

April 13 Petition Comments

I disapprove of the potential lease with MSI for soccer fields on Brickyard Road.

Carl Helman

We strongly oppose this agreement with MSI. We are offended by the heavy-handed and secret process which violates the spirit of open governance.

Peter and Grace Kimm
8501 Horseshoe Lane
Potomac MD 20854

I am strongly opposed to the MSI lease for Brickyard, which was created and finalized in a process that was not fair and open to the public or even for bidding. In the hearing for bill 11-12, the county's Senior legislative lawyer, Mr. Fadon stated that the executive does not have sole right to dispose of county property. This means that the MSI lease is not valid because it was finalized in secrecy without any input from the council or the public. There is petition with 50,000 signatures against this lease.

Thank you for your time and attention.

Eliabeth Waugaman
8109 Horseshoe Lane
Potomac, MD 20854
301-299-5158

This message is sent in support of County Council Bill 11-12. Please take action immediately to pass and implement this legislation.

The Brickyard Coalition has been meeting with various County Council members regarding County Council Bill 11-12. This Bill will require County Council review & approval for land sales or leases, and may cover the controversial Brickyard Road land lease if passed on or before April 10th. The Brickyard Road land parcel "deal" has been mishandled in a non-public fashion, short on due process and with great negative impact to a substantial number of county residents & neighborhoods.

Please take action to stop the secret land "deals" and provide a fully transparent and accountable process.

J. V. Cain & Karen L. Meyer-Cain
Brickyard Road
jcain4u@comcast.net

I strongly oppose the agreement made with MSI.

Everything has been done in secret with no community meetings or input as to the best

use of the Brickyard property.

ROBERT LETENDRE, JD
Realtor®
Owner/Broker/Agent
ePotomacRealty

Please, please, please reconsider using the Brickyard School public property on Brickyard Road for multiple soccer fields. The Brickyard School public property is right in the middle of a quiet residential area with all ages of residents including children and elderly who enjoy the peace and quiet of the neighborhood. I am sure there is some space that would be more appropriate than the Brickyard School public property for an influx of sport enthusiasts. It is extremely difficult to believe this is not true. In addition, the process of making the decision of how to use the Brickyard School public property seems to have been kept in the shadows hidden from public awareness which carries with it the sense of questionable motives. For many reasons including the ones discussed above, I strongly disapprove of the use of the Brickyard School public property for multiple soccer fields, specifically of MSI lease and intended use of the site.

Leslye Halioua

We live in River Falls, MD, and are very unhappy with the process by which the county has decided to enter the lease for the soccer fields at Brickyard Road. We do not have a strong view on whether soccer fields are the best use of this land, but we are very disturbed by the closed and secretive process the county has followed in making this decision.

It is even more disturbing that Ike Leggett, whom we have supported in the past has engaged in this decision-making process.

Richard and Sally Watts

I am a resident of Montgomery County and I want to communicate my support of Bill 11-12 which would allow County Council to have a say in County Land Disposition... "it will protect the public against the risk 'of a future county executive selling [leasing &/or licensing] off valuable assets under improper circumstances,' Leventhal said." I feel that there has been potential recent abuses which this bill could prevent in the future and maybe be applied retroactively to stop past recent inappropriate unilateral actions.

Thank you for considering the counties best interest.

Lisa Opsahl

7705 Masters Drive
Potomac, MD 20854
C 240-418-1643

DISAPPROVAL of MSI Lease

To Whom it May Conern:

I strongly object to the manner in which the MSI Lease has been handled. Despite all the promises made by our County Executive and his representatives at public meetings over the past year, this lease has turned out to be the sham we were all afraid it was going to be. It is impossible to imagine that MSI was the only group to answer the RFP - as a matter of fact there were several acceptable and viable alternatives suggested for the use of this land. Additionally, I believe that this lease is being fast tracked due to law suits and pending Bill 11-12.

It is completely unacceptable that any more individuals who work for my County's Government participate in this travesty that has completely ignored the legal requirement that you work with the people you serve. I object in whole to the issuance of this lease and request that it be disapproved.

Sincerely,
Barbara Hoover
7841 Whiterim Ter
Potomac, MD 20854

As a resident of Montgomery County for several decades I have never been more disappointed with our elected officials who apparently have engaged in clandestine behavior to market and contract a deal for a soccer complex for the MSI company. It is sad that the voices of the vast majority of citizens/homeowners in this residential Potomac community have not had an opportunity to appropriately express their opposition to the politically opaque maneuvering that has created a profound distrust in the expectation of representative governance. The communal distrust that has resulted from this attempt to enable a commercial development in a community of taxpaying/voting constituents is substantial..

I urge the more responsible representative leaders of Montgomery County: to reconsider all questionable aspects of this deal, and provide a more open forum for a democratic unmasking of all negotiations/commitments by all parties in this matter.

Respectfully submitted,
William Weglicki

We would like to voice our support and ask that you also support the bill 11-12.

We strongly believe county council members as representatives of county residents should and must have more authority in decision making process as identified in the bill.

As the residents of the county for the past 39 years and Potomac for the last 23 years, we have been shocked to learn the lack of authority of council members in such matters.

We therefore ask for your support in favor of the bill 11-12.

Respectfully yours,

Ray Sotoudeh
Faranak Sotoudeh
10918 Brent Road
Potomac, Md 20854

The decision to build for-profit soccer fields on precious organic farmland is a disgraceful and illegal violation of the public trust.

It must not stand!

Kevin & Lynda O'Sullivan & Family
Coach Street
Potomac, MD

kevinosg@aol.com

Please add our names to the Petition. We think this is an outrage. Brickyard Road cannot handle this extra traffic due to the traffic circles and speed bumps. If these soccer fields were to be built we would basically lose our access to the Village when there were games going on. If the county thinks they need more soccer fields (seems to us there are already plenty of soccer fields and in this area of the county no organic farms) then they should use schools on the weekends where there is already parking and roads that can accommodate the extra traffic or use the Potomac Community Center. Thank you for all of your efforts. Paula Calimafde and Alan Mark

To whom concern:

I raised my family on Brickyard road, and my family and I currently live there. This soccer field would be a huge mistake. I want my voice heard and all of the families that live in this community should have a say in what happens to this community. We pay very high taxes to be able to have the luxury of living here and do not wish to have the soccer fields across the street.

The manner in which this is occurring is also wrong, and secretive. I don't want MSI to construct, manage or operate soccer fields on the Brickyard School Public Property. We believe the secret process which the county has followed is improper and illegal. We demand that a new and completely transparent process that is in compliance with County Law be commenced to determine the best use for the Brickyard property.

Thank you!

Michael and Irene Carmi
8712 Brickyard Road
Potomac, MD 20854
[301-983-5186](tel:301-983-5186)

Hi,

We live in Avenel, recieved a flyer and signed the petition to save Nicks Farm as well as the one to oppose the soccer fields, as I know the traffic will impact our neighborhood and will increase congestion on Oaklyn as well as Falls Rd.

We just wanted to throw a suggestion out there, since I didn't see a mention of Avenel on your website (but I only perused it for a few minutes), but since we are a neighboring community, and may be affected by this misguided project, you may want to do more than hand out flyers here; pay a visit to the community center, and speak to someone there and possibly see if you can get some support that way. We have a newsletter that comes out periodically, a website you may be able to link to, and if you get your views known around here it may help to garner some support.

As you may know a well known CNN news anchor lives in the neighborhood, as do a few others with some influence who may be able to sway opinion, and who I assume may have an interest in maintaining property values and the character of this and surrounding neighborhoods (although certainly I can't speak for anyone else, and don't pretend to know others' views, interests or opinions on this matter-just saying.)

My wife and I are totally opposed to this insane sports complex, so I thought I would throw my 2 cents in.

Bill and Monika Marvil

Dear Council Members Andrews, Berliner, Elrich, Ervin, Floreen, Leventhal, Navarro, Rice, and Riemer:

I urge you to support Bill 11-12 to protect the public against the possibility of future county executives selling, leasing or licensing off valuable assets under improper circumstances. Thank you for your work.

Sincerely,

Mrs. Tricia Umhau
10804 Rock Run Drive
Potomac, MD 20854

Dear Councilmembers,

This is to let you know that I support for Bill 11-12.

Thanks,
Susana Wang
10617 Rock Run Dr.
Potomac, MD 20854

I WISH TO EXPRESS, IN THE STRONGEST TERMS, MY OPPOSITION TO THE MSI LEASE. THE WAY IT WAS OBTAINED WAS IMMORAL AND MOST LIKELY WILL PROVE TO BE ILLEGAL, AS WELL. IT IS AN EGREGIOUS USURPATION OF AUTHORITY AND LEGAL PROCESS. THIS IS IN ADDITION TO THE FACT THAT IT IS ONE OF THE WORST WAYS IN WHICH THAT LAND COULD BE USED. SHAME ON IKE LEGGETT FOR TREATING NICK MARAVELL, THE BRICKYARD HOMEOWNERS , AND THE CITIZENS OF MONTGOMERY COUNTY IN SUCH AN UNDERHANDED FASHION.
MARILYN HARDIS

To Whom it may Concern:

I am a resident and landowner in Montgomery County, MD and have been deeply disturbed to watch the secretive process unfold under which the current county executive has sought to secure the lease of county land to a private developer, MSI Soccer, without transparency or due process. It has been apparent that the public hearings that have been held in response to public outrage have been a sham, leaving county citizens deprived of their right to hold their county executive accountable for his/her actions while serving as their representative.

*Marcia Tanabe
Owner of property at
10920 Chandler Road
Potomac, MD 20854*

We strongly support Bill 11-12 allowing the County Council, elected by the people of Montgomery County, to have a say in significant County Land Disposition.

Howard and Melany Levenson
7501 Masters Drive
Potomac, MD 20854

I SUPPORT passage of this bill and hope you will SUPPORT it, too!

C. Rand
Potomac, MD 20854

Dear County Council: I request that you support Bill 11-12 would allow County Council to have a say in County Land Disposition...Between the brickyard and Rock Creek Hills Local Park, you must take control and make some sense of all of this. Thanks. David Kaplan, 3615 Saul Road, Kensington, MD 20895

Louis Tenenbaum louis@louistenenbaum.com

to

councilmember., councilmember., councilmember., councilmember., councilmember., councilmeml

Councilpersons,

**I SUPPORT Bill 11-12 wholeheartedly.
I also vote.**

I am writing to express my support for Bill 11-12. I understand that this bill would provide for more direct involvement of the Montgomery County Council in matters involving county land disposition by requiring the Council to either approve disposition or material terms of disposition of certain county properties. The recent actions of the County Executive's office pertaining to the Brickyard Road site were characterized by an astonishing lack of transparency or opportunity for meaningful public discussion concerning the best use of the site. I believe this bill is clearly in the best interest of the public.

Thank you for your work on behalf of the residents of Montgomery County.

Sincerely,

Rhea D Thornton

I totally object to the lease of the Brickyard Road property (formerly dedicated to school use) to the private/commercial organization known as Montgomery Soccer (MSI).

There is no doubt in my mind that MSI is a "for profit" commercial organization that will limit their soccer playing fields only to those who are willing to pay to use the fields or to join one of their soccer leagues. This was never the intent of the Potomac Master Plan.

I am against the lease of this property to MSI. A. P. Black

I disapprove of the current efforts to lease the Brickyard Road site to MSI for use as "pay to play" soccer fields. The process has been marked by an astonishing lack of transparency or opportunity for public discussion. I am a resident of Montgomery County and to date I have not become aware of any research that addresses even the most basic questions pertaining to potential uses of the site. For example:

1. What other uses of the site were considered?
2. Is the value of the organic seed farm to Maryland residents & its farming industry clearly less valuable?
3. Are "pay to play" soccer fields clearly the use that best serves the residents of Montgomery County?
4. Who in particular will benefit from the proposed change in use?
5. Have traffic impact studies been completed, and if so, what have they shown?
6. Who will bear the cost of road improvements that would clearly be needed to support any material increase in traffic volumes in this area?
7. Given the popularity of this area to bicyclists, have safety issues been considered? Consideration given to adding bicycle lanes?
8. In the event that traffic & safety considerations have not been adequately addressed, have potential implications on the real estate values and related tax assessments been considered?

The motivation of the County Executive's office in pursuing this lease is unclear; at best it appears to be not well considered.

Sincerely,

Rhea D Thornton

8553 Horseshoe Lane
Potomac, MD 20854

Dear Montgomery County Council Members-

I strongly urge you to support and vote to pass Bill 11-12.

You have been elected to represent the greater interest of your County residents, something the Executive 's sole power has apparently and deceptively overlooked.

Too much power at the County Executive level, especially in matters of real estate/County property is unwarranted and provides too much potential for abuse of that power.

This has been demonstrated with the Brickyard Road deal struck in secret with MSI.

Thank you and Sincerely,

Robert Kramer
7608 River Falls Dr
Potomac, MD 20854

Sirs--

I strongly disapprove the lease agreement made with MSI for the construction and operation of soccer fields on the Brickyard Rd School public property.

Especially unsatisfactory is the secret, behind closed doors manner in which this "deal" was struck with/by the County Executive, totally lacking prior County citizens' input.

I also question the charges to MSI or any other private concern for use of this County/School property. Our real estate taxes are high. Any user of our collective County property must pay the same relative per square foot rate as County residents are required to pay.

Robert Kramer

I support this Bill 11-12 because the transfer of land or valuable assets should not be in the hands of only one or two persons on the County Council.

This Bill should protect the public against the risk of a future executive selling, leasing, licensing, or giving away valuable land or assets without extensive review and approval by all others who are on the Council to protect the public's interests. A. P. Black

I strongly disapprove of the MSI Lease for soccer fields on the Brickyard School public property and the non-transparent and secretive process government officials engaged in to secure this illegal contract. I demand a new and completely transparent process that is in compliance with County law be commenced to determine the best use for the Brickyard property.

Lori Newsom
7811 Gate Post Way
Potomac, MD 20854
Leo R mark161516@gmail.com

to

councilmember., councilmember., councilmember., councilmember., councilmember., councilmeml

Dear County Council Members: I support Bill 11-12. Thank you for taking the time to read this email. I also support Nick's Organic Farm remaining at Brickyard Road instead of being demolished, for reasons explained below.

To produce an organic farm, many years must be invested to eliminate chemicals and develop microorganisms and organic matter. Nick has utilized soil enriching practices on his farm for 31 years, which is how long it would take to establish another farm like his. In Montgomery County, not only is Nick's farm one of the few organic farms existing, it is the only one cultivating organic seed.

Nick's farm is already in a perfect location away from conventional farms, which grow Genetically Modified (GM) crops. The pollen from GM crops can be transported by insects and contaminate nearby farms that are trying to remain non-GM.

Nick's rare heirloom seeds preserve genetic diversity, in contrast to large-scale agriculture which produces only a few common varieties of crops. As scientists have researched, agriculture will depend on the biodiversity in the seed supply when new diseases, pests, or environmental conditions significantly affect the few crop varieties being mass-produced.

The scientific value of Nick's farm is confirmed by the fact that the University of Maryland, the Maryland Department of Agriculture, and the USDA Agricultural Research Service have conducted experiments there, and research continues today. Maravell played a role in forming the USDA organic regulations, and was appointed by the USDA to serve on the National Organic Standards Board.

In addition to the benefits the farm has already provided, Maravell desires to contribute to Montgomery County Public Schools by allowing his farm to be an education center, providing a perfect opportunity for schools to fulfill the recently passed, mandatory state environmental literacy standard.

The benefits of demolition and development, whatever they may be, cannot compare to the environmental, scientific, educational, and intrinsic value that will be lost if this organic farm disappears.

Dear Sir/Madam,

I strongly disapprove MSI lease of Brickyard school parcel. My main concern is that huge commercial enterprise will be build on public land in already developed residential neighborhood without addressing issues raised by the residents.

All requirements for rezoning, etc will be bypassed because of improper decision by the Board of Education.

I insist that this parcel will be developed by Montgomery county itself in the interest of local community after proper surplus process by the Board of education.

Making sneaky lease/sublease/sub-sublease deals is not in the interest of taxpayers but

results in use of public land for private gains.

Sincerely,
Alexander Kovalchuk
8557 Horseshoe Lane
Potomac, MD 20854
[\(301\)299-1345](tel:(301)299-1345)

Dear Montgomery County:

I disapprove of the proposed sublease between Montgomery County and MSI, and offer the following comments for consideration by the County. In my view, addressing and/or including these proposals are the minimum required to fairly balance the needs of the County, sub-lessee, and the surrounding community.

1) The language of the sublease is ambiguous in many respects, most importantly with respect to restrictions on use of the land as set forth in attachments. In particular, the restrictions set forth in Exhibit C1 need to be expressly incorporated into the paragraph 7 of the Lease to eliminate any ambiguity on use of premises provisions. These restrictions include: 1) traffic study; 2) no artificial fields; 3) no lighting system; 4) no public address system; 5) no activity from 9PM to 9AM. 6) maximum 5 tournaments (this is the only portion of c1 expressly incorporated in the use provisions, creating further ambiguity); 7) noise impact analyses must be conducted; 8) no permanent structures allowed. All use restrictions should expressly be deemed material parts of the Lease. Failure to abide by any material term should require automatic termination of the sub-lease.

2) The requirements for a traffic study and noise abatement study need to be further specified, and the consequences of these studies need to be made express conditions for the lease. These studies need to be carried out by a date certain before any "improvement" or modification to the land commences. Criteria need to be set so that if certain traffic or noise criteria our found by the study to be exceeded, the Lease should be automatically cancelled. For example, the Lease could specify: a) traffic study must by done by certain date; b) if traffic study shows traffic shall exceed x, or risks to the community due to increased traffic y, or expected road maintenance costs to increase by z are found to be reasonably probabilities, the Lease is automatically terminated. Similar idea for noise prevention. In addition, the Lease should provide that a second set of studies should be conducted two years after the construction of any soccer facility, and every five years thereafter, to ensure that traffic, noise, and safety requirements continue to be met, and requiring automatic cancellation for any failure to do so.

3) The Lease does not make any provision for steps to be taken to prevent cars from parking on adjacent private property in the event that the parking lot overflows. What steps will be taken to prevent cars from parking illegally? Who will be responsible for those steps? If a car parks illegally on private property, and causes damages (even minor damage, for example to a lawn), who will be responsible? I note that the Lease contains no provisions for a study of the likelihood and effects of overflow of parking. Such a study should be added to the Lease requirements, and should be made a conditional of the Lease as I explained in point #2, above.

4) With respect to the traffic and parking studies, in particular, an important risk to the community needs to be examined and specifically studied: the risk that increased traffic or parking will inhibit the provision of emergency fire or medical services to the community surrounding Brickyard Road. Criteria must be developed to fairly assess the risk, and what level of increased risk, if any, would be acceptable. As set forth above, not only the conduct of these studies, but also the consequences of these studies, must be made express conditions of the Lease.

5) The Lease should expressly set forth that at least the members of the community in the vicinity of the Brickyard field are third party beneficiaries of the Lease, and have the right to enforce in court beneficial terms in the Lease, including with respect to land use provisions.

6) The Lease should specify that no concession stands should be permitted on the property. If concession stands are permitted then, at the very least: 1) the concession stands should not be permitted to be supplied by truck over a gross vehicle weight of 2.5 tons; 2) the Lessee shall be responsible for weekly litter clean-up not only of the fields, but on Brickyard Road, on both sides of the road, within 1 mile of the fields. Note that, with respect to the sublessee's obligations under paragraph 15, the sublessee is not expressly obligated to take preventive steps, and remediate, when trash/litter from the fields are distributed to the surrounding environs.

7) Sublicensee should be required to make public all Licenses made pursuant to the sublease, maintain a public list of the identities, contact information, and responsibilities of each Licensee, and provide to the public an annual profit and loss statement related to the sub-lessee's activities, including its licensees, on the leased property.

8) At all times, the sub-lessee should be required to provide the names of at least two, but not more than four, contact persons for the purpose of receiving and responding to complaints regarding use of the premises that do not meet the lease, and take steps to make sure at least one of such persons are available at all times during which the fields are in use.

Thank you for your consideration.

James Hopenfeld

As a citizen of Montgomery County, I strongly oppose the agreement with MSI to establish soccer fields on the Brickyard School public property.

I believe that the secret process which the County has followed is improper and illegal.

Mary C. Eager
7608 Hackamore Drive
Potomac, MD 20854

We, Lucien and Talaat Moreau, residing at 8502 Brickyard Road, Potomac, MD, taxpayers and voters in Montgomery County, wish to express our disapproval of the proposed agreement between the County and MSI to construct, manage and operate soccer fields in the Brickyard School public property.

The process that has led to this agreement is defective in many respects, mostly for its almost total lack of transparency. The proposal does not respect the legally approved area Master Plan, the whole process was carried out without proper consultation with the residents of the area near the Brickyard School property. Furthermore, the very fact of proposing this agreement violates the promises made by the County Executive's representatives at the meetings that were (belatedly) held with residents, i.e. to have a thorough traffic impact study and an ecological impact review carried out before any contract award for soccer fields, and to make sure that the award, if any, would stipulate that there would be no night lights for the eventual soccer fields.

In view of all this, we strongly feel that the entire process should be cancelled, and a new process undertaken that would be fully transparent and pay due regard to the area Master Plan and to the concerns of Brickyard School area residents.

Gentle Council Members,

I support transparency in government to avoid such travesty AS WE HAVE EXPERIENCED in the prostitution of the Brickyard school site currently being nurtured by Nick Maravell.

Rod Rydlun, 44 years resident of Potomac,
8548 Brickyard (original Fawsett Farm house, across from school site)
Potomac, MD 20854

To whom it may concern:

I wanted to take this opportunity to object to the lease of 20 acres of public land on

Brickyard Road to MSI. My child has played MSI soccer for three years. We have never had a problem with any of the fields where she plays or practices. We have played at numerous fields in the Potomac region -- there seems to be an abundance of fields -- and see no reason why new fields need to be constructed on Brickyard Road. The one thing that is clearly lacking in Potomac are organic farms. An organic farms offers much more to the community and the region where we live than another unnecessary soccer field. In addition, the lease of the property to MSI brings no financial gain to the County since it has been reported that the lease is only \$1500 per year.

As a resident of Potomac with a child who plays MSI soccer. I strongly oppose the contract to lease the public land on Brickyard Road to MSI.

Heather R. Epstein

Dear Councilmembers

I am amazed that currently the County Council has no say in the disposition of Montgomery County public land, allowing a county executive to have complete and sole authority to sell or lease valuable public assets no matter the value of the property or the circumstances of the property - such as unused school properties. I fully support Bill 11-12.

*Patricia Tice
10505 Streamview Ct
Potomac, MD 20854*

PS I do not live on or near Brickyard Rd.

We are AGAINST the lease.
The roads cannot take the traffic
The roads have houses on them all the way to the field. It will be dangerous for kids.
Someone will get hurt or worse.
4 fields are WAY too many fields for the area and the roads.

Barr Snyderwine
barr@snyderwine.com