



# Civic Federation News

Official Publication of  
the Montgomery  
County Civic Federation

December 2010

Serving the Public Interest since 1925

[www.montgomerycivic.org](http://www.montgomerycivic.org)

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## December Program: Choosing a New MCPS Superintendent – A Community Discussion By Paula Bienenfeld, Education Committee Chair

The program for our meeting on Monday, December 13 will be a panel discussion with open community participation on choosing a new superintendent for the Montgomery County Public Schools (MCPS) system. Our panelists will be: Lyda Astrove, Special Education Advocate; Emily Barton, Executive Director, Teach for America, DC Region; Phil Kauffman, member of the M.C. Board of Education and its *ad hoc* group on the Superintendent Search Process; Neal McLuskey, Associate Director, Center for Educational Freedom, Cato Institute; and Fred Stichnoth, President, Montgomery County Gifted and Talented Association.

I believe this will be the first ever community-wide discussion to be held on the superintendent selection process. As always, our program and the Question and Answer session is open to the public. Judging from the caliber of the panelists, we hope we will have a wide-ranging, open and frank discussion with lots of audience participation. Please see the back page for time and venue details.

Directions: <http://tinyurl.com/mcoffices>

## In Memory of George Sauer, Past MCCF President By Chuck Lapinski

George E. Sauer succumbed to a long struggle with diabetes and cancer of the bone on September 29<sup>th</sup>. He

was a graduate of St. John's College in Annapolis, and a computer systems specialist.

An active member of the Montgomery County Civic Federation for almost 40 years, George also served for two terms as our President. I believe his greatest contribution to the MCCF was his early recognition during the late '70s and '80s that as an organization, MCCF should put as much effort into educating and motivating our legislators in Annapolis as we were spending on our County Council and County Executive. George had an astute eye for legislative strategy and tactics, and even legislative chicanery. He told it like it was, with his usual calm demeanor. But, there was always his calm urgency requesting timely action by our membership, and encouraging Federation testimony in Annapolis on our issues. He was an early proponent of ballot initiatives, and ever watchful of legislation that would limit citizen activities and initiatives.

George was an active member of the Republican Party; elected to its Central Committee, and a two-time Republican Representative to the Montgomery County Redistricting Commission. He was also active in the Kiwanis Club of Rockville where he also served as president. His non-partisan wise counsel will be missed. Godspeed, George, and our thanks for your wise and gentle good nature, the twinkle in your eyes, and your long and significant contributions to the Civic Federation, our County and our State.

## President's Message By Peggy Dennis

This past Tuesday I testified before the County Council on the issue of the proposed sale of the old Peary High School (land and school facilities) to the Melvin Berman Hebrew Academy. Paula Bienenfeld testified on behalf of the Civic Federation and I testified as an individual. The focus of my testimony was the Federation's longstanding position opposing the sale of MCPS schools. This

### Contents

<a href="#">December Program</a>	1
<a href="#">In Memory Of George Sauer, Past Mccf President</a>	1
<a href="#">President's Message</a>	1
<a href="#">Bills Coming Up In Annapolis</a>	3
<a href="#">Education Committee Report</a>	3
<a href="#">Mckennev Hills Urban Forest Stroll</a>	6
<a href="#">Parks 911</a>	6
<a href="#">Don't Fear The Trees</a>	7
<a href="#">Volunteers Needed For Mccf Committees</a>	7
<a href="#">Commuter Transit Benefits Lowered By Irs</a>	7
<a href="#">Minutes Of The November 8 Meeting</a>	8
<a href="#">Minutes Of The November 17 Executive Committee Meeting</a>	9
<a href="#">Membership Application Or Renewal</a>	11

## Our MCCF website has been redesigned!

The site has been reorganized for easier access, and new information has been added.

Check it out at: [www.montgomerycivic.org](http://www.montgomerycivic.org)

And a big, special "thanks" to Jim Humphrey, angel extraordinaire for taking on this job!

position was originally formulated years ago when the county was considering selling the Belt Middle School to another religious school, restated in regards to the Peary High School in 2005, and again brought up in regard to the proposed sale of Seven Locks Elementary School. Our conclusion then and now is that our public schools and sites for future schools constitute a precious and irreplaceable form of public patrimony. Many of these schools and “future school sites” have been offered by developers as the *quid pro quo* for getting approval for developments that significantly increase the number of students in MCPS schools. They represent the high value that MCPS places on “community schools” – schools that provide free and excellent education to all children living within a given geographic area. They also constitute a vote of confidence in the county’s future and its continued growth. Without sufficient public school capacity and sites for future educational needs, the county will face either grossly overcrowded public schools, or new schools in high density areas such as White Flint that have been squeezed onto very small sites like those in the urban center of the District. For our elected officials to sell off such a precious commodity shows a remarkable lack of foresight and vision. Though not needed now or in the “foreseeable future” (25 years was suggested as a time frame) these resources should remain retrievable for the public school system in the more distant future when needs change, as change they must.

The Federation supports the leasing of MCPS schools to private and religiously-affiliated schools when declining enrollment at a specific school dictates redistricting and sending MCPS students to other nearby public schools. We strongly believe, however, that this measure should never permit the permanent loss of the school. Past MCPS leases have often included a clause giving the lessee the “option to purchase” the school. Many parents of Berman Hebrew Academy students discussed the history of the school and the amount of money spent in renovating it before it could again be used as a school, and expressed that this gave them the right to buy the school. It was personally distressing to those few of us who testified in opposition to the proposed sale that we were loudly booed, hissed at and personally vilified as anti-Semites. But we would have opposed the sale whether it was to a Catholic, Evangelical or Muslim religious school or to a non-denominational private school seeking to buy the MCPS facility. The principle remains the same. Demographic trends change. Individual communities, like the population in general, go through demographic waves with first buyers often having lots of kids in the neighborhood public school,

kids grow up and move out, empty nesters age and sell their homes, and new waves of families with young children move in. A valuable and irreplaceable public resource such as a public school should never be permanently lost to the public. This is even more important in the down-county where future growth – “smart growth” – will be targeted for the foreseeable and probably distant future.

Following my testimony, I received the following email from Rebekah Rasooly.

“I am the president of the Kemp Mill Civic Association and would like to take this opportunity to introduce myself. I was surprised to learn about the existence of the Civic Federation; we have not received any materials from you in the past 2 years or so even though I understand that we were members in the past. If I had received a mailing, we would have rejoined. It seems to me that it is your obligation to maintain an active email list of presidents of associations if you want to be an umbrella group.”

Would that it were easy to maintain “an active email list” of local association contacts! We have tried using Maryland – National Capital/Park & Planning’s list of local civic/neighborhood associations and found it so incomplete and out of date as to not merit the \$26 that MNCPPC charges for it. The lists maintained by the five Regional Services Centers are somewhat better, but they also suffer from a fundamental problem. The newly elected officers of local civics and neighborhood associations often fail to notify the responsible county agencies of the new contacts. The association list I obtained just two months ago from the Mid-County Regional Services Center included a contact for the Kemp Mill Civic Association. I emailed that person the most recent MCCF Newsletter, asked him to forward the newsletter to others on the Board of the KMCA and requested that they join the MCCF. But the person listed as the contact was not the current president, and he apparently did not forward the newsletter to the current president or other KMCA board members. So, once again I put out the plea: leaders of local civic, neighborhood and homeowners associations (HOAs) please update your contact information every year with the appropriate county authorities and with the MCCF. It would help all of us stay in touch with you.

Depending on where you live, you should update your contact information with your respective Regional Services Center:

Western County

[kennethhartman@montgomerycountymd.gov](mailto:kennethhartman@montgomerycountymd.gov)

Silver Spring

[silver.spring@montgomerycountymd.gov](mailto:silver.spring@montgomerycountymd.gov)

Mid-County

[midcounty.citizen@montgomerycountymd.gov](mailto:midcounty.citizen@montgomerycountymd.gov)

Eastern County

[eastco.citizen@montgomerycountymd.gov](mailto:eastco.citizen@montgomerycountymd.gov)

Upcounty

[upcounty.citizen@montgomerycountymd.gov](mailto:upcounty.citizen@montgomerycountymd.gov)

You should also send contact updates to the Communications Office at Maryland National Capital/ Park & Planning Commission. Your contact there is Ms. Arnita Jackson at 301-495-4600 or by email at [MCP-HOA@mncppc-mc.org](mailto:MCP-HOA@mncppc-mc.org).

## Bills Coming Up in Annapolis By Dan Wilhelm, State Legislation Chair

State bills that affect only Montgomery County (MC) or both Montgomery and Prince George's Counties (MC-PG) are first introduced and decided by the delegation(s) before being introduced into the full legislative process. Hearings on these bills will be heard December 6 (MC bills) and December 9 (MC-PG bills). These bills can be found at <http://tinyurl.com/mclegis>.

The MCCF Executive Committee (ExComm) took positions at its November 17 meeting on the three following bills:

MC/PG 101-11, introduced by Del. Al Carr of Kensington (D.-Dist. 18), would authorize zoning text amendments and zoning map amendments approved by the Montgomery County Council to be petitioned to referendum in the same manner provided for other legislation enacted by the Council. Voters in all other counties in Maryland except Prince George's and Montgomery already have authority to petition to place a referendum on the ballot to strike down an enacted zoning map change or alteration in their zoning ordinance. This bill would extend the same authority to Montgomery voters. The ExComm voted to support this bill.

Collection of Home Owner Association (HOA) Fees. (Note: civic associations and HOAs are not the same. HOAs have mandatory fees while membership in civic/citizens associations is voluntary and dues cannot be required by law) A bill is expected to be introduced this year that is similar to last year's HR842. Last year, HR842 was amended and passed the house but failed in the senate. In the case of a foreclosure, condominium associations currently have the legal right to request back dues to the condo association before the bank receives its money, but HOAs lack the same right. Needless to say, the banking industry opposed the change. In practice, it is difficult for either condominiums or HOAs to get any funds following foreclosures since

they are not present at the time of settlement. Bill 842 limited the amount HOAs could collect to six months of unpaid assessments, late fees, interest and any attorney's fees. The ExComm felt that HOAs should receive their back dues (up to six months) the banks get their money because the funds are used to support all members and legal responsibilities of the HOA. The ExComm voted to support the idea presented in this HR842, assuming it will be introduced again this year.

It is interesting to note that another new bill, MC-PG 105-11, is addressing a similar situation for outstanding WSSC charges and costs associated with single-family residential property. That bill proposes that the title cannot be transferred until outstanding charges are paid.

MC 10-11, introduced by Senator Madaleno (D-Dist 18) after the School Board expressed a desire to have the existing state law removed that prevents Montgomery County from charging transportation to/from home and non-local public schools. At present, Montgomery County is the only county in the state that cannot charge for transportation. [Note: while other counties are not precluded from charging for public school transportation, it is not clear that any other counties do this.] This law was enacted in 1996 when the School Board was considering charging a \$50 fee. At that time the Attorney General issued an opinion that it would be against the state constitution to charge a fee from home to the local school but the issue of charging for transportation to non-local schools was not addressed. The School Board would reportedly like to consider a fee for special programs (GT, International Baccalaureate and magnet school programs) that require transportation to schools other than the local school as a way of addressing the need for additional funds next year. The ExComm voted to oppose this bill feeling that the county should be required to provide free transportation to the school attended by each student. MCPS has some programs only in select schools because it is more economical and efficient to do so. Students need to be allowed to take programs that are best suited to them and should not be precluded from taking these programs due to yet more "fees".

## Education Committee Report By Paula Bienenfeld, Education Chair

**Robert E. Peary High School Lease/Sale.** As this newsletter goes to press, the 19.52-acre Peary High School property, which the county is leasing to the Melvin Berman Hebrew Academy, is being considered by the county for sale to the Berman Academy, for \$1,914,860. The Montgomery County Board of Education (BOE) has come out repeatedly



Edgar Gonzalez, Dep. Director of County's DOT, presents November program on TPAR.

(October 11, 2005, October 25, 2010) against the sale, and again on November 19, 2010. In opposition to the BOE's decision, on November 18<sup>th</sup>, the Planning Board voted unanimously in favor of the sale. At the September 12, 2005 MCCF meeting, the following emergency resolution was brought forward by the Education Committee, discussed, and passed unanimously:

*The Civic Federation recommends that the request of the Melvin J. Berman Hebrew Academy to purchase the Peary High School property be denied and that the existing lease be continued.*

At that time Education Committee Chair Mark Adelman wrote, "Montgomery County stands to gain little if anything from a sale at this time and stands to lose an extremely valuable site that might be one of the only possible down-county parcels that could serve for either a newly needed high school or a holding school to be used while existing high schools are being modernized." This statement is even more cogent today. The sale of a 19.52-acre property for \$1,914,860 calculates out to \$98,097.34 per acre. A quick internet scan revealed that one home on Arctic Avenue, on 0.39 acre, is listed for \$415,000. At that price, we can extrapolate that land in the neighborhood of the school is currently going for about \$800,000 per acre, and the school site (minus the value of the buildings) should be valued at roughly \$15,200,000. Bad enough that the taxpayers should be losing over \$13 million in what amounts to a public land give-away! Moreover, this site is only slightly over a mile from White Flint where the recently approved master

plan calls for an additional 9,800 dwelling units and potentially 26,000 new residents at build out. Where will the County find a similarly sized site for a new high school in 2030, and even if such a parcel could be found, will the taxpayers will be able to afford to purchase it? Selling the Peary High School site seems unwise beyond belief.

The County Council Public Hearing regarding the sale is on November 23<sup>rd</sup> at 7:30 pm. and the record for written comments closes the same day. I will be testifying for the MCCF in opposition to the proposed sale.

### **Education Bills in Annapolis**

In addition to Bill MC 10-11 described by Dan Wilhelm in the previous article, two more MCPS-related bills have been filed for the upcoming session in Annapolis.

Bill MC 11-11, introduced by Sen. Madaleno, is written for the purpose of granting the Montgomery County government exclusive authority to issue permits and enforce regulations and codes associated with the construction, remodeling, and placement of certain school buildings; and generally relating to the authority of the Montgomery County government to issue permits and enforce regulations and codes associated with school buildings. This bill appears to be in part a response to the two portables that were installed at College Gardens Elementary School, in Rockville. College Gardens E.S. is two years old and is already over capacity by 83 students, according to an article in the Gazette. The permit to install these portables was denied by the City of Rockville because they violated the City's Adequate Public Facilities Ordinance. The portables do not meet the City's fire safety provisions. The MCPS superintendent responded that MCPS does not need to follow local regulations. Should this bill pass, MCPS would not have to follow any local municipality regulations.

Bill MC 7-11, was introduced by Delegates Anne Kaiser (D-District 14) and Thomas Hucker (D-District 20). This bill is "For the purpose of authorizing the student member of the Montgomery County Board of Education to attend an executive session of the Board of Education that relates to a certain matter; authorizing the student member of the Montgomery County Board of Education to vote on certain matters; and generally relating to the voting rights of the student member of the Montgomery County Board of Education."

The bill would give additional voting rights to the student member on the Board of Education (SMOB) including the right to vote on the MCPS budget and other financial matters. The student representative is elected by public

school students, so is not on the countywide ballot at the primary and general elections as are the other BOE positions. In addition, the SMOB, receives a \$5,000 college scholarship provided by MCPS, after serving a full term, so for this bill, there is the question of whether the student delegate is truly independent. And, according to the MCPS website, at <http://tinyurl.com/mcsmob>,

“With the exceptions of boundary changes, capital and operating budgets, collective bargaining, negative personnel matters, and school closings, the SMOB has a vote equal to those of the seven adult Board members. The SMOB has a vote on issues like administrative appointments (including hiring of the Superintendent of Schools), policy, and the Board of Education's legislative platform. He or she also has a vote in the appeals that the Board decides in its quasi-judicial role—namely transfers and expulsions.”

Please let your delegates to Annapolis know what you think about these bills.

Links to these bills are at <http://tinyurl.com/mclegis>.

### Online Check Register

Miami-Dade County Public Schools (M-DCPS) system has an online check register in which all the taxpayers

and citizens can see how their tax dollars are being spent. By contrast, MCPS requires a citizen to apply under the Freedom of Information Act (FOIA) for most documents to find out the same information. Please contact the Board of Education, the County Council, County Executive Ike Leggett and your Annapolis delegates and tell them the citizens of Montgomery County want an Online Check Register so we can see how our \$2.26 Billion is being spent. The M-DCPS online check register is at <http://checkregister.dadeschools.net/>. See how easy that was?

### Race to the Top Award

Maryland was one of the winners of the Federal Department of Education ‘Race to the Top’ stimulus grants. Ten states received these grants. However, the MCPS Board of Education did not want MCPS to sign onto our state application, so Montgomery County may not receive funds, in the amount of approximately \$12,000,000 over the four years, from the \$250,000,000 grant to be administered over four years. This is still under discussion.



5<sup>th</sup> November's Community heroes: Piney Branch Elementary School Young Activists Club with Paula Bienenfeld, Education Chair, and President Peggy Dennis.

## McKenney Hills Urban Forest Stroll

Have you ever wondered what the term “urban forest” means? Conservation Montgomery has launched a series called “Community Strolls” to highlight the connection between our natural resources and quality of life. Please join us from **1:00 – 3:30 p.m. on December 18th** for a stroll through the urban forest of the McKenney Hills, Carroll Knolls, Capitol View and Homewood Park neighborhoods in Kensington on. The McKenney Hills Forest is contiguous with an extensive adjacent forest owned by the Montgomery County’s Legacy Open Space Program. Together, the Legacy Open Space Forest and the McKenney Hills Forest constitute an interconnected forest ecosystem totaling 50 acres. This is by far the largest tract of mature forest for many miles around. Public and private experts have noted the uniqueness and spectacular quality of these woods which are within the Capitol View Branch of the Lower Rock Creek watershed.

The McKenney Hills Stroll will be led by Conservation Montgomery Board member Diane Cameron. Please bring water to drink on the Stroll and wear comfortable shoes. Children under the age of 13 are welcome but must be supervised and accompanied by an adult at all times.

Contact us at 240-793-4603 or at [ConservationMontgomery@live.com](mailto:ConservationMontgomery@live.com) with the number of children and adults attending. Reservations are helpful, but if you decide to come at the last minute, that’s fine too. Donations of about \$5.00 per person are appreciated but not required.

**Meeting Place:** Meet us at the end of Hayden Drive, which ends in a cul-de-sac at the site of the future McKenney Hills School. Hayden comes off of Gardiner Ave, which in turn comes off of Dennis Ave (This is the segment of Dennis Avenue WEST of Georgia Ave.)

**IMPORTANT:** Look for a large “Conservation Montgomery” banner being held up by volunteers. This is where we will gather to start the Stroll.

## Parks 911 by Carole Ann Barth, Parks & Recreation Chair

As chair of the MCCF Parks and Recreation Committee, I am trying to develop a county-wide “park alert” email list for park and recreation issues. I see a need for this type of communication because decisions are being made (often without adequate public notice) which adversely impact our parks.

For example, On February 9, the County Council voted to close 11 recreation centers as part of a package of

cost reductions to the FY 10 operating budget. There was no notice to the communities who rely on these facilities for meeting space and for community events. At the time, it was very difficult to figure out which neighborhoods might be affected by this action and to find a contact for each neighborhood with no lead time. My idea is to develop those contacts before the next emergency arises.

I will be sending an email to all the Civic Federation member organizations asking for the following information:

- Which park or parks are either within your territory or in your vicinity? In particular, which parks are routinely used by your residents?
- Do you have someone that coordinates Park issues for your community? If so, please provide their name, email, and phone\*
- If you don’t have any ongoing park-related projects, is there someone in your community who would be willing to be a contact? For example, a resident adjacent to the park; someone who walks their dog regularly in the park; or a weekly tennis player. Or would you prefer alerts to come directly to you?
- Are there park and recreation issues in your community that the Civic Fed should know about?
- Are you interested in helping work on Parks and Recreation issues in the County?

If you are reading this article, and are willing to be on the “parks alert” list, please contact me at: [cbarth@mindspring.com](mailto:cbarth@mindspring.com) or (301) 5934-7863\*. Even if you are not interested in being on the list, I would greatly appreciate getting a response to questions 1 and 4.



Young Activists have much to smile about

\*in case of email failure

## Don't Fear the Trees

### By Carole Ann Barth, Parks & Recreation Chair

Falling trees have become a major topic in the wake of this summer's torrential storms and the record snows and blizzards of last winter. We have all been frustrated by power outages. Some neighbors also suffered serious damage to their home or car.

Pepco continues to blame trees and squirrels for its unreliable service rather than facing up to its maintenance backlog and inefficient management. With all of this, it's not surprising that some residents, feeling "powerless" (in both senses of the word) have suggested removing or radically pruning large trees.

Before getting out the chainsaw, however, it makes sense to take a closer look at the risks and benefits of trees. It's natural to worry most about risks that we cannot control, such as the weather or shark attacks. This leads us to overestimate the magnitude of the risk involved.

At the same time, we tend to underestimate risks that we feel we can control.

For example, we feel in control when driving, so it's easy to forget the real daily risk we face. While it's true that careful, defensive driving reduces the risk of an accident, the reality is that the risk is still very high.

So how do we objectively understand the risk posed by large trees? Here are some numbers:

- Every year, about 40,000 people die in car crashes in the U.S.
- Every year, about 20,000 people in the U.S. die from the flu.
- In thirteen years (1995-2007) 407 people died from fallen trees or limbs.\*

Still, many people think having fewer trees lessens the risk. In reality, the isolated tree is more likely to fall while a heavily wooded area remains unscathed. After all, that's why people used to plant windbreaks.

To actually gauge the risk posed by a *specific* tree an arborist will conduct a hazard assessment. This takes into account the health and structural integrity of the tree, its species, soil conditions, and the distance to a "target".

In other words, an unstable tree in the middle of a forest would be a low hazard, because there's no target nearby. If the same tree was right next to a house or a playground, it would pose a greater hazard.

If you have concerns about a particular tree, it's best to get a professional assessment. You may be surprised at the result. A leaning tree, for example, is not necessarily unsafe.

In my next article, I'll examine tree trimming. Correctly done, tree trimming keeps power lines clear and helps trees withstand wind and ice. Improper pruning, however, has the opposite effect. I will also look at what makes a good street tree, and the many benefits they provide.

\* Deaths from Wind-Related Tree Failures, Thomas W. Schmidlin, Ph.D.

## Volunteers Needed for MCCF Committees

### By Peggy Dennis

As the calendar year comes to an end, we ask that delegates and associate members volunteer to serve on two important committees. Unlike our standing committees which do the lion's share of our routine work, year in and year out, these committees meet for just a few months during the winter and early spring, often by email and phone.

**The Nominating Committee** will put together the slate of nominees for elective office for the 2011-2012 year: the president, first vice president, second vice president, secretary and treasurer. Please contact me at [hotyakker@gmail.com](mailto:hotyakker@gmail.com) or 301-983-9738 if you can serve on this committee.

**The Annual Awards Committee.** Past President Jorge Ribas has kindly volunteered to chair this committee which will nominate recipients for the awards to be presented in May: the Star Cup, the Gazette Award and the Sentinel Award. The committee will also help organize the Annual Awards Banquet. As Jorge is energetic, organized and fun to work with, this committee should be a pleasure. Please contact Jorge at 301-404-1946 or [jribas@ribasconsulting.com](mailto:jribas@ribasconsulting.com) if you can help.

We can't do the great job we want to do without your active participation, so please volunteer to help with one or another of these important committees.

## Commuter Transit Benefits Lowered by IRS

### By Jim Zepp, At Large ExComm Member

Federal tax regulations allow employers the option of setting aside untaxed funds for employees' commuter costs. This includes the cost of parking as well as the use of any public transportation services (i.e., bus, rail,

ferries, and vanpooling) and bicycles. Either the employer or employees can contribute the funds for this benefit. The amounts received by employees reflect their actual commuting costs up to the Federally-allowed maximums.

The IRS sets the maximum monthly limits for how much employees can receive through the commuter benefit. Currently, the maximum is the same for both parking and mass transit--\$230 per month. The American Recovery and Reinvestment Act signed into law by President Obama on February 17, 2009 raised the tax-exempt and pre-tax limit for public transportation -- from \$120 per month to \$230 per month. However, at the end of 2010 the maximum for the transit commuter benefit will revert back to \$120, while the parking maximum will stay at \$230.

Because this change in the allowed maximums would encourage the use of cars for commuting, it is counter to national and local goals of controlling traffic congestion and reducing our country's reliance on foreign oil. While proposals for future transportation improvements and technologies are debated that will take 5, 10, or 20 years to show results, this is an immediate policy action that will have an immediate effect on commuting conditions across the country. Although there is a cost impact for keeping the transit benefit equal to the parking benefit, it will surely be dwarfed by the costs of most transportation alternatives that receive far more attention.

Locally Metro estimates that 285,000 area employees receive the commuter transit benefits. At least 90,000 of these Metro commuters receive more than \$120 a month. Overall Metro estimates a potential impact of 1.3 to 3.78 million fewer rider trips taken and an additional revenue loss of \$5 to \$10 million as the incentive tips back towards driving to work.

For those who currently drive to work, the first reaction maybe indifference to this change since it does not affect their benefit limits. However, it means that they will likely have more company on the congested roads they use as more commuters choose driving over taking mass transit. Since all forms of public transportation are affected, this also will result in more cars from surrounding jurisdictions driving through Montgomery County as commuter buses and rail services become more costly to use.

For these many reasons, maintaining equity in the commuter benefit limits would be an effective and immediate solution to reducing our traffic congestion problems. If our elected officials and planners truly want a transit-oriented future, they should be working to enact commuter benefits limits that promote these goals.

The MCCF Executive Committee voted to send letters to our Federal elected officials in support of keeping the current commuter benefit limits as a minimal effort to address traffic problems. I will be drafting this letter.

## Minutes of the November 8 Meeting By Dan Wilhelm, Acting Recording Secretary

Call to Order: President Peggy Dennis called the meeting to order at 7:45 P.M. with introductions all around. The agenda for the meeting was approved with two additional items dealing with state legislation: school bus fees and HOAs . The minutes of the October 11, 2010 meeting were approved as printed in the newsletter. Bill Schrader gave the Treasurer's report.

A **Community Hero Award** was presented to the Piney Branch Elementary School Young Activists Club. The club has been working to get MCPS to replace styrofoam lunch trays with reusable plastic trays at their school and throughout the county. Many students and their parents and some teachers attended this presentation.

**Announcements:** The funeral service for George Sauer, MCCF president from 1984-1986, will be Friday November 12 at 11:00 AM at Seven Locks Baptist Church.

The council is looking for one public representative to be on the Redistricting Commission, in addition to the four nominated by the Democrats and four nominated by the Republicans.

**Program:** Jim Humphrey hosted the program on the proposed new transportation test called Transportation Policy Area Review (TPAR). TPAR was developed by the Department of Transportation (DOT) with input from the Transportation Planning staff at M-NCPPC and a number of groups, including MCCF. The TPAR has been submitted to the Council by the County Executive for their action. The speaker, Edgar Gonzalez gave an informative power-point presentation. Art Holmes (MC-DOT) and Dan Hardy (Transportation Analyst, M-NCPPC) also attended.

TPAR would address congestion in a given policy area. The Local Area Transportation Review (LATR) would continue to be used to address transportation adequacy near each proposed development. TPAR has separate tests for roads and transit, which is advocated by MCCF. If improvements are needed, only those projects identified in the area master plan could be built. TPAR also addresses project funding, both government and private (MCCF has emphasized that funding needs to be addressed for decades). There are many parts to the

TPAR and the best place to start understanding it is by reviewing the presentation, which can be found at <http://tinyurl.com/mctparppt>.

### New Business

Paula Bienenfeld, Education Chair, brought Bill MC10-11 introduced by Sen. Madaleno for Montgomery County's State Delegation to consider to our attention. This bill would delete a paragraph in current state law that prohibits Montgomery County from charging a fee to transport public school students to/from home. There were many questions about why the bill was introduced, including if such a restriction applies in other Counties. As a result, the issue was referred to the Executive Committee. The Delegation is holding a hearing on MC10-11 on December 6. See

<http://tinyurl.com/mclegis> for local bills (both Montgomery and Montgomery/Prince George's bi-county bills). Once they are approved by the delegation, they are formally introduced at the state legislature.

Arnie Gordon spoke about a need for a state bill dealing with Home Owners Associations (HOA) and the difficulty they have in collecting fees when a property is in foreclosure. Residents in Olney want a bill like HB-842 (from last year) that was not acted upon. Essentially what is being proposed is that the purchasers of the property would be required to pay four months worth of past fees. This would be over and above the fees the purchaser would normally be required to pay. Several delegates have indicated that they will introduce a similar bill in 2011. This issue was also referred to the Executive Committee.

### Committee Reports:

**Education:** Paula Bienenfeld, Chair, reported that College Gardens Elementary School, in Rockville, is getting two portables. There is concern about the distance of the school from the closest fire station; the portables do not meet the City of Rockville APFO. She noted state bill MC 11-11 has been introduced by Sen. Madaleno to grant the Montgomery County government exclusive authority to issue permits and enforce regulations and codes associated with the construction, remodeling, and placement of school buildings and portables.

**Planning and Land Use:** Jim Humphrey, Chair, brought up that the County Executive is proposing to sell the Peary High School site. MCCF has opposed the sale for years because the County will likely need it at some point and the selling price is too low (set in 1996 at \$1.5M for the land, plus inflation in the intervening years, and nothing for the building – the private school leasing the building has made extensive renovations. In a straw vote,

delegates reconfirmed the 2005 MCCF position to oppose the sale.

**Old Business and Adjournment:** There being no old business, the meeting adjourned at 9:54PM.

## Minutes of the November 17 Executive Committee Meeting by Paula Bienenfeld, Acting Recording Secretary

**Present:** First Vice President Dan Wilhelm chaired the meeting (President Peggy Dennis absent due to theater rehearsal), Paula Bienenfeld (acting recording secretary), Jim Humphrey, Bill Schrader, Jim Zepp, Carole Barth, Chuck Lapinski

**Call to Order:** The meeting was called to order at 8:00 p.m. in Bill Schrader's home.

Minutes from the October 20 meeting were approved with no objections.

**Treasurer's Report:** The Treasurer reported that we do not have much at the moment in the way of expenses. The amount of FY2011 income so far is \$2,860. There is \$11,940.02 in the checking account and we have 40 associations that have renewed or become members to date.

### Discussion topics.

**Meeting with Planning Board Chair:** Members of the board should set up a second meeting with Françoise Carrier, the Planning Board Chair, possibly in mid-December. Jim Humphrey will work with Peggy Dennis to set something up.

**Bill HB842:** (not yet introduced) when condominium units go into foreclosure, condominium associations have the right to request back dues before the bank receives its money. HOAs are asking for the same legal rights. Jim Humphrey said this bill, while useful, was killed last year by the banks. Bills have also been introduced regarding WSSC.

Regarding Sen. Madaleno's bill on MCPS school bus fees, Dan Wilhelm spoke with the Senator's Chief of Staff. Dan will put something in the newsletter on the background of this bill, and include the Senator's rationale for the bill.

There was further discussion on whether the Civic Fed would join or partner with the new group, Conservation Montgomery.

**Awards Banquet:** The annual banquet will held be at the Universities of Shady Grove, there are 2 dates, the first choice is May 13<sup>th</sup>; the second choice is May 20<sup>th</sup>.

**Programs:** Programs for December and January are set. There will be a discussion on the new residential and agricultural zones. Possible programs for February and subsequent months included public safety and transportation topics

**Website Update:** Jim Humphrey is getting all the newsletters and Federation Corner columns posted. When all the newsletters are up someone will need to create the lists of resolutions and Community Heroes. The MCCF Transportation Plan also needs to be posted.

**Executive Committee meetings:** Dan Wilhelm to host the next meeting; Paula Bienenfeld, the January 19<sup>th</sup> meeting. There was a discussion regarding a Community Hero for the general December meeting.

**Public Safety:** Crime is a big topic in District 3. Over 50 percent of the people in the 20904 zip code feel unsafe. The police department will probably lose personnel due to the budget shortfalls. Some officers have been brought back from retirement. In the 1990s there was a hiring frenzy, and those people are now retiring. Last summer Jim Zepp organized a visit to the Baltimore Police Department (BPD) to look at their police deployment practices. The BPD uses CityStat and statistical analyses to help predict and proactively fight emerging patterns of criminal behavior rather than just reacting to crimes that have been committed. Jim recommends this topic for a future MCCF program.

### **Committee Reports:**

**Planning and Land Use:** Delegate Al Carr has introduced a bi-county bill allowing zoning text amendments to be on the ballot. Jim suggested we support this bill and we agreed to do so. There is a proposed amendment to the Historic Preservation Ordinance, introduced by Councilmember Mike Knapp, to allow one home owner to exclude their modern home from designation as the home is not historic and it appears it was accidentally designated as historic. There is a subdivision regulation amendment, also proposed by Mike Knapp, to narrow the roadway width. Jim suggests opposing this amendment. Bill 53-10, the Forest Conservation Plan, would bring us into conformance with state laws. This is an expedited bill. Jim H. will look into this and get back with more information.

**Education:** The panel for the December program on Choosing a New Superintendent is set. Paula will testify on Nov. 23<sup>rd</sup> and reiterate the Civic Fed's earlier resolution opposing sale of the 19.5-acre Peary High School property, this time for \$1.9million.

**Public Finance and Utilities:** The Governor has said there is a structural deficit of \$1.6 billion. The lowest number of cuts starts at \$50 million and climbs from

there. Chuck Lapinski said he can't say which way things will go in the County. There will be an employee rates analysis.

Reminder, the Committee for Montgomery breakfast is December 13<sup>th</sup> at the Marriott on the Rockville Pike. Tickets are \$60.

### **Old Business:**

There are three recommendations on the Task Force on roadside solicitation. Jim Zepp raised the 'Smart benefits' issue. The IRS plans to reduce mass transit benefits to \$120/month while not reducing the benefits to use private cars. Jim Z. proposed a letter to the federal legislators to keep the ratio and the benefits to mass transit the same. The motion was passed unanimously. Something will go into the newsletter. There was discussion on the League of Women Voters and its impartiality. It was explained that there are two arms of the League; one is neutral, but the other is not. It is sometimes unclear to the public which one is operating.

Newsletter assignments: Paula: program on school superintendent search; Jim: Smart Benefits; Carol Ann: sub-soiling; Jim: ZTA referendum. Meeting adjourned at 10:12 pm.

Serving the County since 1925

## MEMBERSHIP APPLICATION OR RENEWAL

July 1, 2010 through June 30, 2011

Mail to: William H. Schrader (Treasurer)  
12824 Middlevale Lane, Silver Spring, MD 20906  
301-946-6545; schraderw@erols.com

Inquiries: Dan Wilhelm (1st VP, Database)  
904 Cannon Road, Colesville, MD 20904  
301-384-2968; djwilhelm@verizon.net

Name of Organization/Individual \_\_\_\_\_ Date \_\_\_\_\_

Number of Households (Approx) \_\_\_\_\_ Annual Dues (see below) \$ \_\_\_\_\_

Make checks payable to **Montgomery County Civic Federation**

Membership Type	Number of Households	PLEASE CHECK	DUES	Max Number of Delegates	Voting Privileges
<b>Local Association</b> (civic, community, homeowner or municipality. Must represent at least 10 households - not paid members. Cannot be a single local issue group.)	10 to 50		\$25*	1	Yes
	51 to 300		\$45*	2	
	301 to 600		\$65*	3	
	601+		\$85*	4	
<b>Umbrella Association</b> (Two or more local associations. Cannot be single local issue group.)	60 to 500		\$45*	2	Yes
	501 to 1000		\$65*	3	
	1001+		\$85*	4	
<b>Regional or County-Wide Organization</b> (environmental, transportation, or other advocacy organizations).	50+ memberships, not households		\$45*	2	Yes
<b>Individual Associate</b>	(not applicable)		\$20*	1	No
<b>Associate Group</b> (Gov't agency, business, or other organization)	(not applicable)		\$85*	2	No

**\*A \$5 discount may be taken for each person who elects to receive the newsletter via email – please check e-mail box below.** You can also select less than the allowed number of delegates and pay for the lesser number. Please provide all the information below regardless of newsletter delivery method. Please indicate whether you want your email address included in a membership directory.

1.	<b>Name*</b>		Phone (H/W)	
	Street		E-mail	
	City, State, Zip		Put email address in directory: Yes <input type="checkbox"/> No <input type="checkbox"/>	
2.	<b>Name</b>		Phone (H/W)	
	Street		E-mail	
	City, State, Zip		Put email address in directory: Yes <input type="checkbox"/> No <input type="checkbox"/>	
3.	<b>Name</b>		Phone (H/W)	
	Street		E-mail	
	City, State, Zip		Put email address in directory: Yes <input type="checkbox"/> No <input type="checkbox"/>	
4.	<b>Name</b>		Phone (H/W)	
	Street		E-mail	
	City, State, Zip		Put email address in directory: Yes <input type="checkbox"/> No <input type="checkbox"/>	

\* Organization president or a permanent substitute designated by the president.

**Federation Meeting**

**Session 822**

Monday, December 13, 2010  
7:45 1st Floor Auditorium  
County Council Office Building.  
100 Maryland Avenue  
Rockville, MD

Agenda:

7:45 Call to Order & Introductions  
7:53 Announcements  
7:56 Approval of Agenda  
7:57 Approval of November 8 Minutes  
7:58 Treasurer's Report  
8:00 Program: Selection of MCPS Superintendent  
9:20 Committee Reports  
9:44 Old Business / New Business  
9:45 Adjournment

The **Montgomery County Civic Federation** is a county-wide nonprofit educational and advocacy organization. It was founded in 1925 to serve the public interest. Its monthly Federation meetings are open to the public and are held on the second Monday of each month September through June at 7:45 p.m. in the First Floor Auditorium, County Office Building, 100 Maryland Avenue, Rockville, MD.

The **Civic Federation News** is published monthly. It is mailed to Delegates; associate members; news media, and local, state, and federal officials. Permission is granted to reprint any article provided proper credit is given to the "**Civic Federation News of the Montgomery County Civic Federation.**"

Submit contributions for the next issue by: **Midnight, Saturday, December 18.** Prepare submission as an MS Word, Word Perfect or text-only document, **attach** it to an e-mail, and send it to: **hotyakker@gmail.com**

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

**NEXT EXECUTIVE COMMITTEE MEETING**

**Wednesday, December 15, 7:45 p.m.**

At the home of Dan Wilhelm

404 Cannon Road, Colesville, 20904



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

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