



# Civic Federation News

*Official Publication of the Montgomery County Civic Federation  
Serving the Public Interest Since 1925*

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WWW.MONTGOMERYCIVIC.ORG

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## January Program on 2005 State Legislative Session

By Dan Wilhelm, MCCF President

The annual legislative session in Annapolis begins on January 12. We have invited Senator Leonard Teitelbaum (Dist 19), Delegate Jean Cryor (Dist 15) and Delegate Anne Kaiser (Dist 14) to present what they foresee as the hot topics during the coming session. Delegates Cryor and Kaiser have confirmed their availability.

One hot item will probably continue be medical malpractice, although the Governor has called a special session on this issue on December 27. Even if the legislature approves a set of bills before the end of December, it will not be surprising if other legislation on medical malpractice comes up during the regular session.

I predict other hot topics will be funding for school building construction, transportation, and health and human services. Last year, MCCF pushed for campaign financing reform. We are hoping to push this again if we have the opportunity.

The major concern on transportation will surely be how

much the state should be allowed to borrow to build the ICC, assuming construction approval is obtained. Secretary of Transportation Flanigan has testified that the latest cost estimate to construct the proposed ICC is \$1.8 - \$2.2 billion. Some of this will be financed by state bonds that would be repaid through ICC tolls. A large portion of the remainder would be financed by GARVEE bonds that use future federal payments for repayment. The financial charges on the GARVEE bonds have been estimated to be another \$1.5B over 15 years. Thus, the total cost of constructing and financing the ICC is estimated to be between \$3.2B and \$3.7B. Since the state has been able to find only small amounts to fund new transportation construction projects in Montgomery County in recent years, how much will remain for the large number of non-ICC projects in Montgomery County over the next 15 years?

Come to the January 10 MCCF to learn what topics three of our representatives feel are important and hear their insights as to how the entire Montgomery County delegation and legislature may view different topics.

## President's Message - Reflection and a Prospective

By Dan Wilhelm

I trust everyone has enjoyed the holiday season. This is a time when we look forward to spending time with loved ones and reflecting on what is truly important in life. And, of course, the New Year often brings resolutions about our priorities and about improvements and changes we would like to make in ourselves and in the world around us.

"The world around us" starts in our own backyard, and I hope some of you will consider making an effort to contribute to the betterment of our community. This can

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take many forms - PTA, service clubs or citizens associations, to name a few.

As a coalition of citizen associations, the Montgomery County Civic Federation's objective is to protect and enhance the quality of life for all current and future residents of the county. A large part of our effort is to monitor and evaluate activities of government to assure open, accountable, responsive and effective performance. Our major focus is on local government but we also at times focus on state government and occasionally on the federal government.

MCCF does not replace local neighborhood citizens, civic, or homeowners associations but complements them on issues that affect the broader community. Local associations handle issues such as specific development plans, sidewalks, neighborhood parks, minor changes to roads and transit and issues affecting local schools. Issues of a regional or county-wide nature are generally not effectively handled by local associations and that is where MCCF plays a role.

MCCF is composed of representatives from many local associations and other groups who have come together to focus on regional or county-wide issues. We may not all agree on all issues but we develop a consensus and then present our position to and work with the government to affect them. In many cases, our citizens view is different than that presented by business/development interests, or other interests. All views have some degree of validity and the government should strive for a blend of ideas. Although MCCF may not achieve all it wants on a given issue, we make a difference. The final result is certainly better than it would have been if our views and perspectives had not been presented. MCCF has recently been involved in issues such as better balancing the influence of all parties on the Council, MPDU and affordable housing, transportation projects, and the "surplussing" of school properties.

I thank all of you for supporting MCCF over the last year and urge you to continue your support during 2005. Get involved and help make a difference in your part of the world.

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## **Greater Colesville Citizens Association asks Support for Bill MC-502-05**

**By Dan Wilhelm, MCCF President**

Delegate Charles Barkley (Maryland House District 39) has introduced Bill MC-502-05 to ban soliciting in the public highways. Independently, the Executive Board of the Greater Colesville Citizen's Association (GCCA) has voted to request that the County Council introduce legislation to ban soliciting, begging, and commercial activity by pedestrians in the rights of way of our public roads.

This issue is a serious public safety concern. Selling articles or soliciting donations in the medians of or on the sidewalks adjacent to our streets or in shopping center driveways creates a real hazard, both to solicitors as well as to drivers and passengers. This danger is independent of the nature of the transaction, whether it is commercial, recognized charities, or individual begging. An individual stepping off the curbside and weaving on foot through traffic runs the very real risk of causing an accident or worse, becoming a fatality. Even those who try to stay out of the roadway risk falling into traffic. Furthermore, drivers are distracted by the solicitation, and nobody wants to be the driver that hits a pedestrian.

To make matters worse, the current legal guidelines for regulating this type of soliciting are practically impossible to enforce. Clearly, the time has come to address this public safety issue. GCCA requested MCCF's help to get either the County Council or the state to pass a law prohibiting any form of solicitation between a pedestrian and an occupied vehicle, no matter where the pedestrian was standing. Since there is a state bill pending, supporting that is probably the best action.

When the question came up before the Council a few years ago, the main opposition came from firefighters who indicated it would interfere with their annual "Fill the Boot" campaign. While "Fill the Boot" is a worthy cause, it could just as easily be conducted by soliciting pedestrians in shopping areas (with the permission of the operators of such shopping areas, of course) away from their cars. One only needs to point to the perennially successful campaigns of the Knights of Columbus or Lions Clubs to realize that vehicular solicitation is not necessary.

Let's support Del. Barkley's bill. For the protection of all

our citizens, it's time to ban soliciting, begging, and sales from the public roads of Montgomery County and the State of Maryland.

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## Education Committee Requests Your Input

By Mark R. Adelman, Chair, MCCF Education Committee

The Education Committee is embarking on a long-term effort to understand, and offer comment on, MCPS and Board of Education (BoE) policies in two major areas: budget and curriculum. Two recently released MCPS documents paint a very positive picture of the state of our schools. The first, "Annual Report, Fall 2004: Building Our Future", describes improvements in student performance as measured by test scores, etc. The second, "The Citizens Budget, FY 2006", covers much of the same ground, but focuses on Superintendent Weast's proposed budget for FY 2006. Both documents are available by placing a phone call to the MCPS Department of Public Information at 301-279-3391. We urge interested Civic Federation members and delegates to obtain copies and to peruse them.

Dr. Weast presented the proposed FY 2006 Budget on December 15 to an overflow and very enthusiastic crowd at Rockville High School. I, frankly, was surprised at both the vacuous nature of the presentation (it was essentially a "State of the Schools" speech) and the apparently high level of citizen approval. My question to all of you is two-fold:

1. Do the "performance numbers" mesh with your perception of how our schools are doing?
2. Do the proposed budget numbers make sense to you, in terms of what you know of how our schools are actually operating?

The BoE will be holding a series of public hearings on the proposed budget in January. Our Committee intends to be present and to make comments. We would like to incorporate into our testimony issues raised by MCCF member organizations. Hence this request. If you have any feedback, positive or negative or neutral, to offer about either of the above reports and the issues they may raise, please contact me (adelman3@erols.com or 301-942-6893). We would very much appreciate comments that reflect consensus of your organizations, but will also be glad to

receive comments of a more individual/anecdotal nature.

The impression that one gains from attending BoE and MCPS public hearings is that, while some citizens have valid and specific concerns about Montgomery County Public Schools, most people are - in the broad sense - fairly pleased with how things are going. In order for our committee, and thus MCCF, to "represent" your views in such hearings, we need your feedback. PLEASE CONTACT US!

## Legacy Open Space Resolution

By Jim Humphrey, District 1 Vice President

At their December 13 meeting, MCCF delegates adopted a resolution urging the protection of properties designated to be included in the Legacy Open Space Program. The Legacy Open Space Program seeks to preserve in perpetuity those sites with special environmental or historical value in the county. Only the best of the last such remaining properties are placed on the list for inclusion in the LOS Program, pending their purchase by the county or donation to the Program by the property owner or developer.

The resolution agreed to by MCCF delegates reads: "It is the sense of the Montgomery County Civic Federation that properties designated for inclusion in the Legacy Open Space Program should not be proposed for any alternative use, since such designation results from the recognition that these valuable environmental and heritage assets are worthy of preservation for future generations."

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## Call for Volunteers to Serve on Committees

By Dan Wilhelm, MCCF President

Volunteers Needed for Awards Committee

MCCF has three awards that it will present at the May 6, 2005 Awards and Reception for Elected Officers Dinner. The awards are:

1. The Sentinel Award: presented to an individual or group for a significant contribution to good government at the local level.
2. The Gazette Award: presented to an individual or group who performs exemplary volunteer service for the

residents of the county.

3. The Star Cup: awarded to a MCCF delegate or committee for outstanding public service on behalf of Montgomery County.

I am looking for three to five volunteers to serve on the Awards Committee. I will be recommending Committee members to the Executive Committee for approval at its January meeting. The Awards Committee will need to make its recommendations to the Executive Committee at the March meeting. Please call me at 301-384-2698 if you are interested in serving.

Also, if you have recommendations for individuals or groups for the Awards Committee to consider, please send them to me until the Committee is formed in January, and I will forward the names to the Committee for their consideration.

#### Volunteers Needed for the MCCF Nominating Committee

Depending upon how the delegates vote on the proposed bylaw changes for the Nominating Committee, the slate will be presented in either the February or March newsletter. The Delegates will then formally elect the Nominating Committee at the regular meeting held that month. I am calling for volunteers to propose to the Delegates to serve on the Nominating Committee. That committee must present its nominations in the May newsletter, which means its work must be completed by April 22. Again, please call me at 301-384-2698 if you are interested in serving.

I also suggest everyone be thinking about candidates you would like to see in elective positions that you can recommend to the Nominating Committee.

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## Status of Issues

A new feature!

### HOUSING COMMITTEE

- Changes to MPDU program: 9 pieces of legislation scheduled for Council vote on Nov. 30. MCCF supports Bills 25-04 and 27-03, opposes other bills.
- ZTA 04-10: to change regulations on accessory apartments, pending in Council. MCCF opposes.
- Workforce Housing: Executive branch planning effort to create subsidized housing program for households above

moderate income level. Legislation not yet introduced.

### LAND USE AND PLANNING COMMITTEE

- ZTA 04-16, to permanently eliminate traffic test for rezoning property in Metro Station areas. Pending in Council. MCCF opposes.
- Relocation of county's Shady Grove Vehicle Maintenance Facility: Closed-door meetings underway between Executive branch and developers regarding land swaps.
- Publicly-owned land: MCCF has requested County Executive make process for purchase, sale or swap of land more inclusive of public. No response to date.
- Master Plans under revision but not yet approved: Olney, Shady Grove Damascus, Germantown, Twinbrook and Bethesda CBD.

### PUBLIC SAFETY

- proposed ambulance fees.

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## Committee Meetings

Bylaws Committee: Monday, January 17, 7:00 p.m., China Chef Restaurant, 11323 Georgia Avenue, Wheaton. Final review. Open to all interested parties or direct suggestions to Peggy Dennis at hotyakker@comcast.net or 301-983-9738.

Public Safety Committee: Thursday, January 27, 8:30 p.m., Red Brick Courthouse, room 06 or 105. Meeting with Council PSC Chairman Phil Andrews. Further info with Fernando Bren, FernandoBR@aol.com or 301-299-0899.

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## Important Hearings on ICC

The Maryland State Highway Administration will conduct workshops and public hearings on the ICC in January. Civic Federation delegates and their member organizations are encouraged to participate. The Civic Federation has long taken the position opposing construction of the ICC. Additional information: [www.iccstudy.org](http://www.iccstudy.org) or toll free telephone 1-866-462-0020

Tuesday, January 4, 5-11 p.m. Eleanor Roosevelt High School, 7601 Hanover Parkway, Greenbelt. Snow date 1/10

Wednesday, January 5, 5-11 p.m. Gaithersburg High School, 314 S. Frederick Ave., Gaithersburg. Snow date

1/12

Saturday, January 8 and January 22, 9 a.m. to 6 p.m.  
(Presentations at 10 a.m.) James Blake High School, 300  
Norwood Road, Silver Spring. Snow date 1/15/ and 1/29  
respectively.

A rally in opposition to the ICC will take place on the 22nd.  
For more info contact [andrea@smartergrowth.net](mailto:andrea@smartergrowth.net)

## How to Contact...

Montgomery County Council 240-777-7900  
24-hour comment line 240-777-7999  
Email - [county.council@montgomerycountymd.gov](mailto:county.council@montgomerycountymd.gov)  
Snail mail - 100 Maryland Ave. - 6th Floor, Rockville MD  
20850

County Executive Douglas Duncan 240-777-2500  
Email - [douglas.duncan@montgomerycountymd.gov](mailto:douglas.duncan@montgomerycountymd.gov)  
Snail mail - 101 Monroe St., Rockville MD 20850

Montgomery Planning Board Chairman, Derick Berlage  
301-495-4605  
Email - [mcp-chairman@mncppc-mc.org](mailto:mcp-chairman@mncppc-mc.org)  
Snail mail - 8787 Georgia Ave., Silver Spring MD 20910  
For info on development projects, call Community Based  
Planning - 301-495-4575  
To update contact info for your neighborhood association,  
call Nellie Carey - 301-495-4603

## MCCF Executive Committee Minutes

**Thursday, December 16, 2004**

By Richard Zierdt, Recording Secretary

MCCF President Dan Wilhelm presides.

Present: Charles Wolff, Jim Humphrey, Peggy Dennis,  
Luella Mast, Mark Adelman, George Sauer, Arnie Gordon,  
Cary Lamari, Richard Zierdt, Dan Wilhelm.

Charles Wolff distributes a report, taken from Board of  
Elections reports, showing that the Vote No Coalition spent  
\$109,925 to fight ballot questions A, B, and C at the last  
election. 62% of this money came from 15 organizations.  
The Vote Yes on C organization (to create an all  
locally-elected County Council) spent \$6,000.

Minutes of the November 18 ExComm meeting are  
approved.

Treasurer. Luella Mast distributes her report.

Membership. Jim Humphrey. Distributes suggestions for  
MCCF improvements. Newsletter and web site: Issues status  
box. Committee drill-down on the web site. Conduct annual  
Civic Fed seminars, such as: Understanding the County's  
Legislative Process, the County's Budget Process, the  
County's Land Use, Planning, and Development Process.  
Build the next generation(s) of civic activists.

Bylaws. Peggy Dennis. Bylaw changes proposed at the  
December Regular Meeting will be voted at the January  
delegates meeting. These changes involve the structure of  
the Nominating Committee and the re-ordering of some  
sections for readability. See the December Newsletter, page  
5.

Housing. Jim Humphrey. Distributes a document about the  
details of the Moderately Priced Dwelling Unit (MPDU)  
Program legislation approved by the County Council on  
November 30, 2004.

Education. Mark Adelman. Distributes a proposed letter to  
be sent to the Board of Education.  
Mark attended Superintendent's Weiss's budget presentation.  
There was high turnout. Mark distributes a suggested  
nametag that members might wear when attending civic  
functions. More permanent nametags were suggested, but  
they should be of the same style. Quotes will be  
investigated.

Legislation. Dan Wilhelm. Initiates discussion about State  
bill MC-502 that would prohibit commercial activity in  
right-of-ways (i.e. panhandling, and charitable solicitations).  
Some feel this is not a MCCF concern, may alienate some  
groups that solicit funds, and may violate civil liberties.  
Others feel this is a major safety issue. The issue is referred  
to MCCF's Public Safety Committee.

Planning and Land Use. Arnie Gordon. Testified before the  
Planning Board regarding a proposed development near  
Washington Grove. Meeting was well attended. Short  
presentation from the developer, who would donate 10 acres  
of the site for the Legacy Open Space Program. This LOS  
space is part of the development proposal, and is not a  
separately-purchased site [in other words, no money would  
change hands. An adjacent separate site for a public  
elementary school is reserved for two years, and if not

purchased by the County, would face development. The County's Advance Land Acquisition Fund might be used to buy the school site. At least two County Council members are considering proposing the donated LOS space be used for a school, thus avoiding the purchase price of the separate school site. MCCF took a policy decision opposing this at its December 13 Regular Meeting.

A 700-acre development plan in Poolesville was pulled by the developer.

Transportation. Dan will testify before SHA (State Highway Administration) about the ICC (against) in January. Its cost is increasingly important, as well as its lack of traffic relief on the beltway.

Programs.

January: Update from Annapolis.

February: Medical Malpractice Insurance.

Newsletter assignments made

Meeting adjourned. 9:36 pm

## **MCCF Regular Meeting Minutes**

**December 13, 2004**

**By Richard Zierdt, Recording Secretary**

President Dan Wilhelm presides.

Announcements. Jim Humphrey distributes Housing Committee document. Land Use and Planning Committee discusses the County Government's Shady Grove facilities. Mark Edelman: Board of Education will propose its budget at Rockville High School on Wednesday, 7:30 PM. Public service committee met with delegate Franchot.

Arnie Gordon. Casey Property. Using "Legacy Open Space" property is the issue. Oxbridge wants to develop the entire site. Two public hearings scheduled. Issue added to the agenda. Agenda is then approved.

Minutes of November Regular Meeting are adopted.

Phil Andrews. Congratulates and thanks the MCCF for its work on Question C. Cary, Wayne, Peggy. This was a new issue, and a complicated one. Carroll County voted to go to all (five) local districts. Prince Georges voted to keep their

all-local system. This issue is gaining momentum. The size of our County is driving this.

Program. Wayne Goldstein introduces Art Wallenstein, director of the County's Department of Corrections (DoC). Loves his work. Corrections was basically "hands-off" until the 1970's, then became subject to judicial review. DoC now has 16 registered nurses, 960 inmates, no rapes, no lawsuits, regular health care. Citizens are welcome to tour facilities. The County Council's Public Safety Committee oversees the corrections department. Communication is very open. 16,000 intakes per year, 6,000 post bail. 9,000 are booked. Lowest incarceration rate in the State. Focus on education: with \$45M annual budget, \$254K goes for education. Growing ESOL program. Increasingly diverse prison population with many languages, but primarily African-American at 54%. Diverse staff. 40% recidivism rate. Closing of mental health facilities in the county/state/country is a problem.

Q&A. Cary Lamari: What kinds of vocational training does Corrections provide? AW: Come and visit. There is a 20-computer lab. Inmates are more unskilled than they were 10 years ago. There are more problems. Peggy Dennis: Why do we treat visitors so abominably? AW: Can't speak for 10 years ago, but things are definitely improved today. Q: How is drug addiction handled? AW: Half the prisoners are gone in 24 hours. There is a clinical assessment unit. [A military draft would cause the military to help some of those now in prison.] Arnie Gordon: Most inmates are misdemeanors. Do they vote? AW: Yes. Dick Kaufunger: Learning disabilities? AW: Yes. The best age to stop crime is 0 to 3 years. Adults take more effort to turn around. Richard Zierdt: What do you think of the nation's high incarceration rate, yet lowering crime rate? AW: Longer sentences impact families. More data would help analyze the situation. Not an expert on this issue. Q: Hispanic population? AW: 14% Hispanic population, 14% of the inmate population. Lyle Schofield: Work release? AW: Department has not done a recidivism rate study in 20 years. Workforce development is needed as much as work skill development (getting to work regularly, taking responsibility, etc). There is a bakery study program in the jail. The system creates great bakers, but are they alcoholic? [A few, and that's where workforce development comes in]. Enormous market for bakers. Q: 78 days average stay in work-release. AW: Will try to expand on this. Probation and parole are handled by the State. Luella Mast: Do you meet more kindred souls at profession meetings? AW: Yes, and the number is increasing. Federal government is now very interested. Q: Mental health? AW:

Visit our mental health facilities. Excellent staff. Crisis intervention, et.al., but the County corrections department should not become a mental health hospital. Q: Might we lose you to Homeland Security? AW: No. This is the best environment to do public service. Q: How many inmates? AW: 700 in Clarksburg; County takes 25 federal prisoners, and makes money in the process. 200 beds unfilled at Clarksburg. Q: What about the Rockville facility? AW: It is the central booking facility. Stays not to exceed 3 days. Most intakes never see the Clarksburg jail. Really likes the system. Of 3,300 jails in U.S.; 117 are nationally accredited, and two of them are in Montgomery County.

Education Committee: Mark Adelman. Moves that the MCCF recommend to the Board of Education a policy on school "unneded" properties as printed in the December Newsletter, page 3. Any case histories? Yes. Generally, the BOE gets away with whatever, unless the public monitors the BOE and lobbies it. Never has been a consistent policy. Passes 18-1-0.

Bylaws Committee: Peggy Dennis. Discussion of proposed bylaw changes as printed in the December Newsletter, page 5, dealing with the Nominating Committee. Proposed amendments will be voted on at January Regular Meeting.

Prescription Drug Card for Montgomery County: Cary Lamari. Moves that the MCCF write a letter to the County Council and Executive thanking them for the creation of the health card discount system, but questioning the propriety of the cards having the names of the County Executive and Council President on them. Seconded. Marilyn Praisner and Tom Perez originally proposed the system. Some question the efficacy of the letter; others feel the names are tawdry and disgusting. Some feel this is too small an issue. Some say better prices are found in the Canadian market anyhow. The printing is very small on the card. There are more important issues. Some feel this is otherwise small potatoes, but it is evidence of a heavy-handed political machine at work in the County. Others discount this assessment. Passes 10-5-4.

Washington Grove. Deborah Chambers. About 500 citizens in WG. Distributes pictures of the town and environs. At issue is a 55 acre parcel whose development plan was worked out by the community and the developer, Oxbridge Co. The plan went to the M-NC/PPC Planning Board in 2002. 10 acres have been designated for inclusion in the Legacy Open Space Program (developer to donate) but are not yet formally part of LOS.

However, two members of the County Council are now suggesting this LOS land be used for an elementary school site. A separate proposed school site would cost the County millions to buy. The LOS land would be free to the County. Wayne Goldstein: The only reason the LOS is available is because of the work of the citizens and developer over 4 years. Arnie Gordon moves that the MCCF oppose the proposal to use the LOS site as a school site, but keep the development plan as the developer filed it. Five seconds. Discussion. It is the sense of the MCCF that properties designated for inclusion in the LOS program should not be proposed for any alternative use, since such designation results from the recognition that these valuable environmental and heritage assets are worthy of preservation for future generations. A due process objection would be preferable to a position on a specific site. A substitute motion is then introduced that the MCCF support LOS for its intended purposes, and not be appropriated for other uses. Seconded. Passes 13-1-0.

Meeting adjourned 10:30 pm

## **Federation Meeting**

Monday, January 10, 2005  
7:45 3rd Floor Auditorium  
County Council Office Building.  
Rockville, MD

### Agenda

7:45 Call to Order  
7:46 Announcements & Introductions  
7:50 Adoption of Business Meeting Agenda  
7:55 Approval of Minutes  
8:00 Program: Hot Topics in State Legislature  
9:00 Vote on proposed bylaws amendments  
9:10 Committee reports and Old Business  
9:50 New Business  
10:00 Adjourn

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 Delegates meetings are open to the public and are held on the second Monday of each month (except for holidays, July, August and December) at 7:45 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.**"

Submit contributions for the next issue by: **Midnight, Sunday January 23.** Prepare submission as an MS Word, Word Perfect or text-only document, **attach** it to e-mail, and send it to hotyaker@comcast.net Please send all address corrections to Dan Wilhelm, 904 Cannon Road, Silver Spring, MD 20904, 301-384-2698, or djwilhelm@erols.com.

## **NEXT EXECUTIVE COMMITTEE MEETING**

Thursday, January 20, 2005, 7:45 p.m.

**RED BRICK COURTHOUSE**

29 Courthouse Square, Rockville

(Note: there is free parking in front of the courthouse.)

## **MONTGOMERY COUNTY CIVIC FEDERATION**

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