



Civic Federation News

May 2011

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Montgomery County Civic
Federation

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May Program: Community Policing and Prosecution

By Jim Zepp, Member-at-Large

Besides its iconic ba-dum sound, most people's knowledge of the respective roles of police and prosecutors comes from the introduction of the TV show, Law and Order, in which the voiceover announcer intones, "In the criminal justice system, the people are represented by two separate yet equally important groups -- the police who investigate crime, and the district attorneys who prosecute the offenders."

Our program on Monday, May 9 will discuss how policing and prosecution in Montgomery County are adapting to changing practices for both of their areas of responsibility. This has come with the realization that effective crime control requires the involvement and cooperation of community residents and businesses. This change in perspective started with law enforcement in the early 1990's as police departments recognized that their officers needed to get out of their squad cars and establish relationships with the communities they serve in order to more effectively prevent and solve crimes. National recognition of this different approach to policing culminated with the creation of the Community Oriented Policing Services (COPS) Office in the U.S Department of Justice (www.cops.usdoj.gov) in 1994

Community policing is defined as a philosophy that promotes organizational strategies which support the systematic use of partnerships and problem-solving techniques, to proactively address the immediate conditions that give rise to public safety issues such as crime, social disorder, and fear of crime. How departments around the country have implemented community policing has varied widely. *Continued page 2*

Inside

| | |
|---|----|
| President's Message..... | 2 |
| 2011 MCCF Annual Awards Banquet on May 13..... | 3 |
| Slate of Officers Nominated for 2011 – 2012..... | 4 |
| Draft Position on ZTA 11-01, CR Zone Amendments | 4 |
| Clarifications on Proposed Bag Tax Bill | 5 |
| Environment Committee Report..... | 6 |
| Education News..... | 7 |
| Minutes of the April 11 Meeting..... | 8 |
| Minutes of the April 20 Executive Committee Meeting | 9 |
| 2011 ANNUAL AWARDS BANQUET..... | 11 |

Reserve Your Tickets Now for the Montgomery County Civic Federation's 2011 ANNUAL AWARDS BANQUET Friday, May 13, 2011

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

Friends of the Library, Montgomery County
Presentation by Councilmember Hans Riemer

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

Organizational Reform Commission
Presentation by County Council Vice President Roger Berliner

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

MCCF Environment Committee
Presentation by Council President Valerie Ervin

Community Hero: George Lane by Jim Humphrey, Planning & Land Use Chair

George Lane, public safety advocate, will be recognized by the Federation as a Community Hero at our meeting on May 9. As the Police Liaison Representative from the East Silver Spring Citizens Association (ESSCA), George tenaciously gathers and disseminates accurate and timely information about local crime to the residents in his neighborhood.

Some two years ago, Mr. Lane became concerned that crime reports from District 3 of the Montgomery County Police Department were being sent to the community two to three weeks after crimes were committed. When his requests for MCPD to improve their crime reporting were rebuffed, he researched how other jurisdictions disseminate this information. George connected with police in Takoma Park, the listserv for the DC Metropolitan Police district across the border from Silver Spring, and the Takoma Park Alert listserv, in order to report on crime to his community in a weekly ESSCA Crime Summary and in near real-time alerts about violent crimes. Since October of 2009, his Crime Summaries and alerts have

become essential reading for his neighbors and are being distributed to listservs in adjacent communities.

When Mr. Lane learned that MCPD and other local police agencies report their dispatch calls on a nationwide website called Crime Reports, he included it as a source for his weekly postings. When George discovered a coding error on the Crime Reports map that erroneously reported some county crimes as "kidnappings," MCPD responded by discontinuing sending data to the website. But Mr. Lane persisted and, after two months of pressure, persuaded the MCPD Media Division to fix the problem. Then, late last year Crime Reports upgraded their website which resulted in several serious errors in reporting. For about a month no data from the county was entered. Thanks to George's work with Crime Reports programmers, Montgomery County data is once again being reported, and he continues to work to help improve the website.

George Lane is truly a community hero, and we are pleased to recognize his volunteer efforts.

May Program *continued*

Initiatives have included reinstating the practice of foot patrols walking beats, having designated units work with various ethnic groups, or having community policing officers who regularly meet with resident organizations and are involved with community activities and services. In Minneapolis, MN, the police department compiles annual neighborhood policing plans for the city's 85 neighborhoods; those community-based plans allow the department and neighborhood to zero in on the specific issues faced by each individual neighborhood (<http://www.ci.minneapolis.mn.us/safe/NeighborhoodPolicingPlans.asp>). The plans lay out specific goals, and evaluate the successes and failures of the previous year.

The concept of community prosecution has evolved to embrace a set of key principles similar to those for community policing:

- Recognizing the Community's Role in Public Safety
- Engaging in Problem Solving
- Establishing and Maintaining Partnerships
- Evaluating Outcomes of Activities

For more information on this subject, visit the National Center for Community Prosecution's Website at: www.ndaa.org/nccp_home.html.

Montgomery County's Police Chief Thomas Manger and State's Attorney John McCarthy will discuss how their agencies have applied the principles of community

policing/prosecution. They have been asked to respond to the following questions:

- How does the community policing (or prosecution) program differ from the other law enforcement (or prosecutorial) operations in your department?
- What are the priorities for the community policing (or prosecution) staff?
- How do community policing officers relate to the State Attorney's community prosecution staff and activities or community prosecutors relate to the MCPD's community policing officers?
- What difference has community policing and/or prosecution made in Montgomery County?
- What impact has the recent County budget situation had on community policing and/or prosecution resources?

President's Message

By Peggy Dennis

When I suggested last summer that we have a program on bicycling in Montgomery County, my fellow Executive Committee members gasped, "Nobody bicycles. We're not interested in that!" I ignored them and organized a program on bicycling anyway. Remember my article in last October's News? I explained how I had grown up riding a bicycle, used it for basic transportation at college and graduate school, and later, commuted at least part way to work, weather permitting, through the years. The program we had last October with Casey Anderson and Richard Layman surprised us all by eliciting so many questions, and so much interest and thoughtful ideas. The upshot was a suggestion that the Civic Federation hold a longer meeting with members of the various different parts of our local government to discuss how to make bicycling more attractive and safe for ordinary folks commuting and doing routine local trips.

I have never considered myself a passionate cyclist. I'm definitely not one of the Spandex-clad bike warriors we see charging up MacArthur Boulevard every day – the folks who routinely ride 50 or 100 miles just for the fun of it. But gasoline prices are climbing again. The "American way of life" is still hugely dependent on non-renewable, carbon-based energy sources. Dependency on petroleum from foreign sources is a huge strategic problem, and the environmental risks of deep sea drilling in our coastal waters are only too well known now that we have experienced BP's disaster in the Gulf of Mexico. Humans are some of the most flexible and adaptive creatures on the planet, and with gasoline up at \$4 a gallon you would think that more people would be cutting back on driving and turning to walking, bicycling and using public transit. Yet the Tuesday, April 26

Washington Post (page A12) reported an ABC news poll indicating that although 71% of the respondents said gas prices were causing them financial strain, only 1% were turning to walking or bicycling in response to rising gas prices. We believe Montgomery County has a higher rate of bicycle usage than many other jurisdictions, but getting even more people onto bikes for routine commuting, daily errands and local transport would have many benefits: environmental, health, stress reduction, congestion and parking relief, and lower personal financial costs with more disposable income.

The Civic Federation is organizing the first ever Montgomery Bicycling Conference on Saturday, May 14 in the 1st Floor Auditorium of the Executive Office Building, 101 Monroe Street, Rockville from 9:00 a.m. to 1:00 p.m.. Our co-sponsors are the County's Department of Transportation and Maryland-National Capital/Park & Planning Commission. This will be a proactive meeting to bring together non-cyclists, novice cyclists, experienced and passionate cyclists, government planners and administrators to look at ways we can work collaboratively to make Montgomery County a safer, more welcoming place for cyclists of all ages and experience levels. Following a break for lunch, at 2:00 Bill Michie of the Rockville Citizens Bicycle Advisory Group will lead a bicycle tour of Rockville to show off the various ways in which Rockville is promoting bicycling as a safe and healthy alternative to driving. This is a BYOB (Bring Your Own Bicycle) event.

Please help spread the word about the conference and plan on attending. It should be interesting, informative and constructive. Check the Federation's website at www.montgomerycivic.org for more detailed information.

www.mwcog.org/transportation/activities/planning - Metropolitan Washington Council of Governments – planning for greater integration of pedestrians and bicyclists into the transportation mix.

2011 MCCF Annual Awards Banquet on May 13

The Civic Federation's 2011 Annual Awards Banquet will be held the evening of Friday, May 13, in the Conference Center (Building II) on the campus of the Universities at Shady Grove in Rockville. A wine reception from 6 to 7 p.m. will be followed by dinner, then capped off by the awards program. Directions to the venue, the banquet menu, and a downloadable reservation form can be found on the homepage of the MCCF website and on page __ of this newsletter.

Reminder--reservations are required and must be received, with payment, no later than Monday, May 9, so we can give our caterer an accurate count for dinner.

The Wayne Goldstein Award, which is conferred on an individual or group for outstanding public service to the people of Montgomery County, will be given to the non-profit group Friends of the Library, Montgomery County, Inc. This organization was founded in 1982 with the aim of organizing library patrons to supplement operating funds provided to our public libraries in the county's annual budget. Over the years, the group has expanded its mission to include advocacy, program support, and provision of matching funds, specific materials and equipment to county's public libraries. Their annual book sale, an early FOLMC fundraising project started in a bookmobile parked outside the Rockville Library, has evolved into three year-round bookstores located in Wheaton, Rockville and Gaithersburg, the proceeds from which benefit libraries and worthy community projects. While Friends of the Library serves the entire library system, many of the county's 21 branch libraries have FOLMC chapters dedicated to improving their local library branches.

County Council member Hans Riemer (D.-At-Large) will present the Goldstein Award to Friends of the Library, Montgomery County.

The Sentinel Award, sponsored by The Montgomery Sentinel newspaper, is given to an individual or group for a significant contribution to good government at the local level. This year the award will be presented to the members of the Organizational Reform Commission (ORC). This Commission was created in July 2010 to recommend potential reorganization or consolidation of functions performed by County government and County-funded agencies. The ORC was composed of eight county residents experienced in government, business or non-profit service delivery, four named by the County Executive and four by the County Council. Commissioners broke into four working groups, and met with County officials, representatives from key county organizations, and mayors and officials from county municipalities. The eight ORC members collectively spent hundreds of hours gathering and analyzing information before issuing their Final Report on January 31 of this year. The report contains nearly three dozen detailed recommendations for saving money and improving government functioning. Serving as Commissioners were Scott Fosler, Daniel Hoffman, Len Simon, Christina Echavarren, Joan Fidler, Susan Heltemes, and Co-Chairs Vernon Ricks, Jr. and Richard Wegman.

County Council Vice President Roger Berliner (D.-Dist.1) will present the Sentinel Award to the Organizational Reform Commission.

The Star Cup, sponsored by the Montgomery County Civic Federation, is awarded to a delegate or committee of the Federation for outstanding public service on behalf of Montgomery County. This year the Star Cup will be presented to the Environment Committee by County Council President Valerie Ervin (D.-Dist.5).

For the last several years our Environment Committee has been co-chaired by Caren Madsen and Ginny Barnes, both recently named among the County's top 40 environmentalists. This dynamic duo works very actively with other groups and individuals to promote stronger laws and regulations to protect and improve the county's natural resources. Their most noted accomplishment has been their work with the Stormwater Partners which has just this year been instrumental in negotiating terms for Environmental Site Design legislation in the county. They worked with Diane Cameron from Stormwater Partners to establish the nonprofit Conservation Montgomery which is serving as a coalition of both environmental and civic organizations, including MCCF. Ginny and Caren continue to work toward strengthening the Forest Conservation Law to add protection for smaller stands and individual trees. This is particularly important in the "down county" where infill development threatens the mature trees which shade our streets, cool our homes, manage stormwater runoff, provide habitat and create the character of our cherished older neighborhoods. Caren and Ginny are now working with Diane and the Stormwater Partners to urge county agencies to adopt a standard for using trees as a nonstructural method of on-site stormwater management. They hope to incorporate the standard into new tree legislation over the summer. They have also been active in fending off threats to the environmental stewardship of the county's parks. Their activities are reflected in work they undertake behind the scenes, the positions they recommend that the MCCF take regarding the environment and the excellent articles they provide to our newsletter and The Sentinel newspaper.

Slate of Officers Nominated for 2011 – 2012

By Dan Wilhelm, First Vice President

The Federation's Nominating Committee, consisting of Dan Wilhelm, Paula Bienenfeld and Chuck Lapinski put forth the following slot of nominees for the elected positions:

- President – Peggy Dennis
- First Vice President – Carole Ann Barth

- Second Vice President – Open
- Treasurer – William Schrader
- Recording Secretary – Sue Schumacher

Note: Peggy Dennis has already served two consecutive terms as President. In order for her to serve a further consecutive term the byelaws would have to be either amended or waived.

Every MCCF Delegate has the right to nominate a candidate from the floor at the May meeting. All you need to do is present information about the proposed nominee and arrange for seconds by Delegates from three different Member associations. Officers will be elected at the Annual Meeting in June and assume office at the close of the June meeting.

Draft Position on ZTA 11-01, CR Zone Amendments

by Jim Humphrey, Planning & Land Use Chair

The following is the draft position on ZTA 11-01 recommended by the MCCF Planning and Land Use Committee. The proposed ZTA will amend the CR (Commercial Residential) Zones currently in law, and create a new CR Town and CR Neighborhood Zone. This draft position will be considered and voted on at our meeting on May 9.

CR Neighborhood Zone - We believe CRN is a low density, mixed use zone that will be employed at the edges of agricultural areas or single-family residential neighborhoods, or will be applied as a transitional buffer between such areas or neighborhoods and nearby medium to high density commercial or mixed use areas. Therefore, we urge that:

- Maximum building height limit be set at 45 feet, not the proposed 65 feet (43 feet, or 3 stories, is the existing height limit of C-2 Zone, a commercial category currently deemed compatible with nearby single-family residential use);
- Maximum density be set at 1.0 FAR¹, not the proposed 1.5 FAR, in order to assure compatibility with abutting or confronting single-family homes. By comparison, the density limit for a house on a standard R-60 lot equals 0.91 FAR (2.6 stories x 35% lot coverage), and on a standard R-90 lot equals 0.78 FAR (or 2.6 stories x 30% lot coverage);
- Site Plan approval be required for any development on a CRN zoned property that is adjacent to a property in a

¹ Floor Area Ratio—the ratio of total floor area in the building(s) (all levels) to the area of the lot.

single-family residential or agricultural zone, or one separated from such property only by a right-of-way of a primary, secondary or tertiary street; and

- Uses marked as Limited (with an "L" on the Land Uses chart, see lines 305-314), which are proposed to require additional mitigating factors aimed at reducing their incompatibility (see lines 330-335), be disallowed on properties adjacent to a property in a single-family residential or agricultural zone, or one separated from such property only by a right-of-way of a primary, secondary or tertiary residential street.

CR Town Zone - CRT is proposed as a medium density mixed use zone with a maximum density of 4.0 FAR and building height of 150 feet and, therefore, should never be applied to a property adjacent to a property in a single-family residential or agricultural zone, or one separated from such property only by the right-of-way of a primary, secondary or tertiary residential street, due to incompatibility of scale of CRT allowed buildings with existing or proposed residential housing.

- We recommend the "Maximum Total Density" for Standard Method development in the CRT Zones be the same as that existing for the CR Zones--"the greater of 0.5 FAR or 10,000 gross square feet of floor area" (not the proposed 1.0 FAR or 10,000 gsf).

General note about CR Zones

- As MCCF noted in our testimony to the County Council on legislation creating the CR Zone, the absence of dwelling-unit-per-acre limits in CR zones means that the number of housing units in any project will not be known until Planning Board approval. This prevents the county government from doing accurate, fiscally sound long-range infrastructure planning.

Clarifications on Proposed Bag Tax Bill

By Peggy Dennis, Arnie Gordon and Ansu John

The recommendation that the MCCF support County Bill 8-11 was tabled at the April 11 meeting due to questions raised about the bill.. Arnie Gordon volunteered to do further research and provided a list of questions and observations, which have been answered by Ansu John of the County's Department of Environmental Protection. Because this bill is scheduled to come up for a vote on May 3 and the MCCF will not have the opportunity to vote on the original resolution in support before that date, the Executive Committee recommends that our member associations read the following "Q & As" and indicate your support or opposition to the bill directly to the Council before May 3.

Q. While the bill defines "carry out bag" as the final bag carried out of the store, how is this alone beneficial to the environment which is supposed to be the real aim of the law? I can have many produce, deli, meat, fish plastic "pre-carry out" bags but only have to pay tax for the ones in which they are all carried out?

A. The intent of the bill is to change people's behavior to reduce the number of bags they use and encourage awareness of the litter problem. It is reasonable to expect the public to modify behavior as it relates to carryout bags by bringing their own bags or refusing a bag at a retail establishment's checkout counter. The intent of the bill is not to impose an inconvenience on shoppers trying to carry bulk items to the checkout counter, or impose food safety risks, or create a logistical problem for retailers to figure out how to charge fees on bags used for bulk, meat, fish, bakery and produce items which are provided as a convenience inside the store. Therefore thin film plastic bags used to wrap meat counter products, or used to bag bulk items within the store are exempt in the bill.

Q.The objection re newspaper bags is clarified and we can assume that this will not be taxed, but realize please that they too are a significant part of the trash load escaping out of control. Many many households don't even pick up the Gazette or Examiner and it stays in the street until so pulverized by traffic it goes into the storm drains.

A.Agreed. They can be a nuisance. The intent of the bill is to make plastic bags more scarce and the general public more aware of the plastic bag litter problem. It is hoped that the type of litter you describe will reduce over time as people become more sensitized to the issue, from their experience in retail.

Q.The bill does not apply to Restaurants and that includes fast food establishments. As a Montgomery county Adopt a Road participant (Emory Lane) I can vouchsafe to you that this is a real problem. A good percentage of plastic items and bags (paper and plastic) I pick up are from fast food joints like McDonald's etc.

A.The bill does apply to restaurants if they use plastic bags. Only paper bags used as doggy bags or to carry food out of delis, restaurants and cafeterias with a public seating area are exempt. This bill is only one component of a multi-pronged strategy to reduce trash which includes street sweeping, litter collection along roadways, and code enforcement re: loose litter on and around business properties.

Q.The bill permits a small establishment not to pay over the tax collected until \$100 has been accumulated (i.e. 2000 bags) (52-03 b) rather than monthly as for a large retailer. Since a retailer need not remit the \$100 (i.e. 2000 bags) until the amount collected exceeds \$100, this is an area that is

ripe for abuse. How will this be audited? By whom and at what expense?

A. A portion of revenues from the bill are set aside to fund a full-time staff position within the Department of Finance for auditing and managing bag bill payments (to be done online using an automated Web site). Additionally as in DC, compliance information will be passed to businesses using a variety of County programs which have relationships and interact with local businesses. As in DC, reporting on delinquent businesses will be captured from citizens and others.

Q. The tax will be levied on clothing stores and dry cleaners...I see nothing in the law that says that is not so. This may or may not be a good thing.

A. The DC law requires that all stores with a food license (including to sell candy/gum at the checkout counter) are subject to the bag charge. The Montgomery County bag tax will be levied on clothing stores exactly as it is in Washington DC (e.g., Macy's, Neiman Marcus, Lord and Taylor etc.). Dry cleaners are exempt if using the thin film plastic covers on cleaned clothes.

Q. The tax collected must be turned over to the Stormwater Management Fund - this may or may not be a good thing depending on whether the County Executive can detour the money to some other purpose. I don't have an answer for this but I suspect that this may be the case.

A. The public record during the budget process requires itemization of how the revenue is to be spent including amounts set aside for administration of the tax, ongoing bag distribution to low-income population within the County, and amounts for use under the Water Quality Protection Charge (including for street sweeping, litter collection and litter prevention programs).

Q. The memo from the Director, OMB to the President of the County Council says that it will take only \$354,000 to administer this law and only one staff year. That in the vernacular is a "pipe dream". Thousands of retailers will be filing forms and there is no way that this can be administered and enforced with one staff year. Who is kidding who? This bill may well cost more to properly administer than it will yield in revenue. This isn't fatal if environmental cleanup is the real end to be achieved but let's not fool the people into believing that this isn't going to cost a lot more than that.

A. Costs will be controlled through an online payment process requiring one-time set up costs and minimal maintenance costs and staff support. There is widespread voluntary compliance with the law in DC, and there is every reason to expect a similar result in Montgomery County. The law benefits retailers, by reducing their overall operating costs, so it is in their interest to comply fully.

Q. Remember too that unlike the IRS the County has no power to enforce a civil violation of the law except by going to Court. Estimate the cost of each such case, if indeed one staff year will ever detect and gather evidence of any such violation.

A. DC hasn't needed the type of civil enforcement authority that IRS possesses, and Montgomery County likely won't be hampered either.

Q. The aim of the law is commendable...but let it be known as truth that it will be costly to administer and many establishments will cheat and keep the revenue for themselves.

A. Retailers are expected to comply with business law in the County as they have in Washington, DC.

Q. I do not opine on the effectiveness of the law vis a vis the environmental impact. The county's position is that the figures in D.C. extrapolated to Montgomery County based on population yields a sound estimate of what can be achieved here. This is surely open to question. There is not only a difference in population but in socioeconomic characteristics that in my opinion reduces the amount of trash that is not properly controlled or recycled way beyond what the experience in D.C. demonstrates. In addition the 5 cent tax is not as powerful a conservation incentive as it is in D.C.

A. We understand that the demographic range, poverty rate, language groups and other population characteristics in the County differ from Washington DC. The effectiveness of the DC law in reducing the source of plastic bag litter (50–70 percent reduction in use of bags reported by businesses in one year) is irrefutable. The reduction in plastic bag litter found in periodic stream/river clean ups conducted by watershed groups which have been tracking numbers of bags annually, is also irrefutable (65 percent). This is not a price point designed to be a burden on people or retail sales, it serves as a prompt to reduce use of plastic bags, the reason being, plastic too often ends up as litter in our streams and on our roadways. This has seemed to work effectively in a neighboring jurisdiction and we believe it will be effective here.

Environment Committee Report By Caren Madsen, Co-Chair

A vote by the County Council is expected on May 3rd on Montgomery County Bill 8-11, which would impose an excise tax on certain carryout bags provided to customers at certain retail establishments; require certain retail establishments to collect the carryout bag tax and remit the tax to the County. The bill language provided for a fee to compensate retailers for collecting the carryout bag tax.

Consumers have a choice of taking in their own reusable shopping bags. The Council heard opposition to Bill 8-11 from organizations such as the American Chemistry Council but support for the bag tax from county civic and environmental organizations, particularly watershed groups was overwhelmingly in support. More than 6,424 bags were removed from Montgomery County sites at an April 9th Potomac River watershed cleanup event -- more than the number of bags collected from any other county within the Potomac watershed.

The Montgomery County Delegation in Annapolis pushed for a number of bills during a tough economic climate in Annapolis. A key bill for Governor O'Malley, legislation to advance offshore wind energy throughout the state, did not make it through the session. A state version of the bag bill, sponsored by Delegate Al Carr, also did not make it through the legislature.

One bright spot in Annapolis was the passage of legislation requiring the Public Service Commission to impose a \$25,000 a day fine on electric utilities for each violation of reliability standards. The bill also specifies that Pepco cannot recover the cost from ratepayers. Pepco remains at the bottom of the list of the 25 largest investor-owned energy utilities in an American Customer Service Satisfaction Index survey.

Meanwhile, Pepco continues its successful PR campaign to blame trees for power outages, prompting calls from ratepayers asking for healthy trees to be removed near their homes. The utility has more than doubled its tree-trimming budget for 2011, despite the fact that the Washington Post published an investigative story in December 2010 noting that although trees account for a percentage of power outages, the primary reason for outages in the area was outdated and faulty equipment.

Education News

Paula Bienenfeld, Education Committee Chair

Rosemary Hills/Lyttonsville Park Site Selection for new B-CC Middle School. The Board of Education (BOE, President Chris Barclay) announced suddenly last week that the Rosemary Hill/Lyttonsville Park, in Silver Spring, had been selected as the best site for the new Bethesda-Chevy Chase cluster Middle School. The site selection report is available at our Civic Fed website. The selection committee was chosen secretly and met in secret. No one from the Rosemary Hills/Lyttonsville Park neighborhoods was on the secret selection committee. The Board of Education vote is to be held on Thursday, April 28th, giving neighbors less than a week to organize. And they have organized. Thursday evening, April 21st, saw a gathering of over 120 people turn out at the Coffield Community Center in the

Park to speak regarding this choice. MCPS staff members Bruce Crispell and Janice Turpin were there to explain the choice. No one from the Board of Education was there. However, representatives of Councilmembers Marc Elrich and Valerie Ervin attended. Mary Bradford, Director of the Parks Department was also there and spoke towards the end of the evening. She told those present that the Board of Education had not contacted the Parks Department, which owns the land. She said that, "We have no real willingness to give up parkland in a community such as this." Most of the people that came to the meeting were opposed to taking over the park for this use. The park, which in addition to the Coffield Center, includes softball and soccer fields and a tot lot, is very heavily used, and serves the surrounding communities. In addition, 6.65 acres of the park are part of the Maryland Open Space program. When that became evident to the MCPS staff, they said that part of the park would not be absorbed into the school property.

A coalition of concerned residents in the Silver Spring neighborhoods surrounding the park are calling on the BOE to reject the recommendation of the Site Selection Advisory Committee, to re-evaluate sites fairly with consistent application of the stated selection criteria, to include community impact as an important criterion for site selection, and to move forward with transparency and community engagement.

The neighbors have a Facebook page, at <http://www.facebook.com/SaveRosemaryHillsLyttonsvillePark>

Susan Buchanan, who worked so hard to organize the Town Hall meeting, put out this press release on behalf of the Save our Park, Preserve our Community Coalition.

"At the request of Superintendent Jerry Weast, a Site Selection Advisory Committee, exclusive of representation from the Rosemary Hills/Lyttonsville community, worked in secrecy to evaluate 10 potential sites for the new school. Without consideration of impacts to the local community and with little analysis, the committee selected Rosemary Hills/Lyttonsville Park and forwarded its recommendation to the BOE for consideration. Montgomery County Public Schools released the committee's report last week, only after pressure from the community. The park is an integrated part of long-term planning for this historic minority and working-class neighborhood, once owned by Samuel Lytton, a freed slave and having been part of the Underground Railroad. Montgomery County received State funding under the Maryland Open Spaces Program in 2000 to acquire land for the park. It provides a much-needed environmental offset for the area, which is bordered by traffic congestion on East-West Highway, a large industrial park, the county bus depot and the Walter Reed Annex. The planned purple line will

bring yet more development, with a maintenance depot and station directly across from the park. Amid all this development, it will be devastating to the community to lose its only green space to a middle school.

The site selection process was deeply flawed, and the final report omits key data the Board of Education would need to make an educated decision on the 28th. More thoughtful analysis shows that this site in fact meets few if any of the required criteria for a suitable school location (fact sheet shown below). The advisory committee inconsistently applied site selection criteria to produce the selection of Rosemary Hills/Lyttonsville Park as the recommended site. Also, the communities bordering the park were left out of the site selection process. Representatives of several towns and municipalities in Bethesda and Chevy Chase were invited to participate in the process, but no one from the town of Silver Spring was invited."

A coalition of concerned residents in the Silver Spring neighborhoods surrounding the park are calling on the BOE to reject the recommendation of the Site Selection Advisory Committee, to re-evaluate candidate sites fairly with consistent application of the stated selection criteria, to include community impact as an important criterion for site selection, and to move forward with transparency and community engagement."

Artificial Turf Draft Report is Out

The Draft Artificial Turf Report, A Review of Benefits and Issues Associated with Natural and Artificial Turf Rectangular Stadium Fields, dated April 13, 2011 is now available. The report is on the Civic Federation website. The report was prepared as directed by the County Council Transportation, Infrastructure, Energy and Environment (T&E) Committee at a meeting on July 1, 2010. Originally the draft report was scheduled to be public in December 2010 but has only now become available. The Draft report is the product of a working group consisting of staff from MCPS, M-NCPPC, and the Montgomery County Council. According to the report, the Maryland Soccer Foundation also provided substantial assistance to the working group. It is worth noting that the sod farmers from our agricultural reserve were not invited to be part of the working group. DEP was asked to provide a perspective on the environmental impacts of artificial turf but responded that they did not have a position. Neither did they provide any specific recommendations regarding construction and use of artificial turf, for example, if water monitoring should take place.

The report addresses future Park fields, stating,

"There are currently three planned artificial turf fields for park facilities over the next six years; one at Laytonia

Recreational Park and two at the Maryland SoccerPlex. Parks also plans to install artificial turf on the slab of the old Wheaton ice rink." (For MCPS, planned fields include only high school stadium fields.)

Please read the draft report. Comments are due by May 13th. Send comments to a private email address, TurfReportResponse@yahoo.com. Make sure to cc the county council, at county.council@montgomerycountymd.gov. A private yahoo account is not entirely reliable. To send paper copies, the report authors request they be sent to:

MCPS Department of Facilities Management, 2096 Gaither Road, Rockville, MD 20850.

Minutes of the April 11 Meeting

By Dan Wilhelm, Acting Recording Secretary

Call to Order: President Peggy Dennis called the meeting to order at 7:50 pm with introductions all around. The agenda was approved with the addition of the Community Hero Recognition. The minutes of the March meeting were approved as published in the newsletter. Bill Schrader, Treasurer, gave a report on the finances and number of members.

Community Hero: Paula Bienenfeld introduced Gordon Clark, who was presented the community hero award for his work with Montgomery Victory Gardens, which is devoted to increasing local organic food production, and for securing approval for installation of gardens on public school grounds.

Program: Chuck Lapinski introduced the program on the Montgomery County operating budget and introduced the two speakers: Alex Espinosa, Montgomery County Office of Management and Budget, Manager for the Operating budget and Steve Farber, Council Staff Director. Alex gave a presentation summarizing the Executive's proposed budget. The \$300M gap for this year is caused by the fall in revenues and increase in expenses (debt service, pre-funded retiree health insurance, MCPS Maintenance of Effort, Pensions and Health insurance and increases resulting from CIP projects). The Executive proposed a number of actions to close the gap including a reduction in CIP spending, retention of the 2011 level funding for MCPS and reductions in benefits and staffing. Even if the council were to accept all the recommendations for FY12, there is also a projected \$143M gap for FY13. Steve walked the audience through some highpoints from his April 8 report to the Council that outlines the core budget issues they will need to address by May 19.

Resolutions

Brickyard Road: The resolution printed on page 3 of the April newsletter was introduced by MCCF President Peggy Dennis, seconded and approved unanimously.

County Bill 8-11 which would impose a tax on bags handed out at stores. The resolution printed on page 3 of the newsletter was introduced by Peggy Dennis, and seconded. After many questions and much discussion, it became clear that there was not a firm understanding of what would be taxed and not taxed. As a result the resolution was tabled with Arnie Gordon volunteering to research the questions.

County Bill 12-11 would ban county employees from standing in a roadway, median divider, or intersection to solicit money or donations while on duty. The county has no authority to ban such behavior at other times or by the general public until the State gives the Council such authority. Under existing Executive Regulations, the County Fire and Rescue employees could still solicit when off duty. A motion was made by Dan Wilhelm, Legislative Chair, seconded and passed with two abstaining to support Bill 12-11.

Committee Reports:

Paula Bienenfeld, Education Chair, provided the following information:

- Brickyard decision had 20 appeals before the State Board of Education
- Artificial turf is planned for installation at all high schools. The artificial turf will be made from old tires and other materials that raise a number of health issues. Also such turf could increase the number of heat problems because the temperature on them is so much hotter than on grass.
- Cell tower proposed for the grounds of Sligo Middle School is opposed by the neighbors and now opposed by the principal as well.

Jim Humphrey, Planning and Land Use & Housing Chair, provided the following information:

- The Council amended the housing section of the General Plan. They restored the items urged by MCCF but changed the wording concerning Accessory Apartments. The effect of the wording change would allow the subject to come up later this year, during Council discussion of revision of the Housing Policy, about whether they should be allowed by right or continue only by special exception.
- Zoning Text Amendment 11-01 was introduced which would create two new Commercial Residential (CR) zones: CR Town allowing medium density and CR

Neighborhood to allow low density mixed use (commercial) development. The hearing before the council will be on May 17. Jim will propose a resolution in the May newsletter for action at the MCCF May meeting.

- The Council remanded the Kensington Sector Plan back to the Planning Board to include the above CR zones. Planning Board is transmitting the Wheaton Sector Plan to Council including new CR zones, and Takoma-Langley Crossroads Sector Plan is now under consideration by Council PHED Committee and will have new CR zones inserted during committee worksessions.

Carol Ann Barth, Parks and Recreation Chair, indicated that the perceived need for more fields is being driven in part by the existing fields not being adequately maintained, and in part by the "top down" (as opposed to community-based) approach to parks and recreation planning and service delivery.

Old and New Business: Yale Wiesberg indicated the reason Montgomery County has many more violent crimes than Fairfax County is that Fairfax has four times the number of neighborhood watch programs. The meeting adjourned at 10:00 p.m.

Minutes of the April 20 Executive Committee Meeting

By Acting Recording Secretary, Sandy Vogelgesang

The Executive Committee met at the home of Jeff Wolfe and Sandy Vogelgesang.

Call to Order. President Peggy Dennis called the meeting to order at 7:55 PM. Present: Peggy Dennis, William Schrader, Jim Humphrey, Carole Ann Barth, Jim Zepp, Paula Bienenfeld, Virginia Sheard and Sandy Vogelgesang.

Adoption of Agenda and Minutes and Announcements. Peggy called for and received unanimous approval of the proposed meeting agenda and the minutes of the ExComm meeting held on March 23 and published in the April 2011 Newsletter. There were no new announcements.

Treasurer's Report. Treasurer Bill Schrader provided a written update on finances and membership renewal. The Federation's checking account balance as of April 20 is \$12,379.14. Fifty-four local associations, one umbrella association, two regional/county-wide associations, and 22 individual associates are current members.

Discussion Topics. There was discussion on the following positions taken at the March 23 ExComm meeting:

- \$4 million economic development grant to Westfield Wheaton Mall. No further action taken.

- Elimination of the nine remaining School Resource Officers. Action: Peggy to send letter to County Council and president of Board of Education stressing MCPS financial responsibility for SROs.
- Proposal to cut the Parks budget and to transfer park user services to the Executive Branch (see www.parksmatter.org). No further action taken.
- County libraries. Action: Peggy to send letter to the County Council and County Executive expressing concern about additional budget cuts.

Proposed County Bag Tax. Peggy noted that the ExComm resolution in support of the proposed County tax on paper or plastic bags at certain retail outlets (County Bill 8-11) had been tabled by vote at the April delegates' meeting. After discussion, ExComm voted to re-state its support for Bill 8-11 (5 for, 2 opposed, 1 abstaining). Because the County Council is expected to vote on Bill 8-11, May 3, there will not be an opportunity for discussion at the May 9 delegates' meeting. Peggy will thus note the issue in the next Newsletter and leave additional action to member associations and associates.

Two Land Use Issues: Jim Humphrey addressed two issues:

- Chelsea School site: ExComm voted unanimously to oppose the rezoning request; Jim Humphrey will draft written testimony for the Planning Board and Hearing Examiner.
- 5400 River Road: ExComm voted unanimously to oppose rezoning request; Jim Humphrey will draft written testimony for the Planning Board and Hearing Examiner.

Awards Committee: Peggy reported that presenters have been selected to confer awards at the Annual Awards Banquet on May 13. See separate Newsletter story.

Nominating Committee: Peggy provided progress report on proposed slate of officers for 2011-12. See separate Newsletter story.

Future Programs:

- May: Jim Zepp reported that County Police Chief Thomas Manger and Montgomery County's State's Attorney John McCarthy, have agreed to speak. The topic: "Community Policing and Community Prosecution."
- June: Paula Bienenfeld will arrange a program on charter schools.
- September: Bus Rapid Transit.

Bike Conference: Peggy reported on plans for the "Montgomery Bicycling Conference" which will be held on Saturday, May 14, at the County Executive Office Building,

8:45 AM – 1:00 PM. The event is being co-sponsored by the Civic Federation, the Montgomery County Department of Transportation, and the Maryland-National Capital Park and Planning Commission. The goal: to encourage more citizens of Montgomery County to bike. See MCCF website for more details.

Nominations for Community Hero.

- Jim Humphrey nominated George Lane, based on his noteworthy work on behalf of community safety and timely crime reporting. ExComm voted unanimously to confer the Community Hero Award at May 9 delegates' meeting.
- Carole Ann Barth nominated the Washington Revels, well-known local musical group, to receive the June Community Hero Award. Excomm approved unanimously.

Committee Reports.

Transportation. Covered by prior discussion of bike conference.

Environment. No new items.

Education: Paula Bienenfeld, Committee Chair, reported on:

- Artificial turf for County high school playing fields and other recreation facilities. The just-released report is open for public comment until May 13. Action: MCCF education, environment and park chairs to submit joint statement on the report.
- Re-location of Bethesda Chevy Chase Middle School to Lyttonsville Park in Silver Spring. Paula will attend town hall meeting of concerned community, prior to Board of Education vote on April 28.
- Search for new County Superintendent. The search is still underway, with an announcement due in May-June.

Planning and Land Use: Jim Humphrey, Committee Chair, reported on ZTA 11-01, proposed change in CR zone. Action: Jim will draft resolution for consideration at delegates' meeting in May prior to hearing scheduled on May 17.

Old and New Business: as there was none, newsletter assignments were reviewed and it was decided that the next ExComm meeting will be held at the home of Paula Bienenfeld.

Adjournment: The meeting adjourned at 10:05 PM.

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

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

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

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

9630 Gudelsky Drive, Rockville

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

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

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

Directions:

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

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

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

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

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

I/We will attend the Reception & Dinner _____

I/We will attend the Reception only _____

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

Association or Organization (if applicable) _____

Contact information _____

(Telephone)

(Email)

Federation Meeting

Session 827

Monday, May 9, 2011
7:45 1st Floor Auditorium
County Council Office Building.
100 Maryland Avenue
Rockville, MD

Agenda:

7:45 Call to Order & Introductions
7:50 Announcements
7:52 Approval of Agenda
7:53 Approval of Minutes of the April 11 Meeting
7:54 Treasurer's Report
7:55 Community Hero: George Lane
8:00 Program: Community Policing & Prosecutions
9:15 Resolution on CR Zone amendments
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, May 21, 2011.** Prepare submission as an MS Word, Word Perfect or text-only document, **attach** it to an e-mail, and send it to:
hotyakker@gmail.com

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

NEXT EXECUTIVE COMMITTEE MEETING

Wednesday, May 18, 7:45 p.m.

At the home of Paula Bienenfeld

6018 Tilden Lane
North Bethesda, MD 20852



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

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