

**ENVIRONMENTAL ADVISORY  
COUNCIL –  
September 14, 2005  
@ 3:00 P.M., Room 300A  
County Office Building  
MINUTES**



**James E. Slater, Jr.  
Environmental Compliance Officer  
225 N. Center Street  
Westminster MD 21157-5194  
410.386.2756**

**Members Present:** Kevin Dayhoff, Chair  
Bob Foor-Hogue  
Sher Horosko  
Jim Johnson  
Karen Merkle  
Brian Rhoten

**Members Absent:** Robyn Gilden  
David Pyatt

**State of MD:** Mike Galvin, DNR  
Rob Pearce, SHA  
Beth Sanders, MD Forest Service  
T. J. Spampinato, SHA

**County Government:** Tim Feeser, Commissioners' Office  
Terri Jones, Senior Assistant County Attorney  
Vicki Luther, Forest Conservation Specialist  
Tom Robertson, County Forester  
James E. Slater, Jr., Environmental Compliance Officer  
Richard Soisson, Director of Recreation & Parks  
Dorothy K. Smith, Secretary to EAC

**BGE:** Dan Davis, Forestry Management Coordinator  
Mike Fowler, Sr. Govt. Relations Representative, Constellation Energy  
Peter Parr, Director of Forestry, Damage Prevention & Program Mgmt.  
William T. Rees, Jr., Supervisor of Forestry & R/W Mgmt.  
Stephen Woerner, Mgr. of Distribution Construction, Op & Maintenance  
Tom Young, Area Forester and Project Manager

**Others:** Ellen Cutsail, Union Bridge Town Council  
John Lopez, Finksburg Planning Area Council  
Justin Palk, Carroll County Times  
Chris Shipley Perry, Hillendale, Inc.  
Norm Rebert, President of Hillendale, Inc.  
Edwin Singer, Carroll County Health Department  
Carolyn Walpert, Homeowner

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Mr. Dayhoff opened the meeting at 3:07 P.M. by having everyone introduce themselves and by stating their affiliation. He then asked if there were any comments on the minutes of August 17, 2005. The following comments were made:

- Ms. Horosko stated that on Page 5, Motion 19, the word “exclusive” should have read “extensive”.
- Ms. Merkle stated that on Page 3, in the third paragraph, the word “hundreds” should have been “thousands”.

Following those comments, motion was made as follows:

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**MOTION NO. 21:** Motion was made by Sher Horosko and seconded by Karen Merkle, to approve the minutes of August 17, 2005 with the two following corrections:

- On Page 5, Motion 19, change the word “exclusive” to read “extensive”.
- On Page 3, third paragraph, change the word “hundreds” to read “thousands”.

Motion was unanimously carried.

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There were no communications to be reviewed.

Mr. Dayhoff asked if there were any comments on the EAC’s Bylaws. Comments were as follows:

- Ms. Horosko – Section 4, Members’ Attendance at Meetings – In a prior draft, members missing more than 3 meetings were subject to dismissal. This has been eliminated. Why?

Mr. Slater responded that the EAC does not have the authority to include this in the Bylaws. Ms. Jones agreed that they do not have that authority and also stated that the EAC is still short one member. Dismissing one member could make it very difficult to establish a quorum. Ms. Merkle suggested that attendance issues (excused absences and unexcused absences, quorums, etc.) can be addressed in the form of an addendum. Therefore, the following motion was made:

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**MOTION NO. 22:** Motion was made by Ms. Horosko and seconded by Ms. Merkle to approve the Bylaws as written, with the understanding that amendments can be made to address any future concerns.

Motion was unanimously approved.

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Additional concerns regarding the Bylaws included:

- Ms. Merkle - Article VI - Meeting Agendas - Asked if that gave EAC members the right to add to the agenda? Ms. Jones and Mr. Slater agreed that it does.

- Ms. Horosko - Article V – Officers, Section 2 – Terms, Qualifications and Standards - Asked if additional text to this section to include a means for the Chair, or the Committee, to dismiss any member who fails to attend meetings, i.e., by missing 3 or more meetings without a good reason. Ms. Jones answered that the EAC members are appointed by the Board of Commissioners and they have a set term for the appointment. However, the Chair could recommend to the Commissioners to end the term of an EAC member and members can resign at any time. The EAC can select anyone from their committee to head up and serve on other subcommittees.
- Ms. Horosko – Article V – Officer, Section 6 – Duties and Responsibilities of the General Membership of the EAC – next to the last paragraph states “It is incumbent on members to refrain from rendering any individual opinion on matters before them until the matter has been fully represented”. Ms. Horosko feels this needs to be clarified. As long as she voices her opinion as her own and not that of the EAC, she feels she is not representing the EAC at that point; she does not want to be pre-empted from having her viewpoint made, especially on issues that overlap. Mr. Johnson voiced the same concerns. The last paragraph provides additional information on this subject. Mr. Rhoten suggested the Council consider writing that only the Chair writes, or speaks, for the Committee; the EAC should review and approve everything in writing before it goes out.

Mr. Slater expressed that it is more about prejudicing an issue before all sides have been heard. Ms. Horosko feels strongly that she would like to express interest or concern about the public’s role with the EAC and their transaction. Public input contributes to the function of the EAC.

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Mr. Dayhoff reported that the Biosolids Subcommittee met on Tuesday, September 13<sup>th</sup> and that a report on that meeting would be made a part of the record. He also reported that at the August 17<sup>th</sup> meeting, BGE gave a report on their policy regarding trees (removal, trimming, etc.). He then introduced Mike Fowler to give a presentation for BGE.

Mr. Fowler introduced each BGE representative in attendance. He also reported that BGE will be working on tree trimming, preliminary removal and replacement for 9.1 miles of transmission line along Route 140 from the Baltimore County line into Westminster. He indicated that BGE has always worked closely with the County and its towns. However, he also stated that BGE must adhere to FERC (Federal Emergency Regulatory Commission) guidelines and Best Management Practices (BMP’s). BGE has a “Right Tree, Right Place” program that is available for these kinds of projects. Some trees grow too tall and too fast. They are removed and replaced with appropriate trees. Sandymount Park is along this corridor and some of the trees are scheduled for removal, to be replaced with a different kind of tree.

Mr. Davis reported that BGE is working with the Department of Recreation and Parks to use Sandymount Park as a demonstration site for BGE’s “Right Tree, Right Place” program. He also reported that under the program, trees can be removed that endanger BGE’s power lines; and then replaced with smaller trees that will not grow too tall. He would like to see Carroll County work with BGE as a partner in this. He also stated there are numerous benefits to caring and maintaining trees along transmission lines, i.e., health benefits, aesthetics, protection of the transmission lines, etc.

Mr. Dayhoff asked what the attitude of DNR is on the invasive and exotic species of trees. BGE responded that they take that into consideration when they are in the right of way. Mr. Galvin responded that DRN supported the removal of exotic and invasive species, anywhere.

Ms. Horosko asked if BGE has a prioritized listing as to what benefits are most important (aesthetics, safety, health, pruning vs. removal, etc.). BGE responded that the focus is reliability and safety, beauty, pruning costs vs. removal, health of the tree, etc. BGE currently is managing 2 million trees on their distribution system. The trees are on private property, as well as public and open space. The “Right Tree, Right Place” program has three components:

1. Correction and Removal
2. Prevention through Education
3. Enforcement through Zoning and Roadside Tree Law

Ms. Luther reported that Carroll County has an Ordinance and Check List governing trees and is working toward enforcement since an education program is in place. She suggested a sign be placed at intersections at Sandymount Park that is very visible and further suggested placing evergreens, or competitive species, in place of white pines.

Mr. Richard Soisson, Carroll County Department of Recreation and Parks, met with BGE to finalize recommendations for removal and replacement at Sandymount Park. He reported that the County supports some removal, especially the white pines, replacing them with aesthetically pleasing trees and shrubs. Many other trees will be left in place. He and BGE are working together on this.

Mr. Dayhoff asked if the County had a recommended tree list. Mr. Luther responded that an invasive species listing is available.

At the September 13, 2005 meeting, Council members suggested that BGE should develop a plan that indicated what trees would be removed from individual properties.

Mr. Dayhoff inquired as to whether BGE had developed such a plan. Mr. Slater replied that in the past, BGE simply removed trees. Today they understand the value that trees bring and the difficulties dealing with individual property owners due to the impact it has on their property. Therefore, in order to minimize the impact, BGE offers to plant trees if the property owner chooses to do so.

Ms. Horosko asked Mr. Norman Rebert, Hillendale, Inc., what his experience was with BGE concerning this issue. Ms. Horosko also stated she heard that BGE offers compensation for tree removal, sometimes \$100.00, and that if they don't want the tree removed, the homeowner would have to bear the cost of maintenance for the tree(s) in the future.

Mr. Rebert has produced photographs illustrating the distance of trees from the power lines. He also stated that he felt there was no need to remove the trees. He further indicated that he had not met with anyone from BGE, but he understands the following:

1. That BGE is meeting with affected homeowners;
2. That approximately 800 trees are marked for removal; and
3. That if BGE does not hear from the homeowners by the end of September, BGE will move forward to remove those 800 trees.

In response, Mr. Fowler said BGE is having preliminary discussions with the residents of Hillendale; however, he also indicated did not report that they would not be cutting down trees by the

end of September if he did not hear from the residents. Mr. Young indicated that he did have an initial conversation with Mr. Rebert. They discussed a charge to remove the trees, deeds, easements, property rights, etc. He added that the discussion did not end on a positive note. He was told to expect to hear from Mr. Rebert's attorney. Mr. Young informed his supervisor of what transpired. BGE offered to meet with Mr. Rebert at the end of this meeting.

Mr. Rees reported that BGE has a right to remove fast-growing trees within 33' of the power lines, as well as to trim and top trees that are tall enough to fall on, or near, the lines within five years. Outside of the right of way, BGE is looking at removing or pruning trees with a signed waiver within a 5-year period. FERC doesn't have specific requirements on how to prune, and they are in the process of developing standards. They currently rely on BMP's.

Mr. Johnson commented that minimal clearance should be done. He can envision a 66' swath being cut instead of enhancing the tree line. He suggested BGE look at trees with a 20-year program instead of a 5-year program. He feels BGE's program is too aggressive and questioned the cost of putting the transmission lines underground.

BGE responded that the cost ranges from \$1M per mile up to \$4M per mile, depending on the lines. The Public Service Commission has ruled on burying transmission lines and the cost needs to be borne by the community wishing the lines to be put underground; it is not in the interest of the customers. The right of way for SHA and BGE is very narrow. They further stated that many of the trees in question are invasive and they put wooded areas in danger.

Ms. Merkle asked if BGE plans on planting and how can the EAC help. Mr. Fowler said financial contribution to private property must be worked on as different property.

Ms. Luther suggested that the residents refer to the Street Tree Fact Sheets book, published by Pennsylvania State University, for specie selection.

The question was asked if the trees will come down before replacement decisions are made. BGE responded they cannot commit to any schedule at this time. They have a responsibility to protect the lines by trimming and/or cutting. It is actually better to plan after the trees are gone. They also committed work with the County and resident to see what is available with the intent to plant in the spring.

Mr. Horosko stated she did not see hazard related to the trees along Rt. 140. It has been a long time since any trees have come down on the power lines causing an electricity outage. BGE has done a very good job in pruning and, based on their record, 1988 was the last time BGE, however, was down because of trees along that corridor. BGE responded that is why they planned on pruning the trees and replacing them with 5 years with competitive trees. BGE is systematically re-establishing the customers as originally planned, with a phased-in approach. They recognize that the Hillendale Trailer Park is very visible and therefore, they are committed to do 5-year screenings. When the Leyland Cypress trees were first planted, they met the FERC guidelines. However, they do not meet today's guidelines. Varying opinions ensued as to whether or not trimming these trees will kill them anyway.

Mr. Rhoten feels the trees can be pruned without doing them harm, and therefore, recommends doing just that. He also expressed the 33' right of way is too much. Additionally, he feels the

County has no control over private property issues, unless the homeowners would like for the Commissioners to address the BGE issue on their behalf.

Mr. Woerner of BGE stated they are trying to work with the EAC; however, and they have right to top or remove trees. He also indicated that BGE and the County want the corridor to look good, stating they have both active and retired employees living in this area. They will meet among themselves and prioritize the tree removal and planting. BGE wants everyone to understand they are not talking about just clear-cutting, just eliminating problem trees.

Mr. Galvin of DNR stated that FERC does not apply to the situation as discussed; but best management practice does. He offered to send the documents to Mr. Dayhoff (which are on the website), that apply to regulating roadside trees. Carroll County has never experienced any issues with BGE for work performed in rights-of-way. They always meet whatever is required by law. Most of the trees in question are on private property. The roadside tree law protects the trees.

Ms. Merkle asked how much of the 9-mile stretch is public property. BGE answered that it is Sandymount Park, some of the school property; everything else is owned by individual property owners.

Ms. Horosko expressed concern over the citizens that will be entering into negotiations with BGE about how the citizens can participate and the contrast with Carroll County Department of Recreation and Parks knowing the system. She recommended the possibility of the County offering expert points of view to the residents, maybe in the form of a letter, letting citizens know we are available to assist. She would like to see BGE mention the Cooperative Extension Service and/or DNR to the homeowners. Mr. Galvin indicated that DNR could help the citizens. Mr. Dayhoff said he would get with Mr. Fowler to write a letter to the homeowners so that they understand what services are available to them; he also said he would consult with Mr. Galvin before the letter goes out.

Mr. Fowler reported that the draft letter should state the goals of the EAC and contact DNR for distribution. BGE is committed to treating all their customers in the same way.

Mr. Foor-Hogue asked if BGE actually removed trees and gave input as to what kind of trees would be replacing them.

Mr. Rebert said that he has an investment in the trees he has planted over the 20 years and wants to know who will be watering and caring for the newly planted trees.

Mr. Lopez reported that he spoke with a BGE representative sometime in July, and he still has not seen a plan as to what is going to be removed. He is under the impression that most of these trees are below the level of the distribution line and transmission lines are very high. He does not see any danger with the spruces. He also feels we could go longer than a 5-year period.

There was also some discussion regarding a bald cypress that was located by the Reese Fire Hall and had been taken down by BGE that day, with the Fire Hall's permission. BGE felt the tree was getting too big and was a danger. Others felt it was not endangering any lines.

Ms. Horosko also asked why the Scope of Work was a matter of privacy. BGE reported it is not appropriate to make the plan public because it involves private residents. Councilwoman

Cutsail agreed with Ms. Horosko and stated anyone could go to the County's Tax Assessment information and get more information there than they could from the Scope of Work. Both, and others agreed, they were merely interested in knowing how many trees are scheduled to be removed and their location, not who the homeowners are.

At that point, Mr. Rees offered a copy of BGE's Scope of Work for Rt. 140 tree trimming and removal. Although he was willing to show the plan, he stated that he would not be able to leave a copy of the plan. After some discussion, Mr. Dayhoff did not allow the plan to be shown because our County Attorney was not present, and that once the plan was shown, it would become public record. He also expressed concern that all the homeowners have not yet seen the plan and he respects their privacy.

Mr. Fowler offered to take some of the EAC members out to where the trees are located to show them what is involved.

The EAC would like for Mr. Dayhoff to talk with Mr. Fowler to come up with what was agreed to and language that will be given to property owners in the future.

Due to the meeting already be in progress for three hours, Mr. Dayhoff asked for a motion to adjourn. Motion was as follows:

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**MOTION NO. 23:** Motion was made by Mr. Foor-Hogue and seconded by Mr. Rhoten, to adjourn. The meeting was passed by a majority vote, with Ms. Horosko voting against it.

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The next regularly scheduled meeting is October 19th at 3:00 in Room 003. Please let the secretary know if you will not be able to attend.

C: Distribution List  
File