

FW: ZRA 155-Response to County Council Meeting**FILE COPY**

Sigaty, Mary Kay

Sent: Tuesday, July 28, 2015 4:13 PM**To:** Feldmark, Jessica**Cc:** Sayers, Margery; councilrecords**Attachments:** Document #1.pdf (169 KB) ; Document #2.pdf (349 KB) ; Document #3.pdf (313 KB) ; Document #4.pdf (77 KB) ; Document #5.pdf (278 KB) ; Document #6.pdf (202 KB) ; Document #7.pdf (277 KB) ; Document #8.pdf (165 KB) ; Document #9.pdf (187 KB)

CB37-2015.

From: Jon Miller [mailto:jon@millercci.com]**Sent:** Tuesday, July 28, 2015 3:15 PM**To:** Weinstein, Jon; Ball, Calvin B; Terrasa, Jen; Sigaty, Mary Kay; Fox, Greg**Subject:** ZRA 155-Response to County Council Meeting

Dear Council Members,

We appreciate the opportunity that was provided to us at the County Council meeting for you to hear the amendment for ZRA 155.

It was a long evening with many individuals testifying and much information to digest. There was also untrue testimony from the individual testifying against the ZRA and subsequently from an additional letter from his neighbor. There was no opportunity to rebut any of those claims so we want to set the record straight.

We will provide a chronological timeline of pertinent facts along with documents for substantiation.

May 11 1990 - Millers purchase property*1

September 1990 - BGE notifies Millers of intent to purchase property.

January 23 1991 – Jon Miller attends Rosemont home owners association meeting.*2

February 1991 – Jon Miller contacts attorney referred by Rosemont.*3

April 29 1991 – Millers enter a contract with BGE.*4

October 21 1999 – Millers are notified of a zoning violation by Howard County DPZ and activities are stopped.*5

May 14 2014 – Millers are notified of a zoning violation by Howard County DPZ.*7

BGE

Jon and Sonya Miller purchased 10430 Shady Acres Lane on May 11 1990*1. Shortly afterwards BGE contacted us to notify us of their intent to purchase a portion of the property, under threat of eminent domain if we would not settle. We didn't want to sell and were invited to the Rosemont home owners association (RHOA) to try to prevent BGE from forcing us to do this.*2 RHOA provided us with a number for a land use attorney, William Canby, whom was considered the best in the area at that time*3. We contacted Mr. Canby and explained our predicament. He stated that there was less than a 1 percent probability that we would prevail against BGE and any money that we paid him to represent us in our case would be wasted. Due to the legal advice provided by the attorney that RHOA had given us, we entered a contract with BGE on April 26 1991.*4

Mr. Jim Erbacher sent an email to Mary Kay Sigaty's office after the County Council meeting stating, "Mr Miller responded that he believed the property's value would diminish if he waited for it to be condemned." This is patently false. After receiving the telephone number for William Canby, I never spoke with anyone from RHOA on this matter again.

Dirt Bikes

On October 21 1999 an Inspector with Howard County DPZ visited our property to tell us we were in violation

for a dirt bike track I had built for my children who were 8 and 11 years old.*5 We immediately ceased that activity and removed the dirt piles. It was legally resolved by May 22 2000.*6

Mr. Erbacher claimed that we had received a written complaint from RHOA about the children's dirt bikes. This is also blatantly untrue. My children did have dirt bikes, but we never (not once) had anyone from Rosemont complain to us or indicate that there was a problem.

ZRA 155

At the County Council Meeting Mr. Dave Novak stated that our business is getting "bigger and bigger". In 2007 Miller Construction Inc. had 39 employees.*8 Since then, due to a change in the economy, we have had to downsize. We now employ 16 persons, which includes my wife and 2 sons.*9 There is only 1 full time employee that comes to our home other than my family. The self-propelled, outdoor equipment owned by Miller Construction includes: 2 forklifts, 1 bobcat, 1 mini excavator and one man lift. We also have 4 pickup trucks, 2 stake body trucks and 2 trailers. Two of the pickup trucks are employee take home vehicles that do not come to our home. Since 2008 we have purchased 1 new pickup truck in 2010 that replaced a truck that was sold, a trailer that replaced one that needed extensive repair and a man lift. A net gain of 1 item.

The only activities that happen at our home is loading or unloading trucks. Brick, block and concrete are delivered on jobsites by our suppliers. The things that we typically load onto trucks are scaffolding, boards, wheelbarrows, shovels, etc. This is done a few times per week, predominately by hand. Unloading or loading a truck for work usually takes a few minutes but not over an hour. These activities usually occur on weekdays between noon and 5 PM but never before 7AM or after 7PM.

We have been a part of Howard County for 25 years, having raised our children, helped those in need and made lasting friendships. We are approachable, compassionate and appreciate the things that the Howard County community represents. We have never had terse discourse with anyone in our area. We are not perfect and have made mistakes but have always tried to remedy the situations expediently.

Thank you for your time.

Jon and Sonya Miller

Document 1

COPY

This Deed, MADE THIS 11th day of May

in the year one thousand nine hundred and ninety by and between JOHN W. WILSON and MONTIE A. WILSON, his wife, parties

of the first part, and JONATHAN L. MILLER and SONYA A. MILLER, his wife, parties

of the second part.

The actual consideration paid or to be paid is \$230,000.00

WITNESSETH, That in consideration of the sum of Five Dollars, and other valuable considerations, the receipt whereof is hereby acknowledged,

the said JOHN W. WILSON and MONTIE A. WILSON

do es grant and convey to the said JONATHAN L. MILLER and SONYA A. MILLER, his wife, as tenants by the entireties, their assigns, the survivor of them and the survivor's

personal representatives and assigns, in fee simple, all

that lot of ground situate in Howard County

and described as follows, that is to say:

FOR DESCRIPTION SEE "EXHIBIT A" ATTACHED HERETO AND MADE A PART HEREOF

BEING the same property described in a Deed dated July 11, 1986 and recorded among the Land Records of Howard County in Liber 1733, folio 188, which was granted and conveyed by Mildred H. Riegber and John W. Wilson and Montie A. Wilson, his wife, unto John W. Wilson and Montie A. Wilson, his wife, the Grantors herein.

TO: Rosemont BG&E Committee

FROM: Barbara Wolfert

RE: Jan. 23, 1991 Meeting Notes

On Jan. 23, a committee meeting was held at Cheryl and Tracy Williams' house from 8 p.m. to approximately 10 p.m. Present were: Tracy and Cheryl Williams, Janet and Jim Erbacher, Nick Pace, Arlene Anderson, Lucy Caffrey, Mike Tomasino, Dave Novak, Rob Dobry, Geoff Griffith, Alan Carey, John Stier, and Barbara Wolfert. Also present was John Miller, the neighbor to the east of Rosemont who was also approached by BG&E, of 10390 Scaggsville Rd. Tracy Williams presided.

John Miller stated that he was approached by Tuck Tyler of BG&E Real Estate. BG&E wants to purchase 1.3 acres out of his 4 acres. His barn would be 20 ft. from the edge of the ROW.

On Jan. 14, during John's absence, BG&E delivered their response to John's letter of Nov. 21, 1990 to Rob Dobry. A copy of this is attached.

Also, while John was gone, on Jan. 22, 1991, BG&E gave Rob Dobry their official proposal to Rosemont, the UNRESTRICTED EASEMENT OPTION, a Proposed ROW Acquisition drawing, and a picture of the poles. Copies of these are also attached to this memo.

Tracy stated that BG&E want rights to cut down trees on his, Griffiths' and Novaks' property, at .7 acre x \$49,000 x 35%

Previous Action Items:

Alan Carey consulted with Mary Macheski about talking to the Milk Producers, then visited George Walgrove, Jr., Manufacturing Division Manager of the Milk Producers. Walgrove told Alan he was unaware of BG&E's desire for a ROW across their land (which is west of Rosemont's Lot 37). Alan and Walgrove walked to the Milk Producers' property to see the survey stakes. Walgrove expressed concern that the power lines would interfere with future development of this property. The committee then discussed whether the presence of power lines would help the Milk Producers in getting their land rezoned as non-residential.

John Stier discussed his contacts with government officials. He read the letter Senator Sarbanes sent BG&E in response to the letter which John had sent to Sarbanes. John asked Marty Madden's office to check with the State of Md. to see if BG&E has permission to use State property along Rt. 216 as part of the ROW. BG&E needs to use 4 properties for their proposed ROW: St. of Md. Highway Commission, John Miller's, Rosemont's and the Milk

TO: Rosemont BG&E Committee
FROM: Barbara Wolfert
RE: ^{Feb. 13}
~~Jan. 23~~, 1991 Meeting Notes

On Feb. 13, a committee meeting was held at Cheryl and Tracy Williams' house at 8 p.m. Present were: Tracy and Cheryl Williams, Jim Erbacher, Mike Tomasino, Linda Dobry, Geoff Griffith, Alan Carey, John Stier, and Barbara Wolfert. Tracy Williams presided.

Cheryl had copies of area plats spread out on the kitchen table which she had obtained from Howard Co. Planning & Zoning. Cheryl mentioned she would try to get copies of additional plats.

Tracy has been in contact with John Miller, our neighbor. Miller wanted Canby's phone number.

The committee discussed whether or not to hire an attorney now. We decided to wait to see whether or not PSC would reopen hearings. (Refer to John Stier under Previous Action Items.)

The committee discussed the possible effects of publicity, i.e., TV and newspapers. Would this publicity do us any good? Health and EMF won't be an issue with PSC.

The committee discussed BG&E's Unrestricted Easement Option and objections were voiced to various parts of it. The committee discussed whether or not to start listing items we would want in an agreement with BG&E if we have to negotiate with them. Again, we decided to wait on PSC's actions.

Previous Action Items:

Alan Carey, Dave Novak and Tracy Williams visited the PSC and reviewed the 600+ pages of the testimony presented in 1971 at the hearings regarding the BG&E proposed 500KV ROW (Case #6418).

Cheryl Williams visited Howard County Planning and Zoning to copy the plats mentioned above and to review the transcripts of the hearings Howard County had with Pepco regarding Pepco's 500KV ROW through the county. Cheryl copied some of the pages, and she read from these at the meeting. Pepco managed to discount every argument presented at the hearings. Pepco had many lawyers and "experts" at their disposal.

Alan called George I. Walgrove, Jr. of the Milk Producers Assoc. Walgrove is expecting BG&E to contact him soon.

John Stier phoned PSC and talked to Frank Fulton, Director of

BALTIMORE GAS AND ELECTRIC COMPANY

VENDOR CODE **\$\$**

CHECK NO. **1907398**

OUR REF. NO.	INVOICE NO.	PURCHASE ORDER	INVOICE DATE	DISCOUNT	NET AMOUNT	
S10178			4/26/91		\$3,500.00	<p><i>Document 4</i></p> <p>DETACH THIS PORTION BEFORE DEPOSITING CHECK</p>
PAYMENT FOR OPTION - 500 KV LOOP		HIGHRIDGE	- PARCEL 1C3			
4/29/91			TOTALS ▶		\$3,500.00	

Document 5

**HOWARD COUNTY GOVERNMENT
Department of Planning and Zoning**

ZONING VIOLATION FORMAL NOTICE

Case Number: ZV 99-31

Date of Notice: December 3, 1999

Premises in Violation:
10430 Shady Acres Lane
Laurel MD

Responsible Party:
Jonathan L. Miller
Sonya A. Miller
10430 Shady Acres Lane
Laurel MD 20723

Tax Map 47, Block 7, Parcel 120

An inspection of the premises identified above was conducted on October 21, 1999. You are hereby notified that the following violations of the Howard County Zoning Regulations exist on the premises:

Zoning Regulation Cited	Violation
108.B and 108.C	The establishment or use of a dirt bike/motorcycle track on R-20 (Residential: Single) zoned property

The violations listed above must be corrected and the property brought into compliance with the Zoning Regulations within 30 days of the date of this notice. If you fail to meet this deadline, you will be subject to the following actions, pursuant to Title 16 and Title 24 of the Howard County Code and Section 102 of the Howard County Zoning Regulations: (1) civil penalties carrying fines of \$250 to \$500 for each day that the violation persists, (2) criminal penalties, and (3) an injunction or other appropriate action in a Court of Law.

Upon receipt of this notice, please contact Regulations Inspector Joe Lettich by calling (410) 313-2393 or writing to the Department of Planning and Zoning, Division of Public Service and Zoning Administration, 3430 Court House Drive, Ellicott City, MD 21043.

Any person aggrieved by a decision of the Department of Planning and Zoning may file an appeal to the Board of Appeals. An appeal to this notice must be filed within 30 days of the date of the notice and must state the alleged error or other grounds for the appeal. Instructions and forms for filing an appeal may be obtained from the Department of Planning and Zoning.

Joe Lettich

Joe Lettich, Regulations Inspector
Division of Public Service and Zoning Administration

JPL
JRL/HJL:vv, notices.ZV-99-31
SHERIFF'S SERVICE

BALTIMORE GAS AND
ELECTRIC COMPANY

v.

JONATHAN L. MILLER, *et al.*

*

*

ENTERED
MAY *23 2000

**CLERK, CIRCUIT COURT
HOWARD COUNTY**

* * * * *

IN THE

CIRCUIT COURT

FOR

HOWARD COUNTY

CASE NO.:

13-C-99-04825 42725

CONSENT ORDER

WHEREAS, this matter came before the Court on the Complaint of Baltimore Gas and Electric Company against Jonathan L. Miller and Sonya A. Miller for damages relating to a dispute between the parties relating to a Parcel owned by Baltimore Gas and Electric Company and generally designated as Parcel 1022 of Tax Map 47, Block 7, in Howard County, located north of 10430 Shady Acres Lane in Howard County, Maryland; and

WHEREAS, the matter is presently scheduled to come to trial on the merits on April 27, 2000; and

WHEREAS, the parties have entered into a mutual and voluntary Settlement Agreement resolving the dispute, a copy of which is attached hereto as Exhibit A; and

WHEREAS, the parties now desire to avoid the burden, expense and inconvenience of further litigation by finally settling and compromising all of the matters which were asserted or could have been asserted by any of them in connection with the Complaint, and for that purpose alone consent to entry of this order. TRUE COPY TEST:

Margaret D. Lappaport
CLERK

Document 7

HOWARD COUNTY GOVERNMENT
Department of Planning and Zoning

ZONING VIOLATION FORMAL NOTICE

Case Number: CE14-24
Premises in Violation:
10430 Shady Acres Lane
Laurel, MD. 20723

Date of Notice: May 14, 2014
Responsible Party:
SERVE: Jonathan L. Miller
10430 Shady Acres Lane
Laurel, MD. 20723-1214

Tax Map 47, Block 7, Parcel 120

An inspection to the premises identified above was conducted on May 13, 2014 at 1:00 P.M. You are hereby notified that the following violations of the Howard County Zoning and/or Subdivision and Land Development Regulations exist on the premises:

Zoning Regulation Cited	Violation
108.0.B&C, 101.0.O	The maintenance a contractor's business including the storage of related vehicles, equipment, and materials on R-20 (Residential: Single) zoned property. <u>Corrective Action:</u> To abate this notice: cease operation of the contractor's business, remove all related vehicles, equipment, and materials from the property.

The violations listed above must be corrected and the property brought into compliance with the regulations within 30 days of the date of this notice. If you fail to meet this deadline, you will be subject to the following actions, pursuant to Title 16 and Title 24 of the Howard County Code: (1) civil penalties carrying fines of \$250 to \$500 for each day that the violation persists, (2) an order of abatement issued by the Hearing Examiner or the Board of Appeals, and (3) an injunction or other appropriate action in a Court of Law. Pursuant to Title 16, failure to pay any civil fines assessed or any costs incurred by the County for work done to abate the violation shall become a lien on the property.

Upon receipt of this notice, please contact me by calling (410) 313-2350 or writing to the Department of Planning and Zoning, Division of Public Service and Zoning Administration, 3430 Court House Drive, Ellicott City, MD 21043.

I solemnly affirm under the penalties of perjury, and upon personal knowledge or based on the affidavit, that the contents of this violation notice are true and that I am competent to testify on these matters.


Curtis Braithwaite, Regulations Inspector
Division of Public Service and Zoning Administration

ANL

ANL/CB:cb

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Form 941 for 2007: Employer's QUARTERLY Federal Tax Return
(Rev. January 2007) Department of the Treasury - Internal Revenue Service

970107

OMB No. 1545-0047

Report for this Quarter of 2007 (Check one)

1: January, February, March

2: April, May, June

3: July, August, September

4: October, November, December

OMB No. 1545-0047

02MT2901L 03/05/07

Employer identification number: 52-2069865

Name (not your trade name): MILLER CONSTRUCTION, INC.
Trade name (if any): C/O THACKSTON AND ASSOCIATES

Address: 423 E MAIN ST
WESTMINSTER MD 21157

Part 1: Answer these questions for this quarter.

1 Number of employees who received wages, tips, or other compensation for the pay period including: Mar. 12 (Quarter 1), June 12 (Quarter 2), Sept. 12 (Quarter 3), Dec. 12 (Quarter 4) ... 1

39

- 2 Wages, tips, and other compensation.
- 3 Total income tax withheld from wages
- 4 If no wages, tips, and other compensa
- 5 Taxable social security and Medicare
 - 5a Taxable social security wages
 - 5b Taxable social security tips
 - 5c Taxable Medicare wages & tips
 - 5d Total social security and Medicare
- 6 Total taxes before adjustments (lines 1-5)
- 7 TAX ADJUSTMENTS (Read the instructions)
 - 7a Current quarter's fractions of ce
 - 7b Current quarter's sick pay
 - 7c Current quarter's adjustments for tips
 - 7d Current year's income tax withh
 - 7e Prior quarter's social security and Med
 - 7f Special additions to federal inco
 - 7g Special additions to social security and
 - 7h TOTAL ADJUSTMENTS (Combine
- 8 Total taxes after adjustments (Combine
- 9 Advance earned income credit (EIC) pa
- 10 Total taxes after adjustment for advan
- 11 Total deposits for this quarter, includ
- 12 Balance due (If line 10 is more than lin
Follow the instructions for Form 941-V.
- 13 Overpayment (If line 11 is more than li
For Privacy Act and Paperwork Reduction A

Document 8

Employer identification number (EIN) 52-2069865

Name (not your trade name) MILLER CONSTRUCTION, INC.

Trade name (if any) Miller Construction, Inc.

Address 10430 SHADY ACRES LN
LAUREL MD 20723-1214

Report for this Quarter of 2015
 (Check one.)

1: January, February, March

2: April, May, June

3: July, August, September

4: October, November, December

Instructions and prior-year forms are available at www.irs.gov/form941.

QBMT2901 03/23/15 FW2

Read the separate instructions before you complete Form 941. Type or print within the boxes.

Part 1: Answer these questions for this quarter.

1 Number of employees who received wages, tips, or other compensation for the pay period including: Mar. 12 (Quarter 1), June 12 (Quarter 2), Sept. 12 (Quarter 3), Dec. 12 (Quarter 4) 1 15

2 Wages, tips, and other compensation ...

3 Federal income tax withheld from wages,

4 If no wages, tips, and other compensation

5a Taxable social security wages

5b Taxable social security tips

5c Taxable Medicare wages & tips

5d Taxable wages & tips subject to Additional Medicare Tax withholding

5e Add Column 2 from lines 5a, 5b, 5c, and 5

5f Section 3121(q) Notice and Demand — Ta

6 Total taxes before adjustments. Add lines

7 Current quarter's adjustment for fractions

8 Current quarter's adjustment for sick pay

9 Current quarter's adjustments for tips and

10 Total taxes after adjustments. Combine lines

11 Total deposits for this quarter, including overpayments applied from Form 941-X, if any, in the current quarter

12 Balance due. If line 10 is more than line 11

13 Overpayment. If line 11 is more than line 10

▶ You MUST complete both pages of Form 941

For Privacy Act and Paperwork Reduction Act Information

Document 9

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