



# CIVIC FEDERATION NEWS

*Official Publication of the Montgomery County Civic Federation*

*Serving the Public Interest Since 1925*

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735th Session

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

Internet Edition

March 2002

## Creating a Civilian Police Review System for the County

*-by Steve Block, Coalition for Civilian Review*

Twice a month, representatives of fifteen community organizations, Chief of Police Charles Moose, and FOP Lodge 35 President Walter Bader meet to develop a program for civilians to oversee the handling of complaints against county police officers. Pat Cummings is the representative of the Civic Federation on this Working Group.

The plan—nearing completion—envisions a system uniquely tailored to the needs of Montgomery County, where we are fortunate to have a good police department under the able leadership of Chief Moose. However, given the nature of law enforcement, problems are inevitable. One of the major challenges facing our police officers is earning the confidence and enlisting the support of an increasingly diverse population. Enabling civilians to have a meaningful role in the resolution of complaints of police misconduct will strengthen police-community communication. It will help break down the suspicion and distrust that many members of minority communities feel toward the police.

Presently, complaints against police officers are handled solely within the police department. Because police officers must look after and protect each other in their jobs, giving them the exclusive responsibility for investigating and judging their fellow officers is not satisfactory. While civilian review is not a cure-all for all police-community issues, it can contribute to improved community policing.

For most complaints of police misconduct, the civilian review system for Montgomery County will review the investigation and findings of the police department's Internal Affairs Division. In selected cases, the civilian review system will begin by investigating on its own. Whether based on its own investigation or that of Internal Affairs, the civilian review system will decide whether the complaint does or does not have merit. These findings are sent to the Chief of Police who, under Maryland law, may accept them and decide to discipline the officer or reject them.

A Panel representing the community will set policy for the civilian review system and make the essential decisions, including the findings for each complaint. Appointed by the County Executive and confirmed by the Council, the independence of Panel Members is assured by their being removable only for cause. A small staff headed by an Administrator who serves the Panel at the Panel's pleasure.

### *In This Issue ...*

Civilian Police Review System	Page 1
Delegates Meeting	Page 2
ExComm Meeting Minutes	Page 4
Land Use and Transportation	Page 6
Dues Restructuring	Page 7
AGP and Schools	Page 7
Awards Committee Established	Page 8
Letters to the Editor	Page 8
From the President	Page 10
Directory of Officers	Page 11
Agenda for Delegates Meeting	Page 12

The success of this endeavor depends on the abilities of those appointed to the Panel. Their selection must not be politicized. In that regard, the Coalition for Civilian Review is pleased that the Central Committees of both the Republican and Democratic Parties have endorsed its efforts

In planning the civilian review system, the Working Group is mindful that Montgomery County is faced with a budgetary shortfall. While we have not yet developed a cost estimate, we are structuring the process to be lean and efficient. While meaningful civilian review cannot be bought at a discount, members of the Working Group earnestly believe that this system will more than pay for itself by facilitating more effecting community policing.

## Delegate Meeting Minutes February 11, 2002

—by Richard Zierdt, Recording Secretary

MCCF president Dr. Dean Ahmad calls the meeting to order at 7:52 PM. Introductions are taken, after which Dr. Ahmad declares a quorum exists.

Announcements. Dick Strombotne: Revised petitions regarding referendum reform are being created.

Agenda additions. Jerry Garson: Sewage discharge. 2 Minutes.

Minutes. Motion to approve as published passes.

New Business (while waiting for program, some new business was conducted).

Jerry Garson. WSSC usually draws all water from the Potomac. Sewage from Frederick is being dumped into the Potomac. Move **to build aqueduct from Black Hills reservoir to WSSC treatment plant**. George Sauer feels the cost is not cost-effective. Bill Skinner: Maryland fish are also contaminated. Motion is made to **refer to executive committee**. Seconded. Passes.

Water service. Robert Goldberg. 120 acres, close to Butler's Orchard. Developer seeks sewer hookup for a religious institution on this property. This would be an exception to sewer policy as the sewer would intrude into the agricultural preserve. Mr. Goldberg moves that **the MCCF support the review of this project**. Cary Lamari: MCCF does not generally get involved in

specific local issues, however, the MCCF is concerned about precedents. Developer is Aris Mardrossian. Motion made that the County Council should defer WSSC OIA-GWC-03 (farm development co-op) service for water category change until such time as affected interested parties and county government review and discuss this proposal. Seconded. Dick moves that the MCCF oppose WSSC proposal that extends the sewer into the agricultural preserve. Seconded. Dick: any intrusion into the agricultural preserve must be opposed. Mark Adlerman: MCCF should just recommend further study (defer for now). Substitute motion fails 9-13. Floor motion then passes unanimously.



Chuck Lapinski analyzes the CIP for 2001.  
—Photo by I. Dean Ahmad

Program. Capital Improvements. Chuck Lapinski. Distributes handouts. There is never enough money, be it in family or governmental projects. (The discussion is about capital improvements, not operating expenses). Charles discusses “Unknown Projects.” So-called “emergency” expenditures have been liberalized to the point that almost anything goes. School construction: we need \$200 million to keep current projects. This year, State will provide about \$11 million for school construction. Discipline: Schools and transportation are more important than arts centers and conference centers, at least at this time. One ongoing problem: project under-estimation. There's no analysis of a project's cost and its benefits. Bill Skinner: The Miller building for the Maryland Senate cost \$24,400,000.

Randy Bosan. Mental health. Appreciates the support MCCF has given to better mental health. However,

several clinics have closed. Randy announces a rally in Annapolis on March 7, noon, to demand better funding for mental health. Randy will leave flyers. Call Marilyn Kresky-Wolff at 301-424-0656 ext 106 for more information.

New Business (continued).

TPR: ExComm's motion on the TPR from newsletter, (February 2002, pages 5 and 6), is considered. Cary Lamari's amendment (February 2002, page 6) is moved and seconded. Motion defeated 6-15-2. Stan Schiff's amendment to remove first sentence of third paragraph "The diversity of concerns of people on the committee are not reflected in the report" then considered. Seconded. Passes with one abstention. Stan's second amendment "replace third paragraph, 2<sup>nd</sup> sentence with 'We need time and a hearing process that will substitute allow policy issues to be fully aired'" Passes with one abstention. Stan's third amendment is then considered, which modifies numbered item 1. Dean asks and receives permission to divide the amendment into two parts. The second part, to ADD "available for infrastructure and services" after "Growth should not exceed funding" passes with one abstention. The first part, to DELETE "as a transportation policy issue" and substitute "management both on a countywide and regional basis" is then considered. Dean relinquishes control to MCCF vice president Cary Lamari. Dean makes a substitute amendment to change 'management' to ADD "both on a countywide and regional basis" after transportation policy issue both on a countywide and regional basis" after "as a transportation policy issue." Seconded. Dean's motion to substitute passes 13-6-1. The substitution passes 15-3-1. Stan's fourth amendment, to replace numbered item 6 with "We support the Task Force recommendation for transportation for the elderly and urge the council to give prompt and serious consideration to the proposal now being developed by the Aging and Disability Services agency for the establishment of an essentially self-sustaining transportation service patterned after the program in Portland, Maine" is now considered. Seconded. Pat Cummings begins to propose a substitute amendment, but withdraws her motion. Stan's amendment passes 10-7-1. Full motion as amended reads:

**Be it resolved that the President include in the Civic Federation testimony to the County Council on the Transportation Policy Review at least the following positions taken previously or adopted herewith:**

**We need time and a hearing process that will allow policy issues to be fully aired. New questions have been raised by the report and budget figures have changed at the last minute. The limited hearings are not sufficient, not timely, and are transparent tokenism. Remind the Council of the problems caused by the inadequate time given for consideration of the Purple Line.**

**We need time and a hearing process that will allow policy issues to be fully aired. In particular, the report falls short in that it is not a comprehensive review of transportation policy at all, but a laundry list of facilities to be voted up or down.**

**In order to make the best out of a difficult situation, we propose to ask the County Council to provide an orderly schedule of hearings. Separate hearings should be held on the following topics:**

- **growth policy (including regional cooperation and coordination)**
- **funding and priorities**
- **mass transportation**
- **special user transportation (such as the elderly)**
- **and at least two hearings on roads (which may be divided between up-county and down-county, or between north/south and east/west, or however else the Council deems fit).**

**Logically, the first two topics should be discussed first, but in recognition of the fact that the Council will be preoccupied with budget matters for the next four months and then quickly seek to take positions on the last three items in July, we should be willing to compromise and accept that the four hearings for the last three items be held in June and at least two hearings on the first two topics in early fall (before the election!).**

**In addition to making the above points, we propose that our testimony at the presently scheduled hearing cover the following:**

- 1. We favor a study of growth as a transportation policy issue both on a countywide and regional basis. We can't spend out way out of congestion. Growth should not exceed funding available for infrastructure and services.**
  - 2. We favor a study of buses with priority emphasis on express buses.**
-

3. **The Montrose Parkway should be all or nothing. Given our past position on the matter and the fact that County is only considering the Parkway expansion to Rt. 355, that means we continue to oppose the Montrose Parkway.**

4. **We oppose the Techway.**

5. **We restate our opposition to the ICC. We also oppose the analysis of the Planning Board Staff because insufficient attention was paid to the environmental issues west of Georgia Avenue in particular.**

6. **We support the Task Force recommendation for transportation for the elderly and urge the Council give prompt and serious consideration to the proposal now being developed by the Aging and Disability Services agency for the establishment of an essentially self-supporting transportation service patterned after the program in Portland, Maine.**

Amended motion passes 16-3-1.

Motion to adjourn passes at 10:14 PM.

Respectfully submitted,  
Richard Zierdt

## ExComm Meeting Minutes February 21, 2002

–by Winifred Klein, Corresponding secretary

President Ahmad convened the meeting at 7:45pm, quorum present. Mr. Abrams announced passage of a County Council bill, sponsored by Praisner and Andrews, to require sellers to inform potential buyers of possible reassessment.

Additions to agenda requested: Dr. Cummings, 5 min. extra for report; Mr. Thomas, to present access through park matter; Charles Pritchard, 5 minutes. Agenda adopted as amended with no objections. The Minutes were adopted as published.



Winifred Klein—Photo by Frances Eddy

Mr. Lamari inquired about an audit at year-end; Dr. Ahmad reminded that an audit was recently completed and that a Treasurer's year-end report will be presented in August, with regular audit to follow.

Mr. Wilhelm reported the amendment to the AGP lowering the threshold for adequate school facilities from 110% to 100% and that there is now a move to lower this to 95%. Six clusters would go into moratorium. After an extensive discussion, Mr. Schiff recommended that inquiry into facts before decision is indicated. In conclusion, Dr. Ahmad stated that Mr. Wilhelm will prepare a newsletter article and the matter of **the AGP threshold for school facilities will be placed on the delegate meeting agenda.**

Charles Murray, WSSC, Chief of Planning Operations, circulated a WSSC "Fact Sheet" and answered questions after a summary presentation of present conditions. He reported that the Hagerstown contamination is over, and nothing was seen here. He averred that the wastewater treatment plant is really an accelerated river and that WSSC water is safe. He explained why chlorination is safe and mentioned ways of minimizing it.

Mr. Wilhelm, noting the MCCF position to request further hearings, said that the Council replied that they were open to discussions. He circulated tables showing the "TPR Round 3 Scenarios," an evaluation of 2050 Alternative Land Use. There was consensus to place on the delegate meeting agenda the alternate land use proposal to balance housing and transportation.

Dr. Ahmad addressed the issue of Politics and the Public Good and how MCCF can make an issue of this. The matter of a developer's going to the Council President after being refused an exception allowing public services to be extended into the agricultural preserve was noted. Also cited was the denial by Dept. of Permitting services for access to private property through a park, with subsequent petition by Linowes & Blocher on behalf of landowner to Mr. Silverman for his intervention.

Mr. Schiff raised issue of campaign funds. He aid that he would like to see community advisory boards elected, with the involvement of ethnic minority groups.

Dr. Ahmad circulated a proposal formulated by a special committee for dues restructuring. **The proposal, which includes a dues increase,**

**dispatching of newsletter by first class mail, and a discount for electing newsletters by e-mail, will be presented to the membership.** In reference to a directory, he said that the membership database has been cleaned up. Motion to publish was tabled. In reference to an MCCF brochure, he asked Mr. Wolff to update old brochure, and he will draft a new one.

Mr. Lamari proposed establishment of an MCCF scholarship fund, perhaps \$1,000, for awards to college students to promote citizenship. He further proposed that advertisements be accepted for the newsletter to support the funding. A motion to subdivide the two questions was approved. Mr. Abrams moved for **the appointment of a subcommittee to establish criteria for scholarship awards.** Unanimously approved. Dr. Ahmad appointed Mr. Abrams to chair this subcommittee. **A motion to provide space as available for business card (non-political) advertisements was postponed until the next meeting.**

Wayne Goldstein distributed a "Fact Sheet" delineating various fluctuations in enrollment and volume of course hours at the Takoma Park Montgomery College Campus. He believes that expansion at this facility may be unjustified. Two motions to extend discussion were approved. Messrs. Strombotne and Schiff proposed that **more evidence be collected in regard to use of public funds and that Mr. Goldstein's information be used as a basis for a letter of inquiry into this matter.** There was no objection.

Dr. Ahmad reported that David Brown, nominated as Community Hero has not been available, but will be honored at the May meeting. Dr. Cummings will prepare background information for another proposed nominee.

Dr. Ahmad nominated to the Awards Committee: **Charles Pritchard, Chair, Pat Cummings, Bill Skinner, Fifa Northrup, Jeanne Goldstein, Cary Lamari.** Mr. Abrams moved approval; approved unanimously. Their report will be delivered in April.

Programs: Dr. Cummings, Police review Board, March 11; draft of proposal for March newsletter. Also, Mr. Pritchard, **Police Helicopters.** Mr. Wilhelm, **TPR Report,** possibly a panel discussion, for April. Dr. Ahmad added that **TPR could also be on the May program.** A video Monorail previously proposed for May would be bumped. The June program will be the report of the Awards Committee, honoring recipients.

Mr. Lapinski added that he will bring up **the operating budget at the April meeting.**

Mr. Pritchard, Environment, in reference to a plan to construct four houses of worship and educational facilities in the agricultural reserve, noted that the developer has not formally applied for a permit for extension of water and sewer services.

Mr. DeGraba, Land Use & Planning, in reference to the Potomac MasterPlan, stated that access to water & sewer is not necessarily a question of policy. He emphasized that affordable housing, affordable senior housing, and elderly housing are preferably sited in areas that have public services in place. Guidelines in Master Plans need to address minimal requirements.

Lapinski said that state budget has not yet been finalized, but that Montgomery County will receive less this year. He said that he is still waiting for the public utilities budget.

Dr. Ahmad reported that a revised and reorganized list of standing resolutions will be available for review on the website.

Mr. Thomas, reporting just as information, said that a developer seeking a road into a park with a creek has been turned down. His appeal was rejected, and his lawyer applied to Mr. Silverman for his intervention.

Newsletter assignments were noted by Mrs. Dennis for the March issue.

Adjournment was called at 10:45.

Respectfully submitted,  
Winifred Klein  
Acting Secretary

**Do we have your correct address?**

**Send all address corrections  
to Steve Howie**

**phone: 301-972-2736;  
e-mail: [stevehowie@aol.com](mailto:stevehowie@aol.com)**

## Land Use Relationship to Transportation

–by Dan Wilhelm  
Transportation Committee Chair

The TPR raised a large number of issues that the Council has indicated they will be addressing in June and July unless they relate to this year's budget or other topics that they had already planned to address between now and June.

Speaking for the Civic Federation at the February 12 and 13 hearings before the Council, Dean Ahmad stressed the importance of the Council allowing ample time for hearings on the many and complex issues addressed in



Dan Wilhelm—Photo by I. Dean Ahmad

TPR. The Council is scheduled to have a brief discussion on the process they will use on Tuesday, February 26, which is just after the MCCF newsletter goes to press.

No matter what process the Council decides to follow, MCCF needs to develop its position on many of these issues. We plan on taking up a number of issues before June.

At the March meeting, I am proposing we discuss the relationship of land use relative to its effect on transportation. The Planning Board charged the TRP task force to consider land use since 1) land use and transportation systems intimately shape one another, and 2) transportation initiatives contribute to neighborhood livability and business vitality.

One conclusion that became obvious in TPR is that road congestion will be worse in the future than today, no matter what steps are taken. Such a conclusion exists even under the Task Force developed road and transit scenarios that would require investments of \$8-9 billion over the next 50 years. Present investment levels are at a rate of \$3 billion over 50 years. That should put a premium on the consideration of those measures that contribute significantly to ameliorate the congestion problem at less cost. One of these is the shift in land use policy.

At present the county has a countywide balance in jobs and housing. However, areas within the county are unbalanced. For example, an over concentration of jobs exists in the I-270 corridor and an excess of housing in the Georgia Avenue and eastern areas of Montgomery County. This job-housing imbalance explains the traffic directional imbalance where heavy volumes of traffic head west in the morning and east in the evening.

TPR modeled two different land use patterns for the year 2050 to determine the degree to which an alternative land use (ALU) pattern would affect road congestion and use of transit. The ALU was compared with the existing master plan land use (MPLU) pattern for both a transit emphasis network and road emphasis network. Both networks included many more roads and dedicated transit facilities compared with what we have today.

Compared with the MPLU, the ALU resulted in (first number is for transit network and second number is for road network):

- 4.7% or 4.5% reduction in auto trips (some 12,000 trips during the evening peak one hour)
- 14.3% or 14.7% increase in transit trips (some 4,000 trips during the evening peak one hour)
- 5.3% or 4.2% reduction in vehicle miles traveled in heavy congestion (38,000 or 32,000 during the evening peak one hour)

These improvements are very large. Only the ICC resulted in a larger reduction in congested vehicle miles traveled.

TPR did not recommend the specific land use changes used in the modeling since the details would need to be worked out and the appropriate place for such detailed investigation is during normal master plan updates. Such updates for the entire county will require approximately 10 years to complete.

At the March meeting, I recommend that MCCF support the following policy resolution:

**MCCF supports as a policy the alternative land use goals studied by the Transportation Policy Plan Task Force and that they be applied to the extent reasonable in regular updates to the county's master plans. The goals being supported are**

- 1 **Improve the balance of jobs and housing within planning areas in order (1) to reduce commutes by enabling people to live closer to work and (2) to better use existing roads by balancing directional travel and,**
- 2 **Explore opportunities for more housing at Metro stations and in other activity centers to encourage greater use of transit.**

## **Dues Committee Issues Report**

*–by I. Dean Ahmad, President*

The ad-hoc Committee on Dues Restructuring met at my home on February 20 and issued a UNANIMOUS report. They divided the proposal into its three constituent parts: to increase dues, switch to first class mailing of the newsletter, and offering a discount for those who opt for downloading the newsletter rather than having a copy mailed to them. They recommend all three of the following motions be passed at the March meeting.

- 1) **Resolved that the MCCF raise the basic dues from \$15/35/50/65 to \$20/45/65/85 (i.e., an increase of \$5 per “unit”).**
- 2) **Resolved that the MCCF mail the newsletter by first class mail rather than bulk mail beginning with the expiration date of our current bulk-mailing permit (April).**
- 3) **Resolved that the MCCF share the savings with members who elect to receive their newsletter subscription by electronic download by offering a \$5 discount/rebate per “unit” on a one-year trial basis.**

If all three motions pass, the net effect, based current print runs, actual year 2001 newsletter sizes, current 2002 budget and assuming 60 freebies mailed in addition to paid memberships, we project an INCREASE in net dues revenue on the order of \$2800.

## **AGP Adequacy Test for Public School Facilities**

*–by Dan Wilhelm, 2<sup>nd</sup> Vice President*

The premise behind the Annual Growth Policy is to phase development with the ability of public infrastructure to support the growth. Although there are multiple facilities considered, roads have historically been the only one found to be inadequate. People have questioned the test methodology for schools because many have felt that many schools are overcrowded.

The methodology used by the Council requires an evaluation of available capacity in each high school cluster by level (elementary, middle and high) by comparing enrollment projected by MCPS with projected capacity at each level five years in the future. If insufficient capacity is available, the Council determines whether an adjacent cluster or clusters has sufficient capacity to cover the projected deficit in school capacity. (Looking at adjacent clusters assumes that boundaries can be changed to accommodate the students.)

In adopting the AGP in October 2001, the Council lowered the capacity threshold from 110% to 100%. Councilmember Subin has introduced legislation to further lower the capacity threshold to 95%. He feels that the Council and MCPS have important initiatives to provide all-day kindergarten and reduced class sizes. He believes that unless the school test is further changed these initiatives are at risk.

The Council does not count relocatable classrooms in determining capacity. It uses the following class sizes to determine whether sufficient rooms exist:

- Half-day kindergarten: 44 students
- All-day kindergarten: 22 students
- Grades 1-6: 25 students
- Middle and High schools: 22.5 students

Under the CIP that was adopted two years ago, the capacity threshold change would move six high schools into moratorium: Gaithersburg, Paint Branch, Seneca Valley, Sherwood, Watkins Mill and Wootton. If the Council approves the CIP that was recently introduced later this spring, only Paint Branch would remain in moratorium. The White Oak/Fairland Policy Area where Paint Branch is located is already under

moratorium due to road congestion, so there would not be any effect due to the school test.

According to the Gazette, Jerry Weast wrote that "the impact of housing turnover versus new development is far more important to enrollment trends in the majority of our schools. One could argue that it is more important to work with the county to achieve funding for our needs than to enter the controversial fray of development regulation."

Based upon the above background, what position should MCCF take? I recommend that **MCCF support the reduction in school capacity to the 95% threshold for AGP tests.** This would have the effect in future years of focusing Council attention on the capacity issue and the related need for adequate school funding. It does not fully address the capacity issue, but it is a positive step.

## Awards Committee Appointed

—by I. Dean Ahmad, President

As required by our Bylaws, an Awards committee has been established to present the three annual awards at the June meeting. If you have any suggestions for deserving recipients, please contact the Committee Chair, Charlie Pritchard or any of the other committee members. Here are their numbers: Charles Pritchard, 301-593-1781; Pat Cummings, 301-977-6004 (h), 301-840-0921 (o); Bill Skinner, 301-762-5483 (h), 301-762-3784 (o); Fifa Northrup, 301-984-9424; Jeanne Goldstein, 301-652-3064.

Here are the relevant sections from the Bylaws:

1. Annual Awards. The Federation shall make the following awards each year. Awards will be presented with appropriate ceremony at a time and place determined by the Executive Committee.
  - a. Star Cup - sponsored by the Federation and to be awarded to a Delegate or Committee of the Federation for outstanding public service on behalf of Montgomery County
  - b. Gazette Award - sponsored by the Montgomery Gazette newspaper and to be awarded to an individual or group for

outstanding service to the people of Montgomery County

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

2. Awards Committee. An Awards Committee to make recommendations for recipients shall be established not later than the February Executive Committee Meeting. Members shall be nominated by the President and confirmed by the Executive Committee. Notice of the Awards Committee along with a call for suggestions will be published in the Newsletter.

3. Selection of Recipients. Recipients of the awards shall be determined by the Executive Committee at its May Meeting, based upon but not limited to recommendations of the Awards Committee. Only members of the Executive Committee may be present during the selection process, and any member of the Executive Committee recommended for any award by the Awards Committee may not participate in the process.

## Letters to the Editor

### Nonsense from the County Government

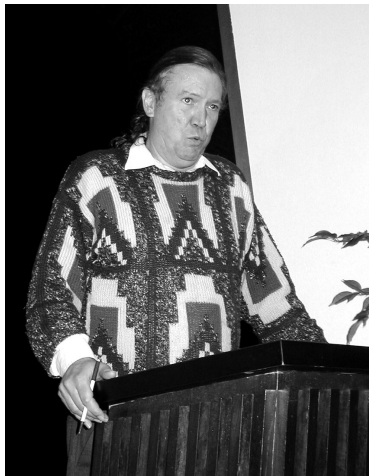
Every time I think that we have all become so bogged down in the processes that we have to go through to exert community will, someone does something that is awe-inspiring. Fenton Street in Silver Spring has had its moments of greatness and moments of frustration and anger. All of us seem pleased to see Fresh Fields and the other businesses doing so well along Fenton; but as you go south, the situation changes.

The East Silver Spring Civic Association under President Bob Colvin (ESSCA) has become very frustrated with the dismissive and arrogant response it has gotten from, you guessed it, OUR COUNTY GOVERNMENT over lighting and installation of "neck downs" on Fenton Street. While our new lights have still not been turned on, we at least will have the benefit of our old lights, which illuminated the roadway very well along Flower and parts of Piney Branch, while our new lights will add luminance to the sidewalks and add a touch of elegance. What they did



on Fenton was take out the old lights and install the same type of new lights as we have (Washington Globe), resulting in a DECREASE of luminance. Residents regard the area as poorly lighted and, consequently, dangerous, however elegant the touch is.

The second insult is the installation of “neck downs” along Fenton, which began this week. ESSCA totally opposed these neck downs and was supported by the Regional Advisory Board, Sally Sternbach went to the top about it. But DHCA and the Office of the Chief Administrative Officer (CAO) (who actually runs the County Government) would not listen. Let me repeat, would not listen, implying that THEY KNOW BEST. They obviously underestimated our good neighbors in ESSCA, who really do know best. ESSCA has written a letter to the U.S. Department of Housing and Urban Development saying it does not believe that Community Development Block Grant money should be used in a way the community does not support.



Jim Johnson  
–Photo by I. Dean Ahmad

HELLO! ANYBODY HOME? If that does not impress you, please read the last paragraph again. It left me breathless! and in deep awe of the courage of our neighbors to stand up for their community and to be willing to face the consequences of a vindictive government. Bob Colvin told me he had heard through various channels that the County Government, at the highest levels, considered ESSCA to be a “pain in the \*\*\*” but all these people were doing was asking whether anybody was really paying attention. Our government wasn’t listening, but now they’ll have to.

This holds many lessons for us in LBNI as we proceed on our revitalization and deal with our issues. As almost everyone knows, I have offended our County bureaucrats on many occasions. Before you jump up and say, “Well, Jim is a bomb thrower,” please remember that these guys work for us. Once we pay our taxes and cast our votes, we have fulfilled all of our obligations, and then it is time for accountability. ESSCA has shown what courageous action is. When it

couldn't hold DHCA and the CAO accountable, it contacted someone who could. That was HUD, where the County got the money to install these stupid neck downs. Democracy works, but you have to learn where to apply the pressure to get results. It will be my pleasure to report to you what happens next in the continuing saga of Fenton Street and our friends at ESSCA. (Let me remind everyone that ESSCA was LBNI's best friend during the Master Plan process. We are lucky to have such good neighbors.)

–Jim Johnson  
*Long Branch Neighborhood Initiative*

### Private Schools and Land Use

Zoning Text Amendment 02-01, currently under consideration by the Montgomery County Council, will significantly broaden the activities that may take place on the campus of a private school subject to a special exception. The amendment offers meager protection to the communities surrounding the school property and paves the way for mixed use properties in residential zones.

This amendment was originally proposed to permit private schools to offer summer day camps, arts education programs, tutoring and college entrance examination preparation courses, under specific circumstances designed to minimize the impact of such operations on surrounding residents. However, the current version of the amendment, introduced by Councilmembers Silverman and Denis, permits artistic performances and indoor and outdoor recreation programs as well, and contains few restrictions on any of these operations. Notwithstanding the breadth of this version, the Planning Board staff has recommended that the scope of permitted activities be further broadened to include “other similar educational and cultural enrichment programs.” Any private school, whether located on an arterial or residential road, may be authorized to operate such programs. There is no requirement that the school itself operate the programs or that they be operated on a non-profit basis; the school would have authority to lease its facilities to commercial enterprises ranging from movie theater companies to health clubs to computer schools. Nor is there a limitation on the number of participants; simultaneous or overlapping programs could result in the presence of many more participants than the number approved for the school’s regular enrollment.

The programs need not be designed to serve the school's students, and there is no requirement that the programs be open to the school's students.

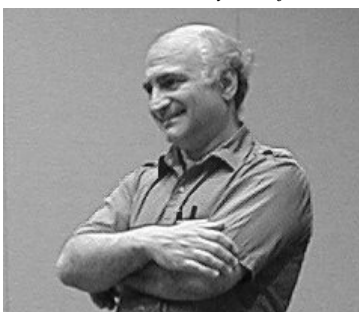
Proposed Zoning Text Amendment 02-01 has the potential to seriously undermine the integrity of residential zoning. Neighborhood associations and concerned residents should contact their councilmembers, as well as Councilmembers Silverman and Denis, to request that the amendment be subject to further review and comment and be revised to incorporate appropriate conditions and limitations.

–Linda Kauskay

## From the President

The Civic Federation won a partial victory with regard to a private developer's request to the County Council to extend the sewer system into the agriculture preserve. Although the Council did not immediately grant the request, it has promised to make a decision by August. My sources assure me that a decision will not be made before August, so we should have time to study the issue and provide our comments to the Council. At issue is whether the right of a religious institutions to establish themselves anywhere in the County extends to the right of a private developer to get an exception simply because he intends to use that exception for the benefit of unidentified religious institutions. As Councilwoman Nancy Dacek succinctly puts it (quoted in an article in the Washington Post 2/27/02), "We've never before had anyone try to do 'church futures.'"

Dean Ahmad—Photo by Winifred Klein



I remain concerned about the disturbing pattern of proposals with far-reaching impact around the county that are being scheduled for rush treatment with little notice and insufficient time for groups like

our constituent members, let alone the Federation itself to formulate a reasoned position. We saw it with the Purple Line and then with the Transportation Policy Review, and now it's the bill expanding the land use for

private schools (see letter to the editor on p.9). Regardless of which side of these issues we civic activists sit on, we must all be appalled by the routine, almost callous disregard for a process that would allow us to come together on the issues

By the same token we must all be concerned over the appearance of impropriety when unviable solutions keep being brought back year after year in slightly different guises, raking in political support for some politicians at the cost of crowding alternative, perhaps more realistic solutions to real problems from consideration. Exhibit A has to be the ICC, which keeps returning from the dead. No matter how often federal agencies determine that this project cannot meet social and environmental concerns the County keeps putting it back on the table, as if tweaking the alignment will make a difference. In the meantime, a proposed road widening, not required to undergo a full-blown environmental impact study, has been ordered to undergo one almost as if to prolong the agony of traffic congestion. By the same token, disinformation about proposed solutions abound. Why is the Inner Purple line being touted as connection between the two branches of the red line when it is an open secret that it will not connect to west branch? If this fact were better known, might it prompt Silver Spring residents who want a faster easier commute to Bethesda to get together with the users of the Georgetown Branch Trail to try to come up with a solution that could preserve the trail and actually connect the red line branches. (Oh, I don't know: say an actual underground METRO line with an alignment that actually connects to a METRO station instead of just ending more or less in the vicinity of one?) Just who benefits from the prevention of such a meeting? I'm only asking.

I'd like to draw everyone's attention to our updated and reorganized list of standing resolutions, available at our website [www.montgomery.org](http://www.montgomery.org). (Thanks to Dan Wilhelm for organizing them into order by subject matter.) We now will need to weed out moot resolutions and make sure that everything is accurate. For that, we need all of you to peruse the list and point out any errors, omissions, misclassifications, etc.

Our March program will take a look at the proposed Police Review Board. It is urgent that Board be constituted in such a way as to be a true watchdog for the community. We shall also take a second look at police helicopters for Montgomery County. We previously rejected this proposal, primarily due to cost considerations. Now, however, an opportunity has

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arisen to obtain surplus helicopters, which may resolve our earlier concerns.

As far as the future of the Federation is concerned, one of the most important things we will do at the March meeting is to elect the Nominating Committee. According to Article 6 of our Bylaws:

4. *Nominating Committee.* A committee of at least five but not more than seven delegates shall be elected at the Regular March Meeting. The committee shall nominate one person for each of the elected positions. No incumbent officer shall be eligible for election to the Nominating Committee, nor may the Nominating Committee nominate one of its members for any position. The report of the Nominating Committee shall be presented at the May Meeting and published in the May Newsletter.

So far only three persons (Dick Kauffunger, Jorge Ribas, and Charles Wolff) have volunteered to run for the five to seven positions on the Nominating Committee. It is important that we have persons who **frequently** attend meetings serve on this committee so that “new blood” can be fairly considered. Come to the March meeting and nominate your choice of recruiter for this critical committee.

Are your organization’s dues up-to-date? It’s almost time to invoice for 2002-3 and some organizations still owe for 2001-2. Don’t be fooled by our liberal grace period (organizations could still vote until Jan. 15) into thinking you can skip a year. (Lapsed members must pay a year’s back dues in addition to current dues.) So please download a renewal form from [www.montgomerycivic.org/membership.htm](http://www.montgomerycivic.org/membership.htm).

–I. Dean Ahmad, Ph.D.

## *Think about it...*

You have just read one of the most thorough and accurate newsletters in the County. For 75 years, elected officials, community leaders, citizens and journalists have relied on the Civic Federation News as an authoritative source of citizen’s concerns and expectations.

Download your application form from our website [www.montgomery.org/application](http://www.montgomery.org/application). Or, call Dean Ahmad at 301-951-0539 for more information.

## *Delegates Meeting*

**Monday, March 11–7:45 p.m.**

**Auditorium**

**County Council Office Building, Rockville, MD**

### **AGENDA:**

7:45 Call to Order, I. Dean Ahmad presiding

7:50 Adoption of Agenda

7:55 Announcements, Introductions

8:00 Approval of Minutes, Officers' Reports

8:05 **Program Part 1: Police Review**

- Pat Cummings, Moderator
- Steven Bloch (Coalition for Civilian Review)
- Mary Betters (NAACP)

8:50 **Program Part 2: Police Helicopters**

- Michael Fedor (MC Police)
- Jay Van Gilder (MC Police)

9:00 Old Business

- Dues Structure (p. 7)

9:05 New Business

- Police Review (p. 1)
- Police Helicopters (p. 10)
- TPR Motions (p. 6)
- AGP, School (p.7)
- Election of Nominating Committee (p.10)
- Other new business

9:50 Adjourn

The **Montgomery County Civic Federation**, a nonprofit, educational, and advocacy countywide group, was founded in 1925 to serve the public interest. The monthly Delegates Meeting is open to the public and it is held on the second Monday of each month (except for holidays, July, August and December) at 8:00 p.m. in the First Floor Auditorium, County Office Building, 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." Deadline for submissions for the next issue: 5 p.m. Saturday, March 23 Attach submission to e-mail to: Hotyakker@aol.com file in fully justified 11-point Times Roman font (preferably as a Word document.) Send editorial content to Peggy Dennis, 11115 Fawsett Road, Potomac, MD 20854.

**Please send all address corrections to Steve Howie**, P.O.Box 325, Clarksburg, MD 20871, 301-972-2736, [stevehowie@aol.com](mailto:stevehowie@aol.com).

### **Next Executive Committee Meeting**

Thursday, March 21 2002, 7:45 p.m.

### **Bethesda-Chevy Chase Services Center**

4805 Edgemoor Lane in downtown Bethesda

(Note: there are two entrances to the parking garage—one on Edgemoor Lane and another on Woodmont Avenue.)

### **Montgomery County Civic Federation**

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