



Civic Federation News

May 2012

Serving the Public Interest since 1925

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Montgomery County Civic
Federation

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May Program: Artificial Turf Playing Fields

By Peggy Dennis

Once in a blue moon, a program must be cancelled or postponed. Thus, our planned program on the Wrap-up of the 2012 Legislative Session in Annapolis had to be shelved because the state legislature will be in special session during the week of May 14, and no delegates or senators will be free to meet with us.

As the newsletter goes to print, I am still scrambling to put together a program on a topic that has long been on our list of "possibles" – Artificial Turf Playing Fields. Last autumn, the final version of the County's Artificial Turf Staff Work Group Report came out. It may be viewed at the website:

<http://www.montgomeryschoolsmd.org/departments/construction/workgroups/atSWG.shtm>. This report was criticized by citizen activists for its failure to sufficiently take into account those studies and reports indicating health and safety, environmental and climate change problems associated with AT fields. It was also faulted for underplaying the true costs of AT fields, which, if outdoors, must be fenced to keep most animals from running, playing and defecating on them; rolled, repaired, sanitized and maintained at higher cost than portrayed; and fully replaced periodically including the costs of disposing of the artificial and toxic materials themselves.

Kathleen Michels, a neuroscience biologist at the National Institutes of Health, Bailey Condrey and Amy Stephan recently presented a program in Great Falls, VA for the "Safe, Healthy Playing Fields Coalition" on the problems

Reserve Your Tickets Now for the Montgomery County Civic Federation's 2012 ANNUAL AWARDS BANQUET

Friday, May 11, 2012

THE WAYNE GOLDSTEIN AWARD
Montgomery Countryside Alliance

Presentation by County Councilmember Marc Elrich

THE SENTINEL AWARD

Residential Representatives on Zoning Advisory Panel
Presentation by County Councilmember Phil Andrews

THE STAR CUP

Paula Bienenfeld, Education Chairman
Presentation by Barbara Hollingsworth, columnist and local opinion editor for *The Washington Examiner*

See article on page 2 and reservation form on page 11

associated with artificial turf. They have agreed to do the same program for us. *continued on next page*

Community Heroes: Brickyard Coalition and Save Nick's Farm

By Peggy Dennis, President

It's rare that we have two organizations recognized simultaneously, but this month we honor two groups that are related and mutually supportive. Their battle has county-wide significance because MCPS has pockets and parcels of land throughout the county. If the executive branch of government can do an end run around the normal land use process to obtain control of school lands and change the use of the land with no oversight or accountability as has happened in this case, then the same thing can happen anywhere and all neighborhoods will be vulnerable.

The Brickyard Coalition is composed of three local civic associations, and their recent petition to the Executive was signed by over 750 individuals. They are fighting against the turnover of the 20-acre middle school site to Montgomery Soccer to develop as 4 private playing fields and a large parking lot. This development would result in great increases to the traffic on Brickyard Road during afternoon rush hour and on weekends and stormwater runoff. Save Nick's Farm is fighting not only for saving the

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organic farm but to expand its operation to provide an educational component: first hand experiences to students to learn about local food and agriculture and the water and soil that sustain us. This educational effort would be part of a county-wide Food and Agriculture Policy Council, lodged in the private non-profit sector at no cost to the county. Both of these groups deserve a big round of applause for their fight against secretive deals by the government and for preserving and expanding on a unique and irreplaceable resource.

May Program

continued from p 1

In addition, I am trying to arrange for input from Doug Lechluder, a turf grass producer from our own Ag Reserve, and a soil science professor from the University of Maryland's Plant Science and Landscape Architecture Department.

I wrote to the County's Inspector General last November to request that his office carry out an audit on the true costs of AT fields as opposed to natural turf grass fields. I also asked if he would research whether MCPS has a "sole source" contract with FieldTurfTarkett to install and maintain AT fields at our high schools and, if so, whether this contract is justified in an industry in which there is plenty of competition for both natural and artificial turf field construction. We hope to have a response from the IG.

2012 Awards Recipients

The Wayne Goldstein Award is given to an individual or group for outstanding service to the people of Montgomery County. The MCCF proudly bestows the 2012 Wayne Goldstein Award on the Montgomery Countryside Alliance.

Thirty years ago, forward thinking Montgomery County planners created the Ag Reserve to protect rapidly disappearing family farms. Today, while an acre of farmland is lost in the US every minute, the Reserve remains the nation's most successful farmland protection effort.

MCA has spent the last decade giving voice to the 106,000 acres of farmland and open space that make up the Reserve by protecting the land and supporting those who farm it.

Through its website (www.mocoalliance.org), email newsletter, public testimony and events, the Alliance educates and advocates on legislative, transportation, and land use issues that impact Montgomery County's rural areas and farms. MCA also works to strengthen the wider local food system by helping local farmers find resources to start and grow their operations, while also promoting

local food and farmers markets to area consumers. Programs like Land Link, which links new and expanding farmers with local land to lease or buy, and a series of Producers Summits seek to keep family farms viable and maintain agriculture as a powerful economic engine in Montgomery County. MCA's history of success is attributable to two paid staff members, a highly engaged Board of Directors and an Advisory Committee of 25 community leaders. MCA's impact is widely felt, leading the Catalogue for Philanthropy of Greater Washington to recognize it as "one of the best" small nonprofits in the DC area in 2011.

MCA is currently working to expand their outreach by producing a 30 minute educational movie entitled "Growing Legacy" that profiles the purposeful beauty of the one and only Ag Reserve. With this powerful tool, MCA will reach out to communities across the County and beyond, to spread the message about the valuable role that the Ag Reserve plays in the wider region. For this vital work, we are pleased to present this year's Wayne Goldstein Award to the Montgomery Countryside Alliance. Congratulations!

The Sentinel Award is sponsored by the *Montgomery Sentinel* newspaper. It is awarded to an individual or group for a significant contribution to good government at the local level. This year, we honor the Zoning Advisory Panel's Community Representatives

The Zoning Advisory Panel (ZAP) was formed in March 2009 from appointees named by the Planning Board, for the purpose of offering advice on the rewrite of the county's Zoning Ordinance. The Panel has met monthly since its creation, and will conclude its work when the draft Ordinance is presented to the Board later this year. Some ZAP members are from various land use related professions, while others are county residents appointed as Community Representatives to focus on how the rewrite might impact various constituencies in the county—residents in rural and agricultural areas, suburban communities, residential neighborhoods, urbanized areas, and seniors. It is these unpaid volunteers, the Community Representatives, which the Federation honors with this award. They are: Patricia Baptiste; Diana Conway; Julie Davis; Martin Klauber; Leslie Marks; Kimblynn Persaud; and Jane Seigler.

The Star Cup has been given by the Civic Federation since 1925 to a Delegate or Committee of the Federation for outstanding public service on behalf of Montgomery County. This year, we are pleased to award the Star Cup to Paula Bienenfeld, Education Chairman. Paula has done an outstanding job of following and helping us understand many issues pertaining to our public school

system including the selection of our new superintendent; the bumpy selection process for the site of the new Chevy Chase cluster middle school; the MCPS budget; misuse of school credit cards, and so much more. She works closely with the Parents' Coalition and she recently organized an excellent public forum for the candidates running for the Board of Education. But Paula goes above and beyond the scope of her committee work hosting meetings of the Executive Committee in her home, chairing the MCCF Nominations Committee, encouraging us to attend the seminar put on by The Sunlight Foundation, and working with councilmembers and the Board of Education to adopt the "Checkbook Online" as a fiscal management tool. She is a Renaissance woman with boundless curiosity and energy from which we all benefit, a most deserving recipient of the Star Cup.

MCCF Nominating Committee

By Paula Bienenfeld, Chair

Candidates for MCCF elective office for the coming year:

President	Carole Ann Barth
First Vice President	Paula Bienenfeld
Recording Secretary	Sue Schumacher
Treasurer	Bill Schrader
Members-at-Large	Ann McDonald
	Judy Higgins
	Jesse Cantrill
	Virginia Sheard
	Max Bronstein

In Support of the Ambulance Fee

by Arnold Gordon, Past President

The County Executive has again introduced the controversial ambulance fee, and for good and sound reasons. The facts are straight forward: This fee is "found money"; no taxpayer in our county will pay for this fee whether insured or not; These fees are already calculated into all health insurance contracts in this region area; We are paying for this in our health insurance premiums regardless of the vote and to refuse this fee is to leave \$17 million on the table; If you have a heart attack on 270 north of the Frederick line you pay a fee; South of the line no matter where you come from you don't pay a fee, ergo, a Frederick resident gets a service from this county for free and a Montgomery resident in Frederick has to pay; and, **any co-pay or deductible on this will NOT be collected by the county from a county resident.**

The only possible opposition to this is from the county's Fire Volunteer associations, who, without any factual basis for such a belief, posit that they will collect less money for

their contributions. That has not proven true in any of the surrounding jurisdictions. These organizations have viable fire volunteer associations that enjoy good financial health.

The ambulance fee has not deterred anyone from calling an ambulance in any of the surrounding jurisdictions, and if the politicians who pander on this will help edify their constituents properly, it will not deter anyone from calling an ambulance here either. This should not be made into a hot political issue. We should approach this objectively and within the bounds of proper reasoning. This money is needed and some county services will be lost or reduced, or an additional tax will have to be collected if we don't collect the money that is already available to us.

The following resolution will be discussed and voted on at the May 14 meeting:

"Resolved, that the MCCF go on record in favor of the Emergency Transport Reimbursement, as presently proposed by the County Executive, and that position be communicated to the County Council and other appropriate authorities".

Ambulance Fee Should Be Rejected Again

by Jim Humphrey, Executive Committee member

The legislation proposed by the County Executive to create an Emergency Medical Services transport fee reimbursement program is poorly drafted, with some provisions that seem to conflict with other provisions or with public assertions made by the CE.

In his memo to Council accompanying Expedited Bill 17-12, the Executive says "The EMS reimbursement program seeks no reimbursement from County residents themselves." But the Liability for Reimbursement provision of the bill reads "Subject to subsection (e), each individual who receives an emergency medical services transport is responsible for paying the emergency medical services transport reimbursement." This is troubling considering the repeated claim that no residents will be billed. By the way, Subsection (e) is a Hardship Waiver provision.

The CE states the bill "is necessary to address unprecedented fiscal challenges" from the State shifting education costs onto the County. But the bill mandates fees collected for EMS transport "must be used to supplement, not supplant, existing expenditures for emergency medical services." And an amount equal to the portion of the fee not covered by residents' insurance must be transferred from the General Fund to the Fire and Rescue Service budget. So the program will not generate

added revenue to pay other bills; instead it would decrease funds for other needed programs and services.

The Fire District Tax paid by property owners next year will total \$219.6 million, and the MCFRS budget is \$196.6 million. The CE claims "emergency response services to residents will be impaired if the (fee) program is not established immediately." Why not use the additional \$23 million collected from residents for that purpose before creating another fee?

The CE proposes regulations to implement the EMS transport reimbursement program, one of which requires our Fire Chief to annually increase the fees charged by the same amount set for the federal Medicare and Medicaid programs. It is troubling that decisions concerning a County fee program will not be made by County officials. Finally, I'm not sure any one believes that health insurance premiums will not rise in the region if the health insurance industry is charged \$12 to \$17 million more annually for a Montgomery ambulance fee. Residents are already financially stretched without an added burden. The fee should be rejected again, as it was by voters two years ago.

Planning Board Proposes ZTA on Accessory Apartments

by Jim Humphrey, Chair, Planning and Land Use Committee

The Planning Board scheduled a public hearing for May 3 on a proposed Zoning Text Amendment (ZTA) regarding accessory apartments. Following approval of a final draft the Board will transmit the ZTA to the County Council for introduction, after which the Council will schedule its own public hearing. **Delegates should be prepared to discuss and vote on the position detailed below at the May 14 meeting.** The text of the proposed ZTA is available via a link on the MCCF website--www.montgomerycivic.org

At present, all accessory apartments must be approved as Special Exceptions by the Board of Appeals. The ZTA would change current law to allow by right an attached accessory apartment with floor area up to 800 square feet in the "small lot" R-60, R-90 and Rural Neighborhood Cluster (RNC) Zones.

The ZTA would also allow by right an attached accessory apartment with floor area up to 1200 square in the "large lot" residential zones--RE-1, RE-2, RE-2C, R-150, R-200 and RMH-200--and in many of the agricultural zones (Rural, RC, LDRC and RDT Zones). And it would allow a detached accessory apartment by right only in the RE-1, RE-2 and RE-2C Zones. Detached accessory apartments would be

allowed by Special Exception in the R-60, R-90 and RNC Zones, but the floor area could not exceed 800 square feet.

Other ZTA provisions limit the maximum size of an accessory apartment to no more than 1200 square feet and no more than 50% of the floor area of the principal dwelling, require the owner live in either the accessory or principal dwelling unit, reduce the number of required off-street parking spaces from 2 to 1, and set maximum occupancy of an accessory apartment at no more than three persons, regardless of size.

In addition, there are minimum distances required between accessory units--at least 300 feet between side property lot lines along the same block face in the small lot zones, and at least 500 feet in the large lot zones. And the rear lot line of a property with an accessory apartment must not abut a lot with another one. All accessory units must have a separate entrance but share a street address with the principal unit.

MCCF position

- 1) The Federation already has a position of record strongly urging all accessory apartments continue to require Board of Appeals approval. This allows an opportunity for neighbors to weigh in on possible negative impacts from undue concentration of units, compatibility with character of a neighborhood, and impact on on-street parking in the area.
- 2) The PLU Committee recommends MCCF support the proposed reduction in maximum size of accessory apartments from the current 2500 square foot limit to 1200 square feet.
- 3) The Committee recommends MCCF support retaining the current requirement for 2 off-street parking spaces, regardless of the size of the accessory unit.
- 4) The Committee urges the legislation define "carriage houses" (in County Code Sec.59-A-2.1.) as accessory apartments.
- 5) The Committee suggests the Board be required, as part of their approval process, to establish the maximum occupancy of each accessory apartment by applying existing "minimum habitable space per person" standards (in County Code Sec.26-5.), so long as that number is no greater than the number of persons allowed under this legislation (i.e.; maximum of 3 persons in any accessory apartment);
- 6a) The Committee strongly urges that accompanying legislation be introduced in County Council to add a new "environmental standards" section to the Housing Code (in County Code, Sec.26-8.?) requiring all dwelling units in the

county be free of mold, radon gas, and exposed lead paint; and...

6b) language be added to this ZTA requiring the Board or the Hearing Examiner, as part of their process for considering an application for a new accessory unit, insure these environmental standards are being met by means of an inspection occurring prior to Board action on the application.

Report Card on State Legislation We Opposed or Supported

By Dan Wilhelm, State Legislation Chairman

Counting bills cross filed in both the house and senate as one, MCCF had taken positions on 24 bills. Of these 24 bills, we opposed 8, supported 14 and in the other two cases we supported some parts and opposed others. Four of these were tied to the revenue package, which it appears the general assembly will be called back into special session to complete. None of the bills we opposed were approved with a number dying in committee in either the house or senate. Of the 14 bills we supported, three passed:

HB67/SB177: Vehicle Laws - Nonfunctioning Traffic Control Signals - Requirement to Stop. The bill makes Maryland laws consistent with DC and Virginia and conforms to what news reporters are telling everyone.

HB211/SB544: Elected Officials - Removal from Office – Crimes. The bill would require that an elected official of the State or of a county or municipal corporation who is convicted of or enters a plea of guilty relating to a felony or specified misdemeanors be removed from office by operation of law. This will be on the fall ballot.

HB721. Roadside Solicitation: Gives the county the authority to enact a local bill that would require a permit to solicit for donations. The separate bill to also give the county the authority to impose a complete ban failed. The enacted bill was amended to say that if a permit system is enacted by the County, then the people who have a permit can stand in the road, median or sidewalks adjacent to the road, but those who don't get a permit will not be allowed to stand in the road, median or adjacent sidewalk. It is not clear whether a permit could be issued with either one or two of the solicitation locations. For example, could people be allowed to solicit from a sidewalk, but not include standing in the road and median? It appears that could be the case.

The President's Message: The Brickyard Issue Revisited

By Peggy Dennis, President

My last piece in the *News* has been faulted by some as "unfortunate, mean spirited, divisive, and extremely slanted". All too true, and for this, I apologize. My frustration and bitterness over the Brickyard Road School site issue brought out the "tiger mother" in me, and my choice of words was unfortunate, particularly because some words caused my arguments to be obscured.

Mr. Leggett has gone far out of his way to meet with the civic community on a regular basis, listened to our views and responded to our concerns. But in this instance, the opposite has been true. For the first time in my memory, he has gone against his own principles of dealing forthrightly and transparently with us – the residents, civic leaders and local civic associations who respected and trusted him. This has shattered my faith and trust in both our local government and in him. For me, for the West Montgomery County Citizens Association and for many of my neighbors, our experience has been profoundly demoralizing and disillusioning.

Since writing last month, additional information on this affair has come to light. Minutes of the MSI Board of Directors' meetings from March 2009 include approval for \$350,000 to be spent on lobbying and consultants to help obtain land from the county to develop as playing fields. (http://brickyardcoalition.org/files/MSI_Minutes_2009-2010.pdf)

On March 5, 2010, David Dise, Director of the County's General Services Administration and other executive officials met with Rose Krasnow, MNC/PPC Chief of the Development Review Division and Callum Murray, Team leader for the Potomac Subregion. Lacking any plan or design to comment on, Planning staff assumed that the Board of Education would eventually initiate the "surplus property" process. The Potomac Master Plan language suggesting that a "local park" would be an acceptable use was discussed. Dise and his colleagues were told that before any decisions were formalized, they should "have a dialogue with local citizens (and that) public reaction to agenda items or notices without public input would be overwhelmingly negative." On March 25, 2010 Mr. Dise emailed his colleague, Cynthia Brenneman, describing the attitude of the Planning staff as "they're OK with it".

One year passed with no further discussion with Planning staff, no Mandatory Referral with the Planning Board, no dialogue with the local citizens, and nary a word about the proposal leaked out. Then, on March 8, 2011 at the Board

of Education meeting concerning the Executive's request, Mr. Dise testified about his meeting a year earlier and said, "MNCPPC staff did not raise any concerns ...giving pause to this project." A March 20, 2012 letter from Krasnow and Murray to Dise is a beautifully crafted study in restrained understatement, but they make it very clear that Dise misrepresented everything that had gone on in the 2010 meeting with them in his testimony before the Board of Education. It makes for amusing and edifying reading: <http://www.montgomerycivic.org/currentissuesEd.html>

With that as further background, let me rephrase my disagreement with the Executive. His November 10, 2009 letter to Shirley Brandman at the Board of Education states that the Brickyard Road site is "largely vacant and underutilized". Whoever drafted that letter deliberately misrepresented the facts and did their boss a terrible disservice. For 29 years this land had been actively and productively farmed by Nick Maravell who has quietly and discreetly created a very significant enterprise. The location, surrounded for miles by suburban homes, makes it unique in that the seeds are guaranteed free from cross-pollination by genetically modified (GMO) crops. And Nick has specialized in organic seed stock including heritage varieties that are difficult to find elsewhere. The farm has become a "keystone" business on which many other organic farmers rely; a small business, to be sure, but essential to the community of organic farmers in this region and nationally and, as such, unique and irreplaceable. Had executive staff engaged Nick and the local community in conversations about the future of the land that Planning staff directed them to undertake and which they avoided, these facts would have been well known.

My second point: the Executive's letter justified his request to take control of the school site by saying that it would result in "expanding and coordinating after-school programs – especially for those students most at risk." I correctly pointed out that Potomac has very few at-risk students and is amply provided with playing fields. Also, programs for at-risk students usually take place at or near the schools where the students need programs and services, not on the other side of the county. Had the Board of Education not been pressured by the Executive's staff, perhaps they would have asked just how this transfer of land would expand after-school programs for at-risk youth. The County's sublease with MSI, a private entity, does nothing to promote this objective. Was the drafter of the letter or the Executive who signed the letter being disingenuous with the BOE? You may draw your own conclusions.

Once Mr. Leggett realized that his actions would have serious and negative consequences, he promised Mr. Maravell that he would take steps to "relocate" the farm. There was some discussion of allowing Mr. Maravell to farm on the Oaks landfill in Laytonsville, but this land would not have been comparable or suitable for organic farming. It was, therefore, a promise which Mr. Leggett could not possibly have made good on.

Members of the Brickyard Road and River Falls community were also promised that if they would just wait until the Request for Proposals (RFP) came out, they would see that a competitive bidding process would be involved and that a "shared use scenario" would be sought. We were hopeful that this might result in half the acreage being set aside for an organic farm and agricultural education center. But the RFP called for development of a minimum of two soccer fields. MSI was the sole "bidder" (surprise! surprise!) and their "proposal" for four fields and a large parking lot was accepted with no negotiating on the part of the Executive. Can you blame us if we feel that we have been misled and deceived?

How does this deal benefit the community in general? Not counting the many playing fields owned by private schools and entities like Avenel, the County has over 500 playing fields. But this agreement does not add to the County's inventory because MSI is a private entity, and it will have exclusive right to develop, maintain and control the use of the fields, presumably for the use of its members. On the other hand, 100% of the county's almost one million residents have to eat, and there is a growing demand for organic and locally grown food. In what way does this deal benefit the 100%?

MSI will be paying the County \$1,500 a year for the duration of their 9 year lease. This is the same amount Nick Maravell had been paying during the final years of his lease. But Mr. Maravell had been voluntarily increasing his payment with the renewal of each three year lease, and he was willing and able to pay substantially more, had the Board of Education ever asked him to do so or had the Executive allowed him to present his own proposal in response to the RFP. In short, this deal looks like a net financial loss for the taxpayers.

A much greater financial loss will come if and when the MSI Brickyard Soccerplex is built. Any competent land use attorney will argue that this change in land use will adversely affect the property owners' "peaceful use and enjoyment" of their homes. Research has found that assessed property values in neighborhoods surrounding the Maryland Soccerplex in Germantown are 10-16% lower than those further away. This is hardly surprising. Homes close to a high intensity use such as a sports complex lose

value and become more difficult to sell due to the congested local roads and constant noise generated by daily practice sessions and weekend games and tournaments. So, the government stands to lose significant revenue every year if this goes forward. Mr. Leggett has been dealing with enormous budget challenges during the past three years, and faces more difficulties in the future. Perhaps he should be wary of strangling any of the geese who provide him with the golden eggs he needs to pay our bills.

And what if MCPS needs to build a middle school on this property in 8 or 10 years? Will the county then be required to repay MSI for the money they will spend on their playing fields? It is hard to imagine a corporation – even a not-for-profit recreational corporation – spending one to two million dollars in construction costs without some assurance that they will recoup their investment if they someday lose their fields.

While I'm thinking about financial losses, what about the costs to the taxpayer of the various legal suits and actions that have undertaken as a result of this decision? I recently asked Mr. Leggett at a public meeting what the financial costs are of defending the government in the various legal suits that this business has engendered. I got no answer, but I could not ascertain if that was because Mr. Leggett did not know or did not care. The money is not coming out of his pocket but out of the pockets of taxpayers.

Our Executive doggedly continues to assure us that he is "doing the right thing". But if the cause is virtuous, why the refusal to carry out the Planning staff's recommendations? why the secrecy and the failure to discuss the proposal with the local residents? why the pressure on members of the Board of Education to rush to approve the new lease? why the deliberate misrepresentation of the Planning staff's concerns about the project made by Mr. Dise made to the BOE? Why such elaborate subterfuges to give a private organization a "sweetheart" deal on land that is supposed to serve an educational or public purpose? You be the judge of whether the end justifies the means.

Minutes of the April 9 Meeting

By Sue Schumacher, Secretary

Call to Order: President Peggy Dennis called the meeting to order at 7:45 pm and introductions of those present followed.

Agenda & Minutes: The agenda was approved. It was moved and seconded to approve the March 12 meeting minutes with the understanding that Yale Wiesberg's

name will be spelled correctly in the archived copy of the minutes. The motion was duly approved.

Treasurer's Report: Bill Schrader reported there have been no additional members. Therefore, no change to last month's Treasurer's Report. He did say that three people have sent in their checks for the May 11 Awards Dinner.

Community Hero Award: Paula Bienenfeld, Education Committee Chair, introduced David Lucia, Head Coach of the Cheetahs, the County's special needs ice-hockey team (one of the three such teams in the entire state of Maryland). Coach Lucia said the kids are the heroes. He indicated that from this experience, the players move on to school teams and most importantly through the Social Behavioral Development program the players gain character and confidence. Currently there are 68 participants that range in age from 5 to 65 and there are 92 mentors. Coach Lucia stated that there are 50 of these teams nationwide.

Program: Chuck Lapinski, Public Finance Chairman introduced Steven Farber, County Council Staff Director and our budget guru, and Jennifer Hughes, Director of the Montgomery County Office of Management and Budget. Jennifer gave an overview of the FY13 Operating Budget of \$4.6 billion. She stated that the Outside Agencies, which include MCPS, Park and Planning and Montgomery College all got what they asked for. Some agencies under the County Executive's control are getting targeted budget increases. Included in this category are public safety (police will get 43 new positions), fire department and libraries. Libraries will get the largest boost of 10%, but over the past few years they have been hit the hardest with a 30% decrease. Jennifer next discussed the more than 8% of the budget that goes to pay the debt service, and the largest part of the budget which goes into public employee pension payments. She indicated that in all probability the real estate tax rate will be raised, especially with the new Maintenance of Effort law which will allow the state to take county tax money and give it directly to the schools. There was a Q and A on Jennifer's presentation.

Steve Farber explained that the County Council has 5 weeks to review the County Executive's proposed budget. This year there are no proposed COLAs, furloughs, or step increases, but a \$2,000/person bonus is proposed but this will not add to salary so will not be considered when figuring future COLAs or step increases. Steve went on to say that the Energy Tax that was to sunset this year will be continuing. In addition, the state will be having the county pay the cost of teachers pensions (at this time the percentage that the county will have to pay is not known). Steve went into detail on the Maintenance of Effort law

that had just passed in the state legislature. This new law is based on per pupil spending and does not matter what happens to anything else in the county. This new law allows the state government to override the county's charter limit on raises to property taxes. A second spirited Q and A session followed Steve's presentation.

Committee Reports

Legislation and Transportation: Dan Wilhelm, Chair of both committees reported that the transportation tax did not pass.

Parks and Recreation: Carol Ann Barth, Chair reported on the proposed soccer fields that are mentioned in the April newsletter. She also mentioned the Parks and Recreation Open Space (PROS) Plan. It went before Park and Planning in early April and will go to public hearing in May.

Education: Paula Bienenfeld, Chair indicated that she is working on the "Check Book on Line" for both the county and MCPS.

Public Finance: Chuck Lapinski reported that rate-payer rate increases for the wind farm to be built in the ocean had been scaled back.

Announcements: Christina Ginsberg, President of the Twinbrook Citizens Association, announced that they are working on to have elected municipal officials, such as the Rockville City Council be required to disclose their financials the same as state and county elected officials must do.

Meeting Adjourned at 9:45 p.m.

Minutes of April 19 Executive Committee Meeting

by Sue Schumacher, Recording Secretary

Call to order at 8:05 by President Dennis at the home of Sandy Vogelgesang. Attendees: President Peggy Dennis, Bill Schrader, Sue Schumacher, Virginia Sheard, Dan Wilhelm, Jim Zepp, Chuck Lapinski, Ginny Barnes, Paula Bienenfeld, Sandy Vogelgesang and Carole Ann Barth. The agenda for the April ExComm meeting was approved.

Minutes: The March ExComm minutes were approved.

Treasurer's Report: Bill Schrader reported that 18 people have signed up for the Annual Awards Banquet and two people have signed up for the reception only.

Programs: Programs have been solidified through the rest of the year (May and June). May will have an Annapolis Legislative Update with Dan Wilhelm organizing. Dan indicated he wants to focus on the reason why the state

legislature went with the Maintenance of Effort. The June meeting will be the Zoning Code rewrite with Jim Humphrey organizing.

Topics for future meetings were discussed. The Artificial turf issue is possible with Peggy Dennis working with Kathy Michels of NIH to organize. Ginny Barnes indicated that the Forest Conservation Law changes are not ready and gave a brief history on the Advisory Council to the Maryland Department of Environmental Protection.

Community Hero: The May Community Hero award will go to the Brickyard Coalition and Save Nick's Farm, the two groups working in tandem to keep the Brickyard School site from being developed as private soccer fields. Chuck Lapinski gave a brief history of the county's ball field inventory: there are 477 ball fields belonging to the county, plus 91 belonging to municipalities and privately owned.

Discussion Topics:

1. Sentinel submissions. It was decided that all submissions are to be reviewed by Jim Humphrey and carry a caveat. In addition, the ExComm decided that President's Message needs to be reviewed by a second person. Dan Wilhelm will be the reviewer.
2. Discussion about individuals writing to government officials representing their own views but purporting to speak for some or all of the MCCF ExComm. Such communication does not reflect the MCCF when it is not discussed or approved in advance by the whole ExComm. The individual must utilize a caveat that they are speaking only for themselves. This applies to past presidents as well as current ExComm members.
3. ZTA to allow accessory apartments by right in R-60 and R-90 zones. Jim Humphrey will address this. Virginia Sheard stressed that pressure must be put on council members not to accept this.
4. Ambulance Fee. This will be taken up by the county council.
5. Awards Banquet. Who should be "comped" was addressed. It was decided that just 2 comps per award, two for Mrs. Goldstein, two for owners of the Sentinel and one each for the presenters. There was discussion on comping the press but no consensus reached.
6. Nominations. Paula Bienenfeld reported that Carole Ann Barth will be nominated for President, Paula Bienenfeld for first vice president, Sue Schumacher and Bill Schrader will continue on as Recording Secretary and Treasurer, respectively. For Members-at-Large the slate will be Ann McDonald, Max Bronstein, Virginia Sheard, Jesse Cantrill and Judy Higgins.

7. Blogging, President Peggy Dennis reported that her husband will create a blog for the Civic Fed.

8. Checkbook on Line, Paula reported that different government agencies in many parts of the country are using this method which allows for transparency.

Date For Next ExComm Meeting: Thursday, May 24 at Bill Schrader’s home.

Committee Reports

Transportation: Peggy reported that bicycles will not be able to go through the Bethesda tunnel above the proposed Purple Line, because the depth required to accommodate them would undermine the foundation of the buildings to the east of Wisconsin Avenue. She is pressing for adoption of improved bike/ped crossings to connect the two ends of the Capital Crescent Trail and at other strategic intersections in Bethesda.

Public Finance: Chuck Lapinski indicated that it does not appear that there will be a special session of the legislature. He also reported that over \$700 million has been cut from the state budget and that over a ten year period should a portion of the teachers’ pensions come to Montgomery county it will cost approximately \$500 million.

Parks and Recreation: Carole Ann Barth reported on the Capital Improvement Projects Budget and Civic green for urban parks.

Environmental: Ginny Barnes reported that the Vision 2030 Report indicates a strong preference among citizens for trails, second only to a desire for more aquatic centers.

She is part of a Trails Working Group comprised of Parks staff and representatives from various user groups who are studying and will make recommendations on more multi-use trails, trail connectivity and locating future trails to avoid sensitive or threatened natural resources.

Public Safety: Jim Zepp reported that the Safe Cities project is going forwards. He stated that the county is stressing the technological portion of the Safe Cities program but not the other parts of the program. He indicated that without using all the elements of the program, it probably will not work the way it should.

Education: Paula Bienenfeld reported that the new middle school for the BCC cluster will be built in Rock Creek Hills Park. In addition, MCPS will no longer allow any flyers to go home with students, other than those put out by the school or the PTA. She also said that Superintendent Josh Starr’s meeting on Special Education was very controlled not allowing for participants input.

Zoning: Virginia Sheard reported that “mega” gas stations will have the number of pumps limited under certain circumstances. This will affect the Costco station that is planned for Wheaton Plaza. She also recapped on the purposed funding for a county office building which will house Park and Planning and how the funding is being impacted by the concrete platform that was to be for the WMATA bus turnaround. Lastly, Virginia reported that the Glenmont Sector Plan is starting

Old Business/New Business: None

Adjournment: 10:20

March Community Heroes—The Little Falls Alliance



Members of the Little Falls Watershed Alliance Executive Board receive the March Community Heroes Award from Ann McDonald, MCCF Executive Committee at large.

April's Community Heroes—The Cheetahs Ice Hockey Team



Paula Bienefeld, Peggy Dennis and Coach Lucia with members of the Cheetahs ice hockey team.



Coach David Lucia with Paula Bienenfeld

Reserve Your Tickets Now For The
Montgomery County Civic Federation's
2012 ANNUAL AWARDS BANQUET

Friday, May 11, 2012

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

Banquet Dinner & Awards 7:00 to 9:30 p.m.

New Fortune Restaurant

16515 S. Frederick Avenue, Gaithersburg

\$35 per person if reserved by Wednesday, May 9

\$40 per person after May 9 or at the door

\$10 per person for reception only, 6:00 to 7:00 p.m.

Dinner Menu: Dumpling Appetizer, Cantonese-style Steamed Fish, Soy Sauce Chicken, Beef Chow Foon, Chinese Broccoli with Oyster Sauce, Fried Tofu with Vegetables, Twice-cooked Pork, Singapore Noodles, Boiled Rice, Orange Wedges.

Price includes wine and sodas at the reception. Cash bar available for beer & mixed drinks

Questions? Call Peggy Dennis: 301-983-9738

Please cut off and fill in the stub below. 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 banquet_____

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

Association or Organization (if applicable)_____

Contact information_____

(Telephone)

(Email)

Federation Meeting

Session 837

Monday, May 14, 2012
7:45 1st Floor Auditorium
County Council Office Building,
100 Maryland Avenue
Rockville, MD

Agenda:

7:45 Call to Order & Introductions
7:50 Approval of Agenda
7:52 Announcements
7:53 Approval of Minutes of April 9 meeting
7:55 Treasurer's Report
7:55 Community Heroes: Brickyard Coalition & Save Nick's Farm
8:00 Program: Artificial Turf Playing Fields
9:15 Vote on Resolution on Ambulance Fee
9:25 Vote on position on Access. Apartments ZTA
9:30 Committee Reports
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 Council Office Building, 100 Maryland Avenue, Rockville, MD.

The **Civic Federation News** is published monthly, except in July and August. 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: **Sunday, May 27**. Prepare submission as an MS Word, Word Perfect or text-only document, **attach** it to an e-mail, and send 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

DATE: THURSDAY, MAY 24, 7:45 P.M.

At the home of Bill Schrader

12824 Middlevale Lane, Silver Spring 20906



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

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