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TO PRINT, USE PRINT VERSION

of note

Next MCFE Meeting

Monday, March 13, 2017, 7:45 p.m. @ the Executive Office Building in Rockville. "Sunshine Week"

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March's Community Heroes

It's Valarie Barr and Charlotte Coffield of Silver Spring. **P. 4**

Meeting Minutes

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Executive Committee Meeting via Teleconference on February 16 **P. 27**

Membership Application

Join or Renew Now **SEE FORM**

Federation Meeting 884

Monday, March 13, 2017

7:45 p.m.

Lobby Level Auditorium

Executive Office Building

101 Monroe Street
Rockville, Maryland

AGENDA

- 7:45 Call to Order/Introductions
- 7:50 Approval of Agenda
- 7:51 Announcements
- 7:55 Approval of Minutes,
February 13 Meeting **P.25**
- 7:56 Treasurer's Report
- 7:57 Community Heroes: Valarie
Barr & Charlotte Coffield **P.4**
- 8:00 Program: Sunshine Week
- 9:25 Committee Reports
- 9:35 Old and New Business
- 9:45 Adjournment

About MCCF Meetings

All monthly MCCF meetings are open to the public. They are held on the second Monday of each month, September through June, at 7:45 p.m.

The March 13th meeting will be held in the **Lobby Level Auditorium of the Executive Office Building at 101 Monroe Street, Rockville, Maryland.**

Walkers can enter by buzzing security at the door. You can park for free either in the lot at E. Jefferson and Monroe Streets or in the lowest level of the EOB. Drive onto the ramp in the front of the building (ignore "permit parking only" sign), turn left at the second, lower level; use the intercom at the gate to the parking garage and at the door to the elevators to inform security you're attending the MCCF Meeting. ■

mccf

The **Montgomery County Civic Federation, Inc.**, is a county-wide nonprofit educational and advocacy organization founded in 1925 to serve the public interest. Monthly MCCF meetings are open to the public (agenda and details at left).

The *Civic Federation News* is published monthly except July and August. It is emailed to delegates, associate members, news media, and local, state, and federal officials. **Recipients are encouraged to forward the *Civic Federation News* to all association members, friends, and neighbors.** Permission is granted to reproduce any article, provided that proper credit is given to the "*Civic Federation News* of the Montgomery County (Md.) Civic Federation."

Civic Federation News

civicednews AT montgomerycivic.org

TO SUBMIT AN ARTICLE, SEE PAGE 30

Sunshine Week Program March 13—Because ‘Sunlight is the Best of Disinfectants’

By Paula Bienenfeld

Sunshine Week this year is the week of March 12-18. The Civic Fed is a strong proponent of transparency and open government and this week celebrates that. Sunshine Week is sponsored by the American Society of News Editors and Reporters and Committee for Freedom of the Press. (ASNE). We are proud to be officially participating in this important event, which is held annually. As of this writing, we are the only organization in the entire State of Maryland to hold a Sunshine Week event. There are **many events in the DMV area.**

Our March 13 program is an informative one in celebration of our right to know. We plan to focus on two Maryland laws: the Maryland Public Information Act (MPIA) request and the Maryland Open Meet-

ings Act. Guests include **Ron Ely** (a Community Hero in May 2015), who has filed MPIAs in the past, to discuss his experience with the process, and **Noel Isama**, a Policy Analyst from the Sunlight Foundation. This is an open discussion, with review of what our state laws are and how you can get the documents you want from sometimes recalcitrant county government officials and public information officers.

The Maryland Open Meetings Act is a statute that requires many state and local bodies to hold their meetings in public, to give the public adequate notice of those meetings, and to allow the public to inspect meetings minutes. The State offers an online training class about the law and there

is an Open Meetings Act Compliance Board which handles requests. If you know of “off-the-record” retreats, meetings, or secretive meetings that do not meet our State laws for open meetings, you can file a complaint with the Compliance Board.

The Maryland Public Information Act, according to the Attorney General, “grants the people of this State a broad right of access to public records while protecting legitimate governmental interests and the privacy rights of individual citizens.” The MPIA means that, if the County or State government holds records, you as a resident of the State have a right to access for those records. You can obtain the records by sending or emailing a short letter to the agency, which has 30 days to respond to your request.



Valarie Barr and Charlotte Coffield of Silver Spring are This Month's Community Heroes

By Alan Bowser, First Vice President

This month, the Montgomery County Civic Federation recognizes Valarie Barr and Charlotte Coffield of Silver Spring as Montgomery County Community Heroes.

As Presidents of the Lyttonsville Community Civic Association and the Rosemary Hills Neighbors' Association, respectively, Charlotte Coffield and Valarie Barr have taken leading roles in guiding their west Silver Spring neighborhoods through a long process of planning and land use in their neighborhoods and, specifically, the recent deliberations surrounding the Greater Lyttonsville Sector Plan recently approved by the Montgomery County Council.

Coffield and Barr have long been active in community planning

and civic engagement efforts in the greater Silver Spring area. They have been influential members of the Presidents' Council of Silver Spring Civic Associations (PREZCO) and

have supported a broad range of community initiatives related to environmental, transportation and economic development activities. Their

MORE

'Sunshine Week' Program on Monday, March 13th, cont.

Never written a Maryland Public Information Act request? This is a great week to begin. The letters are easy to write and can be submitted online. Our Maryland Attorney General has an easy template to follow in Appendix A of the [OAG website](#).

Filed but having trouble getting the information you requested? Come to the meeting so we can discuss what's been filed, and what is required by the government agency so you can get the documents for which you asked.

Heard about a meeting but can't find any mention of it on a government agenda, or can't find minutes that are required by the Open Meetings Act? Come to our Civic Federation meeting to learn how to file a complaint with the Open Meetings Compliance Board.

We look forward to seeing you at the meeting to celebrate Sunshine Week. Because, as Justice Brandeis said, "Sunlight is said to be the best of disinfectants, electric light the most efficient policeman." ■

Community Heroes, cont.

work with the Montgomery County Council, the Mont. Co. Planning Board, the Mont. Co. Police Department, and the Silver Spring Regional Services Center has been recognized and applauded by residents throughout the County.

Valarie Barr, a research scientist at the National Institutes of Health, currently serves as PREZCO's coordinator, guiding the policy discussions of many local civic associations, such as North Hills, Indian Springs, Park Hills, Sligo-Branview, Woodside Park, Seven Oaks-Evanwood, South Silver Spring, North Woodside and others. As a former President of the Rosemary Hills Civic Association, with a special focus on environmental issues, she was an outspoken advocate for her community as it worked with the



VALARIE BARR AND CHARLOTTE COFFIELD

Fort Detrick Directorate of Public Works regarding the decision by Fort Detrick leadership to fence off a portion of the Ireland Creek Trail leading to Rock Creek.

Charlotte Coffield, a lifelong resident of the Lyttonsville community in west Silver Spring and President of the Lyttonsville Community Civic Association, has been a respected

County leader on historic preservation, transportation and land use and planning issues. As a dynamic participant of the Neighborhoods Committee of the Silver Spring Citizens Advisory Board, she emphasized the importance of effective community dialogue with public officials and highlighted the importance of recognizing the contributions and challenges of communities of

color in Montgomery County.

Both Barr and Coffield expressed concern with the original plans for the Greater Lyttonsville Sector Plan, noting that the County's proposals to dramatically increase density and traffic, and foster gentrification in the plan area, would change the character of their residential neigh-

Community Heroes, cont.

borhoods. They worked closely with Planning Board staff at countless meetings to convey the concerns of their neighbors that the original plans for more housing and new roads would reduce affordable housing, threaten parks, increase congestion, and ignore the history of the Lyttonville community that was founded in 1853 by freed laborer Samuel Lytton and is the multigenerational home to many African-American families. Because of their fierce advocacy, as County Executive Isiah Leggett wrote in a memo to the County Council, “It is imperative that any redevelopment in Lyttonville first respects the existing neighborhoods, which includes preserving the cohesiveness of this community.” Coffield and Barr are dedicated and effective spokespersons for respect-

ing the historic and cultural integrity of the greater Lyttonville area.

Acknowledging the value of proposed light-rail through the Plan Area, their vision for the new Greater Lyttonville Sector Plan was admirable. As Charlotte Coffield wrote to the County Council. “Let’s preserve the community’s unique African-American heritage, its suburban character and established residential neighborhoods. Let’s preserve and enhance the community’s existing affordable housing by leveraging proximity to the proposed transit stations. But let’s not push all of the affordable housing in Lyttonville, but distribute it sensibly throughout the Plan area. Let’s enhance the local infrastructure for all modes of transportation—pedestrian, bicycle, vehicular, and transit—to better connect these wonderful communities with their neighbors throughout

Silver Spring. And let’s expand the parks, trails, and open space with new greenways and civic greens. But let us not fundamentally change this area by over-development that would bring in the many thousands of new residents, with all of the related adverse environmental impacts.”

While, at the end of the County planning and review process, significant new development was approved, these community leaders successfully advocated for introducing staging to tie all new development in this area to actual construction of the Purple Line, protecting and expanding green space, and increasing the historic profile of the African-American neighborhood.

Valarie Barr and Charlotte Coffield are important leaders of the Montgomery County civic community and deserve our recognition as “community heroes.” ■

Part 4 in a Series: The Tower Committee—What it Does and Doesn't Do (Part 1)

[This is the fourth article in a series on the County's cell tower facility application approval process.]

By Sue Present, Hillandale

Montgomery County's Tower Committee, including its staff—primarily the outside consultant called the Tower Coordinator and the Committee's Chair—have been condemned for inadequate transparency, catering to the wireless telecom industry, being unresponsive to residents' concerns, excluding residents from community processes, and failing to perform the duties required by the County Code. The Tower Committee itself has also been criticized for “rubber stamping” whatever the Tower Coordinator advises. However, the Committee has also been lauded for advancing County objectives of promoting co-locations to

minimize the number of cell towers, steering placement of antennas and towers toward less sensitive and less intrusive sites, and working with the industry to streamline wireless deployments. And Tower Committee staff have been nationally recognized as leaders, advocating for protecting local government and resident interests, sometimes in opposition to the industry. This Part One of a two-part article begins examination of what the Tower Committee does and doesn't do. It is the fourth article in our series on cell towers and other wireless communication facilities.

The Montgomery County Code gives authority for Telecommunications Facility Coordination to the Director of the Department of Technology Services. **Section 2.58E of the County Code** establishes procedures

for coordinating the locations of all wireless communication facilities in the County. It establishes the functions of the Tower Coordinator (the Director's designee) and also the functions of the “(Telecommunications) Transmission Facilities Communications Group,” which goes by the acronym “(T)TFCG” and more commonly by the name “Tower Committee.” Every request for a wireless communications facility must have a Wireless Siting Application (TFCG application) reviewed before any land use review or construction permit review takes place.

Applications must include substantial information to be complete. **But there is no requirement to provide affected property owners or residents with notice**

Tower Committee, cont.

through mailings or by posting a sign at the proposed site. Basic information concerning each application gets entered onto a spreadsheet on the TFCG website after the application is filed. However, for those seeking details, **application files, records, and related information are more difficult to access from the TFCG than from other County agencies, sometimes even impossible.** The documents are retained at multiple, private locations. And application attachments may be designated as “proprietary and confidential,” making them unavailable to the public. Many other jurisdictions throughout the country treat all documents in such applications as public information and maintain records for public access and review in government

offices (sometimes online, too).

Although taxpayer-dollars subsidize TFCG reviews, an application fee is required at filing to defray costs. The Tower Coordinator processes each application and determines that it is complete before a review can commence. For example, the Tower Coordinator has rejected applications as incomplete that have provided structural analyses showing that the structure could not support proposed antennas or equipment. Applications have also been deemed incomplete when they have lacked the property owner’s authorization to site the facility. But the Coordinator sometimes *fudges* on this standard: The Montgomery County Parents’ Coalition has called upon the TFCG to cease processing applications that propose facilities on Board of Education (BOE) properties when they lack documenta-

tion of authorization of the property owner, the BOE.

Once an application is deemed complete, the Tower Coordinator conducts a technical review, produces a report, goes over the report with the applicant, and forwards the report to the Tower Committee for action. The report can advise the Committee to either *Recommend* or *Conditionally Recommend* to approve the application, or the report can advise the Committee to *Not Recommend* (deny) the application. (Staff use the terms *Recommend* and *Not Recommend* interchangeably with *approve* and *deny*.)

The Code requires the Coordinator to base advice to the Tower Committee on whether to *Recommend* upon five criteria: (1) zoning standards; (2) public safety requirements; (3) opportunities for co-lo-

Tower Committee, cont.

cation; (4) impacts upon the surrounding area; and (5) effects upon government land. **But the Coordinator's contract for services with the County establishes that advice to the Committee on whether to Recommend should be based upon three criteria: (1) zoning standards, (2) effects on government-owned land, and (3) current and future public safety communications facilities and plans.** Elsewhere within this contract, there are references to Coordinator services of identifying sites for co-location and of physical inspections of surrounding areas to determine level of impact on adjacent property owners.

Tower Coordinator services are provided to the County through the firm CTC (Columbia Telecommu-

nications Corporation). For many years, CTC's point-person serving as Tower Coordinator has been Robert Hunnicutt, who just retired at the end of February. Records document that, over the years, there have been cases when Mr. Hunnicutt's technical reviews have disputed applicants' submitted RF (radiofrequency) transmission data or conclusions about facilities, and have thus undercut the need for a particular site or the magnitude of a particular facility (e.g., antenna height). It may also be the case that the Tower Coordinator's work with applicants has minimized adverse deployments, and influenced what records show to be application withdrawals and revisions.

Recently, the County has experienced a high volume of applications. In response, CTC has increased the number of personnel performing

Tower Coordinator services. That high volume of applications, including many applications for facilities in public rights-of-way, has also resulted in heightened residents' concerns, and it has led many residents to increase engagement in wireless issues and to scrutinize the TFCG. For example, residents have:

▮ Examined Coordinator reports and found **reports that seem to parrot the applicants' words and accept them as conclusive, instead of demonstrating the Coordinator's independent analysis.**

▮ Alerted the TFCG that two **applications posted on the Tower Committee's October 2016 agenda, which were slated to be "Conditionally Recommended," were sites outside the County's jurisdiction,** including one site

Tower Committee, cont.

which abutted Gaithersburg Councilmember Ryan Spiegel's home.

Retained a telecommunications expert, after the Tower Committee approved an application for a monopole near the residents' homes. **The expert concluded that there would be negligible differences in performance between the monopole at the height proposed and recommended by the TFCG and the monopole if at only half that height. The residents' expert also found that the Tower Coordinator had, in essence, blindly accepted the applicant's RF data and assertions, rather than conducting independent analyses to develop the Coordinator's report and advice to the Committee.**

In addition to timely applica-

tion reviews and processing, other Tower Coordinator responsibilities include:

▮ *Maintaining documents.* This includes files, Coordinator reports, annually filed carrier plans showing current and future facility locations, Committee records, etc. As noted, **there are problems with public access to documents.**

▮ *Interagency Coordination.* The Coordinator is supposed to forward specific, relevant information to appropriate land use and construction permitting review agencies concerning each application that the Committee has voted on. And, upon issuance and release of each wireless facility's building permit, the Department of Permitting Services is supposed to send a copy of the permit to the Coordinator. **This permitting information is not being transmitted to the TFCG;**

the information the TFCG transmits for land use reviews is not reaching end users.

▮ *Maintaining a database of the locations of all wireless communication facilities in the County,* including any proposed to be located in the County, which can be used to identify alternate sites and co-location opportunities to minimize negative impacts on communities. **This database has never been produced or maintained.** Instead, a chronological spreadsheet of all applications ever filed is being passed off as this database. The spreadsheet contains applications that have been approved, denied, withdrawn, and those ineligible for land use approvals. It includes stale information, entries that are bundled or otherwise unidentified, or are missing location information.

Tower Committee, cont.

The spreadsheet makes no distinction between existing facilities, for which building permits have been issued and released, and the totality of applications.

■ *Responding to requests for information from interested parties.* Questions posed for this article received no response from Mr. Hunicutt or anyone at CTC.

The Tower Coordinator's contract is supervised by Marjorie Williams, an administrator within the Department of Technology Services who provides TFCG staff support and serves as Chair to the Tower Committee. Next month, this article will conclude with discussion about Tower Committee meetings, the role of Ms. Williams and other key individuals in policy matters, and changes that are underway. ■

Civic Federation's 2017 Budgetpalooza! a Great Success

By Alan Bowser, First Vice President

The Montgomery County Civic Federation held its 5th Annual Budgetpalooza on February 2017 in the Montgomery County Executive Office Building in Rockville. In partnership with the Montgomery County Taxpayers League and the Parents' Coalition, this popular Civic Federation program takes an in-depth view of the Montgomery County Public Schools annual budget.

A hallmark of the program are presentations by Montgomery County residents of their analyses of the chapters of the MCPS budget document for FY2018. This year's presenters were HESSIE HARRIS, Gordie Brenne, Jerry Garson, Joan Fidler, Richard Fidler, Dick Jurgena, Josephine Bahn, Louis Wilen, Debra Graham, Celia Martin, and Richard

Gottfried. The Civic Federation was pleased to welcome the participation of Montgomery County School Board members Jeannette Dixon and Jill Ortman-Fouse, who made important contributions to the discussion.

Strategic questions about effectiveness and efficiency in the MCPS Budget were raised by Gordon Brenne of the Montgomery County Taxpayers League. He asked if MCPS's academic strategies were cost-effective, noting that just 10% of the budget increase is for initiatives to close the gap, advance STEM education, immersion, and gifted programs. This is only 1% of the amount for additional support to increase student achievement. He posed the following questions: how does this compare to student

Budgetpalooza!, cont.

achievement spending trends from previous years, and is this rate of increase enough to move the needle for MCPS' performance measures? How much is being spent in total on each major strategy to improve teaching and learning and how will this spending improve academic performance in focus vs. non-focus schools? What is the increase in interventions that will be delivered with each strategy? Are the most cost-effective strategies being used for general and special education students? Will this rate of improvement help us reach 100% goal for academic performance in 10 years?

Brenne also discussed labor costs, noting higher labor costs mean fewer teachers under the maintenance of effort ceiling. Labor cost increases account for 56% of the



2017 BUDGETPALOOZA!

gross cost. MCPS teachers got a 4% salary increase last year on top of pay increases of 37% over last 10 years. “Our teachers,” he said “are paid 15% more than their peers in Fairfax and Howard counties and have generous supplemental pension and other benefits, including a Cadillac

health plan that costs \$15 million more than general county employee plans due to lower employee premium payments, and is the second largest contributor to increased costs after enrollment increases.”

“Fifty-five million dollars has

Budgetpalooza!, cont.

been set aside for increased labor costs, but is this warranted?” he asked. Can teacher incentive pay be introduced to increase performance? For example, teachers in focus schools are paid, on average, 6% less than non-focus school teachers, but have higher potential performance improvements (and longer days, more class room interruptions). Efficiency savings of \$25 million only partially offset proposed labor cost increases. Productivity would be improved if a new bargaining standard is adopted to offset all labor cost increases with efficiency savings.

Are overhead costs efficient? These direct (in-school) and indirect costs are 45% of the total budget and take money away from instruction. He asked, “Why aren’t over-



**JEANNETTE DIXON (LEFT)
 JILL ORTMAN-FOUSE**

head costs benchmarked to other large school systems? We compared MCPS to large districts in California and found California overhead averaged only 32%. A part of the difference comes from including off-MCPS budget costs for nurses, police, after school programs, and IT moderniza-

tion, but other MCPS budget overhead costs do not exhibit expected economies of scale. Savings could be achieved by sharing services with the County (e.g., vehicle maintenance) and outsourcing non-strategic activities to specialists to boost operational excellence. An independent study of these costs would provide many more ways to save, and should made public. These savings could be used to hire several thousand more teachers and go a long way to reducing class size and closing the achievement gap.”

On another issue, Richard Gottfried, President of the Twinbrook Citizens Association, presented discussed K-12 budget staffing guidelines for professional and support services staff. He compared the FY2018 versus the FY2017 budgets for this topic and found out that

Budgetpalooza!, cont.

several changes had been made. For example, in FY2017, for the reading initiative teacher in the elementary schools for FY2017, staffing was allocated at a 21:1 ratio. For FY2018 staffing, it is allocated based on individual school needs. He also noted that the position of literary coach in MCPS middle schools had been eliminated in the Superintendent's preliminary budget, but subsequently restored for FY2018.

On February 14, the Montgomery County Board of Education voted unanimously to adopt a \$2.52 billion operating budget request for Fiscal Year 2018. This includes an increase of \$64.24 million from Fiscal Year 2017. A majority of the \$64.24 million spending increase will be used to provide the same level of services to a growing number of students,

fund ongoing salaries and benefits, and manage increasing operational costs. The recommendation also includes \$11.01 million in strategic priority accelerators focused on

improving student performance while narrowing achievement gaps. The accelerators are grouped by the five strategic priorities that Superintendent Jack Smith outlined at the start of the school year: Improving Teaching and Learning; Learning, Accountability, and Results; Human Capital; Community Partnerships and Engagement; and Operational Excellence.

The Board will submit its budget request to Montgomery County Executive Isiah Leggett and the Montgomery County Council by March 1. County Executive Leggett is expected to release his budget recommendation by March 15. The Montgomery County Council will hold public hearings on the county budget in April before passing a final budget in May. The Board of Education will vote again in June for final adoption of the budget. ■



Awards Committee for Celebration on June 8th

By Paula Bienenfeld

The Montgomery County Civic Federation presents three awards annually to deserving residents of Montgomery County. The Executive Committee is seeking both volunteers to serve on the Awards committee, and nominations for the awards. The three awards are:

I The Sentinel Award is sponsored by the Montgomery Sentinel newspaper and awarded to an individual or group for a significant contribution to good government at the local level.

I The Wayne Goldstein Award recognizes and honors an individual or group for outstanding service to the people of Montgomery County

I The Star Cup is awarded to the Federation delegate or committee performing the most outstanding public service on behalf of Montgomery County.

If you know someone or some group in your community, or county-wide, who has done extraordinary, above-and-beyond volunteer work in the county during the past year, please contact *info AT montgomerycivic.org* with a brief (a few paragraphs) description of the person or organization and why they qualify to receive the award, as well as your contact information so we may follow up. If the nominated organization (or person) has a website, please include that.



Nominations!

By Paula Bienenfeld

The Civic Fed is working on our annual nominations for officers for the coming year. Per our By-laws, elections will be held at the general meeting in June and officers will assume their duties for the coming year at that same meeting. Our elected officials are: President, First Vice President, Second Vice President, Recording Secretary, and Treasurer.

Please contact us if you are will to be on the Nominating Committee or willing to stand for election to one of these offices. Please contact *info AT montgomerycivic DOT org*. The slate will be published in the May newsletter.



MCCF 2017 Annual Awards Celebration

MCGINTY'S PUB | SILVER SPRING | THURSDAY, JUNE 8

The Synthetic Turf Scam on Athletic Fields at Montgomery County Public Schools

By Bailey Condrey, 2nd Vice President

As global temperatures warm, manifested to some degree in the AWOL nature of our '16-'17 winter, so far, regional meteorologists predict more of the same into spring. While it's been warmer, it's also been dry. One might wonder just how hard and hot synthetic turf athletic fields will become as the mercury continues to rise. Even with the cork-o-nut infill, they all remain heat islands. They all contain *lead!*

The Montgomery Blair High School synthetic turf athletic field has failed well before the expiration of the warranty. The athletic fields belonging to Montgomery County Public Schools at **Walter Johnson and Richard Montgomery High Schools** have failed as well, months before their warranties expired. The big dif-

ference is that the Maryland-National Capital Parks and Planning Commission, which owns and maintains the Blair field, may be able to recover some of the replacement costs because they made a failure claim to FieldTurf before the warranty expired. In spite of knowing that the MCPS fields at WJ and RM had also failed, MCPS refused, quite illogically, to make a claim.

These three fields failed early because their plastic rugs were all manufactured from a Duraspine product prone to failure. The primary defect of this field type has been well documented. The issue lies in **FieldTurf knowing the fields would fail, but they sold them anyway.**

Synthetic turf plastic grass holds the infill in place just as grass blades hold soil. When the plastic blades fail

through early breakage, the crumb rubber or cork-o-nut is free to roam. In the highly used areas of the field, people's feet move the infill (tiny beads and plant crumbs essentially) off of the surface into piles; they appear as curving waves on the fields. This lays bare wide swaths of plastic rug backing laid atop compacted rock, eliminating the shock absorption necessary to keep players safe. Both WJ and RM recorded dangerously high G-MAX test scores in the last two quarters of 2016.

In order to maintain appearances of safety, MCPS has increased the regularity with which they groom these fields. This work, inexplicably, gets done by FieldTurf-affiliated contractors. It is a shell game as they cannot reestablish the integrity of the

MCPS Syn Turf Scam, cont.

syn turf surfaces without replacing large sections of field.

Logical steps call for closure and replacement, but MCPS has shown little interest in creating alternative grass athletic high school fields for competition. WJ and RM high schools could be closed while MCPS takes responsible action on replacement, litigation, and recovery of funds. But they have no long-range plan to deal with a product that is fraught with issues related to toxicity, cost, and fraud. With the money taxpayers provide MCPS, three top-of-the-line grass athletic playing fields could have been completed and placed in rotation for situations such as this. Without a cogent plan, taxpayers will foot every dime of these unnecessary expenses.

The Montgomery County Civic

Federation has filed twin Maryland Public Information Act requests to determine just how much MCPS spends on maintenance of its syn turf fields annually. MCPS has claimed repeatedly that syn turf costs less to maintain than grass, but the limited number of records they have supplied so far, and their noncompliance with state law, prevent any meaningful

**IMAGE SHOWS
TEMPERATURE
OF 167.3
DEGREES
ABOVE
ARTIFICIAL
TURF FIELD
ON AUGUST 16,
2009.**

*Source: Parents'
Coalition of
Montgomery Co.*



analysis or reaching conclusions on real costs.

At the MCCF “MCPS Budget Palooza” meeting on February 9, a spreadsheet from the MCPS Funding Accountability and Transparency Database revealed a line item in the Operations Budget for \$484,000 with a single identifier: Payments to FieldTurf. This equates to roughly \$97,000 for each syn turf field.

MCPS has been forced to “deep groom” the fields more frequently, a FieldTurf-recommended practice, to maintain the safety façade. No grass field within the MCPS system receives this level of annual maintenance.

When exactly does MCPS’ statement regarding “synthetic turf’s lower expense” come true?

The syn turf field at Blair HS is owned and operated by M-NCPPC. According to Diana Conway, a mem-

MCPS Syn Turf Scam, cont.

ber of the Safe Healthy Playing Fields Coalition, “Parks partially answered a list of questions on the costs of this field’s replacement. John Nissel, Parks Deputy Director of Operations, informed us that the cost to replace the syn turf field is \$725,000 and the supplier would be Shaw Sports Turf.” The field will be replaced this month.

According to Nissel, the funds will come from the Ballfield Improvement Project in the Capital Improvement Program. If one does the math, then a single syn turf field has already racked up a tab of more than *\$2 million* in less than a decade on the taxpayers’ dime. Top-of-the-line grass athletic fields are a bargain compared to this expense and MCPS has only paid lip-service to building better grass fields.

FieldTurf remains the sole source

supplier for all of MCPS’ existing and planned syn turf fields. Schools in New Jersey and other states have sued FieldTurf for fraud for knowingly selling them a defective product—the Duraspine grass carpet. Why has MCPS not sought another supplier for new syn turf fields? What negotiations is MCPS conducting with FieldTurf to recover monies paid for these defective products?

In 2016, **FieldTurf admitted before a committee of the Maryland General Assembly that all of the fields that it has supplied MCPS contain lead**, a heavy metal to which children should *never* be exposed. MCPS recently awarded a contract again to FieldTurf to install a syn turf field at Somerset Elementary School. Unless MCPS paid extra money to guarantee that this field is *lead-free*, these elementary school children will also be chronically exposed to lead.

MCCF asks why, in this well-educated county, where taxes are quite high due in part to the MCPS budget, would any reasonable person find the MCPS syn turf program fiscally responsible or ethically acceptable? The MCPS Artificial Turf Fields Program website is full of FieldTurf marketing statements and suspect G-MAX reports from syn turf fields where they groom the fields just before the G-MAX tests are performed, akin to informing the owner of a coal mine that a safety inspection will take place today. Does this sound suspect to you?

Dozens of questions have been asked of MCPS by a number of county groups relative to the costs and safety of their syn turf fields. The vast majority remain unanswered and **the lack of engagement on the subject by the Board of Education and parent teacher association groups** remains confounding. ■

Update on Four County Bus Rapid Transit Studies

By Harriet Quinn

The phases of the standard project planning development process are listed below. Public input is received and hearings held in phase 1 and 2.

- 1. Planning Study of Feasibility of Alternatives:** Determine purpose and need for the project. Following study of conceptual alternatives, a determination is made whether to retain some of the alternatives for more detailed study. (Alternatives Retained for Detailed Study, or ARDS). If the Planning Study results in ARDS, funding may be provided for the next phase to study the ARDS in greater detail.
- 2. Preliminary Engineering Study of Alternatives.** Following engineering and design study of the retained alternatives, engineering

design details, and cost estimates, a determination is made whether one of the ARDS is selected to move forward as the Locally Preferred Alternative (LPA) to complete the engineering design. Once the engineering study is complete for the LPA, a public hearing is held and a determination is made whether to fund implementation of the LPA design. If so, the project moves to the next phases.

- 3. Final Design of LPA**
- 4. Right of Way Acquisition**
- 5. Construction of LPA**

Below is an status update on the



County's various BRT studies.

Route 29 BRT Study: The Planning Study Feasibility Phase began in 2015. Maryland Transit Administration (MTA) studied three alternatives. On January 29, 2017, MTA released its Draft Final Report on the **US 29 Corridor Planning Study**. During the CAC meeting on January 31, MTA announced the agency was unable to make a recommendation for an alternative, that it would not be continuing to the next phase of study (preliminary engineering), that it is closing the study and that the meeting was their last CAC meeting.

At the same meeting on the 31st noted above, Montgomery County Department of Transportation (MC-DOT) announced it was moving forward with its' own proposal, which was not part of the Planning Study

BRT Studies Updates, cont.

that is now closed. CAC members requested information on the County's study. MCDOT stated they were still working on the study. They announced they will hold the first open houses for the public on March 7 at the Silver Spring Civic Building at 6:30 p.m., March 13 at Blair High School at 7:00 p.m., and March 15 at White Oak Recreation Center at 6:30 p.m.

Even though there is no documentation analysis or report for the County's proposal as there was with the MTA study, the County Executive has requested an amendment to the current CIP Budget for \$30 million for right-of-way acquisition and construction of the Route 29 BRT. Residents have many questions about the proposal, including how the project can move from concep-

tual study to construction without any documentation.

■ **Veirs Mill Road BRT:** The Planning Study began in 2011 following a MCDOT study in 2005. Following mailings with a survey to 40,000 households in the corridor, three public workshops and eight CAC meetings have been held. In September 2016 MD SHA released its Draft Final Report on four Alternatives Retained for Detailed Study. A public hearing has not yet been scheduled and a recommendation for an LPA has not been made yet.



■ **Route 355 BRT:** Planning Feasibility Study began in 2015. The consultants are performing detailed

analysis of six alternatives. The CAC has met nine times and two public meetings/workshops have been held, including the recent public meeting on conceptual alternatives. A Draft Conceptual Alternatives Report is expected this spring.



■ **Corridor Cities Transitway BRT:** This project which began study in 2002 has reached 30% design completion. The FY2017–FY2022 Consolidated Transportation Program (CTP) released by the Maryland Department of Transportation indicated that funding for both the final design and right-of-way acquisition phases for the Corridor Cities Transitway project has been deferred to beyond 2022. ■

Updates on Co. Parks: Take a Survey, Review the PROS Plan, Sign Up for Summer Camp

PARKS AND RECREATION OF THE FUTURE: VOICE YOUR VISION

“Parks and Recreation of the Future: Voice Your Vision” is a consolidated outreach initiative to solicit input from people about what they want in their parks. The responses will be used to inform three separate but related projects all seeking public input: the 2017 PROS Update (see more at right), the Energized Public Spaces Functional Master Plan (EPS FMP, public meeting was held on Feb. 28.), and Capital Improvements Program (CIP).

Make time to take the survey and help make our parks better. Direct questions to Alex Girr-Borrayo in the Office of Public Affairs and Community Partnerships, 301.495.2497, Alex.Girr-Borrayo@montgomeryparks.org.

PUBLIC MEETING ON THE 2017 PROS PLAN UPDATE

As part of the outreach initiative mentioned above, Montgomery Parks staff will host two public meetings to review their preliminary recommendations from the **2017 Parks and Recreation Open Space Plan (PROS Plan)**. The first meeting will be held on Wednesday, March 15, 2017, in the auditorium at the M-NCPPC Montgomery Regional Office, 8787 Georgia Avenue, Silver Spring.

The second meeting will be held at the Sidney Kramer Up County Regional Services Center, 12900



Middlebrook Rd., Germantown, on Wednesday, March 22, 2017.

MONTGOMERY PARKS' SUMMER CAMP EXPO

The **Montgomery Parks Summer Camp Expo** will be held at the Cabin John Ice Rink [10610 Westlake Drive, Rockville 20852] on Saturday, March 11, from 11-1 p.m. More than 100 camps are offered each summer for children of all ages and geared towards a wide variety of interest from ice skating, hockey, tennis, nature, gardens, adventure, theater, archaeology, golf, and more. The camps are claimed to be affordable, fun, and convenient. The summer camps feature low camper-to-counselor ratios and many offer before and after care. Also, camps run throughout the entire summer. ■

Planning and Land Use Updates—OPC, Master Plans

By Harriet Quinn, Planning and Land Use Committee Chair

OFFICE OF PEOPLE'S COUNSEL BILL

On March 6 at 2:00 p.m. the PHED Committee will discuss **Bill 41-16**, which was a proposal to eliminate the Office of People's Counsel (OPC) from the County Code and replace it with a community zoning and land use Resource Officer. The Bill's sponsor, Council President Berliner, has amended the proposed Bill and it no longer eliminates the OPC from the Code but includes the new Resource Officer position without restoring funding for the OPC.

The People's Counsel is an attorney who represents the public interest in zoning and land use proceedings. The County Council defunded

the OPC in 2010.

MCCF strongly supports the OPC and has requested that the County Council restore funding for the OPC rather than create an information resource officer position. The County Executive also supports restoring the OPC and recommends strengthening the current provisions for the People's Counsel position to allow the Counsel's intervention in development applications as an advocate or as an expert witness. According to Council Staff, the proposed Resource Officer would have less authority than any People's Counsel in the State of Maryland because the Officer could not be a party in any proceeding.

UPDATES ON MASTER PLANS

After approving the **Greater**



Lyttonsville Sector Plan, the County Council is continuing worksessions on the **Bethesda Downtown Plan**. Residents have concerns about the heights and densities at the edges of the Plan area adjacent to single family homes. Residents are also working on proposals to increase parks and open space in the Plan area. Additional PHED Committee meet-

MORE

Introduction to the Sumner Citizens Association

The Sumner Citizens Association (SCA) was formed in 1952. It has several hundred members from two adjacent subdivisions: Sumner and Massachusetts Hills, located in Bethesda near Massachusetts Avenue and Ft. Sumner Drive.

The first homes in the subdivision—developed by builders W.C. and A.N. Miller, as they proudly proclaimed on the stone sign at the entrance—were sold in 1948. According to the SCA website, at the founding of the SCA in September 1952, one hundred percent of the Sumner community joined “to better focus on issues of community concern, such as traffic and community lighting.” (The website doesn’t say how many homes this entailed.)

The major issue confronting the community is a major proposed



nearby development called “Westbard,” which was approved by the County Council despite overwhelming community opposition. Certain members of the community in and surrounding Sumner have filed a lawsuit against the county opposing the new master plan that permits the new development and the SCA has contributed funds to that lawsuit.

For more information, visit the [SCA website](#). ■

PLU Updates, cont.

ings are scheduled for March 13 and March 27.

■ The Council also approved several items related to the **White Oak Science Gateway Plan**: the County Executive’s new proposal to sell the County-owned, 115-acre Site 2 property to Percontee for \$32 million below market value; a pay-and-go transportation improvements plan for development review in the White Oak plan area; and the County Executive’s request for \$47 million to build roads to the Percontee property.

■ The Planning Board is continuing work on the White Flint 2 Sector Plan, the MARC Rail Communities Plan, the Rock Spring Master Plan, the Grosvenor-Strathmore Metro Area Minor Master Plan, and the Veirs Mill Corridor Master Plan. ■

Grassroots 350 MoCo Calls for Fossil Fuel Divestment from County Retirement Funds

Founded in 2012 by three local climate activists, 350MoCo is a grassroots citizen's organization fighting for solutions to the climate crisis. They are asking the Montgomery County Council to divest the County public pension funds from fossil fuel investments.

RESOLUTION

Whereas 350 MoCo acknowledges that majority of global fossil fuel reserves has to remain in the ground in order to avert the global catastrophe caused by climate change, and

Whereas 350 MoCo acknowledges that financial assets backed up by those reserves will become stranded and collapse in value if the global community is to act on climate change and keep the fossil fuel deposits in the ground, and

Whereas fossil fuel companies make vast political expenditures to block legislation that would adequately reduce the burning of carbon in order to stop man-made climate change, and

Whereas it is immoral to seek to profit from companies whose

business plans are based upon the destruction of our climate, and

Whereas the growing fossil fuel divestment movement is drawing attention to the malevolence of these companies and increasingly shaming those politicians who side with them in blocking pro-climate legislation,

Therefore, be it resolved that 350 MoCo supports the divestment of fossil fuel assets in the Montgomery County Employees' Retirement System and Consolidated Retiree Health Benefits Trust, in accordance with Bill 44-16.

350 MoCo representatives will be at the March MCCF meeting. Flyers with more information will be available there. See [answers to frequently asked questions about fossil fuel divestment](#). ■



Minutes of the February 13th, 2017, General Meeting #883, in Rockville

By Danila Sheveiko, Recording Secretary

Call to Order: 1st Vice President Alan Bowser called the 883rd session to order at 7:15 p.m. Introductions followed.

Agenda: It was moved and seconded to approve the agenda.

Minutes: It was moved and seconded to approve the [minutes of the January 9th general meeting as they appeared in the February newsletter](#). The minutes were approved.

Treasurer's Report: Treasurer Jerry Garson's distributed report showing a balance of \$12,377.44 with net expenditures over income for period of \$960.58.

PROGRAM

The February program was the Federation's annual ***Budgetpalooza!***, focusing on the budget for Montgomery County Public Schools systems. ([See story on page 11.](#)) A team effort with our colleagues at the Parents' Coalition of Montgomery County and the Montgomery County Taxpayers League, we took a close look at the proposed \$2.5-billion-plus MCPS Operating Budget, with volunteers making presentations with summaries and analysis of each chapter and appendix.

The meeting was attended by two Board of Education Members—Jill Ortman-Fouse and Jeannette Dixon. Presenters included Joan Fidler, Richard Fidler, and Gordie Brenne with the Taxpayers' League; Paula Bienenfeld, Louis Wilen, and Jerry

Garson with the Civic Federation; as well as HESSIE HARRIS, Dick Jurgena, Richard Gottfried, Celia Martin, Debra Graham, Josephine Bahn, and others from the community.

In two years, the MCPS budget has increased by more than \$200 million. The cost per student is about \$15,000 annually. Are academic strategies cost-effective? Just 10% of the FY2018 budget increase is for initiatives to close the ever-widening achievement gap, advance STEM education, immersion, and gifted programs, and this is only 1% of the amount for additional support to increase student achievement.

Are labor costs both efficient and effective? 56% of budget increase is labor costs. Teachers got a 4% salary increase last year on top of pay

February Minutes, cont.

increases of 37% over last 10 years. Our teachers are paid 15% more than their peers in Fairfax and Howard Counties and have generous supplemental pensions and other benefits.

Are overhead costs efficient? While MCPS claims a mere 18% overhead, with 81% of money going to “instruction,” the actual overhead rate is about 45%. Similarly large districts in California average 32%, as an example.

Savings could be achieved by sharing services with the County, and outsourcing nonstrategic activities to specialists to boost operational excellence. These savings could be used to hire several thousand more teachers and go a long way to reducing class size and closing the achievement gap.

MCPS strategic plan is “a Dead Sea scroll.” Vocational training not disclosed in budget. Payments to specific MCPS vendors above \$25,000 can be seen on the state-mandated [MCPS Funding Accountability and Transparency Website](#).

There is an \$800 million backlog in HVAC/electrical. Utility costs are a flat at \$37 million due to increased efficiency and lower fuel costs, even with 515,000 square feet coming online.

Food service costs of \$54 million are offset by revenues from student meal sales and state and national subsidies. Lunch participation rate for elementary schools is 50% and 27% for secondary schools.

The school system has 1,299 buses and 150 other vehicles that carry 104,000 students per day. The state audit found that bus routes are

not being optimized using routing software and some buses running at under 50% capacity. IT support and infrastructure is up only \$1.3 million to \$27.3 in FY2018.

According to the Washington Area Boards of Education 2017, despite having more students enrolled in ESOL, Fairfax County spends less per student than Montgomery County, yet has consistently higher scholastic achievement scores across the board and a higher overall percentage of students taking the SAT. How will we determine that the increases to the MCPS budget from FY2016-2018 have achieved the results for which they were intended?

Adjournment: The meeting adjourned at 9:56 p.m. ■

Minutes of the February 16th, 2017, MCCF Executive Committee Meeting

By Danila Sheveiko, Recording Secretary

The Executive Committee (ExComm) convened via teleconference.

Call to Order: Alan Bowser, 1st Vice President, called the meeting to order at 7:30 p.m. Others Present: Paula Bienenfeld, Jacquie Bokow, Bailey Condrey, Jerry Garson, Harriet Quinn, and Danila Sheveiko.

Adoption of Meeting Agenda: Alan Bowser called for and received unanimous approval of the proposed agenda.

Approval of Minutes: Alan called for and received unanimous

approval of the minutes for the January ExComm meeting.

Treasurer's Report: Jerry Garson reported a balance of \$12,377.44.

ISSUES DISCUSSED

■ The March 2017 general meeting program will focus on Montgomery County government transparency in celebration of the National Sunshine Week. A presentation on best practices when filing Maryland Public Information Act requests will be followed by a discussion of specific issues with transparency, including noncompliance of local public information offices, exorbitant administrative fees, violations of the Open Meetings Act, and other practices obscuring public

information from public scrutiny.

■ The April 2017 general meeting will be on the FY2018 Operating Budget and will be held on April 17.

■ Consideration of Community Hero awards. Awards Committee needs nominations for the annual Federation awards.

COMMITTEE REPORTS

Education

■ The synthetic turf field at the Blair High School has been acknowledged as unplayable, with a warranty replacement field arriving this month. The Blair field is owned by the Parks Department. Other defective FieldTurf fields installed in Montgomery County are owned by MCPS. The agency let the warranties expire despite expert reports

Feb. ExComm Minutes, cont.

warning of dangerous surface conditions. (See story on page 16.)

Public Finance

■ The County has so far approved \$11 of the \$34 million of the County's share of the \$62 million incentive package promised by the State and County to Marriott as an incentive against leaving the jurisdiction. It appears that some of the money to pay for the subsidy is coming from last year's recordation tax increase.

Planning and Land Use

■ The County Council approved the **Greater Lyttonsville Sector Plan** last week, which doubles allowable density and adds an additional 3,000 units and 1.1 million square feet of commercial space. There will

be a staging plan based on Purple Line construction.

■ The Planning Department launched a **new plan for the Viers Mill Road communities**. They will have an initial meeting on February 22nd at the Sargent Shriver Elementary School.

■ Existing plans that are still at the Planning Board are White Flint II, Rock Spring, and Grosvenor Strathmore.

■ The Council is still dealing with the Bethesda Sector Plan. There is a possible African American burial ground underneath a proposed site plan in Westbard; groups are delivering petitions to the Planning Board.

■ The Council approved the final pieces of the White Oak Plan. The master plan was approved without the transportation component, and now the planners are experimenting

with new approaches to traffic management and congestion standards. The White Oak Plan will utilize a pay-and-go approach for development applications. None of the \$1 billion in infrastructure projects listed in the Master Plan will be required to be in place at time of building permit.

■ The Council also approved the General Agreement with Gudelsky Percontee affiliate, which is totally different than what was proposed five years ago. What used to be a partnership with the County where the County would share in the profits is now a straight land sale for \$10 million for a County-owned property valued at \$42 million, with an additional taxpayer-funded interest-free loan to Gudelsky Percontee of \$32 million. The land sale agreement terms and pay and

Feb. ExComm Minutes, cont.

go development program were approved by the Council 8 to 1 with Councilmember Marc Elrich voting against it because the final agreement and plans do not reflect what was promised to the community during the Master Plan.

Transportation

■ The County Executive is still pushing large investments in Bus Rapid Transit proposals even though all indications are that rapidly evolving technology will impact future planning and transportation projects. A State MTA study of Route 29 BRT is closed without a recommended alternative. County DOT wants to take over the study and get the Council to approve construction funds without provid-

ing a study of their concept to the designated stakeholders Advisory Committee for Route 29.

■ **Federal funds could be lost by Metro, due to a missed deadline** for creating an independent safety agency to oversee Metro.

Environment

■ Executive Regulation 21-15 to adopt the International Green Construction Code is pending before the County Council. Because the bill was submitted by the County Executive as Method 2 legislation, it does not automatically get a public hearing, and so far there seems to be little interest on the Council in scheduling one before the June deadline. If the Council does not act by June 30th, the bill will automatically become law.

OLD BUSINESS

■ Discussion of MCCF communication policies and procedures—interface with Facebook, Twitter, approval of content before upload to MCCF Website.

■ Planning 2017 Awards Banquet tentatively for McGinty's in Silver Spring on June 8th.

■ Discussion of the fossil fuel divestment Bill 44-16.

NEW BUSINESS

■ Discussion and review of bills pending for the 2018 Maryland General Assembly session.

■ Discussion of Civic Federation participation with Committee for Montgomery.

■ Newsletter deadline and articles Sunday, February 26th, at 6:00 p.m. to Jacquie Bokow at *editor AT montgomerycivic DOT org.*

Feb. ExComm Minutes, cont.

■ Date and location of next Executive Committee meeting: March 16th at the Mid-County Community Recreation Center. 7:00 p.m.–9:00 p.m.

Adjournment: Alan called for and received unanimous approval for adjournment at 9:37 p.m. ■

By-Laws Committee Seeks Members

The MCCF Executive Committee has established an ad hoc By-Laws Committee to review the existing by-laws of the Montgomery County Civic Federation. Any Federation member is welcome to join this committee. If interested, please email 1st Vice President Alan Bowser at [veep1 AT montgomerycivic.org](mailto:veep1@montgomerycivic.org).

Montgomery County Civic Federation

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