



CIVIC FEDERATION NEWS

Official Publication of the Montgomery County Civic Federation

Serving the Public Interest Since 1925

Peggy Dennis, Editor Phone: 301-983-9738 Email: hotyakker@aol.com

741st Session

www.montgomerycivic.org

October 2002

October Program: Reviewing the Government Performance Project

-by William Skinner, Delegate at Large

How did Montgomery County become one of forty counties to be included in the February 2002 report by *Governing Magazine*? And how did Montgomery County respond when assigned a grade of "B" by the researchers? Fairfax County, Virginia and Maricopa County, Arizona received an "A-" grade in this report. What are the differences and how can we do better?

Michelle Mariani, special projects reporter for *Governing Magazine*, will be with us to explain the report and how it is put together, from researching the issues, to interviewing staff, to analyzing and assigning grades. And Scott Reilly, assigned to chair the Montgomery County Task Force that worked on a response to the report will tell us what our county officials and the named departments have done to improve their operations.

Past president Bill Skinner will moderate the program. You will hear from each speaker for ten minutes and then have twenty minutes to ask questions. Please review the article in the April 2002 Civic Federation News (p. 10) then come, listen and be prepared to ask probing questions.

The MCCF is seeking members for its AUDIT COMMITTEE. If you wish to serve, contact Cary Lamari at 301-924-2746 or at carylamar@yahoo.com.

Delegate Meeting Minutes Sept. 9, 2002

-by Richard Zierdt, Recording Secretary

MCCF President Cary Lamari opens meeting at 7:48 PM with a moment of silence for the victims of the September 11, 2001 atrocities.

Minutes of June 10, 2002 and June 15, 2002 are adopted.

Councilmember Blair Ewing assists Cary in making the Community Hero Award to Jim Fary for Jim's environmental efforts and accomplishments as noted on pages 12 and 13 of September's MCCF Newsletter. Among other tasks, Jim is the Conservation chairman of the Sierra Club.

Committee Reports.

Education committee. Mark Adelman. Has copies of the school board candidate's responses to questions asked at the Forum.

In This Issue ...

Pew Report: Government Performance	Page 1
Delegates Meeting Minutes (9/9/02)	Page 1
ExComm Meeting Minutes (9/19/02)	Page 4
Voting Machines	Page 5
Judicial Election Reform I	Page 6
Judicial Election Reform II	Page 6
Annual Reception for Elected Officials	Page 8
Dues Reminder	Page 8
Breaking the Master Plan	Page 8
Education Committee Report	Page 9
Community Hero	Page 10
From the President	Page 10
Directory of Officers & Comm. Chairs	Page 11
Agenda for Sept. 9 Delegates Meeting	Page 12

Environment committee. Charles Pritchard. Discusses trail and bridge design in the eastern portion of MC. Motion is made to authorize the MCCF to write a letter to the Army Corp of Engineers. Seconded. Motion passes with one abstention.

Treasury. Luella Mast. Luella will make monthly reports. For this meeting, Luella has written reports for July and August.

Program. Robert DeGroot of MAGIC (www.magicalliance.org) gives a presentation on forests – their benefits to all species of life (produce oxygen, clean the air, clean the water, provide habitat for plants and wildlife). 54,000 acres of forest lost in the last 30 years in Montgomery County, Maryland. 92% of streams are partially or totally degraded. Roadless Areas Act... Ravages of the lumber industry; of the beef industry... Maryland's Green Print Program: maps all the unprotected areas in the state, and prioritizes the areas for future acquisition or protection. MC Legacy Open Space Plan, a county program. Old growth forests (trees >350 years old) have their own unique benefits for wildlife. Most Maryland forests are less than 85 years old. Public wants their land preserved, not logged. Mr. DeGroot distributes a petition to preserve and conserve forests in Maryland. Forests store water and release it back to the air. When forests are lost, this source of water is lost, and may be leading to the increased droughts in the country.

Transportation projects. Dan Wilhelm. MCCF Secretary determines that a quorum exists. Dan moves to approve the remaining transportation projects as printed on pages 10 and 11 of the September, 2002 MCCF newsletter. Seconded. Karen Spinner, speaking for Stan Schiff, Parkview Citizens Association, supports the Cedar Lane grade-separated intersection with MD 355. Dick Strombotne moves to separate the Red Line Extension from Dan's motion. Seconded. Passes 14-2-1. Bonnie from Greater Goshen CA moves to table Snouffer School Road and Watkins Mills Road from Dan's motion. Seconded. Dick moves an amendment to vote on the two projects separately. Dan's amendment passes 11-6-3. Snouffer School Road postponement is now considered. Passes 18-0-2. Now Watkins Mill Road postponement is considered. Passes 11-8. New vote on the original motion, now amended. Vote to close debate passes 24-0. Motion then passes 21-1-1. Red Line Extension is now debated. Motion passes 17-5-0.

Midcounty Highway and Muncaster Mill (Western Connector). Dean moves to approve the Western Connector if Option 3 is approved, and to oppose the WC if any other option is chosen. Secretary assumed motion was seconded. Motion to extend debate fails 12-9. Dean's motion then passes 16-5-0. The remainder of Dan's motion passed without objection. [Current Civic Federation positions on TPR projects is summarized in the table on page 3.]

Old Business.

Bill Skinner. Distributes flyer regarding County's employee contract(s). Bill's advice: Watch your pocketbooks.

Public Finance. Office of Legislative Oversight investigation of WSSC. Chuck Lapinski's motion, as printed on page 10 of the September, 2002 MCCF Newsletter: **to write to Council to reopen the OLO investigation of WSSC; direct the Inspector General and the state's attorney and the state prosecutor to lead detailed investigation into WSSC's procurement policies and practices and other issues as appropriate; and direct the use of subpoena powers and use of oaths in testimony (or grant OLO this authority as required)** is moved. Motion passes 17-1-2.

MCCF Budget for 2002-03, as printed on page 8 of the September, 2002 MCCF Newsletter. Discussion ensues. Treasurer is concerned that the budget will intrude on MCCF cash asset reserves. Some argue the figures shown are conservative, and that the likely year-end result will be neutral. Motion to extend debate fails. Vote on budget then passes: 15-5-0.

Ratification of Committee Chairs and Appointments as printed on page 15 of the September Newsletter. Charles Wolff agrees to be historian, and the assembled body applauds. Slate then passes unanimously.

NIH Health Forum. Someone, speaking for Jean Goldstein, suggests that the MCCF co-sponsor an Annual Health Forum with NIH this year. Jean has been MCCF's representative to NIH for several years. Some discussion ensues. Secretary notes that no motion is on the floor, and president stops further discussion.

New Business

Jim Johnson moves that **the Civic Federation write a letter to the Maryland Department of Housing and Community Development supporting Montgomery County's application under the Community Legacy**

Item	Cost (\$M)	Support?	Grade
Muncaster Mill Safety Improvements	10	Yes	3
Enhance Local Bus Service	230	Yes	3
Additional Metro Capacity	1540	Yes	3
2 Interchanges along Georgia in Engineering	92	Yes	3
4 Interchanges along US29 in Engineering	170	Yes	3
Projects under construction or due to start shortly	354	Yes	3
New Red Line Station	40	Yes	3
3 MD 355 Interchanges (Gude, Montgomery Village, Ridge)	198	Yes	3
3 Randolph Road Interchanges	78	Yes	3
Georgia Ave (3 intersection improvements and one widening)	39	Yes	3
3 Interchanges on MD 355 in Rockville finished Planning	200	Yes	3
Brookeville Bypass	33	Yes	3
I-270 Interchange finished Planning	100	Yes	3
Corridor Cities Transitway	700	Yes	3
Georgia Ave Busway	69	Yes	3
Inner Purple Line (Silver Spring to New Carrollton) with stations at Piney Branch/Flower and Piney Branch/University	?	Yes	2
Norbeck Road & MD 198	113	Yes	2
Red Line extension: Shady Grove to Metropolitan Grove	942	Yes	3
Inner Purple Line (Georgetown Branch: Bethesda-Silver Spring)	?	Yes	2
Underground with NO Chevy Chase Lakes station ONLY			
Woodfield Road, Engineering starts FY03	170	Yes	2
River Road (Beltway to DC line)	81	Yes	2
5 interchanges in Gaithersburg/Germantown	268	Yes	2
Rockville Interchanges	78	Yes	2
Inner Purple Line (Langley Park to White Oak spur)	?	Yes	2
Eastern Montgomery	69	Yes	2
Ridge Rd	106	Yes	2
Darnestown Rd	40	Yes	2
Clopper Rd	145	Yes	2
17 Interchanges in Gaithersburg, Germantown, Clarksburg	411	Yes	2
Great Seneca Hwy.	18	Yes	2
Muddy Branch	60	Yes	2
Cedar Lane Interchange	66	Yes	2
Widen I-270	1223	Yes	2
Nicholson Lane Interchange	66	Yes	2
Midcounty & Muncaster Mill (Western Connector: Option 3 ONLY)	77	Yes	2
Midcounty Highway	207		2
Extend Inner Purple	?		2
Eastern Connector	116		2
River Rd (Beltway to Falls)	42		2
Clopper Road	190		1
Outer Purple Line	4200		1
Georgia Ave (widening MD 28 to Howard Co+B21)	304		1

MCCF Priorities for Transportation Projects As Amended 9/9/02

Grant Program to replace the aging satellite police station at University and Piney Branch with a new structure. [Comment from this Secretary: To ensure accuracy, motions should be in writing.]

Update on historic Canada Dry building in Silver Spring. Developer will preserve the façade and sign. Preservation proponents are pleased. Jim Johnson moved that **MCCF write a letter in support of our**

existing position on the Canada Dry Building to the Planning Board. Motion passes.

Bob DeGroot moves that the MCCF support the introduction of legislation protecting public forests. Motion is tabled until next meeting.

Meeting is adjourned at 10:28 PM.

Respectfully Submitted,
Richard Zierdt, MCCF Recording Secretary

**ExComm Meeting Minutes
Sept. 19, 2002**

–by Richard Zierdt, Recording Secretary

MCCF president Cary Lamari calls the meeting to order at 7:55 p.m.

Agenda is adopted.

Minutes from ExComm meetings of June 20, July 25, and August 8, 2002 are approved.

Treasurer's Report. The treasurer recommends moving MCCF's savings account. Charles Wolff moves **authorizing the treasurer to close the MCCF savings account and move it to another bank.** Seconded. Richard Zierdt notes that the checking account is not included in this motion. Motion passes unanimously.

Maryland Smart Growth Collaborative. Meeting on Monday, September 23, 2002 in Annapolis. MCCF was invited, and Cary accepted. Luella Mast and Dan Wilhelm have volunteered to participate. Charles Pritchard moves to delegate three representatives to this meeting. Dean notices that the "Collaborative" has restrictions about criticizing the Collaborative's findings, and that the meetings may not be open, and that the objective is to advance "Smart Growth" in Maryland, a position the MCCF has not taken.

Proposed changes in MPDU Law. Dick Kauffunger, and Sarah Gilligan from the Maplewood Citizens Association. Bill 18-02. Goodwill Industries property on Rockville Pike. Goodwill has operated there since 1987. Property is zoned R60. MCA hired lawyer Norman Knoff. June 18 was the last public hearing. Bill 18-02 would lower from 50 to 35 the number of units that would require MPDU construction. 4.97 acres. Developer wants to build 18 units. Dick notes several

related areas where the County and developers stretch (or break) existing law. Dean moves that the voluntary MPDU bonus be brought before the October 15th delegates meeting. Dick adds four other items to Dean's motion. Seconded. Kauffunger and Gilligan to write article for Newspaper. .

Presidents Report. Cary is concerned about the process of the last election. County-wide elections cost money, at least \$250,000. Suggests that MCCF review the necessity for at-large County Council seats, and study more local district representation, as opposed to at-large representation. Cary notes the large amounts of campaign money given to endgridlock.org. He suggests that this practice be reviewed. Charles Pritchard is cautious; that the MCCF may appear to be partisan. Charles Wolff agrees, but this may start a review or action by some other group. Dean (and others) suggests reducing the number of at-large Council members. Questions outstanding include the limits, if any, to political action committees, and whether individual campaign accounts can contribute to them. Wayne Goldstein: large amounts of money may not have much effect on campaigns; the voters spoke. Peggy Dennis moves that a **task force be created to study campaign finance reforms and reduce the number of at-large seats on the County Council.** Seconded. Dean moves to divide the question. Seconded. Passes. Original motion, 1st part, passes 4-2-1. Original motion, 2nd part, passes unanimously.

Richard Zierdt. Moves **that a speaker from Population Connection be invited to speak before the Executive committee.** Seconded. Peggy feels that a representative from a group with a local focus such as Sustainable Montgomery should be invited to present a program at a future delegates meeting. Motion passes.

Voting machines. Dean Ahmad. Possible errors in the voting machines. Dean moves that **five minutes be allocated at the next delegates meeting for presentation of a motion regarding voting assurances.** Seconded. Motion passes unanimously.

Good Council rezoning (Lamari). Rezoning has been postponed. This rezoning issue won't be before the hearing examiner until December or January.

Montgomery College. Wayne Goldstein is continuing to investigate enrollment figures. The Board of Directories will move the location of the Cultural Arts Building.

Partisan Judge Elections. Dean Ahmad. Only Democrats and Republicans may vote for judges. Bill Skinner says it's basically a Maryland Constitutional provision, but the statutes imply otherwise. Richard moves that the **MCCF oppose the current partisan election of judges**. Seconded. Bill feels the election should be more partisan and more accountable. Passes 7-2.

Wheaton Revitalization Office Update. Cary. MCCF wrote a letter to the group inviting them to speak before the MCCF. So far, there has been no response. If the County's Executive office feels it is not necessary to inform the public of its ideas and intents, then the organization should be abolished. Charles Pritchard moves that **the MCCF raise its concerns about Wheaton revitalization before the District 5 Council representative**. Seconded. Motion passes.

Campaigning on Public Property. Bill Skinner. Montgomery County will not enforce its own prohibitions (or Maryland State's) against campaigning on public property. This will likely happen again in November, so another violation may occur.

Community Hero. Cary Lamari nominates Marvin Weinman, Consumer Protection volunteer, for Community Hero Award. Seconded. Passes Unanimously.

Programs. October: Pew Report. Two people to speak. November: Wheaton Revitalization Committee. Bio-terrorism may be substitute topic for November. For January, a program on monobeam-rail. G. Stanley Doore: This is not light-rail or trolley. Bill moves **monobeam-rail as a topic for a delegates meeting**. Seconded. Passes.

Committee Reports.

Education Committee. Mark Adelman. Will outline upcoming ideas and topics.

Environment Committee. Charles Pritchard. Drafted a letter re: Northwest Branch Trail.

Land Use and Planning. Cary Lamari. Norman Knoff's office has offered wording for a ZTA 02-21, entered by Howard Denis, that would prevent a religious institution leasing its property to a private school, thwarting zoning laws that would otherwise apply. Seconded. Passes 5-0-2.

Membership Committee. Fifa Northrop. Membership letters have been sent out.

Public Utilities Committee. Cary Lamari. Letter was sent, and County responded.

Meeting adjourned 10:38 PM

Respectfully submitted,
Richard Zierdt

New Voting Machines

—by I. Dean Ahmad, Immediate Past President

Many people are unhappy with how long it took the votes from this year's primary to be reported. In my opinion that is the least of the problems with the new voting machines. The real problem is whether or not our votes are being counted properly, or even at all.

The tip of the iceberg was revealed when certain voters in the primary found that the machine gave them an error message that their vote had not registered and instructed them to call an official for assistance. The officials thus called cleared the screens and told the voters not to be concerned, that this was a known bug and their vote really was counted.

I'm not claiming that anyone's vote wasn't counted—the mere fact that an error message was produced suggests that there was no fraud intended. Yet the incidents highlight a very serious problem. How do we know the votes are being counted? Some people dismiss this question by asking, "Well, how do you know all the votes are correctly counted with old technology?"

That misses the point. Of course fraud is possible with any technology. But the possibilities of fraud—whether due to malicious computer code, hackers or old-fashioned corrupt politics—are much greater with computerized election systems.

Nor is this to argue against the new technology. Not at all. By the same token there are greater opportunities to guarantee fair elections than ever before. My concern is that those opportunities have not been exploited.

When the Internet was first growing up, I was a part of a segment of it called Fidonet. Fidonet was a

completely self-governed, international computer network. Our regional officers were elected by e-mail. In order to make sure that the secret ballots were properly counted, each voter assigned himself a unique secret identifier called a “token.” Which token went with each voter was known only to the voters. The vote counters would publish the votes associated with each token. Every voter could see for himself that her own vote was registered correctly, yet no one knew how any other individual had voted. By the same token (pun intended), the candidates could see that the votes were correctly added. Possibility of fraud? Virtually nil.

The state of Maryland could easily provide each voter with a unique self-selected identifier (like picking your user-id on AOL) printed on a computer printed receipt and publish the votes that went with every token. Then the voters who were initially told their vote wasn’t counted would have a way to see for themselves that their votes truly registered. Similarly, we could all see our votes count and candidates could verify election results, making a need for recounts a thing of the past.

Accordingly, I shall move at the next meeting that the **Federation calls for the implementation of a process of issuing voters receipts coded with a unique token that only the voter knows has been assigned to him/her and that the votes associated with each token be published on the internet as soon as reasonable possible after the election.**

Partisan Election of Judges

–by I. Dean Ahmad, Immediate Past President

I’m not certain that the election of judges is a good idea at all. It runs the risk of politicizing what should be a judicial office. Nonetheless, in the interest of providing the voters with some mechanism for getting rid of really bad judges, election of judges is a reality in Maryland.

If we MUST have elected judges, couldn’t we at least have fair elections? Under the current system, only Republicans and Democrats get to vote for judges in the primaries. This is outrageous. This means that neither independents nor members of third parties may vote for a judge unless he first gets past the vetting of the two primary parties. Why can’t judges be elected the way school board candidates are elected? Let

everyone vote for all candidates in the primaries and then have a runoff among the top-polling candidates in the general election.

Or better yet, let’s get rid of the election of judges altogether. Simply provide for a process to initiate recall of judges during their first year in office. This would totally de-politicize the process, since any judge bad enough to merit recall would be so identified quickly. When a judges must run for election over and over again, he or she must weigh the political consequences of every judicial decision.

I shall move consideration of these proposals at the next meeting.

Supporting the Election of Judges

–by William J. Skinner, past President

I favor political elections for Maryland Circuit Court judges for a number of reasons, starting with the fact that it is a basic right of U. S. citizens to vote to elect public officials. Some changes, however, need to be made in the Maryland Constitution and state laws to permit elections better serve the judicial branch of our county government.

In Maryland, judges are elected for a term of 15 years, and may stand for reelection until they reach the normal retirement age of 70 years. Candidates for Circuit Court Judge file in two parties and appear on both Democratic and Republican ballots. Nationwide, election is by far the predominant system of choosing judges: only seven states do not elect judges, while another four elect only probate judges. (Whereas other counties in Maryland have elected probate judges almost from the beginning of statehood, Montgomery County has not done so for some years.)

The alternative to electing our judges is to have them appointed. Remember that judicial appointees are really “political” appointees, even if political does not mean political party. Those appointed have to play the appointment game, which means they are part of the political process long before they are actually appointed. Call this “professional lawyer politics,” and if you don’t think it is political, ask some lawyers who have applied and never been recommended.

Despite the general superiority of a system of elected judges, Maryland's system has some serious defects. Although the Maryland system is promoted as keeping candidates for judicial office apart from the political process, it fails to do so. If you go on the State of Board Elections web site and look at the contributions to the "Committee for the Sitting Judges", you can see that over 1,000 people, nearly all of whom are attorneys, have given \$25 to \$4,000 each to the campaign. Just count those who gave more than \$500. It is a large number. It worries me that these big donor attorneys will be appearing in cases for the other party in my client's case. It goes without saying that we do not want judges who would make such distinctions in deciding civil suits or criminal matters. But with campaign contributors easily checked on the web, it is easy for elected judges and their staff to see who backed them and who did not. And how close to the newly elected judges are the campaign volunteers from the lawyers' offices and the court house if they attend post-election victory parties with the winning judicial candidates?

Moreover, where you have a situation like Maryland's where the Democratic Party has much greater weight than the Republican Party, judicial candidates who are independents or members of minority political parties are discouraged from even entering the race. The pool of candidates, even before the primary, tends to be lopsided.

The current system disfranchises a large and growing group of voters. If you register to vote as an independent or if you are a member of one of the lesser parties such as the Green Party, the Libertarian Party (it will have a candidate on the ballot for Governor this year), or the Reform Party, you cannot vote for judges in the primary, because the judges appear only on the major party ballots. Thus, a growing group of voters, a much larger group than when this system was started, are disenfranchised in Maryland's primary judicial elections. Thus, the law of Maryland proclaims on one hand that judicial elections are non-partisan and on the other hand, makes the voters register as partisans to be able to vote for highly partisan candidates.

One solution might be to go to a system that is more frankly partisan. Sixteen states have partisan elections. Some states have both partisan and non-partisan elections for different kinds of judges. I lived in Indiana for 26 years and Pennsylvania for 5 years before moving to Maryland half a lifetime ago. Partisan elections occurred in both states for some judges. By

requiring a judicial candidate to identify with a political party, a partisan election process allows the voter to get an idea of what that person's philosophies might be about issues that come before courts.

The issue of terms is also important. Maryland's current term of 15 years may be too long for some and too short for others. Terms are generally much shorter in Indiana and Pennsylvania, though Federal judges are appointed for life. Maryland limits judges from serving after age 70 except on a part-time basis. According to the State Pension Board, in Maryland the average length of time served by judges is 9.1 years. And, by the way, judges get about half of their pay each year in a state contribution to pensions, so there is no lack of financial reasons for them to want to keep the job. The benefits are better than excellent.

It used to be that judges did not reach the bench until after 25 or 30 years of law practice. Today, it seems that younger and younger people are being elected to the bench. Perhaps some stricter eligibility requirements should be in place to make sure the judicial candidates have a more rounded legal experience before running for judicial office.

Apart from the question of partisanship is the issue of *how* judges get elected. When you have elections for judges, the candidates must do something to act like they want the job and demonstrate why they are better qualified than their competitors. But what kind of people run for office and have their photographs appear on the front page of the newspaper with a beer mug or peanut can emblazoned "Whoop Ass" as a theme for the campaign. We just had such a photograph in local papers.

None of the sitting judges has much of a public activist record in political parties like former Judges Cahoon and Frosh, who served in other elected positions. Few have served in volunteer positions like current Judge Patrick Woodward who still serves the County Historical Society as an officer and came to swear in MCCF officers a couple of years ago. If the sitting judges have a track record of volunteering in the community they should be saying something about it. The only thing that appears in their mailings for this election is that one judge did 15 years of coaching. Just knowing their prior occupations is not a lot of help.

Whether I plan to vote for the single challenger or not is a private matter. Generally I support people who I am familiar with and consider capable of doing the job.

I have a couple of months to make up my mind. This year the challenger has told us as much about his complaints against a judge who is not running as he has told us about himself and why he wants the job. This is not helpful information. Somehow we need all the candidates to tell us more about themselves; to give us the information that will help us make well informed decisions.

Since I have been quoted on these election issues by a couple of reporters, I have had telephone calls from citizens who wanted to complain about their experiences with judges. One was about a judge who heard oral arguments and made a decision against a party in a zoning matter. The loser discovered the opposing attorney had made a \$1,000 contribution to the judge after the oral arguments and before the decision was handed down. This losing party brought the issue directly to the face of the offending judge who reportedly excused himself with claims he acted impartially. Was the \$1,000 just a coincidence?

While president of the Montgomery County Civic Federation in 1996-1998, we had several complaints from lawyers about the Board of Appeals member who held political fundraisers and invited attorneys who appeared before her to make contributions. This set into motion the establishment of an MCCP ethics task force, a change in state law that we had to get the County Council to adopt, and a push to get the County Council to prohibit such unethical behavior with a new provision in the County Code. We have not solved that problem completely. Now it seems we have similar problems when Circuit Court Judges are up for election. I hope the MCCF will be instrumental in helping find solutions for the problems that we are now seeing with our current system of electing judges.

Annual HOLIDAY RECEPTION For Elected Officials

This year the MCCF annual holiday reception is scheduled for **Sunday, December 8**. Please mark this date on your calendar and plan to attend.

REMINDER ON MEMBERSHIP DUES

Last month a letter with a membership renewal form was sent to the Civic Association presidents to remind them that the payments for 2002-2003 dues were overdue. Some of them have since sent the form with the payment. The majority have not responded. If you received this letter and are no longer president, please ask your current president to respond. Also, a reminder to other members of the MCCF such as associate members and organizations: please send in your dues. Just fill out the form in this newsletter and send it to the membership chairman enclosing your payment.

Thank you for your cooperation,

Fifa Northrop, Membership Chair

Breaking the Master Plan

-by Richard Kauffunger, Delegate-at-Large and Sarah Gilligan, Maplewood Citizens Association

The goal of the master planning process is to design and specify the type and quantity of development at each and every location in Montgomery County. The Elm Street Development Corporation has made a request of the County Council for a novel new way to subvert these goals on small parcels of land.

Emergency Bill 33-02 would allow developers to voluntarily build MPDUs where they are not required and take advantage of the density bonus and optional housing type modifications that have normally only been available on developments on larger sites (35 units or more). Small parcels of land could be re-subdivided and developed at higher densities than the zoning allows, out of character with the surrounding community and without regard to the adequacy of public facilities including local schools.

This approach is bad for Montgomery County for the following reasons:

1. It will allow developers to bypass standard zoning process without proper checks and balances. This type of development on parcels of this size at this time is untested and unknown in our county. The proposed legislation as it is written, if adopted by other developers, will polka-dot the fabric of Montgomery County's neighborhoods with a lot of small, high density, incompatible enclaves.

2. It will turn a currently supportive public against the MPDU program by having the program perceived as serving big developers' profit margins instead of serving the needs of the moderate income families it is supposed to be for.

3. It will destroy citizens' faith in community stability and the planning process if adherence to Sector Plans and Master Plans can no longer be enforced.

There will be a **public hearing** on Emergency Bill 33-02 on **October 10 at 8:00 pm** in the Council Chamber at the County Council Office Building at 100 Maryland Avenue in Rockville. **Please attend** this hearing, **write a letter** to all County Council members c/o Council President Steve Silverman and in addition call (or e-mail) Howard Denis, Marilyn Praisner, and Steve Silverman (since they are on the PHED committee), and encourage them to vote against Emergency Bill 33-02. Please call Sarah Gilligan, 301-564-4373 for more information.

Progress, Plans, and Prospecting for New Members

*by Mark R. Adelman,
Chair, MCCF Education Committee*

The Education Committee has been busy, has made some progress, plans to do a lot more and REALLY needs your help! Why should you care? Because over half of the Montgomery County budget goes to pay for public education and many of us are convinced that MCPS could, and should, be doing a much better job. Because the new Federal Law ("Leave NO Child Behind") gives concerned citizens additional leverage in the ongoing struggle to make local school boards more open to requests for information and more

proactive in keeping records that are needed to meet demands for "accountability". Because if we cannot work together to make sure our kids are REALLY educated, how can we possibly hope that our society can resolve the many problems it faces?

What have we been doing? Luella Mast, Gideon Cantor, Wayne Goldstein, George Sauer and I have been meeting on a monthly basis at the Mid-County Services Center (in Wheaton) sometimes with invited guests, more often "just us" to discuss "problems and philosophy" and to prioritize actions. We converted our disappointment in the Board of Education's denial of the Escalante Charter School proposal into an ongoing effort to make the Board more transparent in its dealings with the public. And - according to some - we have actually made some progress: check out the BoE website, or consider to how the candidates responded to our questions at the recent candidates forum (their answers are available on the MCCF website). That forum was a real learning experience for all of us: we did some things right (the turnout, though low, included many people who eagerly asked the candidates a LOT of questions), but we also recognized the need to do some things better - better publicity, better allocation of time for questions, and so on. We'll run more such programs, especially if some of you will help with the effort.

What now? Well first we need to replace Luella (she's stepped down from the committee so as to devote more time to her new duties as MCCF Treasurer) and add some additional members. We want to arrange some educational programs for our monthly delegates meetings. One we are already beginning to map out would present a series of speakers with contrasting views about the issues of "gifted and talented programs", versus the negative impact of "tracking/ability grouping", versus the frequency with which "average kids" fall through the cracks. No easy answers there! And we intend to join other groups that have begun to push MCPS and the BoE to make available disaggregated data about the type and quality of different programs in ALL County public schools. We need data on how Montgomery County stacks up against other regions in terms of "bang for the buck"; can we get entities like the PEW Foundation and the Brookings Institute to help us? Civic Fed's traditional focus on the big picture may meet up with the challenge to learn what is going on in individual schools (to help determine "best practices") and we may very well need to devote some energy to evaluating the details of individual curricular reforms. This will be a daunting

task and one that will require lots of work on the part of many people. But it WILL be educational and, therefore, both worthwhile and fun. Join us please! Contact me by Email or phone and let's discuss your concerns and how we can wrap them into the foci of MCCF's Education Committee. Our goals are to become recognized as a source of valuable input into the dialogue about public education in our county and, thereby, to help it improve so as to better serve all of our children. Our next meeting will be on Wednesday, November 6 at the Mid-County Services Center, 2424 Reedie Drive, Wheaton, at 7:30 PM in Room 215. Please join us!

Community Hero: Marvin Weinman

–by William Skinner, Past President

Marvin Weinman came to my attention when he became an alternate board member of the Maryland Taxpayers Association in 1997. He faithfully attended monthly meetings in Linthicum and Annapolis and served as liaison between the state association and the Montgomery County Taxpayers League. Marvin became president of the in 2001 and continues in that position. The Taxpayers League is often the sole citizens voice speaking to the County Council on fiscal matters like taxes, employee compensation, fee increases, spending excesses and waste of resources. Marvin Weinman followed the recent labor union absorption of the part-time, temporary employees into the bargaining units without a vote. He was the person behind the sponsored County Employee Compensation Forum on September 30, which we cosponsored.

Marvin Weinman is the Civic Federation Community Hero for October 2002. Marvin has lived in Kensington for over 40 years. He retired from IBM after 34 years as a Systems Engineering Manager, but his volunteer work predates his retirement by many years. He served from 1972 to 1979 on the board of the Wheaton Boys Club. From 1984 to 1997 he served as a member of Montgomery County Recreation Boards, including four years as chairman of the Countywide Board. For six years he was the primary contact between the Recreation Boards and Parks and Capital Improvements Program for the Recreation Boards.

Since his retirement in 1991, Marvin has been a volunteer for the Montgomery County Office of Consumer Affairs. He spends one day each week at the Consumer Affairs office, assisting consumers to resolve issues with businesses.

By volunteering to help the county in many ways and over many years, Marvin Weinman exemplifies the quiet kind of citizen we seek to honor with the Federation's Community Hero Award. We are pleased and honored to recognize Marvin as our Community Hero for October 2002.

From the President

The Montgomery County Civic Federation is a nonpartisan organization. However, one major mission of the Federation is to promote and encourage good government. When it becomes apparent that things are going wrong, it is our responsibility to shout it out far and wide. That is exactly what I intend to do with respect to what happened in our primary election.



In this democracy there is supposed to be separation between the executive, legislative and judicial branches of government, and there should be diverse ideas between the various branches of government. That is what makes our democratic process work and keeps it honest. This principle, this ideal, has served Montgomery County well throughout its history. It appears to me that those lines were crossed during this primary election when the County Executive intervened and promoted his own slate using what I believe to be misinformation and misleading attacks on other candidates. I also question the appropriateness of the Executive promoting support for the six sitting judges in what is supposed to be a nonpartisan election separated from the executive branch of government.

The at-large positions on the County Council have always been extremely expensive campaigns to run in, but with today's special interest groups only interested

2001-2002 MCCF Officers					
Office	Name	Home #	Office #	Fax #	e-mail
President:	Cary Lamari	301-924-2746	301-924-2558	<none>	carylamar@yahoo.com
Past-Pres.:	I. Dean Ahmad	301-951-0539	301-656-4714	301-656-4714	dahmad@speakeasy.net
1st Vice-Pres.:	Dan Wilhelm	301-384-2698	703-384-2698	<not available>	djwilhelm@erols.com
2nd Vice-Pres.:	Stanley D. Schiff	301-530-6455	same	<not available>	stanschiff@msn.com
2nd Vice-Pres.:	Pat Cummings	301-977-6004	301-840-0921	301-840-0967	<call first>
2nd Vice-Pres.:	Mark Adelman	301-942-6893	301-295-3208	301-942-4108	adelman3@erols.com
2nd Vice-Pres.:	Vacant				
Treasurer:	Luella Mast	301-384-4178	<not available>	<not available>	luella@sysnet.net
Rec. Secretary:	Richard Zierdt	301-881-0283	703-464-1617	<not available>	richard.zierdt@landmark.com
Corres. Sec.:	Fifa Northrup	301-984-9424	<not available>	301-984-0147	rcnorth@bellatlantic.net
Dist. 1 V.P.:	Diana Conway	301-983-6124	<not available>	<not available>	dconway@erols.com
Dist. 2 V.P.:	Dick Strombotne	240-621-9881	<not available>	240-621-9881	rlstrombotne@ieece.org
Dist. 3 V.P.:	Tom DeGraba	301-340-2570	<not available>	<not available>	<none>
Dist. 4 V.P.:	Bob Abrams	301-946-7291	<not available>	<not available>	robertabr@aol.com
Dist. 5 V.P.:	Jim Johnson	301-587-7233	<not available>	<not available>	<none>
[Appointed officers and committee chairs, as ratified by membership on Sept. 9, 2002:]					
Historian:	Charles Wolff	301-585-9744	301-286-8185	<none>	wolff99@starpower.net
Newsletter Ed.:	Peggy Dennis	301-983-9738	same	<not available>	hotyakker@aol.com
Parliamentarian:	William Skinner	301-762-5483	301-762-3784	301-762-3786	wjswtg@aol.com
Public Relations:	Stuart Rochester	301-384-5515	<not available>	<not available>	<not available>
Education:	Mark Adelman	301-942-6893	301-295-3208	301-942-4108	adelman3@erols.com
Environment:	Charlie Pritchard	301-593-1781	same	<not available>	erc69434@aol.com
Legislation:	George Sauer	301-762-7260	same	<not available>	<none>
Membership:	Fifa Northrup	301-984-9424	<not available>	301-984-0147	rcnorth@bellatlantic.net
Pl. & Land Use.:	Tom DeGraba	301-340-2570	<not available>	<not available>	<none>
Pub. Fin. & Util.:	Chuck Lapinski	301-384-0392	703-506-4600	<not available>	clapinsk@mclean.mcric.com
Transportation:	Dan Wilhelm	301-384-2698	same	<not available>	djwilhelm@erols.com

in promoting growth and clearly willing and able to donate large sums of money to the slate of candidates willing to sing their song, I question the wisdom and usefulness of having at-large Council seats—or at least so many. Government is supposed to be “of the people, by the people and for the people”, not of, by and for the vested special interest groups. I’m afraid the latter is what we are seeing today.

I am also concerned about the large amounts of monies transferred from personal campaign chests to third party “team” campaigns or political action committees. These groups then used the money not to promote ideas but to attack other candidates using misinformation and innuendo and hiding behind logos rather than placing their names out there for easy public recognition. I refer to the End Gridlock campaign where it was reported that the executive and his slate of candidates contributed nearly \$100,000 with an additional \$50,000 coming from land use attorneys and the development community.

I propose that **the Montgomery County Civic Federation establish a task force to look into what happened in this past election and make recommendations for change if it is deemed**

necessary. I would like this task force to look into the need for and costs of at-large representation and compare these with district representation. It should also look into campaign finances to see if further reforms are needed, and make suggestions as to what, if any, those reforms should be. If “all politics is local”, we cannot expect significant campaign finance reform in the federal arena if, at the local level, campaign finances appear to be out of control and funded predominately by special interest groups.

I would also like to take this opportunity to extend my personal appreciation to two council members: Ike Leggett and Blair Ewing, who have been role models to me and many other citizens across this county. Their devotion to making this county a better place to live will not be forgotten. Both Blair and Ike have fought for public safety, mental health, affordable housing, public schools and many other issues that might not otherwise have received the attention they deserve. Most importantly, these two councilmen provided a voice for many in this county. For that, I am grateful and I pray that these two civil servants will come back to us soon—we have benefited from their good work.

–Cary Lamari

Delegates Meetings

Tuesday, Oct. 15–7:45 p.m.

1st fl. Audit., County Co. Office Bldg., Rockville, MD

AGENDA:

- 7:45 Call to order, Cary Lamari presiding
- 7:50 Adoption of Agenda
- 7:55 Announcements and Introductions
- 8:00 Approvals of minutes, officers report
- 8:05 Community Hero Award: Mr. Marvin Weinman
- 8:07 President's Certificate of Appreciation to Maria DeMaria
- 8:10 **Program:**
 - Bill Skinner:
Pew Report on Government Performance
- 9:00 Old Business
- 9:10 New Business
 - Electoral Process (Cary Lamari, p. 11)
 - Voting Process (I. Dean Ahmad, p. 5)
 - Reform of Election of Judges (I. Dean Ahmad, p. 6)
 - Elm Street Dev. Company, ZTA on MPDU bonus (Sarah Gilligan, p. 8)
 - Discussion of Governor's Collaboration for Smart Growth
 - Committee Chair Reports
- 9:45 Adjournment

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, Oct. 26. 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, 1111 Fawcett 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, Oct. 24, 2002, 7:45 p.m.

Red Brick Courthouse

29 Courthouse Square, Rockville

(Note: there is parking lot in front of the courthouse.)

Montgomery County Civic Federation

Steve Howie, Database Manager

P.O. Box 325

Clarksburg, MD 20871

Address Service Requested

First Class Mail