

Fort Howard Community Association, Inc.

9202 Howard Avenue
Fort Howard, Maryland 21052
410-477-2040
September 23, 2018

Mrs. Jennifer Wazenski
Assistant Attorney General
Department of Natural Resources
580 Taylor Ave,
Annapolis, MD 21401

Re: DNR Grant

Mrs. Wazenski,

Thank you for taking my call Friday and appreciating the gravity of the matter.

Please find attached the Maryland Bikeway Program Funding Application submitted to the Maryland Department of Transportation (MDOT)/Office of Planning and Capital Programming, 7201 Corporate Center Drive, Hanover, Maryland 21076 by Mr. John F. Wilson, Associate Director, Maryland Department of Natural Resources, 580 Taylor Ave, Annapolis, MD 21401 for the design and construction of the "North Point Trail."

Kindly consider the following application excerpts from the "North Point Trail," Maryland Bikeway Program Funding Application by section and the undisputed facts challenging the accuracy and validity of the applicant's responses in boldface type. The application, original and final plans, and other documents are attached.

All design changes occurred in a vacuum of secrecy without any public participation.

Section 1.1

In section 1.1 the applicant responded with "Yes," to the grant application question "*Is the majority of the length of the project in: Within a Priority Funding Area.*"

It is an undisputed fact the "majority of the length of the project," is not "within a Priority Funding Area."

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In section 1.2

In section 1.2 the applicant responded with “Yes,” to the grant application question “*Does the project: Enhance bicycle circulation within or access to a Maryland Sustainable Community.*”

It is an undisputed fact the project is not within a Maryland Sustainable Community nor is the project proximal to a Maryland Sustainable Community.

In section 1.2 the applicant responded with “Yes,” to the grant application question “Does the project: Enhance bicycle circulation within or access to a major institution.”

It is an undisputed fact no major institution even remotely exists in proximity to the project precluding the project from enhancing bicycle circulation within or access to a major institution.

In section 1.2 the applicant responded with “Yes,” to the grant application question “*Does the project: Enhance bicycle circulation within or access to a commercial district.*”

It is an undisputed fact the project is not within a commercial district nor does the project provide access to a commercial district.

Section 1.4

In section 1.4 the applicant describes the project origin at the North Point State Contact Station, also known as the North Point State parking lot, then proceeds south and adjacent to the east side of North Point Road terminating at 9000 North Point Road.

The applicant describes a “trail,” second leg originating at the intersection of Avenue “C” and North Point Road then proceeding south and adjacent to the west side of North Point Road terminating at 9400 North Point Road.

The project has been significantly and extensively re-designed with no notification or community consultation. The final project design resembles the original design only to the extent retaining the termini at the North Point State Park parking lot and at 9100 North Point Road.

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The current project design originates at the North Point State Park parking lot terminating 1500 feet south and adjacent North Point Road on the east side.

The second leg then starts across on the of North Point Road's east side proceeding south dramatically off set from of North Point Road nearly 100 feet. This 100 foot offset encroaches farmland curated and farmed under authority of the Maryland Resident Curatorship Program

In section 1.4 the applicant clearly stated in his the MDOT grant application project description "bathroom *facilities*," exist at 9400 North Point Road.

The applicant's description of existing public "bathroom facilities," at 9100 North Point Road (Fort Howard Veteran Park) is an undisputed falsehood. No "bathroom facilities," exist," at 9100 North Point Road. Furthermore, no community stakeholder discussion let alone plans for public "bathroom facilities," have transpired.

In section 1.4 the applicant states the project "*will complement the North Point Road Streetscape Side walk connection...which connects the city of Edgemere to North Point State Park.*"

The applicant's description the project "will complement the North Point Road Streetscape Side walk connection...which connects the city of Edgemere to North Point State Park," has no substance. It is an undisputed fact Edgemere is not a city and no North Point Road Streetscape sidewalks exists connecting the "City of Edgemere," to North Point State Park," for the project to complement.

Section 1.5

In section 1.5 the applicant states the "bikeways grant will fund Phase 2 and create a transportation trail linking Edgemere at the fort Howard and Avenues communities.

No application or money has been approved for "Phase 2." Phase two is based on using the North Point Spur, under Nature Conservancy since its discontinued use as a Bethlehem Steel haul road in the 1980's. Deed restriction preclude usage as a "transportation trail."

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Section 1.8

In section 1.8 the applicant states “DNR has built similar trails in...Fort Howard state parks.”

Fort Howard, Maryland has two park owned by Baltimore County: Fort Howard Veterans Park and Fort Howard Park. Contrary to the applicant’s response, DNR has never built a “similar trail.” in Fort Howard. The claim is false.

Section 1.10

In section 1.10 the applicant states “two crossings.” This statement is not accurate. The current design has FIVE crossings.

Section 2.1/2.2

In section 1.8 the applicant states the project will “increase bicycling as a mode of transportation,” listing five “DIRECT CONNECTIONS.” In Section 2.2 MDOT defines “direct connections,” as proving a new entrance to the destination with no gaps.” The “directly connected destinations,” listed in Section 2.2 are “Fort Howard and Avenues A-C, Edgemere, North Point State Park, Edgemere Businesses, and Schools and Edgemere Senior Center.”

None of listed destinations are “direct connections improving bicycle transportation. “The bicycle transportation “trail,” has five points of discontinuity (five road crossings), it does not directly connect to Edgemere, it does not directly connect to one Edgemere Business, it does not directly connect to one school, (Fort Howard Elementary was razed 2006), and not any Senior Centers. All five claims are false.

Section 2.4

The applicant states children cyclists are expected to use the facility.

We must pause greatly when the applicant included children. The “trail,” crosses North Point Road twice. North Point Road has a speed limit of 40 MPH and is notoriously known for many traffic accident and fatalities.

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More alarming is Baltimore County Department of Traffic Engineering concluded North Point Road is a dead end. Baltimore County regulation precludes dead end roads from having traffic calming studies and devices.

Baltimore County has been advised in writing of the eminent danger of children crossing North Point Road and if a child injury or fatality result from the "trail," usage many citizens will come forward supporting any claim for damages.

Section 3.1

The applicant describes local support for the project from Baltimore County Planning, the retired district councilman, the "North Point Community Council," a Dundalk historic society located ten miles away in another zip code area, and a Senior Center 4 miles away. The applicant claims the "North Point Community Council," conducted survey.

The applicant's claim of local support is biased with motives at this point unclear. As former vice president and president of the North Point Community Council, I nor any member I know has seen a survey or any results of a survey. I submit until the "survey," is produce for public review, NO SURVEY EXISTS!

What is tangible is the overwhelming opposition from legitimate non-profit community and business association who directly reflect the surrounding residents of the "trail." This opposition has been uninterrupted and consistent since 2015. This opposition is well documented with letters, FOIA's, and oral testimony, and personal meeting with state and local authorities. And at every juncture the community has been dismissed with no deference.

Section 3.3

In Section 3.3 applicant states Baltimore County has completed Phase I starting at the Senior Center and ending at Lodge Forest Drive.

Again, no "phase I," trail from Senior Center and ending at Lodge Forest Drive exists.

Section 3.5

Applicant states the projected cost is \$248,160.

The current design cost has bloated to FOUR times the original estimate. Additionally, the applicant cash contribution of \$4,563,7273 has never been verified.

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It is suspected it is not accurate considering the applications gross misrepresentation of multiple application material facts.

Conclusion

This application has been scrutinized by the Governor's Office of Business Ombudsman, MDOT, DNR and recently Secretary Belton personally met with Mr. and Mrs. James Iman.

On Wednesday evening September 19, 2018 at the Edgemere Millers Island Business Association, Mr. Iman publicly recounted his meeting with Secretary Belton. Mr. Iman's testimony was sincere, credible, and convincing characterizing the state's tone was consistent with the tone the state has demonstrated addressing Ms. Kathleen Labuda's ongoing documentary challenge to the veracity of the applicant's grant application responses.

Additionally, Mr. Brandon Gray is another taxpayer/voter directly affected property owner whose rights are being abridged by the state regarding this "transportation trail."

In light of the undisputed factual evidence presented in this letter it is conspicuous not one of the many points raised were given merit for further discussion at the various levels of review it has underwent.

Sadly, this posture has generated additional concerns beyond Mr. Wilson's bike grant application before us and it was agreed should this issue not resolve by administrative fiat the courts will be a last resort.

For the record, DNR employee Mr. Steve Carr repeatedly stated in a public meeting the purpose of this "transportation bike trail," is a pretext. The true purpose of the "transportation bike trail," is to serve as free and accessible remote parking for events at the Todd House. Sworn affidavits to that statement and minutes of that meeting can be provided.

This matter can be settled if your client reverts to the original construction design with no additional flora and minimal ecological disturbance. If I can be of further assistance please reach me at 443-242-7528 or at mail@forthoward.org and thank you again for your concern.

Sincerely,
Scott Pappas
Attachments: (5)