



# Civic Federation News

*Official Publication of the Montgomery County Civic Federation  
Serving the Public Interest Since 1925*

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SESSION 773

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JANUARY 2006

## January Program - Robert's Rules of Order Can Be Your Friend

by Wayne Goldstein, 1st VP

Our January program may be one of the most "useful" programs ever presented. Mary Ann Bowen will be the speaker/trainer for "How to Run an Affective Meeting" on Monday, January 9. For many years Mary Ann has been a regional trainer in parliamentary procedure assigned to Montgomery County by the Maryland State PTA organization. During this period, she has also been a local "troubleshooter" for the Montgomery County Council of PTAs, assisting local PTAs in turmoil to regain order and direction through training that teaches them how to work well together despite personal or policy differences.

Mary Ann will present the program as both an educational and participatory activity because she believes that learning by doing is the most effective way to learn how to run a good meeting. She'll be demonstrating and teaching us how to use parliamentary procedure to make meetings more efficient and productive. Boy, can we all benefit from her experience!

## President's Message

By Dan Wilhelm

As the year draws to a close and we start a new year, I want to reflect upon what we have accomplished and what we anticipate. Let's look at the Civic Federation's activities.

MCCF has 22 Executive Committee members overseeing a wide variety of issues that are of concern to Montgomery County citizens. This allows us to be very active in many different areas.

Three of our committees work many hours almost daily on land-use and housing issues: Jim Humphrey, Chairman of the Planning and Land Use Committee; Sarah Gilligan, Chairman of the Housing Committee; and Wayne Goldstein, our First VP and Chairman of the Historical Preservation Committee. These committees have addressed issues concerning Clarksburg, MPDUs, workforce housing, affordable housing, and zoning text amendments. They have supported a number of our member organizations with their local land use issues. Early next year, the Council will be deciding what actions to take to "fix" the badly broken planning process. I thank the activist citizens of Clarksburg for forcing the county to admit the existing process needs radical changes. Many of us have known change was necessary, but had not been able to get elected and appointed officials to address the issue. I encourage all citizens to insist that the process be fixed so that citizens become an equal member in the process with developers and planning staff. I believe changes need to address not only land use at the site plan stage but also at the master plan stage.

Dale Tibbitts, Chairman of the Legislative Committee, has been leading the effort to have legislation passed to reduce the influence of special interest in our county government. He has also led the effort against increasing the number of signatures required to put charter amendment questions on the ballot. Today citizens must collect 10,000 validated signatures from the county's registered voters. This translates to the necessity

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of gathering at least 13,000 signatures. As those who collected signatures last year can attest, that is hard to do. Some want to raise the required number to 25,000 or even 50,000, which would effectively preclude anyone, except maybe Robin Flicker, from bringing questions before citizens.

Fernando Bren, Chairman of the Public Safety Committee, has lead his active committee in meeting with police, fire, and other safety officials to become informed about public safety issues and to offer our comments and support.

Many other Executive Committee members have been active in their areas of responsibility and often participated in one or more of the areas talked about above. The ongoing operation of MCCF such as newsletter publication, web site maintenance, awards and nominations also requires uncounted hours of work.

We also support the efforts led by member organizations and other non-member organizations which share the same objectives on an issue as MCCF. MCCF has supported efforts on reforming state regulations on group homes, retaining the Seven Locks School, opposing the ICC, increasing funding for more infrastructure maintenance (transportation and school buildings being prime examples), making better use of our taxes, and protecting the environment.

I thank all the Executive Committee members for their many hours and efforts. This work will continue in 2006, and I urge all member organizations to be active in MCCF. Together we have enough political influence to get results that we rarely achieve when acting alone.

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## **Call for Volunteers to Serve on Committees**

By Dan Wilhelm, MCCF President

### **Volunteers Needed for Awards Committee**

MCCF will present three awards at the Annual Awards Reception and Dinner on Friday, May 12.

1. The Sentinel Award: presented to an individual or group for a significant contribution to good government at the local level.
2. The Gazette Award: presented to an individual or group who performs exemplary volunteer service for the residents of the county.

3. The Star Cup: awarded to a MCCF delegate or committee for outstanding public service on behalf of Montgomery County.

I am looking for three to five volunteers to serve on the Awards Committee. I will be recommending Committee members to the Executive Committee for approval at its January meeting. The Awards Committee will meet between January 20 and March 22 and will make its recommendations to the Executive Committee at the March meeting. Please call me at 301-384-2698 if you are interested in serving.

Also, if you have recommendations for individuals or groups for the Awards Committee to consider, please send them to me until the Committee is formed in January, and I will forward the names to the Committee for their consideration.

### **Volunteers Needed for the MCCF Nominating Committee**

I need at least five delegates to serve on our Nominating Committee. The committee will be announced in the February Newsletter and elected at the February meeting. The committee will propose a slate of nominees in the May newsletter, which means its work must be completed by April 25. Again, please call me at 301-384-2698 if you are interested in serving.

I also suggest everyone be thinking about candidates you would like to see in elective positions that you can recommend to the Nominating Committee.

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## **Report of the Public Safety Committee by Fernando Bren, Chairman, Public Safety Committee**

On December 9, the Public Safety Committee met with Dr. Ulder J. Tillman, Health Officer for Montgomery County. Dr. Tillman briefed us on the county's initiatives in health. These include reducing lead in water in the county's schools, providing HIV services, promoting a flu prevention campaign, preparing for the possibility of a pandemic flu outbreak, planning for future school-based health centers, obesity prevention, outlining steps for personal emergency preparedness (to be detailed in a future Newsletter), planning a syndromic surveillance pilot project, providing maternity benefits, hosting the county's Care for Kids program, and pursuing the Montgomery Cares health program.

The next Public Safety Committee Meeting will be on Friday, January 6, 7:00 to 8:30 pm, at the home of Fernando & Roberta Bren, 9913 Hall Road, Potomac, MD. Montgomery County State's Attorney Douglas F. Gansler will be the guest speaker. If you plan to attend, please RSVP to Fernando Bren at 301-299-0899 or 301-299-9455 or [FernandoBR@aol.com](mailto:FernandoBR@aol.com). Also of note: an Emergency Preparedness Community Forum, "Learn How to be Prepared", will be held on Wednesday, January 18, from 7:00 to 9:00 pm, at the Silver Spring Regional Services Center 8435 Georgia Avenue, Silver Spring, MD. The forum is sponsored by the Montgomery County Homeland Security Department and the Montgomery County Health and Human Services Department.

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## We Can and Must Do Better

by Mark R. Adelman, Chair, MCCF Education Committee

Some of us believe MCPS is doing a great job of educating our children. Some of us are not so sure. And some of us believe it is doing a good job for some of our kids, a bad job for many of our kids, and could do MUCH better for all our kids. In case you didn't know it, I'm in that last belief group. And so are the other members of our committee. But this article is being written by me - as an individual - in an effort to engage the Civic Federation in the long-term struggle to change and improve how MCPS does what it does.

Many of you know that I am also very active in a group called the Montgomery County Education Forum ([www.mcef.org](http://www.mcef.org)) and that MCEF has recently joined forces with other "progressive groups" to form the Equity in Education Coalition (EEC). We held a conference on December 10, and the number of "breakout sessions" (<http://www.mcef.org/EEC2005/Breakouts.pdf>) attests to the complexity of the issues we are addressing. So, I do NOT want to imply that there is a simple solution to the problem. But it IS possible to state simply what the problem is: MCPS (and most other systems of public education in our country) is operating based on flawed premises, which lead to flawed practices, which lead to disappointing education of all of our kids and inequity in the educational opportunities afforded them. It is my conviction that understanding the flawed premises and practices is fundamental to achieving a BETTER educational system. So I ask you to consider a few commonly held beliefs, and their implications.

Do you believe that all children learn in the same way and at

the same rate? Most of us would, of course, say NO. Now, do you believe that some children are BETTER learners than others and that we can determine, EARLY ON, which are better? I suspect that many would say yes to the first half of that and be a little hesitant about the second part; probably asking what is meant by EARLY ON. Suppose I said that we can pretty much decide by the end of second grade? Well that's what MCPS does, with what it calls the Grade 2 Global Screening Process, by which it determines which students are "gifted and talented" and which are not. And here are some facts: about 40% of all our kids are labeled G&T (it varies from year to year depending on what tests are used, how the results are adjusted, etc.) and the rest are NOT. And, if your kid is Hispanic or African-American s/he is about twice as likely to be labeled NOT as if s/he is Caucasian or Asian-American. And, while MCPS says that the system works to move kids back and forth between the two tracks (G-T and NOT), depending on their performance, the data show that such movement is very infrequent. Why is that? Well there are many factors and many theories. But fundamentally, many educators (including me) see the labeling as a self-fulfilling prophecy. Curricula for the NOT are "dumbed-down", and expectations (of teachers, students, and parents) are lower for the NOT. Challenges and resources for the NOT are also less.

Suppose we change the prophecy? Suppose we say that all kids learn differently. And that what they learn depends on a number of factors, including what skills they bring to school on day 1, on how hard they work, on how much we expect of them, and how hard we work with them? And suppose we predict that all kids can achieve a LOT and that we won't know what they can do until we work with each and every one of them, using every tool in the toolbox, for many years. Suppose we say we should ASSUME that every kid can learn a LOT and that we challenge them ALL to the same extent, and will give extra help to the ones who don't do as well as we BELIEVE they can do. And we do this for as many years as the kids are willing to try. No labels, no limits.

Now some people hear this and get very nervous about a dumbing-down of the curriculum for ALL students; and some are really only concerned about the potential dumbing-down of the curriculum for their own kid(s). But what most people don't recognize is that, by making the absurd statement that almost half our kids are gifted and talented (and the rest are not), MCPS has ALREADY dumbed down the curriculum for most students! MOST students are not really "gifted and talented" (otherwise the term has very little meaning) and most students are in fact "not-gifted"; there is actually a wide range

of gifts and talents and almost no way to place each student accurately and meaningfully into any particular bin. In every arbitrary bin, no matter how many bins we create, some students are being challenged too little. In the face of the fact that all students learn differently, it is STONE STUPID to create "tracks" in the curriculum. All students MUST be taught as individuals: this is sometimes called "differentiated instruction" and it is NOT a trivial task. It is being done, successfully in some school districts, but it takes a sea-change in attitude and practices, and it takes time. Some people in Montgomery County demand that we be shown how it works elsewhere before we try it, because our system is already one of the best, so why change it. I say, given the terrible state of public education throughout our country, that being one of the best is setting the bar WAY too low and we should do better than the best: we should set the bar high for ourselves and we should do better. We are NOT educating our kids to the max: we are not even doing that for most of the "gifted and talented", and we are certainly not doing it for the NOT. Education does not have to be a "win-lose" situation. It should be a "win-win". If we expect more from our kids, they will do better; ALL of them will. Any teacher will tell you that the best way to learn is to teach, that kids do a great job of helping one another learn, and that often, in a dialogue between two kids with different levels of knowledge each kid can and does teach the other.

I, with my colleagues of the EEC, am demanding that MCPS stop using the Grade 2 Global Screening Process as a justification for sorting our kids into arbitrary bins that serve no purpose except to guarantee that almost none of them is challenged to their full potential. Our teachers (maybe not all, but certainly many) know how to push some kids to their max; if they can do that for some kids, they can do it for all kids. I am demanding that the Board of Education and MCPS use ALL its resources (including its convictions) in an equitable fashion that maximizes the chance that each of our kids can reach his or her full potential. I am asking MCCF as an organization, and each and every member as an individual, to make this same demand and commitment. It's morally right. It makes educational sense. It will be hard work, but we owe it to our kids. Think about it.

The Working Group revising the interim version of FAA-RA (Long Range Educational Facilities Planning Regulation) has nearly finished its task. A draft version of the revised FAA-RA is available at the following url:  
[www.mcps.k12.md.us/departments/planning/CommunityInfo\\_Community.htm](http://www.mcps.k12.md.us/departments/planning/CommunityInfo_Community.htm)

There will be a public meeting, open to the entire community, on Wednesday, January 4, at 7:30 PM at Carver Educational Services Center in Rockville. All interested citizens are urged to read the draft revision, attend the public meeting, and offer suggestions for further revisions. The working group will consider all comments in making final revisions to the draft version before submitting it to the Superintendent, MCPS.

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## Legislative Report

by Dale Tibbitts, Legislative Chairman

On December 14, I attended a meeting in Baltimore with Senator Paula Hollinger sponsored by the American Jewish Congress, Common Cause Maryland, Progressive Maryland, Baltimore Jewish Council, League of Women Voters, the Sierra Club, and others. Last year, Senator Hollinger put the public financing of campaigns bill in her drawer and never scheduled a vote. She said that it would be better to have no vote rather than have an unfavorable vote. This year she promises to support it and to allow her EHEA committee vote on it. Senator Hollinger and four of the committee members are cosponsors. That means only 1 more vote is needed for a favorable vote from the committee.

I asked Sen. Hollinger about the other bill we support to close the multiple corporation, multiple contribution loophole. She flat out told me that the Senate president would never let that bill come up.

I attended the Charter Review Commission meeting this morning. The CRC is considering 4 issues:

1. Should councilmembers be classified as full-time employees? The CRC voted the same position it took last year -- for purposes of compensation, serving on the council should be considered a full-time job, and outside employment should not be prohibited.
2. Should the CRC comment on increasing the charter amendment signature requirement from 10,000? Two do not think it should be increased. Several think the signature requirement should be a percentage of registered voters or the vote in the last Executive race. Since this is an issue of state law, the CRC can only comment. No decision yet. The county's state delegation County Affairs committee voted to support Del. Barkley's proposal to allow the county to set the limit at 5% to 10% of registered voters.

3. The CRC may comment on whether the charter amendment ballot language be approved before signatures are collected.

4. Should the composition of the Council be changed to:

- 8 districts, 3 at-large (the Ike Leggett plan);
- 9-0 (Civic Fed);
- 8-1; or
- no change.

Three members are strong advocates for retaining the status quo. Some are sympathetic to the 8-3 option.

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## Report of the Bylaws Committee by Peggy Dennis, Chair

The Bylaws Committee recommends the following amendment to add the appointive position of Data Base Manager:

ARTICLE IV. OFFICIALS AND ORGANIZATION.  
Paragraph 4. *Appointed Officials.* There shall be the appointed offices of Historian, Newsletter Editor, Parliamentarian, **Data Base Manager**, and Public Relations Officer who shall be nominated by the President and confirmed by the Membership.

We also recommend the creation of Standing Rules separate from the Bylaws. The first item to appear in Standing Rules will be:

“Campaign literature may be distributed in the foyer outside the meeting room within 60 days before an election.”

The next meeting of the Bylaws Committee will be on Tuesday, January 3, 7:00 p.m. at the Hollywood East Café on the Boulevard, 2621 University Blvd., Wheaton. We will be wrestling with the problem of committee chairs not being confirmed by the President until the first meeting of the autumn. And any other impediments or peculiarities we can find! Call Peggy Dennis at 301-983-9738 if you plan on attending, so we can get a table with enough places.

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## Volunteers Needed

Colesville Meals on Wheels serves the needs of the homebound in the Woodmoor, Four Corners, Burnt Mills, White Oak, Colesville, Calverton and surrounding areas. We deliver meals 5 days

a week from 10:30 a.m. to 12:30p.m. We do not deliver when schools are closed due to snow or on major holidays. Your commitment would only be 2 hours a week. For more information call Sarah Day at 301-384-5735.

Thank you for your help -- Susan Armstrong

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## COMMON CAUSE MARYLAND

Forum on  
**Special Interest Money in Maryland's  
Campaigns  
and the case for  
Public Funding of State Elections**

Saturday, January 21, 2006, 1:00 to 3:00 p.m.  
The Main Theater  
Montgomery College, Rockville Campus

Hosted by the History & Political Science Department, Montgomery College. Co-sponsored by members of the Maryland Network for Public Funding of Campaigns, including MCCF.

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## Speaking of Campaign Finance Laws...

Those of you who follow legal challenges to state laws on campaign finance reforms, MARK YOUR CALENDARS! The Supreme Court is set to hear oral argument on February 28, 2006. on Randall v. Sorrell, the case considering Vermont's campaign spending limits law. The National Voting Rights Institute and the Vermont Attorney General's office will present arguments that Vermont's law is constitutional, both in regards to contribution limits, and most significantly, spending limits on state campaigns. Vermont and the NVRI will be up against the Vermont Republican Party, Vermont Right to Life, and others who oppose the law. This should be worth the trip down to the Supreme Court to hear the arguments.

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## Time to Stop Child Lot Abuses in the Agricultural Reserve

by Wayne Goldstein, MCCF/ PLU Committee

After Montgomery County created its Agricultural Reserve in 1980, it allowed a provision for the children of farmers to be able to build their own houses on the family farm despite zoning restrictions. What started out as a common sense solution to allow farm families to better continue farming has been manipulated into becoming a policy for some farm families, and even non-farmers, to more easily harvest the crop known as land development. If the goal of our policies in the Agricultural Reserve is to remove all obstacles to agricultural use and to erect every possible reasonable obstacle to other uses, then much work needs to be done to close the loopholes in the Child Lot Provisions. The county is looking at ways to stop the abuse of this policy, but it is being very timid in its approach.

For starters, the PLU Committee believes that the only children of farmers who should be allowed to build a home on a child lot are those children who actually farm, if not for a living, then who spend most of their free time farming, using evenings and weekends when they aren't working the full-time, off-the-farm job that has been an important, stable source of income to generations of farmers. These children have to provide proof of such a commitment to agriculture. Other children who aren't involved in agriculture should not be allowed to build on child lots. It has been recommended that a house on a child lot should remain so for five years before it can be sold to anyone else. This generation of farmers, as committed as they are supposed to be to farming, should be required to keep their child lot in their family for 30 years, the same length of time that an owner of an Moderately Priced Dwelling Unit (MPDU) must do so. The child lot provision cannot be undermined by the same type of incremental impact that has turned our nationally-renowned (until very recently) MPDU law into a joke. Creating 11,000 MPDUs for 5 or 10 or 20 years has meant that eventually you don't have any of them, unless others have voluntarily chosen to save them. Creating hundreds of child lots with 5 year holding periods means you eventually don't have any of them, unless others voluntarily choose to save them. The more people who live in the RDT zone who don't earn some or all of their livelihood from agriculture, the more it becomes just another suburban zone.

There must be a web of enforceable regulations to ensure that these "children" do not hide behind their agricultural heritage

as a way to make lots of money as land developers. Any farm family who has lived on and worked the land for decades or centuries, whose future plans include subdividing their property to make the big money, undermine our county's agricultural society and threaten its future viability. We must create additional programs that enable them to further extract an equitable enough amount of the development rights to sell to others to maintain these farms while denying them the back door enrichment that child lots provide.

We must simultaneously work to make it easier for farmers to make money from farming while making it harder to make money from development. Being required to keep a child lot in a farm family for 30 years is only a burden to those who do not plan on farming in this and future generations. Only the greatest hardships caused by a death without heirs or a foreclosure because there are no other assets should allow someone a release from this generous opportunity that has subsequently become an insurmountable burden.

There should be a requirement, running with the land, that the county must sign a release from this 30-year obligation to allow a child lot to be sold out of the family. An alternative approach would be to require that the child lot must be held for 10 years. If it were then sold at any time after that, up until 30 years, any profits above the rate of inflation for the cost to build the original house on the child lot would have to be given to the county to use for agricultural preservation programs. This approach has similarities to the holding period for MPDUs by removing most of the incentives for selling before the control period is up. It's harder to spend money to build a house to make a quick profit if one has to wait 30 years to do so.

If we do not return this provision to its commonsense and necessary nature, then we are merely tweaking a policy that guarantees the loss of agricultural lands in the near future. The best proposed reform provision is the one that stops the creation of any more child lots in 2011. However, we would not want to see a flood of such applications late in 2010 because that might be a concerted effort to game the system one last time. The Planning and Land Use Committee asks that MCCF support our stronger recommendations to end child lot abuse in the Agricultural Reserve.

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## January Vote on Workforce Housing Legislation

by Jim Humphrey, member, MCCF Housing Committee

At our November 14 meeting, MCCF delegates adopted a motion on proposed Workforce Housing (WH) legislation that established a position on which to base testimony for the Council hearing. Bill 30-05 would establish a WH program targeted to provide reduced-cost housing for households earning between 65 and 120% of Area Median Income (AMI). Zoning Text Amendment 05-16 would require WH units be provided in all projects of 35 units or more, on all Metro Station area properties zoned in categories with density of 40 dwelling units per acre or greater. It would require WH units equal to an additional 10% over the number of dwelling units currently permitted, and allow a bonus over master plan recommended density in order to accommodate WH units.

MCCF testified at the November 22 Council hearing as to citizen concern that the ZTA would allow master plans to be overridden "by right" in already congested Metro Station areas, without consideration of whether adequate public facilities exist to support such density increases. Testimony also suggested key changes to the legislation if enacted. And, MCCF detailed several alternative approaches Council could take to spur creation of affordably priced housing for the county workforce.

Following a month of discussion and a Council committee worksession, the MCCF Housing Committee has additional concerns. We are troubled that county revenue collected from those most in need would provide infrastructure support for housing aimed at those earning over the AMI, and urge applicant income be capped at 100% AMI. Also, the legislation proposes WH units only in Metro Station areas where the most expensive housing in the county is being developed, instead of offering reduced-cost units in areas where market rate prices are lower. Since most units in Metro areas are in multi-family buildings, the program would fail to address needs of applicants seeking housing other than apartment units. And, while Park & Planning data indicates a greater need for workforce level sale units, the proposed program would allow a density bonus to developers of sale and rental units alike.

At the January 9 MCCF meeting, the Housing Committee will offer a motion to recommend disapproval of the proposed legislation. In early spring, the committee suggested to the

Council that a housing survey of county employees be conducted, from which we could extrapolate the overall demand for mid-range income priced housing. To date, no study has been done to quantify the need for such housing in the county, although MCPS has stated their intention to conduct an employee survey.

In the absence of any attempt by officials to establish the parameters of the problem, members of the civic community may question whether the program is being proposed as an attractive sounding campaign promise, or perhaps another developer bonus disguised as a solution to a problem that has not been corroborated. The benefit of creating at most a couple hundred Workforce Housing units per year must be weighed against the cost of violating multiple master plans and drawing resources from programs designed to provide housing to those most in need in our society.

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## County and State Budgets: Bits and Bytes

Chuck Lapinski, Public Finance and Utilities Chair

As we go to press, 'tis the season that key Council and State meetings and hearings rain down on us from every direction. These events include the county schools capital and operating budget public hearings, Annual Growth Policy (AGP) review, Tax Cap hearings, affordability guidelines and priorities, planning and development issues etc., capstoned by the proposed Capital Improvement Program (CIP) Budget in January and the County Operating Budget in March. This is the season when major decisions seem to be made "willy nilly", with and without citizen input. Actually, "willy nilly" is probably more cohesive and disciplined than what seems to be shaping up, at least at the County level, and it won't be much better at the State level. As always, the requests for handouts (pet project funding requests) far exceed even the bloated affordability guidelines.

It appears that unbridled development and undisciplined budget growth have contributed to multiple breakdowns in policy implementation, procedures and service delivery. For example:

- The Clarksburg code violation debacle is looking more like the tip of the iceberg, as an uncontrolled way of doing business creates significant cost impacts.
- For about ten years, needs for infrastructure modernization and heavy maintenance of County facilities and equipment—estimated to cost in the hundreds of millions of

dollars—have been ignored.

- Loose annual growth policies coupled with corresponding under-funded infrastructure improvements have resulted in traffic gridlock, overcrowded schools, declining public services and an overall decline in the quality of life.
- Revised revenue rates from development Policy Area Test Reviews are insufficient to fund infrastructure improvements in impacted areas.
- School facility modernization policies conflict with affordable housing policies. Proposed new schools will cost more than modernizing the old schools and affordable housing will cost more and more.
- Leasing of temporarily excess or underutilized school and county facilities rarely follows county policies of open competitive bidding. These lease contracts have had clauses that would allow the leaseholder to buy at prices of less than 10% of the market value - fairly egregious "sweetheart deals" that cost the taxpayers a bundle in the long run! If county-owned land is considered excess, and long-term changes in County demographics strongly suggest that it shouldn't (to wit, the decreasing growth in school children in the up county corresponding with increasing growth in the down county), at least the county should be following its own open competitive bidding procedures.
- The County Exec promises a budget where property tax rates will be cut, and revenue increases will stay within the Charter Limits (10% property tax increase) and the Spending Affordability Guidelines. But reality dictates that we will actually pay more in property taxes because of the increase in property values that he created for us. Can we stand the largesse of our own hard earned tax money?

We can only hope that the inherent budget discipline forced on the Council and the Executive by the "Tax Cap Now" movement will continue long past the coming election.

At the state level we are encountering a different set of tax and spending affordability issues. Over the last three fiscal years (FY2002 through FY 2005) increased general revenues produced a \$ 1.7 billion surplus. This fiscal year, FY2006, is expected to produce a surplus as well, which will be used to fund some of next year's spending growth. Next and succeeding years may be very different. Fiscal Affairs continues to see an underlying structural deficit resulting from spending growth predominantly to fund mandates (mostly self-imposed) such as the Thornton Commission for education. That mandate is projected to have the largest continuing impact on the growth of projected future spending and deficits. This past year, the legislature had to pass a bill

that reduced the rate of increased funding for Thornton, and it is likely to have to do so each fiscal year. Thornton, as originally passed, requires unrealistic increases in funding each fiscal year to achieve its mandated levels.

The other "mandate" results from a "regulatory-like" industry group called the Government Accepted Accounting Principles (GAAP) Board. Recently, the Board that oversees GAAP urged that state and local governments implement new guidelines for funding current employee wage and medical retirement commitments. This mandate will have an adverse effect not only here in Maryland, but in other states as well. Maryland has done a pretty good job with funding the pensions under current actuarial guidelines for retirement, but funded the medical retirement commitments differently. Consistent with other medical high growth patterns in the private sector, implementing this new rule results in an extremely large deficit in the current employees retirement and medical account. The Board argues that all potential wage and medical retirement commitments should be funded out of current revenues. Various estimates put this unfunded mandate at nearly \$1 Billion for this year alone, a catch up year, followed by much smaller deficits if the rule is implemented for the next few years. To compound this funding agony, the bond rating agencies are watching closely how this "deficit" will be handled by the state. It is unlikely that the state can make more than a significant down payment this year to fund this year's increased obligation and a significant portion resulting from previous years. And, this would be coupled with a plan to fund the remaining difference over the next few years. It is unclear if the Board will provide guidelines for the time period that the deficit could be made up.

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## Costs of Gas and Electric Bills

Chuck Lapinski, Public Finance and Utilities Chair

We've all seen the tremendous increase in natural gas heat spot prices. They have almost tripled, and the increases in home heating costs will really begin to show up this next year. Most gas utilities contracted for natural gas when its price was much lower. Now the more expensive costs will be added to our bills. As long as worldwide demand for natural gas increases, our costs will continue to increase. Conservation is one way of offsetting some of these increases. New production is significantly more costly than current production.

Our electric bills are more complicated. About five years ago the electric power industry began a major restructuring,

predominantly through merger consolidation and some utilities became either producers or distributors. PEPCO sold its production capacity to Mirant, and became a utility distributor. Because of regulatory conditions attached to these changes, Mirant committed to supplying power at favorable rates, and PEPCO reimbursed us ratepayers for the residual costs it received from sold production capacity. About two years ago, Mirant (and other power production utilities) filed for bankruptcy protection. The Court declared that the long-term contracts were null and void. Effectively, we have been without lower cost long-term power contracts, and it is likely that any new contracts will be far more costly. This resulted in an increase in our electricity rates passed on to us by PEPCO.

As I write this, Florida Power has offered to buy Constellation Energy Corporation, which supplies electrical power to part of the county. It is also a major power producer selling about 75% of its capacity to large users, which are far more profitable, that are not subject to the same regulatory standards as local consumers. Under current Federal and some state law, we homeowners are not permitted to combine into a large group and contract for less costly group rates. Local governments can contract to buy power, which usually results in reduced rates to them. It is speculated that we will begin to see another round of mergers resulting in more consolidation. For the most part, there is little that our Public Service Commission can do to help control costs and regulate commitments of utilities to its customers. This is particularly true where they have very little influence, let alone control, over power producing utilities. We will watch this, and the probable significant increase in residential electrical rates over the next few years.

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## Transportation Issues

by Byron Bloch, Transportation Chair

At the Federation Meeting in December, I made a brief presentation on the newer type of "red brick paver" combination of crosswalk and speed hump with a smoother, flat-top design. I also showed photos of the basic asphalt speed humps now commonly used which look damn ugly, shake our bones, destroy our suspensions and which easily get chipped and have large chunks get broken away.

I briefly discussed the efforts by the Insurance Institute for Highway Safety to encourage communities to consider using

"round-abouts" for alleviating traffic congestion. I pointed out that such round-abouts or traffic circles are for select locations where the intersection is wide enough, and the traffic volume warrants such a design to optimize traffic flow. Endless lines of vehicles waiting at stoplights at our standard intersections bring many problems such as cars blowing through the light and causing collisions and injuries as they try to race through the intersection. There's also the waste of fuel, and the increase in pollution, as the large quantities of cars and trucks wait and wait and wait and wait for the light to finally change and allow just a few vehicles through. And the data shows that round-abouts have another major benefit: reducing traffic accidents by 37-percent and severe injuries by 75-percent.

These round-abouts are best if considered for new developments, but can also be retrofitted to existing intersections if the space and traffic volume warrants a major revision. At some later MCCF meeting, I will present more information about this novel approach to potentially help alleviate our ever-maddening traffic congestion across Montgomery County. Perhaps MCCF should consider making a recommendation to the County Council that such novel round-about designs be considered as a priority for new developments and for helping improve the flow at some major traffic intersections.

Traffic is strangling us all, and we need some novel, creative approaches, not just the rush to build more and more roads or ever-widening our existing roads. Round-abouts have already helped alleviate traffic congestion in communities in Florida and Colorado. Let's be creatively pro-active about this.

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## Status of Issues

### Housing Committee

- Condo Conversions - Extended Tenancies - Bill 29-05, passed Council Dec. 13 by 8-1 vote, Floreen dissenting.
- Workforce Housing Program - Bill 30-05 and ZTA 05-16, PHED work sessions continue Jan. 2006.
- County Executive has now authorized 6 publicly-owned properties for creation of housing projects (on Jingle Ln. in Glenmont, Bowie Mill Rd. in Olney, public parking lot on Bethesda Ave. in Bethesda, two sites on Washington Grove Blvd., and public parking lot between Silver Spring and Thayer Aves. in Silver Spring), awaiting selection of developer proposals.

### Planning and Land Use Committee

- ZTA 05-02, to create a new Transit Oriented Mixed Use Zone (MCCF seeks amendment to specify dwelling-unit-per-acre density limit). Council vote to take place in Jan. '06 with Shady Grove Plan vote.
- County Service Park at Shady Grove, County Executive negotiating land deal to swap for other parcel(s) so site near Metro can be redeveloped.
- Master Plans under revision by Council--Shady Grove(Council vote postponed to Jan.) and Bethesda CBD(Council vote tentatively scheduled for Jan.).
- Master Plans under revision by Park & Planning-Damascus (Council hearing scheduled for Jan. 24 at 7:30 p.m.).Twinbrook, Germantown, and Gaithersburg Vicinity to be held over for transmittal to next Council.
- 2005-2007 Growth Policy (disapproved by 5-4 vote of Council on Nov. 15, 2003 Policy remains in effect)
- Bi-Weekly Updates on Development Approval Issues (PHED Comm. to continue in Jan.).
- Amendment to 10-Year Water and Sewer Plan - PIFs, Council vote pending.
- ZTA 05-15, Impervious Surface Limits in AgReserve & Rural Large Lot Zones, Council vote pending.
- Bill 35-05, ZTAs 05-17, 05-18 & 05-19, & SRA 05-04, to consolidate Site Plan enforcement under DPS, Council hearing scheduled for Jan. 17 at 7:00 p.m.

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## Minutes of the December 12 Federation Meeting

By Richard Zierdt, Recording Secretary

MCCF President Dan Wilhelm calls the meeting to order at 7:50 pm with introductions and announcements; about 26 are present.

Minutes from the November 14, 2005 meeting are accepted.

Treasurer's Report. Luella Mast leaves her report on back table.

Program: Master Plan Process. Wayne Goldstein introduces John Carter, Chief of the Community-Based Planning Division at M-NC/PPC, assisted by Sandra Tallant, Planner Coordinator for Community-Based Planning Division. Mr. Carter distributes two handouts on Master Plan Scheduling and Community-Based Planning (CBP). Planning Department has 200 employees, 39 of whom are in CBP. There is a

Development Review Division, a County-wide division, and a Parks division. There are 41 Master Plans, typically re-done every 20 years. The County Council decides which Master Plans will be re-evaluated, and in what order. CBP makes several attempts to communicate with the public (Public Outreach) including evening meetings, some of which include language translators (Chinese, Spanish, others). CBP tries to bridge cultural differences which may discourage some from participating. There was a Concordia Method of citizen participation, but the CBP cancelled that. Q&A, comments followed. Traffic accident reports are not considered in planning. "Smaller-grain" small-scale planning is being considered. Planning Board staff performs some design services. All ZTAs are introduced by a County Council member. Each Planning District except Potomac's must be "in balance" as per school capacity.

32 present at 9:00 pm.

Housing and Land Use Committee. Jim Humphrey. Regarding the Agricultural Reserve, "Child Lots" are being carved out from larger farms, effectively bypassing the intent of the Reserve. Corrective legislation is being considered.

Finance and Utilities Committee. Marvin Weinman. Revenue from property tax is projected to rise 15% in 2007.

Transportation. Byron Bloch. Traffic calming measures: 12' and 22' speed humps. 12' are outlawed in Prince Georges and Howard Counties. Alternatives are Traffic Calming Brick Paver Raised Crosswalk, which also serves pedestrians. Describes the benefits of roundabouts: discussion ensues.

Education Committee. Mark Adelman. There is a proposal to transfer the Board of Education headquarters (Carver Center) to Montgomery College. Where MCPS' headquarters would go has not been determined.

Public Safety Committee. George Sauer. There is some concern about the upcoming flu season.

Environment Committee. Wayne Goldstein. Caren Madsen is the committee chair. Among other issues, she will concentrate on tree preservation.

Adjournment at 10:06 pm.

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Position	Name	Home Phone	Office Phone	Email
		<b>Elected</b>		
President	Dan Wilhelm	301-384-2698	703-983-6847	<a href="mailto:djwilhelm@erols.com">djwilhelm@erols.com</a>
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District 16 VP	Lee Shipman	301-229-2005	same	<a href="mailto:plannerlee@earthlink.net">plannerlee@earthlink.net</a>
District 17 VP	Vacant			-
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District 19 VP	<i>Vacant</i>			
District 20 VP	Eileen Finnegan	301-439-2263	same	
District 39 VP	Jon Putnam	301-947-9299	202-354-1809	<a href="mailto:wputnam10@hotmail.com">wputnam10@hotmail.com</a>
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Public Relations Officer	Lyle Schofield	301-929-7624	301-929-7624	<a href="mailto:lyle@norbeck.org">lyle@norbeck.org</a>
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Historian	Charles Wolff	301-585-9744	301-286-8185	<a href="mailto:wolff99@starpower.net">wolff99@starpower.net</a>
Newsletter Ed.	Peggy Dennis	301-983-9738	same	<a href="mailto:hotyakker@comcast.net">hotyakker@comcast.net</a>
Parliamentarian	Dean Ahmad	301-951-0539	301-907-0947	<a href="mailto:dahmad@speakeasy.net">dahmad@speakeasy.net</a>
		<b>Standing Committees</b>		
Education	Mark Adelman	301-942-6893	301-295-3208	<a href="mailto:adelman3@erols.com">adelman3@erols.com</a>
Environment	Caren Madsen	301-713-9043	301-587-8128	<a href="mailto:carenmadsen@msn.com">carenmadsen@msn.com</a>
Legislation	Dale Tibbitts	301-587-9358	202-789-2004	<a href="mailto:datibbitts@aol.com">datibbitts@aol.com</a>
Pl. & Land Use.	Jim Humphrey	301-652-6359	same	<a href="mailto:theelms518@earthlink.net">theelms518@earthlink.net</a>
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Pub. Fin. & Util.	Marvin Weinman	301-946-3799	same	<a href="mailto:weinmanm@msn.com">weinmanm@msn.com</a>
Public Safety	Fernando Bren	301-299-0899	301-299-9455	<a href="mailto:FernandoBR@aol.com">FernandoBR@aol.com</a>
Transportation	Byron Bloch	301-299-1801	301-299-1800	<a href="mailto:byron@autosafetyexpert.com">byron@autosafetyexpert.com</a>
		<b>Special Committees (Not part of Exec Comm)</b>		
Bylaws	Peggy Dennis	301-983-9738	same	<a href="mailto:hotyakker@comcast.net">hotyakker@comcast.net</a>
Database	Dan Wilhelm	301-384-2698	703-983-6847	<a href="mailto:djwilhelm@erols.com">djwilhelm@erols.com</a>
Housing	Sarah Gilligan	301-564-4373	same	<a href="mailto:gilligan.j@worldnet.att.net">gilligan.j@worldnet.att.net</a>
Sentinel Article Coordination	Dan Wilhelm	301-384-2698	703-983-6847	<a href="mailto:djwilhelm@erols.com">djwilhelm@erols.com</a>
Historical Preservation	Wayne Goldstein	301-942-8079	same	<a href="mailto:waynemgoldstein@hotmail.com">waynemgoldstein@hotmail.com</a>
Membership Directory				
Awards Dinner (for May)				
		<b>ByLaw Committees (Not part of Exec Comm)</b>		
Audit	Jerry Garson	301-765-9470	301-704-0757	<a href="mailto:garson@comcast.net">garson@comcast.net</a>
Nominating	Appointed later			
Awards	Appointed later			

## Federation Meeting

Monday, January 9  
7:45 1st Floor Auditorium  
County Council Office Building.  
Rockville, MD

### Agenda

7:45 Call to Order  
7:46 Introduction and Announcements  
7:55 Adoption of Business Meeting Agenda  
7:58 Approval of Minutes and Treasurer's Report  
8:00 Program  
9:10 Committee Reports  
9:20 Member Issues  
9:30 Old Business  
9:35 New Business  
10:00 Adjourn

The **Montgomery County Civic Federation** is a county-wide nonprofit educational and advocacy organization. It was founded in 1925 to serve the public interest. Its monthly Federation meetings are open to the public and are held on the second Monday of each month (except for holidays, July, August and December) at 7:45 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.**"

Submit contributions for the next issue by: **Midnight, Saturday, January 21.** Prepare submission as an MS Word, Word Perfect or text-only document, **using minimal formatting, attach** it to e-mail, and send it to [hotyakker@comcast.net](mailto:hotyakker@comcast.net)

Please send all address corrections to Dan Wilhelm, 904 Cannon Road, Silver Spring, MD 20904, 301-384-2698, or [djwilhelm@erols.com](mailto:djwilhelm@erols.com).

## NEXT EXECUTIVE COMMITTEE MEETING

Thursday, January 19, 7:45 p.m.

**RED BRICK COURTHOUSE**

29 Courthouse Square, Rockville

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

## MONTGOMERY COUNTY CIVIC FEDERATION

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