

Statement of Carol Boyer

September 3, 2021

RE: Freeway Airport (4-20006 & DSP-20015)

The purpose of this statement is to solemnly affirm under penalties of perjury that the contents of this statement and attached Exhibits are true to the best of my knowledge, information, and belief. I request that the District Council remand DSP-20015 back to the Planning Board as members of the Concerned Citizens of Prince George's County District 4 and Surrounding Areas [Concerned Citizens] were prevented from participating in the May 6, 2021 Planning Board hearing.

My intention for this statement is to affirm that the Clerk's Office of the Prince George's County Council either by inadvertence, providing incorrect information, mistakes, or lack of attention to details caused the nonprofit Concerned Citizens a lack of due process to present any written or oral opposition testimony regarding DSP-20015 at the May 6, 2021 Planning Board hearing. Hence, the Concerned Citizens filed an appeal to the District Council on June 30, 2021.

The following testimony and exhibits address many of the arguments presented in the Freeway Realty, LLC [the Applicant] Motion to Dismiss and Opposition to Appeal filed on July 19, 2021.

Most of those who filed this appeal were named on the list of Persons of Record in the online documents for DSP-20015. Details for these reasons were filed in the June 30, 2021 appeal.

On April 7, 2021, Beverly Simmons, a member of the Concerned Citizens, informed the members of our organization via an e-mail and in a subsequent oral presentation at our meeting on April 19, 2021 that she was told by a male employee of the County Council Clerk's office that no one would be allowed to speak at the May 6, 2021 Planning Board meeting on DSP-20006. See Exhibits A and B.

Based on Mrs. Simmons' April 7, 2021 e-mail and her oral presentation on April 19, 2021, the Concerned Citizens understood that for the May 6, 2021 Planning Board hearing on DSP-20015, no oral presentations would be allowed. It would be available for "listen-only." She also tried to no avail to find a working link on the site whereby she could submit an opposition letter but could not find a working link. She had tried several times. Based on Mrs. Simmons' April 6, 2021 e-mail and her oral presentation at the April 19, 2021 meeting, most of the Concerned Citizens felt that this particular hearing would not allow any speakers.

However, Milly Hall, the Chair of the Concerned Citizens, informed the Concerned Citizens that even though Mrs. Simmons shared what she was told by an employee at the County Council Clerk's office, she did not think that could be accurate. When she opened the website at www.mncppc.org, she could not find any working link on the County's hearing site to sign up to speak. She has submitted her statement on her conversation with County Clerk's employee, James P. Walker-Bey, to inform him that

she could not find any working link that would allow her to sign up to speak. Mr. Walker-Bey told Mrs. Hall that he would investigate the issues of the sign-up link not working.

Based on both Mrs. Simmons' & Mrs. Hall's experiences as noted above, I realized that trying to sign up to speak was somehow not going to work.

Although the Applicant's Motion to Dismiss and Opposition to Appeal argues that many of the Concerned Citizens' members "should have possessed the knowledge and ability to sign up to speak at the DSP public hearing (and/or the ability to electronically file a statement in writing)" as these Concerned Citizens participated in many other County virtual hearings and "filed hundreds of pages of documents in the Planning Board record as part of that case utilizing the email process indicated on the M-NCPPC website," it seems very odd that these knowledgeable and able Concerned Citizens had difficulties trying to find a working link to sign up to speak or to submit written testimonies.

On page 3 of the Applicant's Motion to Dismiss and Opposition to Appeal footnote 1, it states that the Concerned Citizens of Prince George's County District 4 was not in good standing with the State Department of Assessments and Taxation at the time of the Appeal. However, the Concerned Citizens is indeed in good standing with this State office. See Exhibit C.

On page 4 of the Applicant's Motion to Dismiss and Opposition to Appeal, it states that none of the Appellants appeared in person before the Planning Board hearing on May 6, 2021. This statement is not accurate, as the following Appellants were logged into the virtual Planning Board May 6, 2021 hearing: Kathleen Beres, Michael Bridges, Miller Einsel, and Milly Hall.

In early August, both Milly Hall and I called the Clerk of the County Council to request we receive information on signing up to speak at the September 13, 2021 District Council meeting. It took a few times for each of us to have a staff person call us back and to send us the information we requested. I spoke with James T. Walker-Bey, from the Clerk of the County Council about the reason I had not received any written documents since I am listed as a Person of Record on DSP-20015. Mr. Walker-Bey stated to me that he had mailed me and all the others on the Persons of Record list the letter via snail mail (U.S. Postal Service). However, I never received the letter in the mail. So, Mr. Walker-Bey sent both Mrs. Hall and me the letter via e-mail. A County citizen should not need to call the Clerk's office more than twice to receive information. As of the date of this statement, I have not received the letter via the U.S. Postal Service. See Exhibits D & E.

On August 23, 2021, the Concerned Citizens held a virtual meeting via Zoom and the Acting Secretary, Carol Boyer, presented notes before our next meeting was held. See Exhibit F. (Note: After these notes were submitted, the Concerned Citizens learned that our signed statements to the County Clerk's Office would not need to be notarized.)

Therefore, I affirm that the Clerk's Office of the Prince George's County Council either by inadvertence, providing incorrect information, mistakes, or lack of attention to details caused the nonprofit Concerned Citizens a lack of due process to present any

written or oral opposition testimony regarding DSP-20015 at the May 6, 2021 Planning Board hearing.

Carol Boyer

Carol Boyer
13900 Mount Oak Court
Bowie, MD 20721
301-249-4916 H
301-466-1100 C

Carol Boyer

Carol Boyer
Acting Secretary
Concerned Citizens of Prince George's County,
District 4 and Surrounding Areas
13900 Mount Oak Court
Bowie, MD 20721

Exhibit A

From: **Beverly Simmons** <beverly.simmons1231@gmail.com>

Date: Wed, Apr 7, 2021, 1:45 PM

Subject: Planning Board Hearing - Freeway Airport- May 6, 2021 at 10:00 a.m.

Please forward to the community.

By calling 301-699-2255 and give application information listed on this sign, you will be given updated information regarding Freeway Airport.

However, you must go to www.mncppc.org to sign-up to listen (only) to the planning board's decisions for Freeway Airport on May 6, 2021 at 10:00 a.m.

No public speakers are allowed.

Thank you,

Beverly Simmons.

>

>

>

> Sent from my iPhone

Exhibit B

From: Milly Hall <hallmilly@aol.com>

Sent: Tuesday, April 13, 2021 2:55 PM

To: mike.m.bridges@gmail.com; mdeinsel@aol.com; beverly.simmons1231@gmail.com; mbrowntv@msn.com

Cc: kabintospace@aol.com; ccboyer@comcast.net; j.wildy@me.com; carrieswb@aol.com; darryl.brown@usuhs.edu; jamesrileyjr@yahoo.com; concernedcitizenspgcmd@gmail.com; Milly Hall <hallmilly@aol.com>

Subject: Concerned Citizens meeting April 19, 2021

CCOPGCD4 is inviting you to a scheduled Zoom meeting.

Topic: Concerned Citizens of Prince George's County regular monthly meeting

Time: Apr 19, 2021 06:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/84160580376?pwd=ODISN2NRb0drUE5QMGZ1SmFycElwQT09>

Meeting ID: 841 6058 0376

Passcode: 062442

One tap mobile

+13017158592,,84160580376#,,,,*062442# US (Washington DC)

+13126266799,,84160580376#,,,,*062442# US (Chicago)

Dial by your location

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

Meeting ID: 841 6058 0376

Passcode: 062442

Find your local number: <https://us02web.zoom.us/j/kObv5Cpn>

Exhibit C

(attached)

Exhibit D

From: Milly Hall <hallmilly@aol.com>
Sent: Tuesday, August 10, 2021 2:59 PM
To: ccboyer@comcast.net; mike.m.bridges@gmail.com
Cc: beverly.simmons1231@gmail.com; kabintospace@aol.com; millicent111@yahoo.com; mbrowntv@msn.com; mdeinsel@aol.com
Subject: Re: URGENT: Who has received Sept. 13 DSP 20015 Hearing Info?

1.) I just spoke with MS Ruby Short again at County Council. I called on August 2, she had it in her notes. She sent to her boss Donna Brown, and she don't know why she havent sent out the letter. She said she's sending back today to Donna Brown as affidavit and I should get an email today.

2.) The County Council has been on recess the entire month of August. The County Council will return on September 7 and the District Council will return on September 13. She didn't have any answers to deadlines, rules, and procedures. Ms. Short said Donna Brown would have to answer those questions.

-----Original Message-----

From: Carol <ccboyer@comcast.net>
To: 'hallmilly' <hallmilly@aol.com>; mike.m.bridges@gmail.com
Cc: beverly.simmons1231@gmail.com; kabintospace@aol.com; millicent111@yahoo.com; mbrowntv@msn.com; mdeinsel@aol.com
Sent: Tue, Aug 10, 2021 1:10 pm
Subject: RE: URGENT: Who has received Sept. 13 DSP 20015 Hearing Info?

I just called the County Council Clerk's office back as it's been 8 days since anyone has called me back regarding requests for the 1st 2 items Milly listed below.

I spoke with Ruby Short & she stated that they did receive my voice-mail message last week (Aug. 2) and forwarded it to Donna Clark's office. Ms. Short will send me via e-mail the letter Beverly shared with us last week.

Please call 301-952-3600 ASAP if you have not already done so to request the 2 items Milly listed below.

Carol

From: Carol <ccboyer@comcast.net>
Sent: Tuesday, August 3, 2021 11:59 AM
To: 'hallmilly' <hallmilly@aol.com>; 'mike.m.bridges@gmail.com' <mike.m.bridges@gmail.com>
Cc: 'beverly.simmons1231@gmail.com' <beverly.simmons1231@gmail.com>; 'kabintospace@aol.com' <kabintospace@aol.com>; 'millicent111@yahoo.com' <millicent111@yahoo.com>; 'mbrowntv@msn.com' <mbrowntv@msn.com>; 'mdeinsel@aol.com' <mdeinsel@aol.com>
Subject: RE: URGENT Please Acknowledge Receipt

I left a message yesterday afternoon. No one has called me back yet.

Carol

From: hallmilly <hallmilly@aol.com>
Sent: Monday, August 2, 2021 4:35 PM
To: Carol <ccboyer@comcast.net>; mike.m.bridges@gmail.com
Cc: beverly.simmons1231@gmail.com; kabintospace@aol.com; millicent111@yahoo.com;
mbrowntv@msn.com; mdeinsel@aol.com
Subject: RE: URGENT Please Acknowledge Receipt

Someone just answered ask if we're Person of Record took all my information said she would get right back. Here we go.

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Carol <ccboyer@comcast.net>
Date: 8/2/21 4:21 PM (GMT-05:00)
To: 'Milly Hall' <hallmilly@aol.com>, mike.m.bridges@gmail.com
Cc: beverly.simmons1231@gmail.com, kabintospace@aol.com, millicent111@yahoo.com,
mbrowntv@msn.com, mdeinsel@aol.com
Subject: RE: URGENT Please Acknowledge Receipt

I, too, just left a message & requested someone call me back.

Carol

Exhibit E

From: Walker-Bey, James T. <JWalkerBey@co.pg.md.us>
Sent: Tuesday, August 10, 2021 2:33 PM
To: ccboyer@comcast.net
Cc: Clerk of the Council <ClerkoftheCouncil@co.pg.md.us>; Moses, Leonard D. <LDMoses@co.pg.md.us>; Short, Ruby L. <RLShort@co.pg.md.us>
Subject: DSP-20015 Freeway Airport
Importance: High

Good Afternoon Ms. Boyer, thank you for contacting the Clerk of the Council regarding DSP-20015 Freeway Airport. Per our conversation, attached is a copy of the hearing notice that was mailed to all persons of record on Friday August 6, 2021. It includes the processes and procedures for participation in the September 13, 2021 Oral Argument hearing. Information pertaining to this case may be found on the Council's Legislative/Zoning Information System at the following link: [DSP-20015](#). Have a good afternoon.

This E-mail and any of its attachments may contain Prince George's County Government or Prince George's County 7th Judicial Circuit Court proprietary information or Protected Health Information, which is privileged and confidential. This E-mail is intended solely for the use of the individual or entity to which it is addressed. If you are not the intended recipient of this E-mail, you are hereby notified that any dissemination, distribution, copying, or action taken in relation to the contents of and attachments to this E-mail is strictly prohibited by federal law and may expose you to civil and/or criminal penalties. If you have received this E-mail in error, please notify the sender immediately and permanently delete the original and any copy of this E-mail and any printout.

Exhibit F

From: Carol <ccboyer@comcast.net>

Sent: Wednesday, September 1, 2021 6:36 PM

To: Milly Hall (hallmilly@aol.com) <hallmilly@aol.com>; Mike Bridges (mike.m.bridges@gmail.com) <mike.m.bridges@gmail.com>; Beverly Simmons (beverly.simmons1231@gmail.com) <beverly.simmons1231@gmail.com>; Miler Einsel (mdeinsel@aol.com) <mdeinsel@aol.com>; 'James Riley' <jamesrileyjr@yahoo.com>; Adam Levi (alevi_1998@yahoo.com) <alevi_1998@yahoo.com>

Subject: IMPORTANT: DSP-20015 Meeting Notes from 8-23-2021

Dear Concerned Citizens, Notes from our last meeting.

GOAL: To convince the District (County) Council to remand DSP-20015 as we were prevented from participating in the May 6, 2021 Planning Board hearing. **DEADLINE:** We need to submit our affidavits by Sept. 3, 2021 to the Clerk of the County Council. We need to prove we were denied due process either unintentionally or by accident by Planning Board staff.

- We submitted an appeal as our Concerned Citizens were blocked from participating as speakers at the May 6, 2021 Planning Board hearing
- I seem to be the only one on the Shipley & Horne Motion to Dismiss & Opposition to Appeal as a Person/Party of Record (POR)
- James Riley: Also referenced on the Shipley & Horne Motion to Dismiss & Opposition to Appeal.
- Attendees at the May 6, 2021 Planning Board Hearing: Milly Hall, Mike Bridges, James Riley, Kathleen Beres & Miller Einsel
- No Call-in Number at May 6, 2021 Planning Board Meeting: Need Elizabeth Hewlett's video/recording or transcript that she said, "There's no call-in number?"
- James Riley stated he became a POR on July 6, 2020, but his name is not listed on the Shipley & Horne motion to dismiss & appeal s
- **ACTION ITEM:**
 - We need signed affidavits (statements from each of our Concerned Citizens affected by phone call to the Planning Board office that no one would be allowed to speak & sign-up-to-speak website issues. These need to be printed, signed (in front of a notary public) by tomorrow or Friday, Sept. 3, 2021. Note:

Milly's daughter is available tomorrow after work to provide notary services.

- Such statements are already submitted to the Planning Board but we need to print these up & have a signature line on each so the Notary can validate for such to be affidavits.
- We may need to submit our issues to the State's Attorney's Office for Prince George's County
- ACTION ITEMS:
 - Contact several of those on the DSP-20015 Party of Record (POR) list sent to Carol Boyer by James T. Walker-Bey on Aug. 13, 2021 to have then sign affidavits that they do not know how they were listed, as they never submitted any requests to be PORs. NOTE: Dr. Linda Singh told Carol Boyer that she did not know how or why she is listed on this POR for DSP-20015.
 - Carol has reached out to Linda Singh if she is willing to submit her statement & get it notarized.
 - Jonathan P. Brown (someone whom Elizabeth Hewlett was calling upon to speak at the May 6, 2021 hearing) is on this list. However, Jonathan P. Brown did not seem to be present at the hearing.
 - Carol's POR statement should focus on the specific instances of lack of due process (using exhibits from Beverly Simmons's affidavit about her phone call to the Planning Board using the phone number listed on the signage at Freeway Airport & from Milly Hall about her not being able to access any sign-up link on the website).
 - All of us Concerned Citizens should call the Clerk of the County Council requesting to sign up to speak at the Sept. 13, 2021 hearing.
 - James Riley's statement should focus on the potential lead issues & the fact that no measurements were made by MDE on the ground water. He should also share Miller's MDE details about how the MDE employee did not follow the map he presented to Mark Mank (MDE)

Submitted by:

Carol Boyer, Acting Secretary of the Concerned Citizens of Prince George's County
District 4 and Surrounding Areas