



Civic Federation News

April 2011

Serving the Public Interest since 1925

Official Publication of the
Montgomery County Civic
Federation

www.montgomerycivic.org

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April Program: FY 2012 County Operating Budget By Chuck Lapinski, Public Finance and Utilities Chairman

The program for our April 11 meeting will address the proposed County FY 2012 Operating Budget which the County Council must pass by the end of May. The proposed budget is more than \$ 4.3 billion, representing an increase of \$76.5 million or a 1.8% increase over the current FY 2011 budget.

Alex Espinosa, Manager for the Operating Budget, in the County's Office of Management and Budget, and Steve Farber, County Council Staff Director and expert on all matters dealing with the Operating Budget, are our guest speakers for the program. They will discuss the operating budget process, specific budget highlights (line item increases and decreases) and sustainability issues from the perspectives of the Executive and the Council. How realistic are the projected revenues? How well funded are the employee retirement and health benefit programs? What is the future liability of the county and us taxpayers? What impact did the Office of Legislative Oversight's study on personnel costs, trends and affordability have on the formulation of the budget? Were any of the recommendations made by the Executive's Organizational Reform Commission put into effect? How cooperative have the Board of Education and the MCPS Superintendent been in the budget process? These are just some of the key issues that will be discussed, and we will have plenty of time, as always, for a lively Q&A session.

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Reserve Your Tickets Now for the Montgomery County Civic Federation's 2011 ANNUAL AWARDS BANQUET

Friday, May 13, 2011

Honoring

THE WAYNE GOLDSTEIN AWARD - awarded to an individual or group for outstanding public service to the people of Montgomery County:

Friends of the Library, Montgomery County

THE SENTINEL AWARD – awarded to an individual or group who makes a significant contribution to good government at the local level:

Organizational Reform Commission

THE STAR CUP – awarded to the MCCF delegate or committee for outstanding public service to Montgomery County:

MCCF Environment Committee

See event reservation form on page 11.

April's Community Hero: Gordon Clark By Paula Bienenfeld, Education Committee Chair

Please join the Civic Fed in honoring Gordon Clark, the founder and project director of Montgomery Victory Gardens (MVG), at our April 11th meeting.

Montgomery Victory Gardens (MVG) is a non-profit project founded in 2009, devoted to creating a more vigorous, self-reliant and sustainable local "food shed" in Montgomery County. MVG puts out a weekly local food update, coordinates a Congregational Community Garden Network, is leading the campaign to get vegetable gardens at our county schools, and works with individual and community gardeners, farmers, and county planners to create a more sustainable, self-reliant and, above all, local food system. You can visit Montgomery Victory Gardens on their Facebook page, or on the web at montgomeryvictorygardens.org.

Since founding Victory Gardens, much of Gordon's work has been devoted to getting healthy gardens into our public schools. After much opposition, the Board of

Education opened the door to this movement a crack with some new guidelines and permission for container gardens and other garden features.

Gordon served from 1996 to 2001 as the national Executive Director of [Peace Action](#), the nation's largest grassroots peace and disarmament organization, followed by three years as the national Field Director for the Congress Watch division of [Public Citizen](#), and then as Project Coordinator for the [Chesapeake Climate Action Network](#). He ran for Congress in 2008 with a major thrust of his campaign to help bring attention to the issue of global warming. Gordon also serves on the Sustainable Maryland Agriculture Task Force and Montgomery County's new Sustainable Community Food System Initiative. He grows vegetables enthusiastically (if not always successfully) in two community gardens, and lives in Silver Spring with his wife Emily and their two cats, Domino and Snoop.

President's Message By Peggy Dennis

Our County's Department of Environmental Protection gives us the following information about trash: "Roadside trash and litter is carried by [rainfall runoff](#) through the storm drain system into local streams and eventually into the Anacostia and Potomac Rivers. Trash in our streams and rivers is unsightly and unhealthy. We are pursuing an aggressive policy to control trash in our streams, because we believe it is sound fiscal and public health policy to prevent trash from polluting our [primary source of drinking water - the Potomac River](#). - - - The county's commitment to a Trash-free Potomac River by 2013 is written into the County's legally binding [stormwater permit](#).

A significant step towards reducing trash pollution can be seen in the Council's Bill 8-11, Taxation - Excise Tax - Disposable Carryout Bags. Briefly, this bill will:

- Establish a 5-cent tax on carryout paper and plastic carryout bags provided by retail establishments
- Create an incentive for the public to reduce use of disposable bags and bring their own reusable bags
- Shift the burden of litter clean-up costs from public taxpayers to consumers who would now have a choice to avoid the 5-cent tax by bringing their own bags
- Allow retailers to retain 1-cent of each 5-cents they charge per bag

Full details about this proposal measure can be studied at: <http://tinyurl.com/MCbagleg>.

The District enacted a similar bag tax about a year ago and it has already been successful in reducing bag usage by 50 percent. The Washington Post has done a good job at covering this issue. "[A Nickel-and-dime Distraction for Montgomery's Real Problems](#)" by Councilmember Nancy Floreen on March 18 was followed by a top notch rebuttal, "[A Lame Case Against the Bag Tax](#)" by blogger Keith Berner on March 21. Some people will rail against anything in the form of a new tax, but Ms. Floreen's arguments were about as flimsy as the plastic bags themselves. She asserted that the poor will be hurt by the tax, but failed to mention that heavy duty, reusable bags are already widely available. Most grocery stores sell such bags for about \$1. We have (and use) about eight reusable bags, all of which have been obtained for free at various events. Moreover, Giant and Shoppers Food Warehouse have, for many years, offered a 5 cent rebate for every bag which a shopper provides herself. This covers any and all types of bags - plastic, paper and fabric - and it does not matter which retail establishment provided the bag. If this bill is passed, the poor can offset the 5 cent tax by simply reusing any bag. Reuse it once, you break even. Reuse it five times and you're .20 cents richer. Where is the hardship in this?

A similar bill, HB 1034 introduced by Delegate Al Carr, is pending in Annapolis. HB1034 has the added incentive for retailers that stores that have a "customer bag credit program" may retain 2 cents of every 5-cent fee collected. If passed, this bill would apply statewide and override the county's bill which would certainly be beneficial for the entire state. I personally believe our council should pass Bill 8-11 because it is a good thing to do and because there is no guarantee that Delegate Carr's bill will make it through final passage this term. Let's hope our Councilmembers should use this as a leadership opportunity.

I can, alas, find no bill pending in Annapolis that would require a deposit on glass and plastic bottles and metal cans, an equally common sense measure needed to change behavior and protect the environment. Since the 1960's Vermont has had a 5 cent deposit charge on each beverage container: a six pack of soda or beer - 30 cents deposit. The result is that you rarely see bottles and cans tossed out along Vermont's roads and highways. Most containers are rinsed out and returned by the purchasers. Those who can't be bothered to do this place their cans and bottles in a special bin at the town dump where the PTA collects them and uses the refund money for school

projects. Beverages purchased here in Maryland carry the notice "CT-DE-IA-MA-ME-NY-OR-VT 5 cents MI 10 cents CASH REFUND. I think Maryland is long overdue to join with our tidier neighbors to the north and add "MD" to those deposit notices. Taking this form of trash off our roadsides and out of our storm drains and streams should be a top environmental priority along with bags.

Resolution on Montgomery County Bag Tax

To be introduced, discussed and voted on at April 11 meeting:

Be it resolved that the Montgomery County Civic Federation supports the passage of County Bill 8-11.

Resolution on MCPS Brickyard Road Site Lease

To be introduced, discussed and voted on at April 11 meeting.

Concerning the proposed lease to the county for \$1,500/year of the 20-acre future middle school site on Brickyard Road in Potomac which is owned by MCPS, and the stated intention of the County Executive to sublease the land to a private entity for development as playing fields:

Whereas the County Executive acted on erroneous information when he described the land as "largely vacant and underutilized" and,

Whereas the organic seed stock farming that has been carried out on this site for the past 31 years is distinguished by the distance and separation from conventional farms using herbicides, pesticides and genetically modified (GMO) crops making this particular farm an agricultural asset unique to Montgomery County and Maryland's organic agriculture community and,

Whereas the development of the soil itself has taken over 30 years making it impossible for the current lessee to simply "relocate" to another site and,

Whereas the County Executive wrote to the Board of Education in November, 2009 requesting to take over the lease on the Brickyard site for the purpose of developing playing fields, and neither the County Executive nor the Board of Education made this request public, and

Whereas County officials were told by the MNCPPC staff in March, 2010 to make public and discuss their plans and intentions with the local community but the county did not do so, and

Whereas the Board of Education violated their own rules of procedure in failing to bring this item up at a meeting

then let it "rest on the table" until the next meeting allowing for one week of notice before voting on it, and

Whereas there are a number of underutilized playing fields throughout the county and

Whereas there are a number of other undeveloped sites in Potomac and in the county which can be turned into playing fields without causing the loss of an irreplaceable small business asset,

Be it resolved that the Montgomery County Civic Federation urges the County Executive:

- to reevaluate the plan to put out an RFP for a private entity to bid on the development proposal for this site
- to inform the Board of Education that the County will not proceed at this time with its stated intention to lease this site or seek to change the land use presently in effect and
- to openly and with full public participation study the need for additional playing fields and evaluate the development potential of sites with the least negative impacts on the surrounding residential communities.

Budget Blues: Everybody Will Be Unhappy!

By Chuck Lapinski, Public Finance Chairman

First, the County's FY 2012 Operating Budget which will go into effect on July 1: this should leave just about everybody and every organization and special interest group not only unhappy, but very unhappy. The proposed budget will close the projected shortfall of \$300 million and the cumulative gap of about \$2.5 billion which began with FY 2008. And for all the unhappiness that this budget will engender with everyone, it may just be the best we can get, but certainly not as good as we deserve!

Montgomery County Public Schools get a 3.5% increase, which is 96% of the funding requested by the Board of Education (BoE). Except for the MC Police Department which is slated to get a ½% increase, just about every other line item shows a decrease in funding. Some changes represent department and function reorganization with some staff cuts. Libraries take another 9.7% decrease on top of those cuts they have already suffered annually beginning with the FY 2008 budget.

County employees are being asked to contribute 2% more to their retirement fund and increase their contributions to health care from 20% to 30%. These

increases put them much closer to the expected percentages to be paid by employees of the federal government and the private sector. Apparently county employees will keep the little or no co-payments and per person deductions related to their medical coverage. The Execs' proposed budget for teachers and school employees suggests that the BoE should impose similar payments in line with those of county employees. Actions taken by the BoE and superintendent suggest that the Board will pursue its lawsuit against the county seeking full funding of its budget request and the state's maintenance of effort mandate. (This legal action is really counter-productive, and a Washington Post editorial called it a "pointless civil war".) I guess the BoE thinks MCPS employees are better than the rest of the taxpayers in the county and expect a special dispensation!

Taxpayers will be hit with additional taxes and fees. The most significant of these is the proposed "no tax increase" property tax increase. Because of the recession, overall property values have declined and with them, the revenues brought in by our real estate taxes. To make up for this reality, the tax rate on real property will be increased over 1% - about \$85-\$100 on a home valued at \$500,000. In addition, a plastic/paper bag tax of 5-cents per bag is under discussion in the Council. If implemented, this tax is expected to bring in somewhere over a million dollars in revenue.

Will the Council agree to the general structure of the proposed budget? Given the comments provided to the press so far, my guess is "no". The Council has always put some form of its own imprint on the budget. Will it heed and act on the findings and recommendations of its own OLO report which warned of the dire consequences of the unaffordable and unsustainable total compensation packages going to county and school employees? Most people I know in the private sector have experienced sizeable health insurance premium and copay increases, increases in their retirement contributions, and in too many instances, reduced salary and/or hours. I hope the Council finds the intestinal fortitude to improve upon the somewhat meager start proposed by the Exec. The actions affecting total compensation and taxes/fees should be equitable and fair to public employees and taxpayers alike. The proposed budget, in my view, remains unfair to the taxpayers.

At the state level, the Exec. would like the state to increase the gasoline tax by .10/gal. with the added revenue to go to the transportation trust fund. I believe that this is a contradiction of terms. Most of the money supposedly earmarked for the transportation trust fund

has ended up being lent to the general fund where it is spent as the governor wishes. This borrowed revenue has little or no chance of it ever being repaid to the transportation trust fund. Moreover, the amount spent on transportation by the state is a mere fraction of what it used to be. Additionally, the Exec should know that no matter how much revenue is raised at the state level, the actual percentage returned to the county continues to decrease relative to the rest of the state. It's a bad bet.

Based on the state budget blueprint passed by the House in Annapolis and sent to the senate, I have no hope for any reasonable fiscal prudence. It projects almost \$1 billion in bonds to pay for the operating budget (the capital budget is separate). You read correctly. This action is tantamount to using a credit card to pay for putting food on the table and gas in the tank every day, and agreeing to pay back the loan with interest 15 years from now. This practice began about 4 years ago and has increased every year since. This budget has hit a new high in fiscal irresponsibility. This type of fiscal practice, coupled with the proposed reduction in state contributions to teacher pensions does not bode well for future county budgets. I don't know what our legislators are thinking, but I don't think they are looking out for our county taxpayers and citizens very well. Economics has been likened to a cruel and often vengeful mistress. It can and will inflict great pain. This recession should be ample proof! But there is much in the state budget that is neither sound nor fiscally prudent. Even the state comptroller and the Washington Post have been very critical of the size of the budget and the ways it is being funded by debt.

Implementing our Stormwater Permit by Ginny Barnes, Environment Committee Co-Chair

Montgomery County's most recent stormwater permit from the US EPA was issued in February 2010.¹ It is an ambitious and ground breaking effort for which we can thank our Department of Environmental Protection (DEP) and Director Bob Hoyt as well as the hard work of the [Stormwater Partners Network](#) of which MCCF is a partner.

¹ Some of Montgomery County's polluted stormwater runoff is transported through Municipal Separate Storm Sewer Systems (MS4s), from which it is discharged into local waterbodies. To prevent harmful pollutants from being washed or dumped into an MS4, the County must obtain an National Pollutant Discharge Elimination System (NPDES) permit from the US Environmental Protection Agency and develop a stormwater management program.

Now comes the hard part. The Stormwater Permit requires implementation of restoration on 20% of all impervious surfaces not currently controlled to the maximum extent practicable (MEP) over the next five years, in addition to a 10% restoration requirement from the previous permit cycle. Restoration is defined as managing stormwater from impervious surfaces (such as roads, parking lots, driveways, buildings) using either structural treatments (such as engineered ponds) or equivalent non-structural practices like infiltration of parking lot runoff into a forested buffer area, stream restoration, riparian reforestation and public education and outreach.

In practical terms this means creating a many-armed strategy to control runoff on an additional 4,300 acres of impervious surface, county-wide. We have an overall impervious cover of 12% or 35,965 acres. Runoff is funneled at a high volume and velocity off these hard surfaces during storms, creating a 'fire hose' effect, scouring stream channels and killing aquatic life. This causes further flooding and erosion problems downstream.

Adding insult to the injury created by this high volume and velocity of untreated runoff is the wide array of pollutants it carries including bacteria, trash, nutrients and sediment—all of them contributors to a dying Chesapeake Bay. Our permit requires limits - called Total Maximum Daily Loads (TMDLs) - on such pollutants in order for downstream receiving waters to meet their designated uses, e.g. fishing, swimming.

New ways of addressing runoff such as low impact development (LID) and environmental site design (ESD) have been added to the structural restoration program. Small scale voluntary rain gardens on private and public properties, pet waste management, recycling, hazardous waste collection, illegal dumping prevention and enforcement and volunteer road clean-up all contribute to our collective ability to control pollutants carried in stormwater run-off.

The Stormwater Partners have raised the need for additional attention to stormwater volume reduction and boosting the role of green growing plants such as trees, forests and green roofs in attenuating, filtering and infiltrating runoff. MCCF will be providing formal comments to DEP on improving their Draft Implementation Strategy.

(See also Question 4 on p __ regarding loss of rubber from playing fields)

An Update on Trees and Forests **By Caren Madsen, Environment Committee** **Co-Chair**

A light may be flickering at the end of a long tunnel. Discussions continue between members of the Maryland-National Capital Building Industry Association (BIA) and the MCCF Environmental Committee.

The basis of the meetings between members of the building, civic and environmental stakeholder communities is to look for areas of agreement on legislation to amend the County's Forest Conservation Law, and to explore reasonable alternatives. The Department of Environmental Protection (DEP) developed a draft bill, which held hope in the beginning stages of the concept that was first presented by DEP in November of 2008. The draft bill has not been presented to the County Council or introduced because of concerns raised by stakeholders who have reviewed the proposed legislation.

Builders and environmental activists agree that the language of DEP's draft bill does not provide incentives for homeowners or builders to preserve mature trees on a lot when development or remodeling takes place. Instead, the DEP approach proposes a fee to cut down trees. That fee would then be used by DEP to replant saplings. DEP presented the cut-and-pay scenario with the intention of creating a deterrent to taking down trees on smaller lots. The goal of increasing protection for trees on smaller tracts of land not covered by the existing county Forest Conservation Law is commendable. However, there has to be a better method of retaining tree canopy than a cut-and-pay system.

The dialogue between builders and environmentalists has been constructive and collaborative in nature. Most significant was a point raised by builders at a recent meeting when they noted that often mature and healthy trees on a construction site must be demolished because of requirements to install stormwater management structures such as drywells or storm chambers.

The county passed an Environmental Site Design (ESD) bill last July which encourages use of non-structural stormwater management techniques as outlined in the state Stormwater Management Act of 2007. Measures to implement the county ESD bill are under development.

"Leaving trees in place is one of the cheapest and easiest methods of filtering, absorbing and intercepting untreated stormwater runoff," said Ginny Barnes, MCCF Environmental Committee Co-chair, who also serves on

the Board of Conservation Montgomery, an MCCF partner organization. "Preserving larger trees is also one of the most low-maintenance nonstructural practices."

Barnes' perspective was echoed by the BIA spokesman Bob Kaufman, who once worked with the late Michael T. Rose. Rose was known as a developer who looked for innovative ways to preserve mature trees on construction sites. Rose was one of the contributors to the 1995 Achieving Environmentally Sensitive Design set of guidelines published by the Maryland Office of Planning under former Governor Parris Glendening's leadership.

Some of the recommended practices in the design guide include using a tree spade to transplant larger mature trees, so that the trees can be moved to a location within the same community or watershed. One example cited in the design guide was the Lyons Manor development project in Baltimore County. The developer uprooted 140 mature trees on the site and then replanted them so that each yard in the subdivision started out with at least one mature tree in place, ultimately enhancing the market value of each home.

"It cost builders a lot of money to demolish trees," said Kaufman. "What the industry needs is flexibility in some of the stormwater regulations. More flexibility will allow builders to use nonstructural techniques more easily. It's tough when a builder is told they have to install a drywell in a specific spot on a site. If that location is within the root zone of a tree, then a healthy tree is often sacrificed to make way for a drywell."

The goals of meetings between stakeholders are to improve on the concept presented by DEP and produce legislation that can be presented to the Council this spring as a collaborative effort between members of the community. A larger stakeholder meeting will be organized later this spring by Conservation Montgomery, an MCCF member organization.

Planning Department Introduces New Tree Canopy Assessment Tool

The County Department of Planning is working to bring a new urban tree canopy (UTC) assessment tool to the county. The UTC tool provides information on tree canopy levels including identifying locations where canopy can be increased through additional tree planting. The data product was provided by the University of Vermont's Spatial Analysis Lab and has been used throughout the country and in neighboring jurisdictions such as Washington D.C. and Prince Georges County.

Urban tree canopy is defined as the layer of leaves, branches and stems visible from above – or what you

would see from an airplane if looking down. The analysis found that Montgomery County's UTC is 50% but its forest cover (as determined by a separate analysis) is 25%. The difference between the two is that forests are defined as a multi-layer system of trees, shrubs and ground covers, whereas "canopy" includes forests but also individual trees that may be overtop a lawn or in the case of street trees, impervious surfaces such as sidewalks and roadways.

Katherine Nelson, a planner with the Maryland-National Capital Parks and Planning Commission (M-NCPPC) staff, has led the effort to quantify the tree resources of the county to prepare for the future. The M-NCPPC administers the county Forest Conservation Law (FCL) which provides some protections to forested land during development, but no protection for individual trees. Moreover, although county-wide the tree canopy is a healthy 50%, that varies widely from place to place and is as little as 8% in some areas.

"The goal of the tree canopy assessment is to increase understanding of existing green infrastructure, particularly the amount of tree canopy within urban areas," said Nelson. "Tree canopy cover should be analyzed and included as an element for consideration in master plans, site plans and subwatersheds. This will help our staff set realistic canopy goals in urban and suburban areas of the County."

Education News

By Paula Bienenfeld, Education Committee Chair

Update on Superintendent Search

The superintendent search is continuing through the spring. Unfortunately, the Board of Education (BoE) has decided on secrecy during this process. Public forums were held, however, some people, including myself, were invited to secret forums that the general public did not know about. The forum I attended was led by Mr. Mike Hickey, retired superintendent, Howard County. Mr. Hickey currently teaches at Towson University and is an employee of Hazard, Young and Associates (HYA), the firm hired by the BOE to perform the search. There were four people at the forum which was held during work hours, at Carver. At that forum Mr. Hickey asked a series of questions, including, what are the strengths and weaknesses of the public school system? what are people looking for in terms of leadership qualities? And, does anyone have any recommendations for the position? HYA compiled the results and prepared a 'Leadership Quality Report' which is available to the public.

In April the Board of Education will hold a series of interviews with the semi-finalists. They will then choose the finalists. Then, 15 people have been invited to observe the interviews of those finalists, at meetings that will be held April 13-15. Those 15 people were required to sign a confidentiality agreement. As part of the agreement, for example, they agreed not to take notes. Everything at the interview would be confidential; and they could not disclose the location of the interviews. I understand members of these groups received an invitation letter: PTA; Gifted and Talented Association (GTA); Special Ed (not a formal group), NAACP, MCBRE, the unions, and representatives of colleges in the area. Of all these people only two, Kristin Tribble, the president of MCCPTA; and Fred Stichnoth, president of the GTA, chose to let their membership know they had signed on for the final interviews. Thanks to you both. Of concern is that this process was never discussed at any BoE meetings and the Board appears to have violated the Open Meetings Act. The citizens and taxpayers of the county, who foot the bill for MCPS, have no information about the reasons for this process being so secret.

We are being told that the reason for the blanket of secrecy is because some people would not apply if they knew that their names would be made public. However, other school systems, notable Fairfax County, and Ann Arbor, MI, do make finalists' names known, and in some states, state law requires that the finalists be made public. So, that reason does not seem to hold water. Please stay tuned for updates on the superintendent's search.

MCPS Budget

The Montgomery County Public Schools (MCPS) proposed operating budget is now public. The total is \$2,163,778,063. Enrollment in the public school system on 10/30/2010 was 146,649, according to MCPS budget documents. You can read the Budget documents online at <http://tinyurl.com/MCPSbud2012>.

Update on Artificial Turf Questions

Last November 2010 sharp-eyed citizen Bob Astrove noticed 19 bags of ground rubber tire material being delivered to the 2-year-old artificial turf (AT) field at Richard Montgomery High School. The question was, why? And how much crumb rubber was in those 19 bags? In November I asked these questions of the County Council. Keith Levchenko, Senior Legislative Analyst for the Montgomery County Council, responded last week, on March 17th, 2011, with these answers.

1. How much did the 19 bags cost taxpayers?—No Cost. FieldTurf (the company that installed the field) added the infill under warranty.
2. How much crumb rubber was in the bags, by weight?—Approximately 2,000 pounds per bag for a total of 38,000 pounds
3. How was the crumb rubber in the 19 bags applied to the field?—A spreader and brush were used to apply the crumb rubber to the field.
4. Where did the crumb rubber go that was in the original field? Did it go into the storm drains?—FieldTurf Response: "The field settled because not enough infill was put in initially or had rubber removed due to plowing (this is 99.9% of the reason for low infill rates). Sometimes at installation due to a variety of reasons (weather, static electricity, operator error, etc.), not all infill is put into the field that is needed. Also snow plowing fields can lead to rubber removal if not done correctly. We decided to just infill it to the proper level under warranty instead of inquiring about snow removal techniques.² However, if it happens again, more than likely it will be the result of improper snow plowing. One of the major reasons that Montgomery County only installs Fieldturf is the pervious backing coupled with our patented infill. By not having holes in the backing to be pervious, and combined with its patented infill, the Fieldturf infill does not migrate from the field vertically or laterally like many of our competitors. No infill from a Fieldturf field is lost to the Storm Sewers."
5. If so, is a permit required to allow 19 bags worth of used auto and truck tires to be dumped into the Chesapeake Bay, and does MCPS have this permit?—No permit was required for adding the infill to the RM field. Also, see answer to #4 above.

Update on Brickyard school property

As many of you know, the BOE voted, 5-2 (with Phil Kauffman and Laura Berthiaume voting 'nay') to lease the approximately 20-acre Brickyard future school site in Potomac for development as playing fields and end the long-term lease with Nick Maravell, who had maintained the property as an organic farm for over 30 years. The issue became public only a few days prior to the Tuesday BOE vote. As it turns out, the deal had been in the works for quite a while. Two letters have come to light, one dated November 29, 2009, from County Executive Ike

² According to MCPS staff, the field at Richard Montgomery H.S. was not plowed last year

Leggett to then-BOE President Shirley Brandman, requesting the property be leased for ball playing fields; and one dated December 23, 2009, from Patricia O'Neill, then-BOE President, to Mr. Leggett, referencing a meeting to be held regarding the lease. The public and Mr. Maravell did not know about the back-room deals until this March. Mr. Leggett, in his letter, states, 'I understand that the twenty-acre Brickyard Road site is largely vacant and underutilized.' See proposed Resolution on page 3.

Roadside Solicitations: Ban Them or Require Permits

By Dan Wilhelm, Legislative Chair

At the March 2011 meeting, the delegates voted unanimously to support State Bill MC-11, which was supported by the County Executive. The bill would have given the Council the authority to pass a law to requiring individuals and groups to obtain a permit to solicit money or donations from a median divider or sidewalk adjacent to a roadway. After our vote, the Council requested that the bill be modified to also give them the authority to completely ban roadside solicitations. The Executive opposed a complete ban as did the career firefighter union who wanted to be able to continue their annual "Fill the Boot" campaign. Councilmember Phil Andrews, representing the Council, pressed the Montgomery County State Delegation for the modification. MCCF supported the modification based upon the sentiment expressed by the delegates at the March meeting. In the end, the bill was withdrawn.

The main reason for the failure over the last five years to get state legislation passed on this issue has been the opposition from the career firefighters union. It was reported in the newspaper that Phil Andrews plans to introduce legislation at the Council that would prohibit county employees from engaging in roadside solicitation. The Executive Committee recommends that MCCF delegates support the County bill, which is expected to be introduced before our April meeting.

On a personal note, firefighters soliciting in the road once caused me to nearly collide with another vehicle. Another time, I nearly hit a fireman who was walking in the middle of the very congested US29 at University Blvd. on a green traffic signal. It is already illegal to be in the roadway when soliciting, but that doesn't keep the firemen or others engaged in asking for money on the median strip or on the side of the road. It is time to stop all such solicitations before a serious accident happens.

A resolution on this issue will be brought before you at the April meeting.

Minutes of the March 14 Meeting By Sue Schumacher, Acting Recording Secretary

Call to Order: President Peggy Dennis called the meeting to order at 7:45 pm with introductions all around. The agenda was approved with 2 amendments to add the Community Hero Recognition and a short presentation by Community Partners for Public Safety on abolishing School Resource Officer positions. It was moved and seconded to approve the minutes of the February 14 meeting.

Treasurer's Report: Treasurer, Bill Schrader announced that 53 local associations, 1 umbrella organization, 2 regional groups (county wide), and 2 associate groups have paid their dues.

Community Hero : Chuck Lapinski introduced Mike Heyser of Heyser's Farm in Colesville.

Program Part 1: Joe Beach, Director of MC Office of Management and Budget, and Glenn Orlin, County Council office of Capital Programs. They discussed the off-year Capital Improvement Projects (CIP). This year revenue bonds have been pulled back so as to not incur additional debt. There are delays in the construction of the North Potomac Recreation Center, again because of deficits. During the Q and A it was asked if the new Storm Water Act as it concerns construction will increase building costs. The answer was yes.

Program Part 2: Mary Bradford, Director of Parks, spoke about cuts in funding for the Parks Department. They are looking at projects and operating costs, and trying to use fewer operating dollars to maintain the parks. The Parks Department manages 10% of the county's land, 36,000 acres. 25,000 acres are not developed and 10,000 acres are in active use. Today there are new types of needs due to more apartment and townhouse developments including dog parks and playgrounds. Montgomery County has one of the top local park systems in the US. It is very important for the Department to make sure the parks are clean and safe, otherwise they will not be used. Other responsibilities of the Parks Department are maintaining earthen dams, storm water management, and monitoring the ICC to make sure the required amenities are done. There was discussion on the possibility of the merger of the Park Police and the County Police. In Q and A a question was asked about baseball permitting, and another question on dredging Lake Needwood. Lastly the Director urged the members of the Federation to volunteer with the Parks Department and if there are any questions to please call 301.495.2525.

School Resource Officer issue: members of Community Partners for Public Safety urged the Federation to advocate for reinstatement of the School Resource Officer in Public Schools. The program is being zeroed out in the new budget. President Dennis suggested that the Federation would study the issue and then decide whether or not to support their request.

Committee Reports

Planning and Land Use: Jim Humphrey reported on the PHED Committee hearings and how the wording addressing the accessory apartments will be reworded. However, it will still not require hearings.

State Legislation/CFM: The Chair reported that the panhandling in a public right-of-way has been pulled. The County Executive has formed a transit implement task force and Dan Wilhelm is a member..

Education: Paula Bienenfeld reported that the Superintendent search has been quite secretive. They have not as yet identified the semi-finalists and the BOE has invited a limited number of people to interview the finalists this April. Also, the BOE voted to lease the Brickyard MS Property to the county to build soccer fields. The current lessee, who has farmed the property for over 30 years, will be allowed to continue farming this year.

Parks: Carole Ann Barth reported on concerns on maintenance of the parks.

Public Finance: Chuck Lapinski said the county operating budget will be out on 3/15. For the time being the State will keep paying the State's portion of teachers' pensions. Other items mentioned were the Governor's plans to use \$100 million for start-up venture capital program, and the proposed wind energy project will put windmills in the path of most East Coast hurricanes.

New Business: President Dennis announced that the Federation along with MCDOT and MNCPPC will be sponsoring a county-wide conference on Bicycling. This will be Saturday, May 14th from 9am to 1pm. The purpose is to find ways to encourage bicycling as a routine means of transportation for more local trips.

Meeting Adjourned at 9:57p.m.

Minutes of March 23 Executive Committee Meeting by Jim Humphrey, Acting Recording Secretary

Call to Order at 7:55 p.m. Attendees: Paula Bienenfeld, Jim Zepp, Bill Schrader, Virginia Sheard, Chuck Lapinski, Jim Humphrey, Jorge Ribas, with Peggy Dennis presiding.

Meeting agenda was adopted, and minutes of February meeting were approved.

Treasurer's Report: Bill Schrader explained "miscellaneous" income is from bicycle stores supporting Montgomery County Bike Conference which MCCF is organizing. Decision was made not to transfer a portion of balance to savings account or cd at this time, as interest rates are too low to merit tying up funds.

Discussion topics: County FY12 Operating Budget. 1) Re \$4m proposed Department of Economic Development grant to Westfield to renovate Wheaton Plaza space for Costco and other retailers--ExComm agreed to urge imposition of performance standards for number of jobs created and retained, with clawback provision for failure to meet target. 2) Re elimination of 9 remaining School Resource Officers--ExComm agreed SROs are important to insuring school safety, but should be paid for by MCPS and program should be structured and monitored by MC Police Department in cooperation with MCPS. 3) ExComm felt we have insufficient information on whether County Executive's proposed cuts to Parks budget and shifting of user services to Executive Branch, to take a position. 4) ExComm agreed that libraries are important to county communities and residents, so no further cuts should be made to library services.

Disposition of MCPS 20 acre site on Brickyard Road, Potomac. Ms. Dennis provided a draft resolution and ExComm generally agreed with all points in the draft; some refinement will be made and it will be presented for vote of delegates at April meeting. (see resolution on page 3 of this newsletter)

Mr. Humphrey presented Awards Committee nominations, and ExComm agreed to recipients for 2011 Star Cup, Goldstein Award, and Sentinel Award.

Ms. Bienenfeld provided update on work of the Nominating Committee. Proposed slate of officers will be firmed up by April ExComm meeting and printed in May newsletter; Nominations will also be accepted from the floor at May meeting.

Programs- 1) The program for April MCCF meeting is on county FY12 Operating Budget. Mr. Lapinski reported that speakers will be Steve Farber, County Council Staff Director, and Alex Espinosa, Manager of Operating Budget with county Office of Management and Budget. **2)** Possible future programs: Police Chief Manger and County State's Attorney John McCarthy; Transit Task Force and Bus Rapid Transit; Charter Schools; and Building Better, Stronger Local Citizens Associations.

ExComm reconfirmed Gordon Clark will receive MCCF Community Hero award at April delegate assembly; proposed future recipients were also discussed.

Committee Reports

Planning and Land Use. Mr. Humphrey reported that Zoning Code Rewrite project work continues on Agricultural and Residential Districts, with Commercial and Industrial Districts draft due from consultant by early summer. Planning Board's draft Zoning Text Amendment to create new mixed use CR (Commercial/Residential) Town and CR Neighborhood zones not yet introduced in Council.

Public Finance. Mr. Lapinski reported on FY12 budget highlights. Voiced concern over Governor's proposal to spend \$100m for creation of wind farms and another \$100m for business incubators; feels funds would be better used for workforce development and retraining. A ten cent per gallon hike in gasoline tax is being discussed to generate revenue for transportation needs; problem stems from past Transportation Fund revenue going to General Fund instead. Reiterated that county is not getting its fair share of money back from State in relation to revenue it provides; not sure how to get our delegation to General Assembly to do anything about it.

Education. Ms. Bienenfeld gave update on School Superintendent search--small group of stakeholders will interview finalists April 13 to 15 (MCCF not invited); announcement of choice slated for May; current Superintendent Weast leaves in June. Reported that 19 tons of "crumb rubber" were placed under synthetic turf field at Richard Montgomery HS; maintenance needed possibly due to settling from inadequate initial site preparation. FieldTurf stated that this occurs due to snow plowing, however the County has said no plowing occurred; concern over environmental impact remains high. Informed ExComm that proposed State legislation HB1352 would allow county boards of education to impose, by resolution, a property tax to provide funding for public school operation and expenses, providing that the property tax is in addition to the county property tax, etc. Mentioned community concern over proposal to install cell tower at Sligo Middle School.

New Business

Ms. Sheard mentioned press reports of \$160,000 salary paid to Director of Juvenile Justice Coordinating Commission; wondered whether this was a wise expense in time of fiscal crisis. She and others will look into this and other Commission related salaries and expenses.

Ms. Dennis will draft a resolution supporting legislation to impose a "bag tax," for consideration at April MCCF meeting. (see resolution on page 3 of this newsletter)

Mr. Wilhelm (via email) stated he will draft a resolution supporting legislation by Councilmember Andrews, to be introduced on April 11, to prohibit county employees from standing in or adjacent to county roadways to solicit donations from occupants of vehicles while "on the clock," for consideration at April MCCF meeting. (see resolution on page XX of this newsletter)

Newsletter assignments were made. Meeting adjourned at 10:38 p.m.

Mark Your Calendar

Montgomery Bicycling Conference

Bicycling for All of Us

Saturday, May 14

9:00 a.m. to 1:00 p.m.

1st Floor Auditorium, Executive Office building

101 Monroe Street, Rockville

A conference to bring together elected and appointed officials, bicyclists and bicycle advocates to brainstorm on how to get more ordinary people to use bicycles for routine local trips such as commuting to work, running errands, traveling to entertainment and recreation destinations and getting to and from school and after-school activities. Watch the website – www.montgomerycivic.org – for details coming soon.

Reservation Form for the
Montgomery County Civic Federation's
2011 ANNUAL AWARDS BANQUET
Friday, May 13

Wine Reception 6:00 to 7:00 p.m.

Buffet Dinner & Awards 7:00 to 9:00 p.m.

The Universities at Shady Grove, Conference Center (Building II)

9630 Gudelsky Drive, Rockville

\$35 per person or \$65 per couple for Reception and Dinner (price includes wine and iced tea)

\$10 per person for Reception only, 6:00 to 7:00 p.m. (wine and iced tea)

Dinner Menu: House Salad with Dinner Rolls, Roasted Lemon Rosemary Chicken, Seared Filet of Tilapia Fish, Roasted Red Bliss Potatoes, Green Beans, Wine and Iced Tea, with Oatmeal Cookies and Brownies for dessert.

Directions:

- From Beltway take I-270 north. Take Exit #6B (MD- Route 28) west towards Darnestown. Turn LEFT onto Darnestown Rd., go past Shady Grove Rd. and turn LEFT onto Traville Gateway Dr., then take first LEFT into free multi-level parking garage--Conference Center is next door.
- If coming south on I-270, take Exit 8 for Shady Grove Road going west. Turn RIGHT onto Darnestown Rd. then turn LEFT onto Traville Gateway Dr. and take first LEFT into free multi-level parking garage--Conference Center is next door.
- During office hours you may call Universities at Shady Grove at 301-738-6023 for directions information.

If you have questions about the event, feel free to call Jim Humphrey (with MCCF) at 301-652-6359.

IMPORTANT: Reservations and payment must be received in mail by Monday, May 9.

Please cut off and fill in this stub. Mail with a check payable to the **Montgomery County Civic Federation** to:

Mr. William Schrader, MCCF Treasurer, 12824 Middlevale Lane, Silver Spring, MD 20906

I/We will attend the Reception & Dinner _____

I/We will attend the Reception only _____

(Please print name(s) as you wish them to be on your name badge at the event)

Association or Organization (if applicable) _____

Contact information _____

(Telephone)

(Email)

Federation Meeting

Session 826

Monday, April 11, 2011
7:45 1st Floor Auditorium
County Council Office Building,
100 Maryland Avenue
Rockville, MD

Agenda:

7:45 Call to Order & Introductions
7:53 Announcements
7:56 Approval of Agenda
7:57 Approval of Minutes of March 14 Meeting
7:58 Treasurer's Report
8:00 Program: FY2012 County Operating Budget
9:15 Resolutions introduced, discussed & voted on
Brickyard Road, Bill 8-11, Roadside Solicitation
9:20 Committee Reports
9:44 Old Business / New Business
9:45 Adjournment

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 September through June at 7:45 p.m. in the First Floor Auditorium, County Office Building, 100 Maryland Avenue, 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, April 23, 2011.** Prepare submission as an MS Word, Word Perfect or text-only document, **attach** it to an e-mail, and send it to: **hotyakker@gmail.com**

Please send all **address corrections** to Dan Wilhelm, 904 Cannon Road, Silver Spring, MD 20904, 301-384-2698, or djwilhelm@verizon.net.

NEXT EXECUTIVE COMMITTEE MEETING

Wednesday, April 20, 7:45 p.m.

At the home of Sandy Vogelgesang

9009 Charred Oak Drive

Bethesda, MD 20817



**Official Publication of the
Montgomery County Civic Federation**

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