



The Queen Anne's Chronicle

CELEBRATING QUEEN ANNE'S COUNTY

INFORMING THE CITIZENS

WIN - WIN - WIN: SCHOOL - ARMORY - CENTREVILLE

By MARY CAMPBELL

It's exciting to encounter a project that is a win-win-win – three wins! The Wye River Upper School's decision to move into the old Armory Building on Centreville's Commerce Street is that kind of project, and it deserves a story.

What are the three wins? First, the old Armory Building, rich in local and national history, will no longer sit empty and deteriorating but will once again serve a useful purpose. That useful purpose is the second win – the building will house a school dedicated to educating bright, creative high school students with learning differences like dyslexia. And, thirdly, the town of Centreville wins, too. The School will provide a large community gathering space and bring students and parents into town, patronizing its businesses and using its resources.

Win No. 1: The School

The Wye River Upper School (WRUS) is an independent, non-profit college preparatory day school – one of only a few schools serving high school students with learning differences on the Eastern Shore and nearby Western Shore. Its students come from Anne Arundel, Prince Georges, Howard and Montgomery counties, as well as from



Students at Wye River Upper School look down from the old reviewing balcony onto the drill floor of the Centreville Armory. The large drill floor will be gymnasium space for the school and the community.

Photo credit – Jennifer Hunter Photography

the Eastern Shore itself. Currently situated on the campus of Chesapeake College, WRUS has grown in its ten years from 9 students to its current enrollment of 40, and it will be able to accommodate up to 75 students in its new Centreville location.

A visit to the School's classrooms reveals a warm, positive atmosphere where students are actively engaged in learning. These students have not met with success in a

traditional classroom setting. Here, their energetic and dedicated teachers, able to teach in groups of 3 to no more than 12, can use educational strategies that work well for this student population.

Every student is required to have his or her own Apple laptop computer which the School helps to supply if necessary. The School's curriculum includes Art and Music and meets the standard requirements for a

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ACCESS TO COUNTY RECORDS – BEING AN INFORMED CITIZEN

To be an “informed citizen” – or just to protect our own interests -- sometimes means that we need access to government documents that haven't been routinely published for general consumption.

But how? If a document hasn't been offered up by the government itself, or maybe “leaked” to some news organization or website, how can we get to see it?

Answer: just ask!

Outside the media and the legal profession, many people do not know that they have a right to inspect and copy most documents in the possession of a governmental body. This right of access to government records, firmly established in federal and State law over the past 40-plus years, underpins our older, better-known rights to speak out, petition, vote, and generally make government responsive to us, the people.

The *Chronicle* in this issue looks into the right to access government documents. We have an article providing a “short history” of how this right came to be recognized in the U.S. (and worldwide), and in *Public Information Act: Questions and Answers*, we provide a primer on the Maryland law giving effect to the right.

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2012 ELECTION RESULTS ON QAC BALLOT QUESTIONS

Question A - Revisions to the Adequate Public Facilities Ordinance

■ **FOR the Revisions - 8,964 (39.8%)** ■ **AGAINST the Revisions - 13,572 (60.2%)**

- *Precincts (Polling Places) FOR:* Crumpton • *Precincts AGAINST:* Sudlersville Fire Hall, Church Hill Elem., Ramsey Pontiac, QACHS, Centreville Elem., KIHS, KI Fire Dept., Matapeake Middle, Bayside Elem., Matapeake Elem., Romancoke Fire House, Shore Christian (Queenstown), Grasonville Elem., Grasonville Senior Ctr., Ruthsburg Community Hall, Kramer Center (Early Voting).

Question B – Maximum Gross Floor Area [“Big Box”]

■ **FOR “Big Box” - 10,320 (45.2%)** ■ **AGAINST “Big Box” - 12,497 (54.8%)**

- *Precincts (Polling Places) FOR:* Church Hill Elem., QACHS, Centreville Elem., Crumpton
- *Precincts AGAINST:* Sudlersville Fire Hall, Ramsey Pontiac, KIHS, KI Fire Dept., Matapeake Middle, Bayside Elem., Matapeake Elem., Romancoke Fire House, Shore Christian (Queenstown), Grasonville Elem., Grasonville Senior Ctr., Ruthsburg Community Hall, Kramer Center (Early Voting).

Sources: <http://www.elections.state.md.us/>; <http://www.qacelections.com/>

WIN-WIN-WIN, *continued from Page 1*

college preparatory high school. Interestingly, athletics is the first period of the day at WRUS. Chrissy Aull, co-founder and Head of School, says that a morning workout has proven beneficial for students, particularly those with attentional challenges.

The tuition at WRUS is \$24,500; half of the student body receives financial aid based on documented need, with the average award of \$9,275. In addition to tuition, the School is funded through contributions from parents and friends and by institutional and private foundation grants. All WRUS students must apply to and be accepted at a post-secondary education program in order to graduate. Its recent graduates have enrolled at Washington College, Mount St. Mary's, the Corcoran School of Design, and Chesapeake College, among others.

Win No. 2: The Armory Repurposed

According to a 1985 description in the National Register of Historic Places, *"The Centreville Armory is primarily significant for its association with the reorganization and expansion of the National Guard system in the 20th century. It derives additional significance from its role as a social center for the community, a function it has served continuously since its construction in 1926."*

A building that was built for use as an armory has some very interesting rooms! There is the huge drill hall, complete with an observation gallery and stage. This enormous room was used by the building's prior occupant for sail-making. Wye River Upper School will use it as a gym. In keeping with its early use, it will once again provide the community with a large space for functions, similar to the way Easton's Armory (which is identical

to this one in Centreville) is used for all kinds of large gatherings and displays. And some local youth teams have already made inquiries about using the gym for their practices and games.

Besides the drill hall, the sunny top floor of the three-story building will be used for classrooms, and there are other large rooms that will be converted primarily into administrative offices. An elevator will be installed to make the building handicapped accessible. Because the building is on the Register of Historic Places, care must be taken to preserve some of the special features of the building while adapting it for use as a comfortable, well-equipped modern school.

Making It Happen

Volunteers are at work raising funds and pitching in with repairs. One volunteer, who attended events in the building as a youngster, has carefully replaced all the wooden staircases in the building.

Other dedicated supporters of the School are working to raise enough funds by this spring to allow the construction company to be given the go-ahead to begin converting the abandoned armory into a place of learning. The fund-raising has been very successful, but they still have some way to go to meet their goal and start work.

Win No. 3: Adding Vitality to Centreville

The success of the WRUS project will mean that one of Centreville's fine old buildings will have been saved, to serve as a school meeting an important need and as a "social center for the community". There will be other benefits to Centreville as well.

People using what a town provides is what makes a town vital, and the Wye River Upper School looks to make good use of

Centreville's resources and businesses.

- The School will not have a commercial kitchen. Instead, it plans to do as other independent schools often do, and buy student lunches (pizza, hamburgers, soup and sandwiches, etc.) from a different local vendor each day of the week.

- Parents will do an errand or two or chat with another parent over coffee in Centreville after dropping off their children off.

- Students will use the County Free Library just down the street in Centreville – the School will not try to have a library of its own.

- Students will launch the School's small fleet of kayaks into the Corsica from the Centreville's Wharf, and they will walk the Mill Stream Trail -- learning from the hands-on science opportunities that these venues provide. And, as they do their community service, they'll be among those helping to clean up the Corsica and the Park.

How exciting and reaffirming it is when a town's resources are used to provide valuable learning experiences for its youth!

Several issues back, the *Chronicle* carried a story, "A Time for Towns," describing the growing movement of people into towns, into more centralized, less sprawling communities. WRUS's choice to locate in a town and to put a historic building to a good new use demonstrates the mutually reinforcing benefits that can flow from the resurgence of towns. The Wye River Upper School will be an economic and social asset to Queen Anne's County's leading small town, and the town's resources will help provide a quality education for a special population of students.

It's a win-win-win!

THE COMPELLING SYCAMORE TREE

Why do many of us find the sycamore such a compelling tree?

- Is it remembering how, as children, we read or sang about the biblical Zacchaeus, a man as little as we were, whom the Lord "loved better than them all," and who climbed into a sycamore tree above the crowd in order to get a glimpse of the Lord as he passed by?

- Is it recollecting how the sycamore has provided protection throughout our history – like the shelter that a 168 year-old sycamore tree provided for Lafayette and Washington and the troops in 1777 during the Battle of Brandywine in Pennsylvania – a tree that at 404 years old still stands!

- Is it the way settlers used the huge cavities that often form in big old sycamores as barns to shelter their livestock (and sometimes themselves) on their journeys west? It has been reported that the enclosed cavity area of some of old sycamores was 125 square feet.

- Perhaps the sycamore caught our attention when, on 9-11, a sycamore tree growing by St. Paul's Chapel protected it from the tons of debris that cascaded from the falling Twin Towers across the street. The tree was lost, but its branches saved the historic Chapel, Manhattan's oldest continuously used public building. The Chapel, without even a broken window thanks to its protective sycamore, then became the base for the rescue and recovery operations at Ground Zero. The stump itself rests across the street from Ground Zero by St. Paul's Chapel, where it is marked with a plaque.



Sycamore in Winter, Queen Anne's County
— *Chronicle Photo*

It's not only our memories of their remarkable history that make sycamores so compelling to us – it is also the sycamores' striking appearance in the landscape.

Here in Queen Anne's County, we are often treated to the sight of a sycamore alone in a farm field or near an old farm house. Sometimes we come upon a stand of sycamores by a swale or creek bed. We know the sycamore by its beautiful flaking cream, olive, brown and grey bark, which gives the tree its nickname of "Lacewood". Its leaves are very large and maple- or somewhat fig-shaped. (In fact, it was a "sycamore fig" tree (*Ficus sycomorus*) that Zacchaeus climbed in Jericho.)

In winter, when its leaves are gone, the swirling, twisted shapes of the sycamore's branches, punctuated by seed balls hanging from wiry stems, especially capture one's imagination. The tree is fanciful against a bright blue winter sky, but eerie when the winter sky is a steely grey. The seed balls are sometimes called buttonballs, giving the tree another nickname of "Buttonwood Tree".

A majestic sycamore can become a landmark, a sight that stays in the minds of generations. In the right environment, sycamores can live to be 600 years old and grow from 100 to 175 feet tall, with a trunk that is 14 feet wide and a canopy that can spread to more than 70 feet in diameter.

The sycamore is not only beautiful, it has many uses. It provides food and shelter for numerous insects, birds, and mammals. Native Americans used the trunks for canoes, and we use the wood for flooring, veneer, furniture, music boxes, and the backs, necks and scrolls of violins. Recently, the fast-growing, large, and very leafy sycamore has been recognized for its carbon-mitigation potential.

It must be the sycamore's special qualities that make it so compelling – it has proved itself useful in memorable ways, while being uniquely beautiful.

THE REMARKABLE LATER HISTORY OF AN EARLY KENT ISLAND FARM

Last summer there was a groundbreaking for the new Matapeake Professional Park on Kent Island, and this summer the first business enterprise, an international supplier of ultraviolet products, will move into its new buildings in the Park.

The history of the land on which the Park is located is amongst the most interesting in Queen Anne's County, given the various uses of the land over the past 350 years.



Matapeake Professional Park Taking Shape, December 2012

— Chronicle Photo

Farm

In 1665, the property of which the Park is a part was granted to one Thomas Waddy. By the early 18th century, the farm tract called “The Friendship” had come to be owned by Lewis De Rochbrune, a French Huguenot and “Doctor of Physick on Kent Island”.

The De Rochbrune family constructed a house on the farm in the 1740's, which remains standing on the east side of Route 8 at the head of Warehouse Creek. It is one of the oldest houses in the County and is listed on the National Register of Historic Places.

Ferry Terminal

The property originally stretched from the shores of the Bay to the head of Warehouse Creek. In 1929, the section of the property along the Bay was purchased by the Claiborne-Annapolis Ferry Company. The company was looking for a quicker trip from Annapolis to the Eastern Shore.

To the village of Claiborne, near St. Michaels in Talbot County, was a two-hour trip across 23 miles of the Bay; the trip to what became known as the Matapeake terminal on Kent Island was only half that length. The first run of the ferry from Matapeake was in July 1930.

In 1941, the ferry company was purchased by the State of Maryland, and in 1943 the western terminus was moved from Annapolis (part of the Naval Academy grounds today) to what is now known as Sandy Point State Park.

By the early 1950's, the ferry system was carrying more than one million cars and two million passengers annually. The opening of the Chesapeake Bay Bridge put an end to that. The last ferry run was on July 30, 1952, the same day the first span of the Bay Bridge opened.

Bay Model

In 1965, the federal government authorized construction of a scale model of the Chesapeake Bay. Construction began in February of 1973, and the 14-acre structure containing the Chesapeake Bay Model was completed a little over three years later at a cost of \$30 million.

Built at a horizontal scale of 1 foot = 1,000 feet, the Model incorporated every detail of the Bay, including tributaries and even the Bay Bridge, which in the Model spanned 21 feet. At low tide, the Model held 450,000 gallons of water.

The Chesapeake Bay Model was an extraordinary achievement that ultimately proved meaningless. Almost the day it was completed, the Model was outdated. Computer models proved much better suited for analyzing the hydraulic issues of the Bay, including tidal movements, current speeds, water temperature, and salinity that the Bay model was supposed demonstrate.

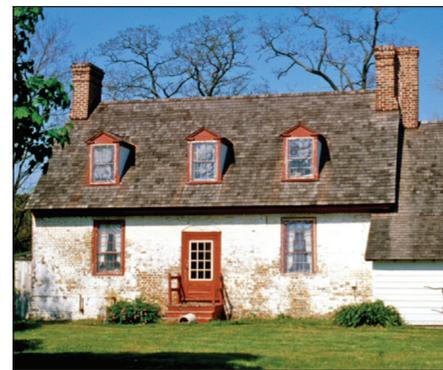
The building housing the Model sat unused for almost two decades until the President's Day Snowstorm of 2003 caused a partial collapse.

After the Model

Throughout this period of time, there were numerous efforts to redevelop the property. The old ferry dock has been turned into a state park that provides a boat launch and a fishing pier. Immediately north of the state park, a County park now provides residents with direct access to a Bay beach.

But redeveloping the part of the property where the Model was located proved to be more elusive. The 52-acre site was deeded by the State to the County in 1996, and many redevelopment proposals were offered over the years, including a sail-making shop and a shrimp factory.

None of this came to fruition, until finally, with the aid of federal grants totaling one-half million dollars, the County could construct an access road, sewer lines, electrical and broadband connections, and other infrastructure enabling site to become — the Matapeake Professional Park!



Friendship, c. 1740s Photo credit — Orlando Ridout V, 05/1979



Matapeake Fishing Pier

— Chronicle Photo

PLANNING COMMISSION

In October, Richard Josephson, Director of Planning Services at the Maryland Department of Planning, joined the Commission for a work session on the implications for the County's Comprehensive Plan of the Sustainable Growth and Agricultural Preservation Act of 2012 (the Septic Bill). Josephson clarified that the County is not obligated to amend its current Comprehensive Plan, but it must include certain information in the plan it adopts in the next six-year cycle.

At meetings in October, November, and December 2012, the Planning Commission considered text amendments which would govern special events, such as weddings and parties, held for compensation on certain properties in the agricultural and countryside zoning districts. The text amendments were approved, some subject to Critical Area Commission review, for forwarding to the County Commissioners.

The Commission began its December meeting by taking up the County Commissioners' request for advice on the usefulness of updating a 2005 analysis by outside consultants of the fiscal impacts

of future County growth scenarios. The discussion, led principally by Planning Commissioner Sheila Tolliver, highlighted the fundamental flaws in the analysis, and also brought out the sharply opposing views within the Planning Commission on the subject of “growth”. (The full discussion is very much worth watching: go to **QACTV** on the County website, click on **QAC Public Meetings-Video on the Web**, then **Planning Commission**, then **Planning Commission: 12-13-12**. The discussion begins two minutes into the video and lasts for 43 informative minutes. Only the evidently non-law-related interventions by the Commission's lawyer are less than fully audible.)

In December, the Commission approved a concept plan for the County's first solar array, to be located on a leased 49-acre portion of a farm near Church Hill. The solar array is estimated to produce sufficient solar energy to meet the power needs of approximately 2500 homes per year. The Commission also approved an amendment to the site plan for the Bay East Development in Chester, eliminating first floor commercial space in a building initially proposed as mixed use.

WINTER NIGHT SKY OF QUEEN ANNE'S

At nightfall, Jupiter, king of planets, is high in the eastern sky... so very bright... Orion coming up after the king, followed by his blazing Dog Star...

The winter night sky seems clearer, the stars seem sharper... in summer, we look into the haze of the star-swarmed center of our Milky Way galaxy... in winter, we look away, toward the outskirts of the Galaxy's thinning spiral arm... toward fewer stars, into darker space...

The Full Wolf Moon is on January 26... whence the name "Wolf Moon"? We didn't get it from the Native Americans, says Wikipedia, but from the Scots... their Gaelic name for the month of January was *Faoilteach* -- from *faol* ("wolf") + *teach* ("burrow, ravage")... nocturnal animals, wolves were feared for many reasons, including digging up graves... they especially howled and moved about during the wintertime breeding season, until exterminated in 17th century Scotland... but in the mid-winter nights of North America, the immigrant Scots and their neighbors once more heard the wolves howling...

Two hundred and ten years ago in the north of England, Dorothy Wordsworth, sister of the poet, walked out on a night in late January... the moon was half full, and in her journal she made notes about what she saw... "The sky spread over with one continuous cloud, whitened by the light of the moon... At once the clouds seemed to cleave asunder, and left her in the centre of a black-blue vault. She sailed along, followed by multitudes of stars, small, and bright, and sharp..." We've seen that sight in our winter skies here...

Now, crossing Jupiter's orbit, rushing toward a close encounter with the sun, is the new comet ISON... discovered this past September, closest to the sun next November... could be spectacular sight in the fall and early winter... be here for it in Queen Anne's County, where the dark skies are!

The Queen Anne's Chronicle

The Queen Anne's Chronicle is published by Queen Anne's Conservation Association.

Chris Pupke – Chairman of the Board

Jay Falstad – Executive Director

Mary Campbell – Editor

Queen Anne's Conservation Association (QACA), a nonprofit 501(c)(3) corporation, is the Eastern Shore's oldest conservation organization. Its mission is to promote stewardship of Queen Anne's County's natural resources and to protect its rural character and small towns while encouraging the management of prudent and sustainable growth.

Queen Anne's Conservation Association

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Back issues of *The Queen Anne's Chronicle* can be accessed at www.qaca.org

COMMISSIONERS' MEETINGS

Here are selected items summarized from the approved minutes and QACTV coverage of the County Commissioners' meetings.

September 25, 2012. The Commissioners:

- Accepted DNR funding under the "CoastSmart Communities Initiative" for development of a new County Floodplain Ordinance.
- Adopted the **FY2014 Budget Schedule**, providing for:
 - Submission of Draft Budget to Commissioners, March 26;
 - Release of Commissioners' Proposed Budget, April 26;
 - Hearings on Budget, May 20-22; and
 - Adoption of FY2014 Budget, June 4.
- Adopted, upon a favorable recommendation by the Parks & Recreation Advisory Board, the QAC 2012 Land Preservation, Parks & Recreation Plan update.
- Designated "Trustworthiness" as the Character Counts! Pillar of the Month for October.
- Received a report from Tom Leigh, Miles-Wye River Keeper, and Isabel Junkin, Chester River Association, on specific solutions and partnerships to help QAC meet its goals for clean water under its federally-mandated Watershed Improvement Plan.
- Held a hearing, at which eight persons testified, on Ordinance 12-05, introduced by Commissioner Dumenil, to eliminate review and documentation of historic structures less than 100 years old that are proposed to be demolished.
- Held a hearing, at which one person testified, on Ordinance 12-09, introduced by Commissioner Arentz, to reduce the planted buffer required to screen residential developments from adjacent farm operations and public roads.
- Held a hearing, at which ten persons testified, on Ordinance 12-14, introduced by Commissioner Dumenil, to change the definition of "minor

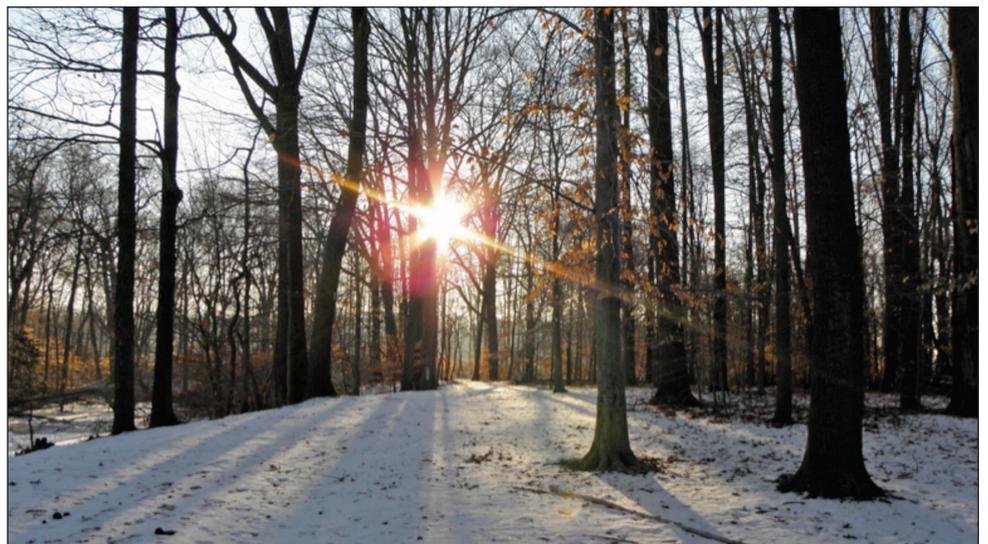
subdivision" from no more than five lots to no more than seven lots, so as to increase the number of residences that may be developed on septic in agricultural areas.

- Agreed, Olds opposed, to hold the record open on all Ordinances for two weeks after the hearing before taking a vote, unless the Ordinance is Emergency Legislation requiring a four-fifths majority.
- Heard two persons speak at Press and Public Comment.

October 9, 2012. The Commissioners:

- Approved changes to the format of the County Real Property Tax Bill, henceforth to be mailed only once a year in July with tear-off vouchers for the two semi-annual payments in July and December.
- Recognized State and Chesapeake Bay Trust grants for restoration of portions of Chester River shore and dredging of Kent Narrows.
- Reviewed, upon submission of Budget Director Seeman, **FY2014/2015 Preliminary Capital Budgets** setting out the proposed strategy for financing, largely but not exclusively through County bond sales, of four major projects:
 - **Radio System Upgrade (2015, \$9M)**
 - **Stevensville Middle School (2014, \$9.6M)**
 - **New County Complex (Planning and Zoning, YMCA) (2014, \$15M)**
 - **New Courthouse (2015, \$12M).**
- Voted, upon submission of Economic Development and Tourism Director Rossing, to establish, and re-direct recordation tax revenues from the purchase-of-development rights program to, (1) a replenishable **Economic Development Incentive Fund** of \$750,000 to invest in existing businesses and attract new businesses and (2) an Economic Development Capital Projects Fund for

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Winter Woods, Queen Anne's County

Photo Credit – David Godfrey

THE WONDER OF EAGLES

By JANE SCOTT

I was delighted to read the other day that eagles swim by using their wings as oars, because I once saw one do this!

A few years ago, when we were anchored in the Wye River with friends, an eagle suddenly dropped out of the sky and grabbed a fish right off our bow. The fish was far too heavy for him to get airborne, so, looking exactly like an Olympic swimmer doing the breaststroke, he propelled himself to shore to enjoy his meal.

Eagles are resourceful, if not imperious. I have heard several stories of one harassing an osprey until it dropped a fish that the eagle then seized for himself. While fish are the staple of an eagle's diet, he is also a shameless scavenger of ducks and geese shot by hunters and will even take a muskrat from a trap.

Eagles in Flight

Such opportunistic habits caused Ben Franklin to think the bald eagle unworthy to be our national bird. He thought the turkey had far more integrity. Maybe so, but there is no way a turkey can match the sight of a bald eagle streaming across the sky at thirty or forty miles per hour or soaring on outstretched wings, his white head and tail shining in the sunlight. It's a traffic-stopper every time.

Both eagles and vultures can float for hours on thermal currents, sometimes climbing as high as 10,000 feet, but they are easy to tell apart. A soaring vulture holds its wings in a broad V position, whereas an eagle holds his in a straight line.

It is said that his "eagle eyes" can spot a tasty meal up to a mile away. If he does, he may fold his wings and plunge earthward at up to a hundred miles an hour, swooping upward at the very last second to snatch the victim in his talons.

Equally spectacular are the eagle's courtship flights. Before breeding, the pair will swoop and dive at one another, sometimes even locking talons and executing a series of descending somersaults. If you should be lucky enough to see this, the larger bird will be the female. Although the markings are the same, the girls outweigh the boys by about a third.

Nesting and Hatching

The eagles' breeding season begins in December. They build huge nests, called aeries, usually close to open water and near the top of a loblolly pine or sturdy oak. Both the male and the female work on the construction, using stout twigs as a base and lining it with cornhusks, soft moss, grass and feathers. While even a brand-new nest may be about two feet deep and about five feet across, as the returning pair piles on more material over the years, it can eventually reach up to ten feet across and weigh more than a ton!

The female then lays one to three eggs. Both parents share the duties of incubating the eggs for the next thirty-five days and also take turns brooding the hatchlings and providing food for the developing family. Newly hatched eagles look like white balls of fluff with strangely penetrating eyes and prominent beaks. They grow rapidly, however, soon trading the fluff for sturdy feathers, and are ready to fly at about twelve weeks. At that point, like overfed, indulged children, they are both larger and heavier than their parents.

Young bald eagles are dark brown with indistinct splotches of white on the underside of their

wings and tail. White feathers begin to appear on the head at two years, but it will be a full four years before the young eagle develops the distinctive snow-white head and tail of our national bird. Such are the vicissitudes of eagle life that only about half of the eaglets fledged will survive their first year. Those that do, however, may live to be forty years old.

The Years of Decline

Although eagles are a fairly common sight these days, it was not always so. Even in the best of times, they apparently had their problems.

In 1919, a time when eagles were plentiful in the Chesapeake Bay region, averaging one nesting pair for every five miles of shoreline, a man named W. Stone wrote in a Delaware magazine of those who "with their usual antipathy to all birds of prey, make a practice of chopping down the eagle tree or of shooting the old birds . . ." Egg collecting was also popular, and eagles' eggs were so highly prized that their nests were robbed continually.

By 1940, the impact of such practices had become so serious that Congress passed The Bald Eagle Protection Act, making it illegal to harm, harass or possess an eagle, alive or dead, including their eggs or feathers. That act is still in force.

Then came DDT, thought at first to be the answer to all kinds of pesky insect pests. After World War II, it was sprayed freely on salt marshes to kill mosquitoes. Not until Rachel Carson wrote *Silent Spring* in 1962, did people fully realize what it was doing to birds, especially to large raptors like eagles that were at the top of the food chain.

It turned out that DDE, a breakdown product of DDT, was preventing the release of the calcium needed to produce strong eggs. Without it, the shells cracked as soon as the birds sat on them. Before long, the survival of eaglets had dropped from one or two per active nest to only one in every five nests.

By the time DDT was banned in 1972, the eagle, as well as many other birds, was in serious trouble. In 1977, only 74 active nests remained in the Maryland and Virginia sections of the Chesapeake Bay watershed, and only 500 in all of the lower forty-eight states.



Eagles on Wrights Neck Near Centreville

— Chronicle Photo

Recovery

Eagles mate for life and return to where they were born to bring up their own families, a fact that initially posed a serious problem for biologists trying to reintroduce them into our area. The problem was eventually solved by bringing in eaglets from Alaska, where eagles continued to thrive, and raising them to think of the Chesapeake Bay as home. This strategy was so successful that nests in the Bay region have increased by a factor of 10 since 1977 and continue to grow every year.

In fact, they have been doing so well that eagles were removed from the endangered species list in 2007. Nevertheless, because each nesting pair needs a territory of one to two square miles, they are particularly vulnerable to development pressures. The hope is that the more eagles we see, the more we will care about them — and care enough not only to keep them from being harmed arbitrarily, but also to allow them the room to thrive.

After all, the eagle is our national bird, and his majestic flights, sudden swoops, and stunning courtship rituals are surely one of nature's enduring wonders.

Jane Scott, a writer and illustrator, is the author of Between Ocean and Bay: A Natural History of Delmarva (Centreville, MD: Tidewater Publishers, 1991), and Field and Forest, A Guide to Native Landscapes for Gardeners and Naturalist (Blackburn Press, 2002), as well as other works. She traces her roots in Delaware back to the 1730's and now lives on the Eastern Shore.

COMMISSIONERS' MEETINGS, *continued from Page 4*

economic development projects. (Resolution 12-19 formally redirecting recordation tax revenues was subsequently adopted on October 23, 2012.)

- Rejected proposed Ordinance 12-05 that would have eliminated review and documentation of historic structures proposed to be demolished that were less than 100 years old.
- Adopted Ordinance 12-09 reducing the planted buffer required to screen residential developments from adjacent farm operations and public roads.
- Adopted, Commissioner Simmons opposed, Ordinance 12-14 changing definition of "minor subdivision" from no more than five lots to no more than seven lots, so as to increase number of residences that may be developed on septic in agricultural areas.
- Heard five persons speak at Press and Public Comment.

October 23, 2012. The Commissioners:

- Granted, Olds opposed, to the employees of Queen Anne's County (not including elected officials, directors, or County Administrator) a one-time **salary contribution for County employees** of \$1000 per employee (totaling \$375,000), prorated to part-time employees and not applied to base pay.
- Adopted Resolution 12-21 providing that **year-end fund balances** will be used only to pay-as-you-go (PAYGO) for projects in the County Capital Improvement Plan, to supplement the Rainy Day Fund if it is underfunded, to pay down existing debt, or to be reserved for fiscal emergencies or other non-recurring expenditures.
- Approved, upon submission of Budget Director Seeman, **FY2014 Budget Guidelines** that envision developing "essentially a flat dollar level budget, a bond sale, the establishment and maintenance of a Rainy Day Fund, and the new Economic Development Incentive Fund".
- Designated "Citizenship" as the Character Counts! Pillar of the Month for November.
- Engaged in discussion (lasting over one hour, beginning at QACTV 85:00) of the **Southern Kent Island Sewer** project, led by DPW Director Mohn with other department heads, resulting in direction to staff to refine and expand cost analyses and have further contacts with MDE and MDP concerning funding options and other issues.
- Received, from Mary Margaret Goodwin, an update on the development of the War of 1812 Trail in Queen Anne's County, with approval being granted of \$5,000 County funding toward the Trail.
- Received a proposed ordinance establishing a **Rainy Day Fund**, in the amount of 7% of budgeted general fund operating revenues, to meet contingencies of an unanticipated, non-recurring nature (No. 12-21, introduced by Commissioner Dumenil).
- Heard Commissioner Dunmyer report that the QAC 2010 Comprehensive Plan had received a highly competitive award under the "Great Plans and Planning Processes" category from the Maryland Chapter of the American Planning Association.
- Heard five persons speak at Press and Public Comment.

November 13, 2012. The Commissioners:

- Agreed, Olds opposed, to accept proposal from The



Tree Trunk in QAC: Who Lives There?

Photo Credit – David Godfrey

Smokehouse Grill, a full-service events/catering company headquartered in Stevensville, to manage food service and special events at the Matapeake Beach Clubhouse.

- Sent to the Planning Commission for their comment a proposal to update a 2004 study projecting the fiscal impacts of various growth scenarios.
- Recognized Ms. Jennifer Fitzmaurice, Ms. Niki Pino and Ms. Barbara Burkhardt for their efforts in gaining State-level support and funding for the design phase for the 301/304 overpass.
- Recognized Communications Chief Robbie Blackiston and Radio Technician Rich Richardson for heroic actions that saved the 911 communications center during Hurricane Sandy.
- Heard a solicitation from the law firm of Funk & Bolton for QAC to join, and subsidize with an initial \$25,000 contribution, a multi-county coalition to oppose and/or influence assertedly imprudent or fiscally irresponsible State and federal initiatives to clean up the Bay.
- Received a proposed ordinance revising the QAC Public Ethics Law to comply with State requirements (No. 12-23, introduced by Commissioner Dunmyer).
- Discussed a variety of subjects at the Commissioners' Roundtable and heard nine persons speak at Press and Public Comment.
- Met with Senator Pipkin and Delegates Hershey, Smiegel and Jacobs to discuss the County's 2013 priorities in the State legislature, including:
 - US 301/MD 304 Interchange, the design of which has been funded and should be completed in two years;
 - YMCA Facility with indoor swimming pool envisioned as part of a County complex, on County-owned land across from QACHS, for which bond funding is now needed;
 - South Kent Island (SKI) sewer trunk line, for which MDP/MDE support and grant funding will be required;

-- Legislation to expand Sunday deer hunting opportunities and opportunities in the County for microbrewers, beer and liquor tastings, and beer and wine festivals; and

-- Need for General Assembly to understand County's fiscal challenges.

- Met with Acting Transportation Secretary Mobley and MDOT representatives to discuss QAC transportation issues, with a focus on the 301/304 interchange, and heard presentations by interested citizens and County officials.

November 27, 2012. The Commissioners:

- Designated "Caring" as the Character Counts! Pillar of the Month for December.
- Received a report from Economic Development Commission Chairman Stoops encouraging citizens to participate in the Economic Development Survey on the County website.
- Received **Board of Education funding request**, presented by Schools Superintendent Williamson, BOE President Tinelli, CFO Landgraf and Strategic Planning Coordinator Larrimore, for \$3.4 million from the 2012 surplus for (1) a 1% COLA for schools staff (\$525,000) and a one-step pay increase for 70% of staff (\$925,000); (2) \$825,000 to replace school buses; and (3) \$1.1 million for upgraded and increased technology. -- Agreed, Olds opposed, to allocate \$1.5 million in partial fulfillment of the bus and technology requests, and declined funding for the staff salary requests.
- Heard a presentation, responding to the 11-13-12 Funk & Bolton solicitation (see above), from Dr. Beth McGee, Senior Water Quality Scientist at the Chesapeake Bay Foundation, in which she gave an overview of the current WIP/TMDL Bay clean-up effort and stated that flows of harmful nitrogen over the Conowingo Dam have decreased and Upper Bay ecology has improved.
- Heard nine persons speak at Press and Public Comment on WIP/TMDL issues and two persons speak on education/teachers issues.

ACCESS TO GOVERNMENT RECORDS: A SHORT HISTORY

1766: World's first freedom of information law adopted by Sweden, providing citizen access to government documents and abolishing office of censor.

c. 1800: English courts recognize limited common law right of private persons to inspect government books (e.g. accounts of the parish).

1800's: American courts increasingly recognize right of inhabitants of municipalities to inspect municipal records, on analogy to right of stockholder to inspect corporation's books.

1849: Wisconsin enacts first U.S. open records law, requiring county officials to keep their offices "open during the usual business hours each day, Sundays excepted, and all books and papers required to be kept in their offices, shall be open for the examination of any person"

1900's: Progressive Era reformers champion "the informed citizen" as crucial to a well-functioning democracy.

1934: Congress creates National Archives to centralize chaotic, burgeoning federal record-keeping.

1935: *Federal Register* created to collect and publish agency actions and government regulations.

1943: Maryland Motor Vehicle Act provides that all records of the DMV, other than those declared by law to be confidential, are open to public inspection during office hours.

1946: Administrative Procedure Act requires federal agencies to give notice (in the *Federal Register*) and receive public comment before putting new regulations into effect.

1955: California Congressman John Moss begins holding hearings, with prominent journalists as the leading witnesses, documenting Executive Branch secrecy and suppression of information.

1962: Donald Rumsfeld of Illinois elected to Congress, joins Moss in leading bipartisan fight

for improved citizen access to government information.

1966: Freedom of Information Act (FOIA) adopted, providing that, subject to specified exceptions, any person has a right, enforceable in court, to obtain access to federal government records.

1968: Colorado adopts open records statute, later used as model by Maryland; 24 States adopt open records laws in decade after FOIA.

1970: Maryland adopts its Public Information Act (PIA), providing that "[a]ll persons are entitled to have access to information about the affairs of government and the official acts of public officials and employees."

1972: Oversight hearings commence in Congress, exposing bureaucratic resistance to FOIA by, e.g., excessive delays in responding to requests; overcharging for searches and copying; claiming requests were not specific enough; etc.

1973: Watergate and Nixon White House tapes give further impetus to campaign against government secrecy.

1974: Congress enacts legislation broadly strengthening FOIA and protecting individuals' access to, and privacy of, records about themselves; overrides veto by President Ford.

1990: Fall of Berlin Wall and rise of popular democratic movements result in enactment of open records/freedom of information laws in more than 75 nations over next two decades.

2011: PIA Manual, published by Maryland Attorney General's Office for guidance of government officials, press and public, appears in its 12th edition.

2012: 93 countries have freedom of information laws in some form.

Access To County Records, *continued from Page 1*

In the present article, we discuss how one exercises one's right to inspect and copy documents in the possession of the government of Queen Anne's County.

Getting Started

If you want to see a document, you start by asking. You submit what's known as a "PIA Request" (PIA standing for the Maryland Public Information Act). This should be in writing, and while there's no required form for making the request, there's also no reason not to use the Request Form provided on the County website.

Well, maybe a reason for not using it might be that you can't find it. (If you know that a particular office, like Planning and Zoning for example, has the documents you're looking for, you can go straight to that office and fill out a form they will have for you there.) The *Chronicle* wanted to try using the website Request Form, and our email to the office of County Administrator Gregg Todd promptly elicited directions to it, without which we couldn't have found it. Here's what we think is the easiest way there:

Go to the County Website, <http://qactv.wordpress.com/>, click on **Information**, scroll down to **Forms, Permits & other documents**, click on that; then use the **Search** box at top left to search for "Public Information Act Request", which will (unhelpfully) bring up 242 items, but of which (helpfully) the third is **Freedom of Information Act Application** (not quite accurately named, which was the major part of what was defeating us). The address of where the Request Form lives is: <http://www.qac.org/Docs/FormsPermits&Others/Freedom%20of%20Information%20Act.pdf>.

Making the Request

The Request Form is in two pages. The first page is information and instructions, which say: we'll try to get you the documents in 7 days; if we have to spend more than 2 hours of staff time retrieving and assembling them and supervising their inspection, we may charge you "at the hourly rate assigned by the County's Finance Office to the personnel asked to assist in complying with your request"; and if you want us to make copies, the standard charge is \$0.25 per page.

The second page is the Request itself: your name, address and phone number; date of request; preferred time for inspection; and finally the records/files you want to inspect. That's it – very simple. (The bottom half of the page is "for department use only" to make a record of the retrieval process.)

Working the System

When the *Chronicle* wanted see a couple of documents in the Commissioners' "Books" for meetings we had watched on QACTV, we printed out two Request Forms and put in brief descriptions of the documents. One was a draft Commissioners' letter to DNR about Matapeake and Love Point from the 9-25-12 meeting; the other was staff briefing memos for the Commissioners about Southern Kent Island Sewer from the 10-23-12 meeting. We scanned the completed forms into our computer and emailed them to County Administrator Todd at qaccommissionersandadministrator@qac.org.

(No, the instructions on the request form don't give you that email address, but they were helping us through this; anyway, we could have mailed in or hand-delivered a hard copy.)

We got our first document back by email on the same day we submitted the request, and the second batch came just a day later. There was no charge. The super-quick turnaround was evidently made possible by the fact that the staff routinely scans in the items in the Commissioners' meeting Books.

Of course, it won't always be that smooth. When Ed Modell of Citizens Watch QAC recently requested documents disclosing payments of salaries and fees to persons providing legal services to the County, it took him three months, with considerable back-and-forth (and a cost to him of \$148), to get a complete production of what he had requested.

Three years ago, when citizen activists began requesting access to documents about the security training facility proposed for Ruthsburg, it was even rougher going, both locally and, especially, federally. And, as described in the accompanying *Questions and Answers* article, there are some categories of documents that are legitimately confidential and may not be accessed.

But not to end on a discouraging note: most of the time, we will get what we ask for. Most of the time, we can expect that officials and employees of our County government will respond to requests in the open-access spirit of the PIA itself, whose purpose is to help create a constituency of "informed citizens".



Canada Geese Wintering in QAC

Photo Credit – David Godfrey

PUBLIC INFORMATION ACT: QUESTIONS AND ANSWERS

Q. What is the Public Information Act?

A. The Public Information Act (PIA) is a Maryland law that grants broad access to records in the possession of State and local government. The PIA is similar to the federal Freedom of Information Act (FOIA).

Q. What exactly is included in the term “record”?

A. A “record” is not only writing on paper but also photographs, maps, e-mail messages, computerized data, etc.

Q. What does “access” to records mean?

A. The right of access means the right to inspect records “at any reasonable time” and to copy them.

Q. Who is entitled to access to government records?

A. The PIA grants a broad right of access to “any person” – which includes individuals, associations, corporations, and other entities.

Q. What officials and governmental bodies are required to give access under the PIA?

A. The PIA applies to all branches of State government (legislative, judicial, and executive) and to all counties, cities, towns, school districts, and special districts.

Q. What government records can be accessed pursuant to the PIA?

A. The PIA grants access to “public records”, which are any records made or received by government officials or employees in connection with the transaction of public business. Generally, all records possessed by a governmental body are accessible “public records”, unless the records are personal records not relating to government business or are specifically exempted from public disclosure.

Q. What are some of the kinds of records that are exempt from disclosure?

A. Access is denied to personnel records, medical records, school records, financial records, business secrets – records containing information that would invade the individual’s personal privacy if made public. An exception to this exception is that many of these records can be accessed by the person who is the subject of the record – known technically as the “person in interest”.

Another exempt category is records that it would be “contrary to the public interest to disclose” – such as law enforcement investigatory records (though a person in interest may be able to get access to records about him/herself), or records containing confidential opinions, deliberations, advice or recommendations from one governmental employee or official to another to assist in

a governmental decision-making function.

Q. Wait a minute – those “decision-making” documents are often the ones of most interest to someone trying to be an “informed citizen”. Is their exemption from disclosure as counter-productive as it sounds?

A. No, the exemption is not actually that broad. The Attorney General advises, and the courts have made clear, that “a presumption of disclosure should prevail” with respect to these documents.

Access must be granted unless the responsible official can demonstrate specific reasons why decision-making may be compromised if the requested records are released. And, of course, as is generally required, if a government record contains both exempt and non-exempt material, access must be granted to the non-exempt portions of the record.

To be sure, government officials are often tempted to withhold decision-making documents, perhaps because disclosure would be politically embarrassing, or would “provide ammunition” to opponents of what the officials are trying to accomplish. Here’s where it’s important for officials, elected and appointed, to remember that they are doing the public’s business, not their own.

Q. Yes, that may be what we hope for, but suppose an official, succumbing to temptation, does make up a story about how the public interest would be harmed by disclosure and wrongfully denies access. Then what does the citizen do?

A. Whenever access is unjustifiably denied, you can go to court to compel disclosure. Your case will be expedited, and the burden will be on the government to sustain its decision to deny inspection. If you prevail in court, you are entitled not only to an order granting access, but also to an award of reasonable attorney fees and other litigation costs. PIA and FOIA are quite unusual in shifting the costs of litigation off of the wronged citizen and onto the misbehaving government – an indication of the importance that the framers of these laws assigned to securing open government.

There is also a \$1,000 criminal fine for any person who willfully or knowingly violates the Act, and a custodian who acts “arbitrarily or capriciously” in withholding a public record is subject to a court-ordered reference to his appointing authority for an investigation and disciplinary action.

Q. Suppose instead of denying my request, the government just stalls and doesn’t respond?

A. That won’t work, at least not indefinitely. As the Attorney General advises, “the time limits in the PIA are important and an

agency or custodian may be sanctioned in a variety of ways under the statute for a failure to comply.”

If a record is responsive to a request and is recognized to be open to inspection, the PIA says it must be produced “immediately” after receipt of the request. An additional reasonable period “not to exceed 30 days” is available when more time is required to retrieve the records and assess their status under the PIA. Similarly, when access to a record is denied, the custodian is to “immediately” notify the applicant and, within ten working days after the denial, provide the applicant with a written statement of the reasons for the denial.

Q. Last question: leaving any court proceedings aside, how much does it cost a citizen to access records?

A. That depends on the scope of the access request and how difficult it is to locate the documents. Fees will be charged for the employee time required for the search and preparation of records for inspection, but under the PIA fees may not be charged for the first two hours of search/preparation. So a request to inspect a reasonable number of clearly-identified, readily-locatable documents shouldn’t cost anything.

If the requester wants copies made of some or all of the records, s/he will pay a “reasonable fee” for the copies: so many cents per page, the amount of the fee being set to recover the actual cost of copying, not to make a profit or discourage copying.

One can request a total or partial waiver of fees “in the public interest”, based on such factors as the ability of the requester to pay, or whether the request is made for a public purpose rather than a narrow personal or commercial interest.

(The foregoing is based largely on the Attorney General’s Maryland Public Information Act Manual (12th Ed., Oct. 2011), available in full text at <http://www.oag.state.md.us/Opengov/pia.htm>. The Manual’s 153-page size should not deter citizens from consulting it: it is clearly written and well organized.)



Heron Hunting, QAC

Photo Credit – David Godfrey

JANUARY: WINTER STORM

... Shut in from all the world without,
We sat the clean-winged hearth¹ about,
Content to let the north-wind roar
In baffled rage at pane and door...

What matter how the night behaved?
What matter how the north-wind raved?
Blow high, blow low, not all its snow
Could quench our hearth-fire’s ruddy glow...

– John Greenleaf Whittier

¹ In Whittier’s home, in today’s words: the large brick kitchen fireplace with a well-cared-for wood surround.

FEBRUARY: LOST LOVE

Why did you give no hint that night
That quickly after the morrow’s dawn,
And calmly, as if indifferent quite,
You would close your term here, up and be gone...

Why do you make me leave the house
And think for a breath it is you I see
At the end of the alley of bending boughs
Where so often at dusk you used to be...

– Thomas Hardy

* A Calendar Of Verses