



**oakland mills**  
we value connections

# Oakland Mills Community Association

## Village Board Meeting Minutes

The Other Barn ~ 5851 Robert Oliver Place ~ Columbia, MD 21045

**Board Members:** Jonathan Edelson, Chair ~ Chris Esoldo, Vice-chair

Lynn-Steven Engelke, Architectural Committee Chair

Liz Crammond ~ Bill McCormack Jr. ~ Larry Pretlow II ~ Paul Verchinski  
Virginia (Ginny) Thomas, Columbia Council Representative



**August 28, 2018**

### **OMCA Regular Board Meeting**

**Mr. Edelson** called the regular meeting of the OMCA Board of Directors to order at 7:05 p.m.

**Present:** Jonathan Edelson, Board Chair; Lynn Engelke, Architectural Committee Chair; Ginny Thomas, Columbia Council Representative; Bill McCormack Jr. (arrived 7:09 p.m.); Larry Pretlow II; Paul Verchinski; Sandy Cederbaum, Village Manager; Amy Carpenter, Administrative Assistant.

**Absent:** Chris Esoldo

**Quorum present:** Yes

**Also present:** See resident list.

### **Opening of Meeting**

- **Ms. Engelke** motioned to approve the August 14, 2018 minutes (ATTACHMENT "A"). **Mr. Edelson** seconded, and the motion passed (3-0-1, **Mr. Pretlow** abstained).
- **Mr. Verchinski** motioned to amend the August 28<sup>th</sup>, 2018 agenda (ATTACHMENT "B") to include his Maryland Public Service Commission meeting report during Old Business. **Ms. Thomas** motioned to amend the agenda to include a discussion of a change to the wording in the previously approved July 10<sup>th</sup>, 2018 meeting minutes during Old Business. **Ms. Engelke** motioned to amend the agenda to strike the Jordan Overlook proposal discussion from the agenda. A discussion ensued. A vote was taken as to whether to approve the amendments to the agenda, and the combined motion passed (5-0-0). The Board then voted to approve the August 28, 2018 agenda as amended (5-0-0).

### **Resident Remarks**

- Resident George DeLaney spoke about extreme stream erosion behind his property at 5258 Hayledge Court and asked that the Board consider requesting that money to be set aside in applicable budgets for repairing the damage and preventing further erosion. The Board discussed the issue. **Ms. Thomas** said CA Watershed Manager John McCoy had been contacted about the issue and that he was in the process of evaluating the erosion. **Mr. Edelson** asked that CA's assessment of the cost of remediation be shared with OMCA so that the Board could consider it for its CA FY20 budget testimony. **Ms. Cederbaum** asked that emails sent concerning the issue be forwarded to her and the Oakland Mills office staff so they could be apprised of the situation.
- Fran LoPresti of the East Columbia 50+ Center steering committee read her statement concerning possible location of the center in Oakland Mills. She asked that the Board consider writing a letter to the County supporting project C0335 (Community Resources and Services Facility/Programs Enhancement)

as part of the FY19 capital budget. A discussion ensued. **Mr. Edelson** explained the process of setting the Board's meeting agendas and said if an OM Board member was interested in the subject, that the Board member could request that it be put on an OM Board meeting agenda for consideration.

## **New Business**

### ***CA FY20 Budget Requests***

- **Ms. Cederbaum** referred to the FY20 CA Budget Request summary (ATTACHMENT "C").
- **Mr. Edelson** tabled discussion of the stream erosion issue at Hayledge Court until CA could assess the area and could give the Board a dollar amount to discuss for testimony at CA's September 27<sup>th</sup> budget hearing.
- **Mr. Verchinski** motioned that OMCA support the expansion of the Columbia Ice Rink. A discussion ensued. His motion was amended to specify expansion as a second sheet of ice. **Mr. Edelson** restated the amended motion that the Oakland Mills Community Association Board of Directors support expansion of the Columbia Ice Rink in the Oakland Mills Village Center to include a second sheet of ice. **Mr. Edelson** seconded Mr. Verchinski's amended motion, and the motion passed (5-0-0). This item would be included in OMCA's budget requests at the September 27<sup>th</sup> CA budget hearing.
- **Mr. McCormack** asked the Board to consider requesting that CA devote \$150,000 of its FY20 budget to hiring an outside consultant to evaluate all of Columbia Open Space. The Board agreed to discuss and finalize his request at the September 11<sup>th</sup> OMCA Board meeting under Old Business.
- The Board discussed CA's request for funding in the CA FY20 budget of Stevens Forest Neighborhood Center ADA interior upgrades and Talbott Springs Neighborhood Center ADA renovation design.

### ***Draft Petition to FAA regarding NextGen Flight Noise from BWI***

- **Mr. Verchinski** motioned that the letter he had prepared at the Board's request (ATTACHMENT "D") be adopted by the Board and sent to Mr. Daniel K. Elwell, Acting Administrator of the Federal Aviation Administration on behalf of Oakland Mills Village. **Mr. McCormack** seconded. A discussion ensued. **Mr. Edelson** proposed that Mr. Verchinski's motion be amended to change the word "letter" to "petition." The Board voted on the amended motion, and the motion passed (5-0-0).
- The petition would be sent after minor editorial corrections were made. **Ms. Thomas** requested that the petition also be sent to the other Columbia village boards, and the Board agreed.

## **Old Business**

### ***Castile Court Tot Lot Follow-up Regarding Survey***

- **Mr. McCormack** reported the results of the survey he, Gerry Witte, and Judy Gottsagen conducted with residents who lived near the Castile Court tot lot (ATTACHMENT "E"). The survey showed that many residents preferred to keep the tot lot open with improvements to equipment and sightlines and that residents were not using the tot lot because it was not maintained. A discussion ensued.
- The Board agreed to ask CA to come back to the Board with two options: a plan and timeline for improving the Castile Court tot lot and an alternative plan if the tot lot was closed. **Ms. Cederbaum** said she would send the Board's request to CA.

### ***Maryland Public Service Commission (PSC) Report***

- **Mr. Verchinski** reported on the PSC's August 22<sup>nd</sup> meeting, which he attended. He relayed the Board's questions to the PSC and Verizon during the meeting. Regarding labeling of Verizon's boxes, the commission could not agree on the issue. Regarding keeping Verizon's OM email address open indefinitely, Verizon said it did not think the email address needed to remain open indefinitely and that residents could call 1-800-VERIZON for phone box repair requests after the email address was closed.
- **Mr. Verchinski** said he requested a copy of the commission's report and that if the report was in the

proper format, a map could be developed that would show where Verizon's boxes were located around the village.

### ***Amendment of the July 10<sup>th</sup> 2018 Board Meeting Minutes***

**Ms. Thomas** gave her reasoning for changing the wording of her comments in the July 10<sup>th</sup> Board meeting minutes. A discussion ensued. **Mr. Edelson** motioned to change the wording "expand the existing facility" to "expand what is commonly known as the old Columbia Bank." **Mr. Verchinski** seconded, and the motion passed (5-0-0).

### **Board Chair Report**

- **Mr. Edelson** gave an update on vacancies in the Village center. Ms. Thomas reported on a survey conducted by Jacaranda Center as part of the Achieve 24 initiative regarding the Village center.
- **Mr. Edelson** reported on the Education Committee's progress on the Board of Education Candidates Forum that it would be holding on October 15<sup>th</sup>. The committee finalized questions for the candidates which will be sent to them prior to the forum.

### **Columbia Council Representative Report**

**Ms. Thomas** gave the CA Board's meeting timeline and agendas for September to November.

### **Village Manager Report**

- **Ms. Cederbaum** referred to her printed manager's report (ATTACHMENT "F").
- **Ms. Cederbaum** said that a new covenant advisor for property concerns was needed.
- **Ms. Cederbaum** spoke about the next Jazz in the Mills concert with Lavenia Smith (September 16<sup>th</sup>), which would also be a celebration of OM's 50<sup>th</sup> Birthday. She asked if any Board members wanted to attend that they let her know.
- **Ms. Cederbaum** also reported on OM's annual Fall Festival. **Mr. McCormack** requested that the OMHS band performance begin at the start time for the festival instead of earlier so that attendees would not inadvertently miss the band's performance. **Ms. Cederbaum** said she was sending a letter of invitation to state delegates, the county executive, and OM's county councilmember, Dr. Calvin Ball, asking for them or their representatives to attend and speak.
- **Mr. McCormack** asked when the pedestrian bridge would be officially opening. **Ms. Cederbaum** said it would officially open mid-September but that an opening event date had not been received yet.

### **Bulletin Board**

- **Mr. Verchinski** said that the property on the corner of Red Branch and Route 108 had been bought by a gas station.
- **Mr. McCormack** suggested that Mr. Esoldo, who would be attending the next village boards all-chairs meeting on behalf of Mr. Edelson, take a list of recent positions the OM Board had taken. He said that the list could be distributed and then Mr. Esoldo could ask if the other village boards would like to take similar positions. He also thanked the Board for working together well.
- **Mr. Edelson** thanked Mr. Verchinski for attending the PSC's meeting on his behalf and Mr. Esoldo for representing him at the Blandair Park Phase 3 groundbreaking ceremony.
- **Ms. Engelke** expressed disappointment that the village needed to find a new covenant advisor for property concerns and thanked Ms. Cederbaum for acting quickly to hire another one.
- **Ms. Cederbaum** thanked OM Safety and Security Co-chair Judy Gottsagen for organizing Bike with a Cop.

**Mr. Edelson** adjourned the regular OMCA Board meeting at 9:25 p.m.

Respectfully submitted: Amy Carpenter, Administrative Assistant

Action Items:

Board: Ms. Thomas and/or Mr. McCormack obtain dollar costs involved for CA to cover costs of erosion issue at 5258 Hayledge Court

Staff: Ms. Cederbaum – send CA email regarding Castile Court Tot Lot and board request

Ms. Cederbaum- prepare and send BWI noise petition and cc's

Ms. Cederbaum – make sure Ms. Warren schedules the HS band performance to begin at 11 to coincide with the advertised opening of the Fall Festival

Ms. Carpenter – amend 7/10/18 minutes per board vote



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Lynn-Steven Engelke, Architectural Committee Chair  
Liz Crammond ~ Bill McCormack Jr. ~ Larry Pretlow II ~ Paul Verchinski  
Virginia (Ginny) Thomas, Columbia Council Representative



**August 14, 2018**

### OMCA Regular Board Meeting

**Mr. Edelson** called the regular meeting of the OMCA Board of Directors to order at 7:00 p.m.

**Present:** Jonathan Edelson, Board Chair; Chris Esoldo, Board Vice-chair; Lynn Engelke, Architectural Committee Chair; Ginny Thomas, Columbia Council Representative; Bill McCormack Jr. (arrived 7:30 p.m.); Paul Verchinski; Sandy Cederbaum, Village Manager; Amy Carpenter, Administrative Assistant.

**Absent:** Larry Pretlow II

**Quorum present:** Yes

**Also present:** See resident list.

### Opening of Meeting

- **Ms. Engelke** motioned to approve the July 24, 2018 minutes (ATTACHMENT "A"). **Mr. Esoldo** seconded, and the motion passed (4-0-1, **Mr. Verchinski** abstained).
- **Ms. Engelke** motioned to approve the August 14, 2018 agenda (ATTACHMENT "B"). **Mr. Verchinski** seconded, and the motion passed (5-0-0).

### Resident Remarks

- Jim Ehle spoke about Jordan Overlook, a proposed residential active-adult community that will be located on the Dalton outparcel near Canvasback Road in the Thunder Hill neighborhood. He asked for the Board's opinion on the community. A discussion ensued about recent flooding in the area, runoff concerns, traffic flow, and other concerns. Mr. Ehle said there would be a Pre-submission meeting on August 20<sup>th</sup> and a Design Advisory Panel meeting on August 29<sup>th</sup>. **Mr. Esoldo** asked Mr. Ehle to send him information on the meetings and any other future meetings so that he could try to attend.
- Joel Hurewitz gave an update about the Verizon boxes. The Board discussed the Maryland Public Service Commission meeting that would be held on August 22<sup>nd</sup>. **Mr. Edelson** informed Mr. Hurewitz that Mr. Verchinski would be speaking at the meeting. He asked that, pending a Board vote later in the meeting, **Ms. Cederbaum** send a community-wide message that Mr. Verchinski would be speaking at the meeting with an attachment of Verizon's response to the commission and a link to the email mailbox that Verizon has set up for reporting broken and/or abandoned Verizon boxes.

### New Business

#### *Presentation of proposed exterior alterations to the "Dunkin Donuts" building*

- **Mr. Edelson** explained the non-residential exterior alteration application process. **Kirit Parmar**,

Dunkin Donuts franchisee, then presented on behalf of Cedar Realty preliminary plans for exterior alterations to the old Columbia Bank building and grounds (ATTACHMENT "C").

- The Board and residents asked questions concerning signage, location of the dumpster, traffic flow, materials that would be used, etc. **Ms. Engelke** composed a list of additional items that would be needed for the application. She said she would send the list to Mr. Parmar and Cedar.
- **Mr. Edelson** also asked that Ms. Cederbaum send out a public notice regarding the exterior alteration plans as part of the exterior alteration application process. After three weeks, public comment on the preliminary plans would be gathered by OM Covenant Advisor Carrie Wenholz and sent to Mr. Parmar and Cedar to include with their responses to the public comments in the application.

#### ***Discussion on sending a petition to the FAA regarding BWI noise issues***

- **Mr. Verchinski** reviewed the BWI noise issue. He noted that both Howard County and the State of Maryland had sent petitions to the FAA requesting action on airplane noise and suggested that Oakland Mills do the same (ATTACHMENT "D").
- The Board discussed the feasibility and possible impact of Oakland Mills sending a petition. The Board agreed that sending a letter would enable OMCA to go on record with its complaint, which could be useful if data was collected on the issue. The Board also agreed that Mr. Verchinski should draft a letter to send to the FAA with reference to Howard County's petition and data on the issue. The letter would be voted on at the August 28<sup>th</sup> Board meeting during old business.

#### **Old Business**

##### ***Follow-up discussion of Current and Possible Removal of Tot Lot OM-18 (Castile Court Area)***

- **Mr. McCormack** reported on interviews and meetings conducted regarding Tot Lot OM-18 in the Castile Court area (ATTACHMENT "E"). A discussion ensued.
- The Board discussed a proposed survey (ATTACHMENT "F") that Mr. McCormack drafted. The Board agreed to have the OM Open Space Advisory Committee conduct a shortened survey and then bring the data back to the August 28<sup>th</sup> Board meeting during old business for further discussion and voting. **Ms. Engelke** said she would email her suggested wording to Mr. McCormack.

##### ***Approval of the Non-residential Architectural Advisory Panel (NRAAC) members***

**Mr. Edelson** motioned to nominate Marcelo Amador, Jervis Dorton, Phil Engelke, Dave Smith, and Valerie Smith to the NRAAC. **Mr. McCormack** seconded, and the motion passed (5-0-0).

##### ***Board comments before the Maryland Public Service (PSC) Commission on August 22nd***

- **Mr. Edelson** reported that Verizon had sent a letter back to the PSC and shared the letter with the Board. The letter included a temporary Verizon email address for input from stakeholders that would be kept open only for the inspection period. **Mr. Edelson** said the email could be shared immediately with the Village. **Ms. Cederbaum** said she would disseminate the email along with information on the PSC's August 22<sup>nd</sup> meeting to the Village.
- **Mr. Edelson** motioned that Mr. Verchinski represent the Board at the Maryland Public Service Commission meeting on August 22<sup>nd</sup> to express the Board's appreciation to the PSC and Verizon for their plan and to request that the email address be kept open indefinitely rather than just for the duration of Verizon's inspections. **Mr. McCormack** seconded, and the motion passed (5-0-0).

##### ***Oakland Mills Vacant Board Seat***

**Mr. Edelson** said that more than two people had expressed interest in the vacant Board seat. He said that due to scheduling issues, there was a chance that the issue would not be resolved by the September 11<sup>th</sup> Board meeting. He said Ms. Cederbaum was working with the sub-committee and candidates on

scheduling.

### **Board Chair Report**

**Mr. Edelson** reported that there would be another all-village board chair meeting on September 17<sup>th</sup> and that Mr. Esoldo would attend in his stead since he had a scheduling conflict. **Mr. Edelson** asked that the Board send any topics they would like brought up at the meeting to Mr. Esoldo.

### **Columbia Council Representative Report**

- **Ms. Thomas** reported on the CA budget timeline and asked that the members of the Board look at the CA FY20 budget and send her items they thought should remain or should not receive funding.
- **Ms. Thomas** thanked Ms. Cederbaum for her help on getting the Stevens Forest playground weeds cleaned up.
- **Ms. Thomas** reported on use of electric scooters in California and suggested implementing their use in Columbia.

### **Village Manager Report**

- **Ms. Cederbaum** referred to her printed manager's report (ATTACHMENT "G").
- **Ms. Cederbaum** said she would be meeting with representatives from Howard County BikeShare the next day and would report back to the Board and ask for its input.
- **Ms. Cederbaum** reported that the CA Board had gotten involved in the management contract benefits issue and that the villages would now have a limited 6-month liability for employee benefits. **Mr. McCormack** motioned to sign the management contract. **Ms. Engelke** seconded, and the motion passed (5-0-0).

### **Committee Reports**

#### ***Architectural Committee***

- **Ms. Engelke** presented a property for consideration of a letter to CA. **Mr. Edelson** motioned to send a letter to CA regarding the property at 9195 Wintercorn Lane requesting that CA move on the property, put a flag on the property, and maintain the property. **Mr. McCormack** seconded, and the motion passed (5-0-0).
- **Ms. Engelke** updated the Board on the dead trees covenant violations at the Verona. For the Board's information, she read a letter from the Howard County Housing Commission, Chief of Asset Management, asking for an extension. Ms. Engelke said she would send a response back.

#### ***Education Committee***

**Mr. Edelson** referred to his printed Education Committee report (ATTACHMENT "H"). He reminded the Board of the Board of Education Candidate Forum that the Education Committee would be hosting at The Other Barn on October 15<sup>th</sup>.

#### ***Safety and Security Committee***

See printed report (ATTACHMENT "I").

### **Bulletin Board**

- **Ms. Thomas** said the CA Board would hold a hearing on September 13<sup>th</sup> on a commercial development across from Lake Elkridge.
- **Mr. Edelson** thanked Ms. Cederbaum and OM Event and Facilities Coordinator Brigitta Warren for a successful OM Pool Party. He also thanked Ms. Engelke and Ms. Cederbaum for helping him understand the NRAAC procedures.
- **Ms. Cederbaum** said CA Board Chair Andrew Stack would be visiting the OM Board during its

October 23<sup>rd</sup> meeting.

**Mr. Edelson** adjourned the regular OMCA Board meeting at 9:08 p.m.

Respectfully submitted: Amy Carpenter, Administrative Assistant

Action Items:

Board: Mr. Verchinski – draft FAA letter/petition for discussion on 8/28

Mr. Verchinski – present comments at PSC hearing on 8/22 regarding Verizon boxes

Mr. Esoldo – attend village board chairs meeting

Ms. Engelke – send comments re: Dunkin from the 8/14 meeting to Mr. Parmar

Board – think of CA Budget items and discuss on 8/28

Staff: Ms. Cederbaum – send out email regarding Dunkin comments period

Ms. Cederbaum- send out email regarding Verizon and PSC meeting

DRAFT



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**Oakland Mills Community Association  
Village Board**

The Other Barn ~ 5851 Robert Oliver Place ~ Columbia, MD 21045

**Board Members:** Jonathan Edelson, Chair; Chris Esoldo, Vice Chair;

Lynn-Steven Engelke, Architecture Committee Chair;

Bill McCormack Jr., Larry Pretlow II, Paul Verchinski

**Columbia Council Representative:** Virginia (Ginny) Thomas

**Oakland Mills Board of Directors Meeting  
Tuesday, August 28, 2018**

- 7:00 p.m. Opening of meeting**  
Approve Minutes from August 14, 2018 Board Meeting  
Approve Agenda for August 28, 2018 Board Meeting
- 7:05 p.m. Resident Remarks (10 min)**
- 7:15 p.m. New Business**  
**Jordan Overlook (proposed development), Board Discussion (10 min)**  
**CA FY20 Budget Requests, Board Discussion (10 min)**
- 7:35 p.m. Old Business**  
**Draft Petition to FAA regarding NextGen Flight Noise from BWI, Board Discussion (10 min)**  
**Castile Court Tot Lot follow-up regarding survey, Board Discussion (5 min)**
- 8:00 p.m. Board Chair Report, Jonathan Edelson (10 min)**
- 8:10 p.m. Columbia Council Rep. Report, Virginia (Ginny) Thomas (10 min)**
- 8:20 p.m. Village Manager Report, Sandy Cederbaum (10 min)**  
Jazz in the Mills Concert w/Lavenia Nesmith, Sept. 16<sup>th</sup>
- 8:30 p.m. Committee Reports (10 min)**
- 8:40 p.m. Board Bulletin Board (5 min)**
- 8:45 p.m. Adjourn**

**Upcoming Events – for event details go to <http://oaklandmills.org>**

**All events are held at The Other Barn unless otherwise noted**

Sept. 11, OMCA Board Meeting, 7:00 p.m.

Sept. 16, Jazz in the Mills featuring Lavenia Nesmith, 5:00 – 8:00 p.m.

Sept. 25, OMCA Education Committee, 6 p.m.

Sept. 25, OMCA Board Meeting, 7:00 p.m.

**FY 20 CA Budget Request****New operating initiatives and/or new capital projects**

This is the 2<sup>nd</sup> year of a two year budget.

Category I focused on Board's strategic goals and provide improved quality of life venues for Columbia residents. Example: Watershed improvement projects and Columbia-wide pathway connectivity improvements

Category II are those that are phased, non-recurring or considered to be major investments in facilities, as well as projects that are \$200,000 or greater and exceed the allocated amount for the program or facility requesting the project. Examples in conditional FY 20 budget include specific major upgrades for Supreme, Kahler Hall and Slayton House roofs, new vehicles and large scale energy projects.

**CA will submit funding request for Cat II for Stevens Forest NC for ADA interior upgrades – there is no certainty this will be approved. Should put in our testimony**

**CA will submit funding request for Cat II for Talbott Springs for ADA renovation design – there is no certainty this will be approved. Should put in our testimony**

Possible requests:

**Open Space?**

**Tot Lots?**

**Ice Rink?**

**The Other Barn:**

Requested in FY19/20 –

**2<sup>nd</sup> Floor Restroom – Not Recommend**

**Dumbwaiter Replacement – Not Recommended**

**Security Cameras – interior – village responsibility**

**Security Cameras – exterior - #2 priority level –**

**Electrical improvements – Phase 3, #2 priority level**

**Exterior Door – two replacements, #2 priority level**

**Courtyard Pavers - #3 priority level**

**Funding has already been approved for:**

**Silo floor replacement**

**Silo air circulation**

**Phase II Electrical work (complete)**

**One Exterior Door replaced (complete)**

**Silo tuck and point sealing (completed)**



**Oakland Mills Community Association**  
**The Other Barn • 5851 Robert Oliver Place**  
**Columbia, MD 21045**

410-730-4610 • oaklandmills.org



Mr. Daniel K. Elwell  
Acting Administrator  
Federal Aviation Administration  
800 Independence Avenue, SW  
Washington, DC 20591

RE: Oakland Mills Community Association (OMCA), Columbia, Maryland  
Administrative Petition for Action

Dear Mr. Elwell:

Enclosed, please find a Petition for Action requesting that FAA take immediate action to reverse significant harmful impacts on residents living in the geographical area of the OMCA Homeowners Association, Columbia, MD. This is directly related to the implementation of new flight paths and procedures at Baltimore/Washington International Thurgood Marshall Airport collectively referred to as NextGen/ New Routes..

Sincerely,

Jonathan Edelson  
Chair, Oakland Mills Community Association

cc: Maryland Aviation Administration  
BWI Community Roundtable  
Governor Hogan  
Howard County Executive Allan Kittleman  
U.S. Senator Cardin  
U.S. Senator Van Hollen  
U.S. Representative Elijah Cummings  
U.S. Representative John Sarbanes  
U.S. Representative Ruppertsberger  
U.S. Representative Hoyer  
U.S. Representative Delaney  
US. Representative Raskin  
US. Representative Brown  
U.S. Representative Harris

ADMINISTRATIVE PETITION FOR ACTION  
TO THE FEDERAL AVIATION ADMINISTRATION  
BROUGHT BY THE OAKLAND MILLS COMMUNITY ASSOCIATION  
Filed August 28, 2018

OMCA, located in Columbia, Maryland, formally requests that the Federal Aviation Administration ("FAA") reverse its unlawful implementation and continued use of new concentrated arrival and departure routes and new flight procedures (the "New Routes") at Baltimore/Washington International Thurgood Marshall Airport ("BWI"). The New Routes were implemented in violation of the National Environmental Policy Act ("NEPA"), the National Historic Preservation Act ("NHPA"), Section 4(f) of the Department of Transportation Act ("Section 4(f)") (collectively, "the Federal Statutes"), and FAA Policy. FAA's actions and lack of action are unlawful, arbitrary and capricious, and unprincipled. FAA's implementation of New Routes under 3,000 feet and FAA's unilateral abandonment of the BWI Noise Compatibility Program ("NCP") and Noise Abatement Plan ("NAP") were both done without notice and without the reviews that are legally required by the Federal Statutes. As a direct result of its failure to comply with the law, FAA has caused significant harm to the OMCA HOA and its residents. OMCA requests that FAA take immediate action to comply with the Federal Statutes and address the human and environmental harms it has caused and continues to cause.

In 2017, at the direction of FAA and the Maryland Aviation Administration ("MAA"), an OMCA volunteer participated in the establishment of the BWI Community Roundtable as an appointed representative for Maryland Legislative District 13. Despite the Roundtable's good-faith efforts to work with FAA, there has been continued obfuscation, obstruction, and a lack of meaningful action. Demonstrating its bad faith, FAA withdrew from FAA Roundtable participation on July 10, 2018. Therefore, OMCA, having been abandoned by FAA in the resolution process that FAA dictated, and in order to protect the health, safety, and welfare of OMCA's residents and its property, asserts its legal rights and submits this formal Petition for Action.

The OMCA includes by reference the Howard County, Maryland Petition for Action dated July 18, 2018. The OMCA agrees with the issues presented in the Petition for Action.

The OMCA has been harmed in very specific ways that were never addressed by the Environmental Assessment (Environmental Assessment for the Washington, D.C. Optimization of Airspace and Procedures in the Metroplex (2013) (OAPM) that resulted in a Finding of No Significant Impact). Dispersion of airplane flights was the norm prior to NextGen. OMCA has been particularly harmed by the northwesterly departures from BWI Runway 28 that fly using Performance Based Navigation to the WONCE way point located spatially over Lake Kittmequandi in Columbia's downtown. (The OMCA is located geographically directly opposite Lake Kittmequandi). This GPS superhighway track takes airplanes over:

1. Oakland Mills High School; Oakland Mills High School has the highest rate of students receiving Free and Reduced Meals (FARMS) in Howard County – 45%

2. Talbot Springs Elementary School: Students receiving FARMS – 53%
3. Stevens Forest Elementary School: Students receiving FARMS – 65%
4. Oakland Mills Middle School: Students receiving FARMS – 47%
5. Blandair Regional Park.

No mitigation measures were proposed nor were these schools recognized in the OAPM.

**There has been no validation by actual ground noise measurements of the FAA's Noise Model for this or any other PBN Procedure.** As explained by an FAA environmentalist, only the types of planes and numbers of planes in use are modeled by the FAA. BWI has noise monitors, yet that information is not inputted into the FAA noise model. Attached is a verified Noise DNL of 54 for a member of OMCA where prior to Next Gen, ambient noise was the rule. This individual had no problems with airplane noise prior to the implementation of NextGen in 2016. (Attachment 1).

The Environmental Assessment states that it complies with Environmental Justice (EJ) requirements. The OMCA states that no EJ evaluation was done since the OMCA geographical area has the highest poverty rate in its Census Block tract in all of Howard County. No mitigation measures were proffered by the FAA nor was this geographical area recognized by the FAA.

OMCA residents have testified before the Howard County Council as follows regarding the harm of NextGen PBN Procedures:

- "This noise pollution from airplanes is 24/7 and 365 days a year. My house was built in 1970...I bought one inch rigid insulation but the issue was not resolved, I can no longer open my windows." (Paul Verchinski, Howard County Council Legislative Public Hearing, January 17, 2017);
- "I moved to Howard County in 1972.. I now have an airbed in the basement that I use almost every single night in order to go back to sleep and get 8 hours of sleep. When noise is so bad that I have to go down into my basement in order to get 8 hours of sleep...it is an assault on my quality of life. (Richard Wissing, Howard County Council Legislative Public Hearing, January 17, 2017);

OMCA hereby petitions FAA to take immediate actions to disperse the concentrated New Routes over a wider geographic area and return flight paths to the geographic areas and altitudes where they have historically been located.

OMCA requests that: (1) FAA promptly restore flight paths to the status quo of 2014, and (2) evaluate the New Routes as required by the Federal Statutes before they are re-implemented (if they are). If FAA fails to take action in response to this Petition, OMCA may seek all appropriate judicial relief. FAA may not take major federal actions, as it has here, without complying with the Federal Statutes, which has not occurred here.

The OMCA respectfully requests that FAA carefully consider the information contained herein.

## Factual Background

1. OMCA files this legal protest and petition on behalf of its 9,900 residents. The OMCA is a Homeowners Association in the State of Maryland with an economy that has been supported by careful land-use planning for the preservation, protection, and enhancement of natural resources, parks, historic and cultural resources, and quality of life for County residents under Columbia New Town Zoning adopted by Howard County, MD. Geographically, OMCA is bounded on the west by US29; on the north by MD108; on the south by Broken Land Parkway. For decades, air traffic to and from BWI was routed so as to minimize impacts to these and other noise-sensitive land uses, such as schools (noted above) and housing, and maintain compatibility with community planning and zoning efforts.

2 The Petition is brought under the First Amendment to the U.S. Constitution, the Administrative Procedure Act and FAA's instructions regarding procedures for redress. See, *Lyons v. FAA*, 671 Fed.Appx. 674 (9th Cir. 2016), where FAA counsel argued before a federal court that the remedy for the type of harms identified herein is to "petition the agency for action, and if the agency denies the petition and says we're not going to act or if the agency acts in a way they don't like, then you challenge that."

Attachment (1)

# ATTACHMENT E

**From:** Bill McCormack Jr [<mailto:william.r.mccormack@verizon.net>]  
**Sent:** Monday, August 27, 2018 6:44 PM  
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**Subject:** Castile Court Tot Lot OM 18

Hi Team,

Attached are the survey summaries from Judy Gottsagen, Gerry Witte and myself.

In summary we were able to contact 15 homes out of 20 on five streets that were near OM 18. Ten of the 15 were for renovating the existing tot lot with new equipment and clearing out vegetation near the tot lot and opening sight lines on the pathway approaches to make OM 18 very appealing and safe. They felt it was an asset in the neighborhood. Three were neutral on its disposition. Two were for closing OM18, but they had used it in the past when it had more equipment.

Judy, Gerry and I feel that the tot lots were part of the original contract with Columbia residents and part of the original design of what made Columbia unique and attractive to young families. The tot lots are assets that should be properly maintained and managed. The Rouse Company gave us smaller lots because it also was providing us with 15,000 acres of open space with amenities like tot lots. Based on this and resident feedback we feel that OM 18 should be renovated with a new tot lot up to today's standards and that the immediate surrounding area should be cleared of vegetation and the pathway approaches should have open sight lines to provide a very attractive and inviting tot lot.

We feel that it would be in CA's and Columbia's best interests to do an assessment of all tot lots in Columbia with the help of outside professionals to determine the future use and location of tot lots as part of a comprehensive plan to manage all assets in open space. This plan would then be presented to Columbia's residents for feedback. The plan would need residents' approval to be enacted. To pick off a tot lot here or there for closure in a piece meal process is not the way to conduct business.

Neglect was the word that everyone used to describe OM 18. Given the issues with the tot lot at the Stevens Forest pool and OM 16 near the ends of Pamplona and Encounter, there is a pattern of neglect of Stevens Forest's tot lots. It is very easy for CA to say that they need to close OM 18 because no one used it for 30 days after years of neglect. Hypothetical question to make a point, "If CA had kept the tot lot equipment up to today's standards, kept the immediate tot lot area free of vegetation and kept very open sight lines at the tot lot and along the pathway approaches to the tot lot, how many people would have used it over a 30 day period?"

We felt that the residents we contacted were very happy to see Board Committee members interested in their thoughts on the tot lot. It was a good will tour for the three of us.

Thanks,  
Bill

Castile Court Survey  
Homes nearby on Rocksparkle Row, Farewell Road and Fallen Stone  
August 27, 2018

I had 6 homes. I made 4 trips. Got 5 responses.

One said doesn't matter whether it stays or goes. She rarely used it when her kids were small. Doesn't use it now with her grand kids. It isn't maintained. No equipment and surrounding vegetation are part of the problem. She goes to Blandair Park because it's open all around and has lots of equipment.

One with small kids said she doesn't use it because of no equipment, and it is unsafe because it is hidden. Doesn't have opinion on stay or go.

Two with small kids used to use it, but not anymore. No equipment and not safe area. They go across street to Landbreeze Row. They are both for closing. One is for letting go to nature. One wants an open space garden. One won't allow her kids to go on pathways because someone can be hiding in bushes and take them. The other said there is a big bees nest in a tree at the tot lot which makes it very unsafe.

One without kids said several nearby houses have newborns and very young kids. He is for renovating and improving the tot lot and opening up sight lines in the area around it to make it more open and safe. He said it is an important asset to the nearby homes, and a renovated tot lot would have a very positive impact on property values.

Summary 1 keep it, 2 close it and 2 no opinion. The two who said close it used to use it.

Bill McCormack Jr.

**Castile Court Tot Lot Questionnaire - Nearby Residents**  
**- Parallel Lane -**  
**DRAFT - 8/24/18**

**Summary Observations (four households interviewed to date)**

- 1) No one was aware of the proposed demise of Tot Lot OM18; few people reacted strongly to the initial news.
- 2) Few households use OM18 because it is unappealing in its current state with almost no play items and considerable surrounding vegetation.
- 3) In general, the households having younger children favor renovating OM18, adding play items, clearing out much of the surrounding vegetation, and making the tot lot more appealing.
- 4) In general, even households not having children felt OM18 should be renovated rather than removed because it makes their homes more appealing to possible future sale.
- 5) One elderly male with no children in the household was completely neutral to the disposition of OM18.

Castile Court Survey Summary  
Castile Court  
8/26/18

I have completed the interviews with 6 out of 7 households, which included us. This court is very diverse having 2 households with babies , 1 with school age children, 2 with grown children that were born on this street, and 2 who have never had children.

None of the households were aware that that Tot Lot #18 might be dismantled.

Two households were aware that OM #18 was to be placed on a larger parcel of land, but the owners abutting to this area objected, and it was installed on this smaller parcel.

1. All 6 households were familiar with the tot lot. Everyone stated they did not use the tot lot because it had no equipment, was overgrown and not maintained, and felt desolate and gave the feeling of being unsafe due to overgrown vegetation, and unknown suspicious persons loitering there. One family had requested the baby swings be removed, as there were no babies on the court at that time, but NO swings were ever replaced. This same family had also called CA to trim back the trees to make it more open.

2. All households requested the tot lot be **renovated** with new updated, colorful equipment including swings, and bouncy equipment for babies or children under 2 years old. All vegetation needs to be mowed and trimmed on a regular basis, and the mulch under the meager equipment needs to be packed down to make it feel stable.

3. The bike path leading up to the Tot Lot also needs to be trimmed giving safe sight lines. The path is narrow not meeting up to CA standards, and is in major disrepair due to cracks and the disintegration of the asphalt.

Judy Gottsagen

## Manager's Report

Submitted by Sandy Cederbaum on August 28, 2018

**Staff Update:** We have a vacancy in the Covenant Advisor for Property Concerns position. An email was sent to the community and ad will be placed in the Flier on Thurs. Sept. 6<sup>th</sup>. Carrie will add an extra hour to her day beginning Sept. 4<sup>th</sup> and we'll do the best we can to process complaints. Priority will be to keep up to date on all legal and potentially legal issues.

Daily Issues that Manager is working on:

**Replacement Silo** – Replacement flooring ordered and likely to be installed in mid-October.

**Neighborhood Centers:** Potential daycare tenant for TSNC. Working on inspections to see if the building is up to code for a daycare. TVIH and OMNS starting back up for the year. Adventures in Camp had a great 12<sup>th</sup> year at SFNC and will return next summer.

**Bookkeeping, payroll, daily facility and HR issues.**

FY 19 1<sup>st</sup> Quarter Financials being compiled, new bookkeeper Deb Herman will be here for the first time on Friday to do the quarterly reports, Payroll, 401K processing, employee HR issues, meeting agendas, and staff meetings along with facility related issues.

**Bike with a Cop** – about 15 kids/adults attended. This is a great event and Judy is planning on scheduling another for the fall. Many thanks to Judy Gottsagen for organizing this.

**Summer Rentals** – we have had an incredibly busy summer with the majority of weekends having at least two rentals and in August three per weekend. Kudos to Brigitta and facility staff for all doing an excellent and professional job to make sure each and every event ran smooth and was the most special day for our renters.

**Festival:** Entertainment lined up w/OMHS Marching Band once again opening the festival, food vendors and many vendors have already signed up. SFES PTA will once again have a hot dog/drink and snack booth.

**Emails Listserv:** 1276 emails (-2)