



CIVIC FEDERATION NEWS

Official Publication of the Montgomery County Civic Federation

Serving the Public Interest Since 1925

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734th Session

www.montgomerycivic.org

February 2002

Capital Improvement Conundrum

—Chuck Lapinski,
Public Finance Committee Chair

I just really began to dig into the new proposed CIP, and it is leaving me with some preliminary mixed emotions. On the one hand, it is relatively prudent in the aggregate: a prudent debt capacity that leaves the AAA bond rating intact, and no increase in property and income taxes or water/sewer rates. ALL a real plus. It also reduces overall spending by some \$280 million in tax supported funding, and another \$330 million in PAYGO and current revenue funding. Part of the decrease is attributable to bond-funded set asides for upcoming projects that are known (but NOT identified in the CIP), "but for which planning is not complete." We can only hope that this is truly prudent and not a replay of some the chicanery pulled in previous CIP and Operating Budgets.



My first concern, as with past CIP Budgets, is why aren't these "known projects" disclosed? Prudent and informed capital investment decision-making is highly dependent on knowing all the projects, and weighing their costs and benefits to the county. Neither the citizen/taxpayer, nor the Council can make these decisions without this data. ALL the projects must be known and shown in the CIP, and their costs (investment and operating) and time phasing. In the past we had a block of dollars sequestered for unknown projects, and in several instances rushed decisions imprudently so that we got

considerably less for our tax dollars than we should have. The county telephone switching system is a good example of this. It was rushed as emergency legislation with a limited bidders list. Though the need was justified, we had considerably more latitude in schedule than the emergency that the Exec's office testified to. As result, the project did not get the prudent oversight review that it should have received. Basically we ended up buying a somewhat obsolete system, when we could have had truly state-of-the-art for a little less money.

Prudently, school construction as proposed by the school board has slowed to reflect the reality of very little state money available despite our really pressing needs. But that raises another issue about the state budget and its impact on the county CIP budget: if education is the number one state priority, then why are new school construction and renovations constantly so under funded? Our children and those of the other counties aren't going away. We can get by and meet our most pressing needs, but we have put off prudent planning and budgeting for the additional needed capacity and renovations because the state cannot meet its commitments to us and the rest of the state.

In This Issue ...

| | |
|------------------------------|--------|
| Capital Improvement Budget | Page 1 |
| Delegates Meeting | Page 2 |
| ExComm Meeting Minutes | Page 3 |
| TPR Resolution | Page 5 |
| Conflict Resolution | Page 6 |
| Directory of Officers | Page 7 |
| From the President | Page 7 |
| Agenda for Delegates Meeting | Page 8 |

I also see lost opportunity to begin forging a more visionary approach to our infrastructure needs. I do not see any shift in emphasis from a budget centered on education to a budget focused more on transportation. I am concerned that we are short changing our quality of life and affecting a healthy county economy. Again, the state projects and needs remain grossly under funded. One could only wish that our state legislative leaders would put the same energy and enthusiasm they have for an ill-conceived ICC into projects that we can do now that were needed many yesterdays ago. After all, the infamous draft ICC environmental impact statement identified some 55 intersections on state roads that are already failing, and over 40 more that will fail in the next 10-20 years. These intersections can only be substantively improved by tight-diamond designed overpass/underpasses - not the cheap, ineffective palliatives of adding more turning lanes while narrowing their width. This doesn't include necessary widening and straightening of existing state roads. Now, add to that our real transit needs and the major renovations needed for the current METRO system. This doesn't include needed new initiatives such as the inner and/or outer purple line. The proposed budget does include costs for the Montrose Parkway. At best, even this gets a mixed to failing grade. Is this improvement really worth the estimated cost in excess of \$150 million? Is this part of a future attempt to piecemeal an RF/ICC which violates Federal Laws? If it quacks like a duck as the saying goes...

And then there is the new funding source that is being widely touted - the development impact tax. The intent is good but its implementation leaves a lot to be desired. It exempts just about every thing but new residential and small businesses. Hardly an equitable approach to levying taxes and fees. I don't believe that any project should be exempted, including county projects. One way or another, we pay, so let's show the true costs of all projects up front, and not camouflaged under an innocuous budget line item. I can only begin to imagine where we could be with transportation improvements if the Exec hadn't vetoed the original impact tax when he came into office more than 7 years ago! That tax was considerably more equitable and would have raised significantly more revenue for transportation and transit improvements. So, not even a glimmer of hope to begin solving our long term problems left over from prior generations. Yes, generations. And assuredly no hope from the state in fulfilling its responsibilities. But I have to complete studying it to see if it is even as good (NOT) as I think it might be!

Delegate Meeting Minutes January 14, 2002

—by Richard Zierdt, Recording Secretary

Dr. Ahmad called the meeting to order at approximately 8 p.m.

Committee for Referendum Reform. Dick Strombotne. Committee met in Dec; Dick is chairman. Committee wants to get question on the ballot. As reported at the ExCom meeting Dec 20, committee is now a separate committee from the MCCF. Costs (printing, etc) have been assumed by committee members. Donations are gratefully accepted. Dick moves that **the MCCF make available to the independent committee, for the purpose of mailing the petition and information only, the names and addresses of MCCF delegates.** Seconded. Passes with one nay.

Program. Redistricting. Isaiah Leggett (Democratic Councilmember), Nick Sarwark (Chair of Libertarian Party), guests. (Michael Steele, Chair of the Republican, was unable to attend). George Sauer, moderating. Mr. Leggett was a member of the Governor's Redistricting Commission. The commission studied U.S. congressional and State legislative district lines. The Governor's plan for State districts, once submitted, is adopted in 45 days unless the State legislature offers its own plan. U.S. legislative districts are decided by the State legislature. MC gained another state district in the Commission's plan. MC is about 24,000 citizens short for this additional district. Single-member districts were considered. Incumbents are rarely defeated in re-elected bids.

Nick Sarwark. Criticizes three-member districts as leaving the majority constantly overrepresented. Multi-member districts are fair only with a proportional representation system. Since that is unlikely to be adopted in the near future, single-member districts should be adopted.

Pat Cummings. Senators from other Counties represent Montgomery, but the reverse in Baltimore City: Their senators represent suburbs.

Zierdt: Concerned about drawing political boundaries to accommodate incumbents. Cary Lamari: Supports single-member district. Also, notes the "boot of Italy"-looking district. Sarwark: notes that redistricting is about incumbency. Bill Skinner. When is the Governor

going to stop modifying the plan? Leggett: He already has. Charles Pritchard thanks the speakers for coming.

Old Business.

Education Committee. Mark Adelman. Committee is looking for volunteers.

County Redistricting. ExComm **motion to increase the number of councilmanic districts from 5 to 7, and that the number of Council members remain at nine.** Seconded. Greg Eisenstat: Larger issues may get lost. At-large members should be increased if local members are increased. Fred Thomas: Motion would reduce the amount of special-interest influence in the County. Motion passes 20-4-2.

Property Tax Committee. ExComm recommends that **an ad-hoc property tax committee be formed;** Passes. Ahmad **nominates Fred Thomas as chair.** Seconded. Passes.

Dues Restructuring. ExComm recommends that basic dues be raised from the current \$15/35/50/65 to \$20/45/65/85 with a discount for each member/delegate who wants no mailed copy of the newsletter. Ira: Moves an amendment to decrease the discount from \$10 to \$5. Seconded. Chuck Lapinski moves to refer back to ExComm. Motion to refer fails. Motion to amend fails on tie vote, 9-9. Cary moves to refer issue to subcommittee. Seconded. Passes 12-9. Members and chair to be appointed by the President.

Meeting adjourns 10:10 PM.

ExComm Meeting Minutes January 24, 2002

–by Charles Pritchard

Meeting called to order 7:45 P.M. and quorum declared by MCCF President Dean Ahmad.

Announcements. Myrna Taylor sent thanks for letter of appreciation for her work on the December reception. She will be busy in the immediate future but hopes to get back to attending ex-com meetings later. She advised future reception organizers to insist on RSVP invitations for the receptions. Dean had telephone call from Jim Johnson, Long Branch Initiatives, a member organization on the helicopter issue. Dean asked Pritchard to coordinate with Johnson.

Mark Adelman circulated flyer on “Montgomery County Education Forum” to held at Blair High School, Saturday, February 9, 2-4:30 P.M.

Agenda: Dean suggested combining two agenda items on Traffic Policy Review (TPR) and having the guest speaker precede. Agenda was approved unanimously.

Past Minutes: Cary Lamar noted that during the question and answer session with County Councilman Silverman at the last Excom meeting, he (Cary) had questioned the Council’s grant of \$1 million procedural expenditures incurred by a special exception appellant on a land issue matter. Cary believes that this is a bad precedent for the county. Motion to **amend the previous minutes and include Gary’s input** was made, seconded and passed

Treasurer’s Report: The treasurer was not present, consequently, no report was made.

Flexcar Issue: Dean reported on potential Flexcar company’s desire to make a presentation to Delegates Assembly. The company offers to establish pool of rental cars to serve congested traffic area and reduce parking demand. Peggy Dennis was given discretion to interview Flexcar for the newsletter.

Guest Speaker: Peter Melany described the County Conflict Resolution Center, which he helped establish. Purpose of the Center is to mediate disputes that do not fall into the purview or interest of county legal system (police and/or courts) or county agencies. Examples include neighbor and neighborhood disputes. All mediation is confidential and by agreement with participants. Mr. Melany hopes to establish convenient sites and quick action. The center will set up telephone contacts and follow up with a brochure. He was questioned about the role of People’s Council and Intervention Task Force. Peggy Denis will accept an article from Melany on the Conflict Resolution Center.

Upcoming Testimony before County Council: Dean has signed up to testify at TPR hearings in February. Based on a meeting Dean had with Stuart Rochester, Pat Baptiste, Dan Wilhelm, Stan Schiff and Dick Strombotne on TPR Dean presented a proposed resolution on the TPR, which would be presented to the Delegates Assembly before the TPR public briefings took place. Discussion of the resolution followed. Amendments were drafted to include opposition to the Western Connector and to mention the Inner Purple

Line. The amended resolution was approved by unanimous voice vote. (See p. 5.)

Dean will represent the Federation at the CIP/Operating Budget hearings. He asked for projects that could be dropped or postponed in CIP/operating budget because of revenue shortfalls. It was pointed out that the Federation opposes the Conference Center and the Matthew Henson Trail.

Programs:

February: County finances and Budget. Chuck Lapinski will be principal speaker. March: Police Review. George Sauer reported that some issues thought to be important had been resolved or dropped. Cary Lamari felt the NAACP should be invited. Police Helicopters. Pritchard reported that County Police briefers are ready to present their revised proposal of seeking transfer of surplus US military helicopters rather than outright purchase or leasing. April: TPR. Dan Wilhelm will discuss fallout of the Council's decision. May: Monorail. It was pointed out that the Planning Board had previously considered monorail for a number of transit right-of-ways and does not like monorail at this time for technical reasons. Dean noted the current article in the *Washington Post* that indicates a renewed interest in light rail urban trolleys.

Committee Reports:

Education: Mark Adelman noted Governor Glendenning's approval of charter school. The County refused to accept the Jaime Escalante Charter School proposal, which the Civic Federation supported.

Environment: Pritchard noted continuing clash between environmentalists and bikers who want paved trails in County Parks and mountain bikes on all unpaved trails. Park and Planning has long avoided publishing a policy document on trail user use and should produce such a document.

Land Use and Planning. DeGraba was not present but board members discussed proposed widening of River Road and other roads in western County and difficulties in these proposals, which Fifa Northrup and others oppose. Also current Council President Silverman approved repeal of the "super majority," an action that the Federation opposes. Lamari noted changes in the supplanting of the term "shall" by the term "must" in terminology of the Board of Special Exceptions did not jibe with court interpretations, "shall" being

"mandatory" but "must" being merely "directory," i.e., weaker in cases of special exceptions.

Legislative: George Sauer reported that a meeting of the new organization dedicated to *Petition for Legislative Reforms* was held. Governor Glendenning has issued his legislative district edict for Congressional seats that will result radical changes in Montgomery, Prince Georges and Howard County political boundaries and distribution of major parties. There was a lengthy discussion as to the fall out of this action, which is not subject to review and which will change political positions of many incumbents significantly.

Membership: Jeanne Goldstein asked when a new Directory would be published. The current directory is two years old and outdated. Dean noted that Steve Howie's database would be required to redo the Directory and suggested that the revised version be put on the Federation web site with appropriate limited access security. This need not go to the general membership since the Directory is an administrative matter. Cary Lamari asked that **the web site also be used to report and record Memoranda of Law decisions following court cases in which the Federation was interested or involved**. Resolution passed by voice vote.

Public Utilities: Chuck Lapinski reported that he was endeavoring to obtain a state-authored report that had analyzed the effect of the deregulation of the energy industry and had noted a number of shortcomings. He also called attention to a projected plan for a generating facility at Dickerson, which will be natural gas fired, which will be less environ-mentally detrimental but more expensive than coal-fired.

Public Finances: Lapinski will analyze the Capital Improvements Program (CIP) and Operating budget and provide the President with material for testimony to give to the County Council in February. Chuck noted that it may be necessary for the Executive and Council to take a hard look at priorities in making choices of line items that should be funded and those that could be eliminated or postponed.

Property Assessments (Ad Hoc Committee): Fred Thomson that property evaluation was a dynamic process subject to change depending on the state of the overall economy. For example, large houses can be under-assessed when real values fall. Council member Howie Denis has introduced bill There are also cases in

which houses are rebuilt or added to and remain under-assessed. Communities must be vigilant in on assessments in their own areas.

Standing Resolutions: Dean will review and up-date standing resolutions.

Newsletter assignments were made and the President then adjourned the meeting.

Respectfully submitted,
Charles Pritchard

A Long Journey to the Starting Line

—by Stanley D. Schiff, 2nd Vice President

We have gone through eighteen months of toil and trouble just to get to the beginning of what may be one of the most important debates in recent County history. Nominally, the debate will center on transportation policy, but if it is to be of real value to the community it will have to extend into a range of other issues which shape the problem and are related to its solution.

On January 2 the Planning Board and the Transportation Policy Task Force, which had been appointed by the Planning Board, presented separate reports to the County Council. Similar, though not identical in their recommendations on roads and transit facilities, the reports differed rather sharply in what they had to say on policy matters. In fact, the Planning Board's report was essentially a list of physical project; it was virtually silent on policy. The Task Force report did not get into major policy issues nearly as deeply as some of us would have hoped, but it does cover at least two of the most important: growth policy and regional cooperation.

Prior to the Executive Committee's January 24 meeting, an ad hoc group (Pat Baptiste, Dick Strombotne, Stuart Rochester, Dan Wilhelm (the latter two both members of the Task Force) and the authors of this article met to discuss how the Civic Fed might best prepare for hearings on the transportation reports on February 12 and 13. Given the shortness of time and the sheer breadth of issues covered in the two reports, the conclusion was to concentrate attention on ensuring that the council allow ample opportunity for the public to make itself heard on all of the major issues raised (or

which should have been raised and were not) in the two reports.

Discussion at the Executive Committee led to the following unanimously supported recommendations, which will be on the agenda for our Monday, February 11 meeting:

Be it resolved that the President include in the Civic Federation testimony to the County Council on the Transportation Policy Review at least the following positions taken previously or adopted herewith:

We strongly object to a hearing process that gives three minutes to discuss a report of this scope complexity. It makes a joke of the process. New questions have been raised by the report and budget figures have changed at the last minute. The limited hearings are not sufficient, not timely, and are transparent tokenism. Remind the Council of the problems caused by the inadequate time given for consideration of the Purple Line.

The diversity of concerns of people on the committee are not reflected in the report. We need time and a hearing process that will allow these issues to come out. In particular, the report falls short in that it is not a comprehensive review of transportation policy at all, but a laundry list of facilities to be voted up or down.

In order to make the best out of a difficult situation, we propose to ask the County Council to provide an orderly schedule of hearings. Separate hearings should be held on the following topics:

- **growth policy (including regional cooperation and coordination)**
- **funding and priorities**
- **mass transportation**
- **special user transportation (such as the elderly)**
- **and at least two hearings on roads (which may be divided between up-county and down-county, or between north/south and east/west, or however else the Council deems fit).**

Logically, the first two topics should be discussed first, but in recognition of the fact that the Council will be preoccupied with budget matters for the next four months and then quickly seek to take positions on the last three items in July, we should be willing to compromise and accept that the four hearings for the last three items be held in June and at least two

hearings on the first two topics in early fall (before the election!).

In addition to making the above points, we propose that our testimony at the presently scheduled hearing cover the following:

1. We favor a study of growth as a transportation policy issue. We can't spend out way out of congestion. [Growth should not exceed funding.]
2. We favor a study of buses with priority emphasis on express buses.
3. The Montrose Parkway should be all or nothing [extend to Viers Mil Road or be dropped]. Given our past position on the matter and the fact that County is only considering the Parkway expansion to Rt. 355, that means we continue to oppose the Montrose Parkway.
4. We oppose the Techway.
5. We restate our opposition to the ICC. We also oppose the analysis of the Planning Board Staff because insufficient attention was paid to the environmental issues west of Georgia Avenue in particular.
6. We favor a study of transportation for the elderly.

At the meeting, Cary Lamari will move to amend the motion by adding, to the end of item 5, the words "The ICC has been rejected by numerous Federal Agencies Time and again for its significant social and environmental impacts. It is being used as a political tool by some Elected officials to garner financial and other support rather than a real solution to our transportation problems and has become a diversion and a significant impediment to real ongoing viable transportation solutions it MUST be forcefully rejected."

At the meeting, Stan Schiff will offer the following amendments:

- Delete first sentence of third para. beginning "Diversity of concerns..."
- Replace 3rd para. , 2nd sentence with "We need time and a hearing process that will substitute allow policy issues to be fully aired."
- Numbered item 1. We favor a study of growth DELETE "as a transportation policy issue" and substitute "management both on a countywide and regional basis." "Growth

should not exceed funding" ADD "available for infrastructure and services."

- Numbered item 6. Delete and substitute the following. "We support the Task Force recommendation and urge the Council to give prompt and serious consideration to the proposal now being developed by the Aging and Disability Services agency for the establishment of an essentially self-sustaining transportation service patterned after the program in Portland, Maine."

We plan on holding further Civic Fed Discussions to tie in with whatever hearing schedule the Council decides. We want to ensure that the major issues are discussed before the election campaign begins so that our own membership and the general public are fully informed.

From the Desk of ...



Peter Melany

*–President, Conflict Resolution
Center of Montgomery County, Inc.*

Conflict Resolution in Montgomery County

Several citizens of the Bethesda/Chevy Chase area became concerned about the growing numbers of neighborhood disputes that didn't really seem to belong in court. There was a lack of an appropriate, countywide venue for dealing with such disputes between neighbors and within communities. That concern grew to include most of Montgomery county and resulted in the development of the Conflict Resolution Center of Montgomery County (CRCMC). In September 2001, the Maryland Mediation and Conflict Resolution Office provided CRCMC with a start-up grant. The Center is now supported solely by grants and donations. We do not charge for our services.

The CRCMC does not duplicate services which already exist, but rather to "fill in the gaps" with the goal of making dispute resolution services available to all residents at low or no cost. We have Memorandums of Understanding with several agencies in the County (i.e. the Human Rights Commission, parks & Recreation, M.C. Police) and work collaboratively with similar dispute resolution services in the cities of Rockville and Takoma Park.

| 2001-2002 MCCF Officers | | | | | |
|-------------------------|-------------------|--------------|-----------------|-----------------|-----------------------------|
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Disputes are handled by professional mediators who must meet the strict criteria of other, more established conflict resolution centers in the state of Maryland, in Virginia and DC. We use a co-mediation model and mediations occur at various, neutral sites throughout the county. Additionally, CRCMC has been selected to pilot a new program, in partnership with The Search of Common Ground, which provides workshops for community members to help them develop collaborative problem solving skills. We hope that this program will be a model for use throughout the U.S.

We will mediate the following types of disputes: neighbor to neighbor; consumer/merchant; roommate/housemate; friendships in trouble; small claims; some land use issues, District Court referrals and family member disputes. We also offer the following services: community conferencing; group facilitation; and collaborative Problem Solving Training for Individuals.

For more information. Please contact our Executive Director, Merle Rockwell at 301-593-9473; FAX 301-593-5424, or by email at CRCoFMC@aol.com.

From the President

We have a number of committees to appoint, and **I'm** looking for volunteers.

The membership has referred the proposal on dues restructuring printed in the last issue to an ad-hoc committee which I am to appoint. That motion would do three things: (1) increase the dues by \$5 per person;

(2) authorize the Federation to send the newsletter by first class mail; and (3) offer a \$10 per person discount for those people who volunteer to receive the newsletter electronically rather than by mail. A number of questions were raised that induced the body to refer this proposal to a committee before resuming consideration. So far Peggy Dennis, Chuck Lapinski, Bob Abrams, Cary Lamari, and I have volunteered to serve on this committee. This committee should only have to meet once or twice before issuing a report to the membership, hopefully in time for the March or April newsletter.

We shall appoint an Awards Committee at the February ExComm meeting for our annual awards presentation in June as per the Article XVI of the Bylaws:

2. *Awards Committee.* An Awards Committee to make recommendations for recipients shall be established not later than the February Executive Committee Meeting. Members shall be nominated by the President and confirmed by the Executive Committee. Notice of the Awards Committee along with a call for suggestions will be published in the Newsletter.

At the March general meeting we shall elect a Nominating Committee of from five to seven members to propose a slate for next year's officers.

If you are willing to serve on any of these committees or have questions to raise or answer about these matters, please call me at 301-951-0539 or e-mail me at deanahmad@yahoo.com.

–I. Dean Ahmad, Ph.D.

Delegates Meeting

Monday, Feb.11–7:45 p.m.

Auditorium

County Council Office Building, Rockville, MD

AGENDA:

- 7:45 Call to Order, I. Dean Ahmad presiding
- 7:50 Adoption of Agenda
- 7:55 Announcements, Introductions
- 8:00 Approval of Minutes, Officers' Reports
- 8:05 **Program: Capital Improvements**
Chuck Lapinski (Public Finance Comm. Chair)
- 9:00 Old Business
- 9:10 New Business
 - TPR Motion (p. 5)
 - CIP Motions
 - Other new business
- 9:45 Adjourn

The **Montgomery County Civic Federation**, a nonprofit, educational, and advocacy countywide group, was founded in 1925 to serve the public interest. The monthly Delegates Meeting is open to the public and it is held on the second Monday of each month (except for holidays, July, August and December) at 8:00 p.m. in the First Floor Auditorium, County Office Building, Rockville, MD.

The **Civic Federation News** is published monthly. It is mailed to Delegates; associate members; news media, and local, state, and federal officials. Permission is granted to reprint any article provided proper credit is given to the "*Civic Federation News* of the Montgomery County Civic Federation." Deadline for submissions for the next issue: 5 p.m. Saturday, Feb. 23 Attach submission to e-mail to: Hotyakker@aol.com file in fully justified 11-point Times Roman font (preferably as a Word document.) Send editorial content to Peggy Dennis, 11115 Fawsett Road, Potomac, MD 20854.

Please send all address corrections to Steve Howie, P.O.Box 325, Clarksburg, MD 20871, 301-972-2736, stevehowie@aol.com.

Next Executive Committee Meeting

Thursday, Feb. 21 2002, 7:45 p.m.

Bethesda-Chevy Chase Services Center

4805 Edgemoor Lane in downtown Bethesda

(Note: there are two entrances to the parking garage—one on Edgemoor Lane and another on Woodmont Avenue.)

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