to VOTE AGAINST CB21-2018 if it should pass. Howard County has gone through a lot of changes in the last 40+ years. When we moved here, Howard County was still an agricultural based county, but in transition. Most of the local family farms were sold off to development. Houses went up everywhere, large expensive houses. Today western HC has changed to a residential community, with some remaining preservation farms. It is no longer an agricultural county. We are now a bedroom community. People are raising families in Howard County, not cows.

Allowing for 3 acre by 9 foot mulch (with animal carcasses!) operations on a few of the preservation farms that are surrounded by homes and families and children is dangerous and irresponsible. 3 acres by 9 ft high is a HUGE pile. There are so many bad things about putting this scale of operation in residential communities, that enactment of this bill is travesty and breakdown of good governance.

I sympathize with the plight of the small farmer not only in HC, but everywhere. It is an economically stressed occupation. The federal government subsidizes farmers to not farm to keep prices artificially up. Maybe we could consider some kind of subsidy program for our preservation farmers. I would gladly pay more tax to help. If all of (the wealthy) western HC residents were taxed a small amount to preserve the farms, it would be a win/win for all parties.

You voted for passage of this bill last year which, thankfully, was rejected by a technicality. I was really surprised and disappointed with your vote. I had always believed that you were a person who strongly cared about the quality of life for us in Howard County. I was shocked when you sided with mulch operators, like RLO, instead of with all of us who must live with these manufacturing complexes in our neighborhood. I strongly urge you to change your mind, and vote to keep industrial mulching operations in M1/M2 zoning where it belongs. Please REJECT this dangerous bill.

Sincerely,  
Richard Wormsbecher

## **Sigaty, Mary Kay**

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**From:** Jerry Anderson <jerry@andersonkinsella.com>  
**Sent:** Monday, April 16, 2018 12:42 PM  
**To:** Sigaty, Mary Kay; Ball, Calvin B; Weinstein, Jon; jterassa@howardcountymd.gov; Fox, Greg; Kittleman, Allan  
**Subject:** CB21-2018

I very respectfully ask that one or more of you succinctly explain the purpose of CB21-2018 at the outset of this evening's meeting. We have endured many hours of droning on about the pros and cons of this legislation yet the objective has never been clearly stated.

Our family has lived in Dayton for over forty five years and have always considered this a great place to raise families in harmony with the agricultural businesses here. We are eye witnesses to constant, very heavy truck and bus traffic on Ten Oaks Road that has nothing to do with farming. Simple tasks such as retrieving the morning paper, exiting our driveway, and gathering our mail are downright dangerous. We also understand the grave concerns of parents of children who must board and disembark from school buses in this area.

Our hope is that our county government would not exacerbate this rapid creep toward industrialization of a rural community. Glenelg and Dayton are already compromised.

Thank You for your consideration of this request. I look forward to hearing from you at tonight's session.

Jerry Anderson

Jerry Anderson  
443-535-0510

## Sigaty, Mary Kay

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**From:** Theodore Mariani <theodore.f.mariani@me.com>  
**Sent:** Thursday, April 12, 2018 2:38 PM  
**To:** Weinstein, Jon; Fox, Greg; Sigaty, Mary Kay; Ball, Calvin B; Terrasa, Jen  
**Cc:** Wilson, B Diane  
**Subject:** CB 21 Testimony  
**Attachments:** Council Test ZRA183 27 Mar 18.docx

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Council Members

I would like to share with you the testimony that I intend to present on the 16th. If you have any questions concerning the testimony I would be happy to respond either by prior email or at the hearing,

This has been a long and torturous process involving much effort by all who have played a role, but it appears that the end is in sight. I trust that my comments will help you in your final deliberations in crafting a ZRA that covers all the bases and meets the needs of the farm community while protecting the health, safety and welfare of all county residents.

Ted

Theodore F. Mariani, FAIA, PE, MCRP  
[theodore.f.mariani@me.com](mailto:theodore.f.mariani@me.com)

(301) 523-6190

16449 Ed Warfield Rd.  
Woodbine, MD 21797

Testimony of Theodore F. Mariani  
Howard County Council  
RE ZRA 183

16 April 2018

First I would like to address the conceptual understanding of the intent of the ZRA and where there appears to be a disconnect with the ZRA text. Note all references are to proposed Bill No. 21-2018 ( ZRA 183).

1) If the intent of the ZRA is to preclude the use of ALPP and MALPF properties for commercial exploitation thru Mulch and Compost production and sale why does the limitation on sales expire when “ the outstanding purchase agreement “ expires.(Refer to Text of Bill Section 9E - Pg 18) Does this mean the limitation ceases when the bonds are paid in full ? If so this is a major flaw. Many of the properties in the program will soon be reaching the final two or three years on the bond payout schedule . Thus this restriction could expire as early as 2020. Further some land owners could have accepted a cash payment in lieu of the installment sale option. Are these sites not now covered? The same could be said for the MALPF properties.

Tying the limitation on use to just the tax exempt issue to preclude a commercial activity ignores the existence of the underlying easement ( a covenant on the land) that precludes commercial or industrial use on any property in either the ALPP or MALPF program. The ALPP easements are in perpetuity and cannot be abridged. The MALPF easements are in perpetuity unless the land owner can prove that “farming” under the easement restrictions is no longer economically feasible.

Thus the wording in the text is puzzling and undermines the intent of the ZRA.

2) The limitation on sale of excess product must apply to both retail and commercial buyers. A 5% limitation is spelled out for retail sales but there is no mention of commercial sales. (Section 4 A Pg 28 ) If the intent was a 100% prohibition on bulk commercial sales it should be clearly stated. Further the limitation on sales from ALPP and MALPF sites seems to be removed once the “outstanding purchase agreement” has expired. Further the method of controlling the level of sale of excess product ( product not used exclusively on the farm where the product is produced) is vague. Will the County monitor this and if so how? The concept , proposed in prior versions of the text, of limiting the transport off the site to small non commercial tagged pick up trucks and farm tagged vehicles seems logical and easy to enforce. Why not reinsert this wording to assist monitoring of the activity.

3) Although the intent of the ZRA is to prohibit mulch and compost production on preservation parcels created through the cluster subdivision process , the text is not clear and subject to an evasion of the regulations. The only reference is in Section 4A , Pg 36 which is ambiguous at best.

4) Allowing the Hearing Examiner wide latitude in the reduction of setbacks from adjacent properties and the ability to allow unlimited retail sales from the NWWR site undermine the purpose and intent of the regulations.

The following comments address the specific sections of the proposed text:



Pg. 14 - #37 NWWR is listed as a matter of right in the M1 zone but where are the controls for Mulch production on these sites? Matter of Right NWWR can be defended for the M zones but there must be some level of control beyond the general "nuisance" clause .

Pg. 15- B4 M2 sites (See comments re M1 sites)

Pg. 17 - 9A Identifying a 3 acre composting site as "small" is misnomer especially if there is no limit on commercial sales.

Pg 18 - 9 C There is no mention of prohibition of commercial sales.

Pg. 18 - 9E Reporting should be annually not just once after the first two years.

Pg.18- 9E What is meaning of term "no outstanding purchase agreement" and what is its impact on the regulations.

Pg. 25 - O 2 H School setback refers only to a 500 foot setback from property lines .Some school buildings could be close to a property line . Thus 500 feet is not an adequate setback to safe guard the students and faculty . Why not impose an additional 1000 foot setback from any school building?

Pg. 26 - O 2 H Allowing the Hearing Examiner to drastically reduce setbacks beyond any reasonable level results in a severe of diminution of protection. As an example the 300 foot set back from an abutting residential property line could be reduced to only 50 feet.A 6 fold reduction . A more prudent approach would be to limit the reduction of the setback standards by not more than 20% which would result in a 240 foot setback from a property line and 400 feet from a residence.The regulations must be balanced so as to allow a farmer to produce compost and mulch and a resident the peaceful enjoyment of his home .This possible 20% reduction would not apply to schools where there could be no reductions allowed.

Pg. 28- 4A The wording concerning the status of dedicated easements thru the cluster Subdivision process is not clear. It could be construed as allowing such parcels to be used for NWWR and Composting. I recommend that a clear and unambiguous statement be included that specifically prohibits NWWR and Composting on these parcels.

Pg. 28- 4 A Refers to a limitation for on site retail sales but there is no mention of prohibition of bulk commercial sales. Is this an oversight ?

Pg. 29- 4 H Setbacks. All of my comment regarding setbacks referenced to the text on Pg. 34 including the ability of the Hearing Examiner to drastically reduced setbacks, apply to this section.

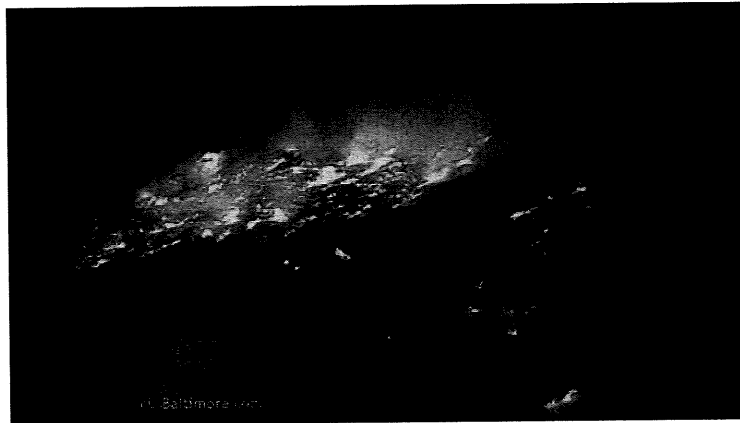
The Council and Executive have made a great effort to balance the interests of all parties in this process but as shown in my comments a few clarifications and some modest refinements in the text would help in achieving a strong and enforceable regulation .

## Sigaty, Mary Kay

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**From:** Dayton Rural Preservation Society <info@preservedayton.com>  
**Sent:** Sunday, April 08, 2018 11:24 AM  
**To:** Sigaty, Mary Kay  
**Subject:** Horrible Bill for HoCo - Mulch Bill Broken Down

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### **All Councilpersons, please consider this as my formal testimony concerning CB 21-2018.**

I studied the composting allowances in CB 21-2018, and the companion MDE regulations, particularly as they would apply to ALPP. They are extremely threatening to our quality of life in Dayton and any similar areas. Of course, the composting threats are in addition to the well documented and dangerous industrial mulch grinding provisions of CB 21 to which I and many health professionals and subject matter experts have previously testified.

#### **Some particularly alarming composting aspects:**

- Up to 3 acres of Type 1 or Type 2 "Small" composting facilities are permitted.
- Type 2 composting materials include rotting animal carcasses, "industrial" food processing materials, food scraps waste, manure and bedding, and any other "compostable products". They can be piled up to 9 feet high per MDE regulations.
- The amount of sales is unlimited, for a farm with no currently ongoing ALPP payments, like the Dayton Orndorff farm which adjoins existing rural subdivisions.

What is proposed by sponsoring Councilpersons Fox and Sigaty is the allowance of 3 acres of rotting animal carcasses, food waste, and trash into the middle of our residential community (and similar ones throughout Western Howard County). Toxic pathogens, aquifer and groundwater contamination, rodent infestations, stench, and

constant trucking of unlimited waste is proposed in this CB. Even the MDE regulations, describe food waste as "Industrial" waste. It cannot be any clearer that this does not belong outside of M1/M2 zoned land.

**I cannot imagine how any Councilpersons could possibly sponsor such reckless, irresponsible, and dangerous legislation.** It is bad enough that Councilpersons Fox and Sigaty, along with Councilperson Weinstein, voted against County residents health and safety to allow industrial mulch manufacturing in the midst of our rural communities during the last legislative cycle. Now, they apparently want to take it even a step further in their ongoing war against residents health and safety. In contrast, I appreciate Councilpersons Ball and Terrasa's thoughtful regard for citizen's safety in the past and wish other Councilpersons can do the same regarding the threats to public safety contained in CB 21-2018. I also appreciate County Executive Kittleman removing himself as requesting the legislation during this legislative cycle and propose that he veto CB 21-2018 if it reaches his desk to rectify his original request for this dangerous legislation.

**Please do the following regarding CB 21-2018:**

1. Eliminate Tier 2 composting provisions proposed for any proposed zoning category other than M1/M2. They do not belong outside M1/M2 due to the hazardous and noxious nature.
  2. Tier 1 composting on other than M1/M2 should be limited to "from the farm - for the farm", with no trucking of materials onto or off of the site, except occasional transport to other farms for "on the farm" use there, with no commercial sales beyond that point.
  3. Eliminate proposed mulch manufacturing from other than M1/M2 zones (as is current law). The many hazards associated with this industrial practice are well documented and by their very nature need to be limited to M1/M2 zones. Even a 1 acre mulch manufacturing operation is dangerous to communities health and safety, can damage the aquifer, contaminates air quality, poses severe fire risk, causes noise and odors, and reduces the quality of life in surrounding neighborhoods. It belongs only on M1/M2, as per the current law.
  4. Honor the easements and covenants established on Ag Pres contracts and limit all operations there to agricultural uses and currently approved accessory uses (as per the easement requirements and the current regulations - i.e. wineries, hair salons, and other currently allowed accessory uses). Mulch manufacturing is not agriculture by MDE definition and is hazardous. No uses currently within M1/M2 should not be moved onto Ag Pres lands according to the easement contracts established with our Ag Pres payments, which run with the land recordations and apply in perpetuity. Doing otherwise would violate those pre-recorded easement restriction contracts, violate the public trust, and may well subject the County to liabilities and damages.
- Rest assured all Councilpersons and County Executive Kittleman that your vote/actions will be remembered beyond this Bill into upcoming elections, both local and Statewide, going forward.

Thank you, please do the right thing to protect residents,  
David Banwarth  
Dayton, MD

See my attachment here: [WWW.PRESERVEDAYTON.COM](http://WWW.PRESERVEDAYTON.COM)

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Testify on CB 21-2018  
The New Industrial Mulch on Farms Bill

April 16, 2018

7pm

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## Sigaty, Mary Kay

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**From:** Natalie Ziegler <nziegler@aol.com>  
**Sent:** Wednesday, April 04, 2018 1:29 PM  
**To:** Sigaty, Mary Kay  
**Cc:** rrfarm@verizon.net  
**Subject:** What else? Mulch, of course!

**Follow Up Flag:** Follow Up  
**Flag Status:** Flagged

Dear Mary Kay,

Congratulations on your run for State Senate! You have done so much for farmers on the county council, but we would be happy to have you in the Maryland Senate as well!

I just wanted to put in my unsolicited two cents after knocking doors and doing house parties in the western part of the county for months, and suggest that you try and table the mulch discussion for a while until it can be reframed. Bizarrely, it has taken on the force of any of the proxy arguments and culture wars that have infected our national debate. It ceased early on to be a fact based discussion, but at this point has truly entered the realm of make-believe and free floating hostility. I think at this point, the bill has the potential to hurt the majority of farmers much more than it helps them, and it would be better to drop it for the time being.

Perhaps we could revisit the idea with a broader array of potential opportunities for farmers, the way we did years ago with the addition of farm stands, value added processing, etc., but I think we need people's temperatures to cool down first. And we would like you to win your election!

I think most of the people who supported the mulch bill and deeply appreciate your efforts would agree with me and completely understand that the political realities make this an inopportune time to continue to push the bill.

Best regards,  
Natalie Ziegler  
Carroll Mill Farm

## Sigaty, Mary Kay

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**From:** Theodore Mariani <theodore.f.mariani@me.com>  
**Sent:** Friday, April 13, 2018 11:17 AM  
**To:** Weinstein, Jon; Fox, Greg; Sigaty, Mary Kay; Ball, Calvin B; Terrasa, Jen  
**Cc:** Wilson, B Diane  
**Subject:** Testimony of Rick Lober re CB 21 2018

Dear Council Members

I have received and read thru the written testimony of Rick Lober concerning CB 21. It is a very clear and balanced analysis of the issues that must be considered as you deliberate on the future of this bill and its impact on the County. Rick has been deeply involved in this long going process from the very beginning and I have had the pleasure of working with him through both the original Task Force sessions and the smaller working group. He has always brought a very thoughtful and reasoned approach to our deliberations, striking a fine balance between the needs of the farm community and the protection of the residential environment.

Rick has emailed each of you his prepared testimony since he will not be able to attend the session on Monday evening. I urge you to give full consideration to his arguments for protecting our outstanding Ag Pres Program and maintaining the health and safety of the county residents who could be adversely affected.

Ted

Theodore F. Mariani, FAIA, PE, MCRP  
[theodore.f.mariani@me.com](mailto:theodore.f.mariani@me.com)

(301) 523-6190

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