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## of note

### **Next MCCF Meeting #921**

Monday, March 8, 2021, 7:30 p.m.  
*online via Zoom.*

✓ **Special Update:** "The COVID-19 Pandemic in Montgomery County"

✓ **Program:** "Pedestrian Safety and Open Streets in Montgomery County"

! **Join the Zoom Meeting Here**

*[See further instructions on page 2. Password is 000959.]*

**AGENDA, P. 2 • PROGRAM, P. 3**

### **Meeting Minutes**

February 8 Meeting #920 **P. 28**

### **Membership Application**

Join or Renew Now **SEE FORM**

## Federation Meeting #921

Monday, March 8, 2021

7:30 p.m.

Online Zoom Meeting

### AGENDA

1. Call to Order/Introductions
2. Approval of Agenda
3. Approval of Minutes: February General Meeting **P.28**
4. Treasurer's Report
5. Announcements
6. Special Update: *COVID-19 Pandemic/Dr. Gayles* **P.6**
7. March Program: *Pedestrian Safety and Open Streets in Montgomery County* **P.3**
8. Committee Reports
9. Old Business
10. New Business
11. Adjournment

## About MCCF Meetings

**All monthly MCCF meetings are open to the public.** They are held on the second Monday of each month, September through June, now online at 7:30 p.m.

**The March meeting will be held online via Zoom** (see page 3 for program) at 7:30 p.m.:

■ To be part of the video conference, download the Zoom **Zoom Client for Meetings here.**

■ Meeting Name: "MCCF Monthly Meeting."

■ Date and Time: Monday, March 8, 2021, 7:30 p.m. Eastern Time.

■ To **join the Zoom meeting from your browser, use this link.**

■ To participate by phone (audio only), call 301.715.8592. The meeting ID is 880 4675 0671. Password, if requested, is 000959.

We hope you will join us! ■

# mccf

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

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

### Civic Federation News

civicednews AT montgomerycivic.org

**TO SUBMIT AN ARTICLE, SEE PAGE 31**

## March Program: Pedestrian Safety and Open Streets in Montgomery County

*By Alan Bowser, MCCF President*

The focus of our March 2021 Civic Federation Program is “Pedestrian Safety and Open Streets” in Montgomery County.

Pedestrian safety in Montgomery County is one of the Civic Federation’s top priorities. In November 2019, the Federation passed a Resolution giving “highest priority to the safety and security of our County’s residents as pedestrians in their neighborhoods and on the roads and highways throughout the County and affirms the County’s goal of achieving zero severe and fatal collisions by 2030.”

Since that time, MCCF has worked to highlight pedestrian safety issues and initiatives across the County by supporting the work of government agencies and communi-

ty and civic organizations such as the Action Committee for Transit (ACT), the Montgomery County Council of PTAs (MCCPTA), the Washington Area Bicycle Association (WABA), and the County’s Pedestrian, Bicycle, and Traffic Safety Advisory Committee (PBTSAC).

To update us on pedestrian safety progress in the County, we have a great panel of speakers—**Kristy Daphnis**, Chair, Montgomery County Pedestrian, Bicycle, and Traffic Safety Committee; **Alison Gillespie**, President, Forest Estates Community Association and a leader of the Open Streets movement in the County; **Peter Gray**, Vice President of the Washington Area Bicyclist Association; **Wade Holland**, Vision Zero Coordinator, Office of the Montgomery County Executive,

and Councilmember at Large **Evan Glass**.

**Kristy Daphnis** is the Chair of the Pedestrian, Bicycle, and Traffic Safety Advisory Committee (PBT-SAC), a group of citizens, elected officials, and government representatives focused on pedestrian and bicycle safety issues in Montgomery County. Kristy received the Civic Federation’s Sentinel Award at its 2019 Awards program.

**Alison Gillespie** is President of the Forest Estates Community Association and is a leader of the County’s Open Streets movement. Her advocacy for expanded “socially-distanced” opportunities for pedestrians, runners, cyclists, and skaters to utilize public roads during the Covid-19 pandemic resonated with

## March Program, cont.

the County's Department of Transportation, which launched a very popular "shared streets" program in May 2020.



**Peter Gray** is a regional expert on pedestrian and bicycle safety. A former member of the Montgomery County Planning Department's Bicycle Master Plan Community Advisory Group, he is a leader in WABA's advocacy program for safe streets.

**Wade Holland** was named the

County's Vision Zero coordinator in January 2020 by County Executive Marc Elrich. Holland had previously worked for the County as a data analyst and brought extensive knowledge of County programs to his new

position. Over the past year, he has managed the rollout of the County's Vision Zero Action Plan and the related capital improvement plan. To reach the goal of zero serious and fatal collisions by 2030, the Action Plan lays out specific activities with deadlines for implementation. All

action items are built around five key action areas: Engineering; Enforcement; Education and Training; Traffic Incident Management; and Law, Policy, and Advocacy.

**Evan Glass**, Montgomery

County Councilmember at Large, was elected to the County Council in 2018. He is a member of the Council's Health and Human Services and Transportation and Environment committees and has been a key leader on transportation and pedes-

## March Program, cont.

trian safety issues. A strong advocate for transit, he has introduced and passed County bills regarding bike laws and bus service, notably providing free access to our region's bus services for young people.

Councilmember Glass recently convened a February online Vision Zero Town Hall attended by hundreds of residents. Among the themes that emerged from the conference were the need to better engage diverse and low-income communities—which are most affected by pedestrian and bicycle collisions—and working with MCDOT and the State Highway Administration for interim and short-term solutions that could be implemented quicker than traditional traffic engineering treatments.

For more information on pedestrian safety and “Open Streets,” visit:

- [Montgomery County Vision Zero](#)
- [MCDOT Pedestrian, Bicycle and Traffic Safety Advisory Committee](#)
- [Montgomery County Dept. of Transportation Shared Streets](#)
- [Montgomery County Planning Department Pedestrian Master Plan](#)
- [Montgomery County's 2021 Vision Zero Plan](#)
- [Washington Area Bicyclist Association](#) ■

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## Know About Something?

MCCF needs you! You can help in following our Countywide portfolio of important community issues. We're looking for volunteers to help us monitor issues in education, public safety, public finances, environment, transportation, land use and planning, and legislation. Interested? Please email [president@montgomerycivic DOT org](mailto:president@montgomerycivic DOT org). ■

## In Search of...

Will MCCF have awards this year? We need volunteers to serve on the Civic Federation's Annual Awards Committee. Know of any individuals and/or groups you would like to nominate for an award? The awards are: **The Wayne Goldstein Award** (for outstanding service to the people of MoCo), **The Sentinel Award** (for a significant contribution to good government at the local level), and **The Star Cup** (an MCCF Delegate or Committee for outstanding public service on behalf of Montgomery County).

Please contact our MCCF President, Alan Bowser, by email [[president@montgomerycivic DOT org](mailto:president@montgomerycivic DOT org)] if you have a nomination or if you are willing to serve on the Awards Committee. We cannot do this without your help! ■

## Special Update with Dr. Travis Gayles: The Montgomery County COVID-19 Pandemic

*By Alan Bowser, MCCF President*

At our March Civic Federation meeting, we are honored to have Montgomery County's Public Health Officer, Dr. Travis Gayles, as a special guest. Dr. Gayles has literally been working around the clock, directing the County's response to the Coronavirus pandemic, so we are very fortunate that he has accepted our invitation to brief our members on the Covid-19 situation in the County, and to answer our questions.

In Montgomery County, Dr. Gayles, working closely with County Executive Marc Elrich, the County Council, the County's Department of Health and Human Services, and the County's Office of Emergency Preparedness, along with other County, State, and regional partners, has been managing a complex plan

that has involved an unprecedented level of COVID-19 testing, tracing, and now, vaccinations for all of the County's million-plus residents.

A significant part of Dr. Gayles' work involves regular and comprehensive briefings of Montgomery County's decision-makers, as well as essential outreach to all of the County's residents, with a special focus on communities of color that have

been the most adversely affected by COVID-19.

He has been one of the most important voices in all of the critical coronavirus decisions that have been made in the County as it works to protect the public health of its residents and visitors. When and how to reopen schools, businesses, and religious institutions; when and how to restore indoor dining; what regulations are required concerning face coverings and gatherings; and where and how to provide COVID-19 testing, tracing and vaccinations—all of these incredibly impactful issues are key aspects of Dr. Gayles' portfolio.

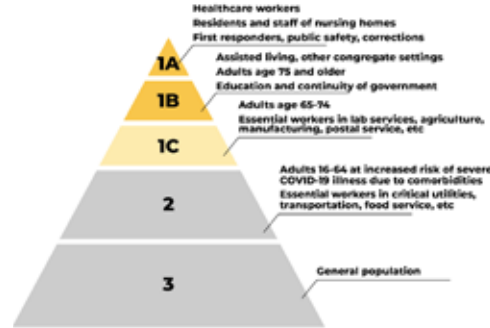
Dr. Travis Gayles is the current Chief, Public Health Services and Health Officer for Montgomery County's Department of Health and



## Dr. Gayles, cont.

Human Services since September 2017. Formerly serving as the Chief Medical Officer for the HIV/AIDS, Hepatitis, STD, and Tuberculosis Administration, and Division Chief for STD-TB Control for the District of Columbia Department of Health, Dr. Gayles was responsible for providing oversight and clinical expertise for all aspects of the care and treatment continuums for each of these disease groups, including managing the DC-DOH STD and TB clinical programs, clinic based disease intervention specialist teams, youth and young adult STD screening programs, and a new center for clinical research and population-based studies that examines the nexus between social and biomedical factors that enhance sexual disease transmission.

Prior to joining the DOH, Dr.



Gayles served as the Director of HIV Testing and Prevention for the Division of Adolescent Medicine, Lurie Children's Hospital of Chicago/Northwestern. During his time at Lurie, he served as the primary care provider for HIV+ adolescents and young adults, as well as the Chicago House Social Service Agency's Home for HIV+ transgender women.

He completed his B.A. (Public Policy Studies) from Duke Univer-

sity, Ph.D. (Community Health) and M.D. from the University of Illinois, Urbana-Champaign, and completed post-doctoral training in epidemiology at the National Cancer Institute. He completed his residency in Pediatrics and a National Institutes of Health-supported fellowship in Academic Pediatrics with a focus in adolescent medicine, researching the influence of interpersonal violence on sexual risk taking, particularly in sexual minority youth, and the impact of social disconnection (e.g., unemployed and not in school) on sexual behavior of adolescents and young adults. In addition to his clinical and research efforts, Dr. Gayles has been a faculty member of the Northwestern Feinberg School of Medicine and Institute of Public Health, and the DePaul University College of Health Sciences. ■



## COVID-19 in Montgomery County: Where We Are Now

*By Alan Bowser, MCCF President*

More than 137,000 Montgomery County residents have received their first dose of COVID-19 vaccine through all venues, which is about 13.1 percent of the County population, according to Maryland State statistics through Thursday, February 25. More than 61,000 residents (5.8 percent of the population) have received their second dose and are fully vaccinated.

While the number of residents being vaccinated is increasing daily, the number of new COVID cases is going down. The last week in February, the average daily rate of new confirmed cases of COVID-19 dropped to 10.8 per 100,000 residents. The average rate of new daily cases peaked on January 12 at 49.8 per 100,000 residents.

With this good news, the County has also seen a decline in COVID-19 testing rates; this is a trend that reflects similar trends in Maryland and nationally. County health officials continue to urge residents who believe they have been exposed to COVID or are having COVID-19 symptoms to get tested. The testing data provides important information about where active cases are located within the County.

The Montgomery County Department of Health and Human Services' (DHHS) vaccination clinics are prioritizing residents who are 75 and older (Priority Group 1B) and the remainder of frontline health care workers, public safety employees, and first responders (Group 1A).

The County has been informed

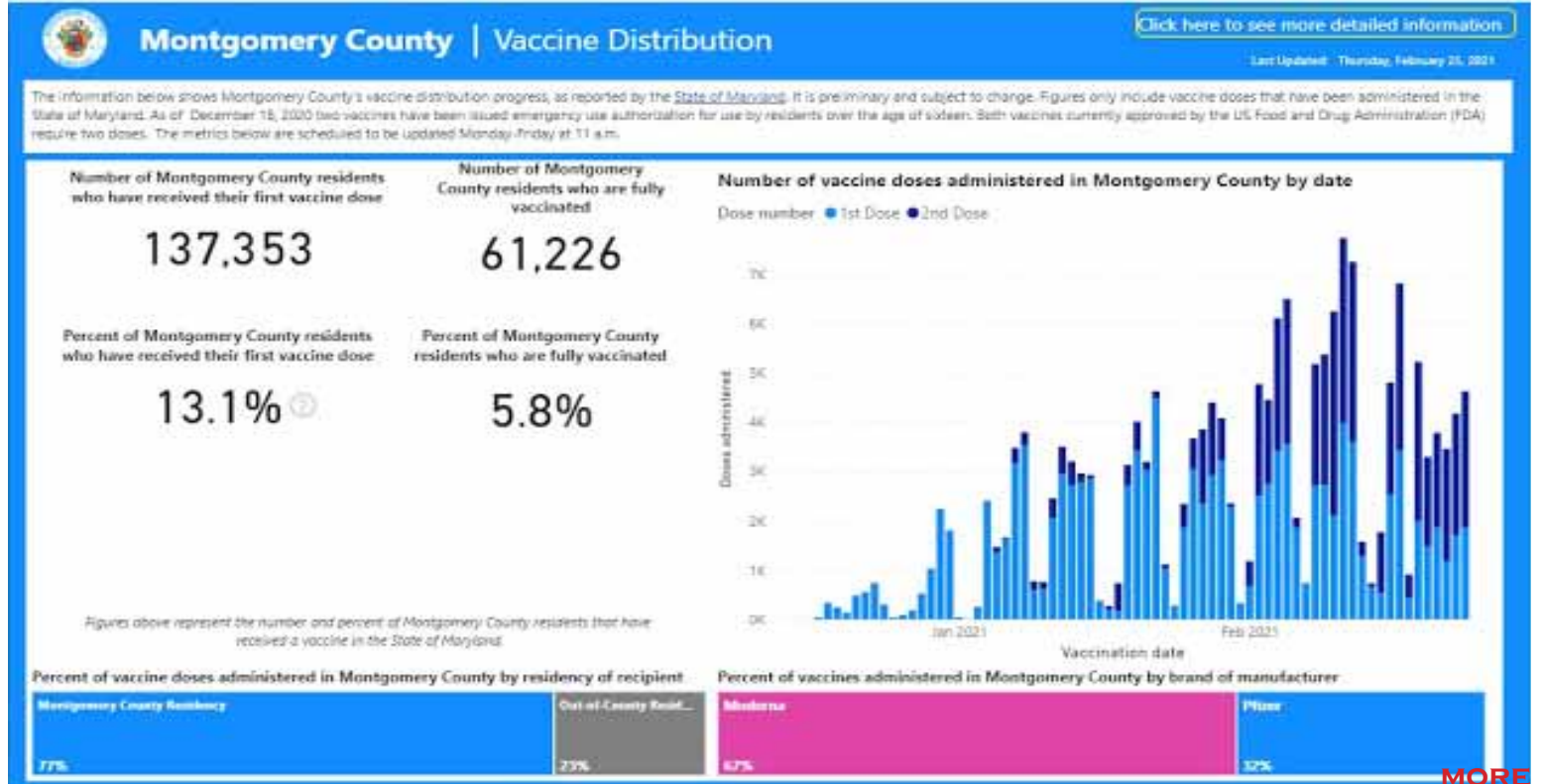
that DHHS will be receiving approximately 4,500 vaccine doses weekly over the next few weeks. This number is far below the number of people eligible for vaccines and the number of people wanting appointments. However, this is the first time the County has received information beyond weekly allotments. This will help in planning appointments.

The DHHS vaccination clinics are by appointment only. There are no walk-in vaccination sites. Even if someone is in an eligible priority group, he or she must have an appointment to get a vaccine.

Residents must not forward appointment scheduling links to friends and family. The links are intended only for the direct recipient.



## COVID-19 Update, cont.



## COVID-19 Update, cont.



# MONTGOMERY COUNTY COVID-19 VACCINE



## PRIORITY GROUPS



PHASE 1

1A

1B Adults 75 Years  
or Older

### TIER 1



- Hospital Personnel
- Nursing Homes
- Developmental Disability Administration Group Homes
- Assisted Living Facilities
- Residential Rehabilitation Programs

### TIER 2



- EMS
- Vaccinators
- Testing Sites
- Public Health
- Urgent Care
- Primary Care

### TIER 3



- Dental Practices
- Pharmacists
- Detention Center Staff
- Homeless Shelter Staff
- Law Enforcement
- Fire Rescue
- 9-1-1 Dispatchers
- Behavioral Health Professionals
- School Nurses
- Lab Workers
- Morticians/Funeral Home Staff
- Surgical Centers
- Other Health Care Professionals
- Other Providers Licensed by Maryland Department of Health

## COVID-19 Update, cont.

### TO GET VACCINATED IN MOCO:

Everyone must preregister for a vaccine. People in Priority Groups 1B and 1C can now preregister. Check the [County vaccine webpage](#) for info.

In addition to the clinics operated by DHHS, hospitals, some health-care clinics, and several community partners have COVID-19 vaccines available to the public. These clinics follow the State priority guidelines—not the rules issued by the County—so they may be vaccinating other priority groups in addition to Groups 1A and 1B (that includes residents age 75 and older).

Preregistration on Montgomery County's vaccine page does not mean a person is registered with other locations, such as hospitals and retail pharmacies. Vaccine supply continues to be limited at all venues

in Montgomery County.

Hospitals that may have vaccines available this week include:

- [Adventist HealthCare](#)
- [Holy Cross Hospital](#)
- [Kaiser Permanente](#)
- [MedStar Health](#)
- [Suburban Hospital](#), a subsidiary of Johns Hopkins (Suburban Hospital is prioritizing existing patients in the Hopkins system)

Retail pharmacies that may have vaccines available this week include:

- [CVS](#)
- [Giant Pharmacies](#)
- [Safeway](#)
- [Walgreens](#)

Maryland also has multiple mass vaccination sites, although the State has not placed any in Montgomery County. Information and registration for those venues is available on [Maryland's GoVax website](#).

If individuals do not have the

ability to preregister for a future vaccine appointment via the Internet, they can preregister via telephone.

Residents are encouraged to assist their neighbors, family members, and friends to preregister if they need help.

Those who are 75 years and older without Internet access can call the Preregistration Helpline at 240.777.2982 for assistance in preregistering. The helpline is open seven days a week from 8 a.m. to 6 p.m. and bilingual staff members (English/Spanish) are available. Call takers also can access a translation line to help callers with many other languages. The line is for preregistration only.

Answers to general questions about vaccinations and COVID-19 can be obtained by calling 240.777.1755 seven days a week from 8 a.m. to 6 p.m. ■

## MCCF Comments on the Montgomery County Draft Climate Action Plan

*By Bailey Condrey, Immediate Past President*

The Montgomery County Civic Federation, Inc., comprised of homeowner and civic groups throughout the region, owes a debt of gratitude for the immense undertaking that culminated in the creation of the county draft Climate Action Plan. We commend County Executive Marc Elrich, Assistant Chief Administrative Officer Adrianna Hochsberg, County staff, dozens of volunteers, and the contractors who compiled the deliberations into the draft document. We stand ready to assist with activities to support countywide efforts to reach our shared goals.

MCCF recognizes the global climate emergency, the crisis it has become, and commends the Coun-

ty's goals to cut its greenhouse gas emissions 80 percent by 2027 and 100 percent by 2035. We know that this goal is an important and ambitious one, and we call upon all of the county's stakeholders, public and private, to work together to achieve it. It will be a massive undertaking and will place us squarely in the national spotlight to inspect how we proceed and whether we succeed. We cannot backtrack from this watershed moment and we will not fail! But, to meet those goals, we agree with others that success hinges upon a rewrite of the CAP that changes it from a list of worthy goals into a targeted, focused analysis of the interrelated paths we need to take to reach these goals.

*"The CAP adopts the emissions reduction targets and dates of*

*the Climate Emergency Mobilization Resolution (CEMR) passed by the Council in 2017. We applaud the County for dedicating itself to these **far-reaching and nation-leading goals**. We urge the County to consider a reappraisal of the targets on a regular basis since the latest climate science demands even stronger and faster emissions reduction goals."* TCM CAP Coalition  
02/22/21

To begin, there must be greater urgency communicated in this plan to the need for immediate action to avert the worst impacts of the crisis that we face. The science continues to build across many disciplines that the climate crisis is worsening with the current increase in global average temperature. 2020 was the

## CAP Comments, cont.

warmest year on record. We cannot expect the citizens of the county to make sacrifices in their daily lives if they don't understand how serious the climate crisis has become.

Dozens of groups from the region have worked on providing meaningful comments to the draft CAP. If you have not seen the document, [you can download it here](#).

We commend the work of those analyzing the CAP during the comment period and the countless hours of volunteer time that have gone into providing meaningful analyses of where the CAP succeeds, where the CAP falls short, and how it can be improved. The finalized CAP will form the backbone of this county-wide effort and it must be a clear road map for how we achieve these goals. At present it lacks clarity and

definition and metrics for measuring our success.

Some of the essential work outlined in the CAP can begin now, before we hammer out the final document's verbiage, but we need decisive leadership at the County and State levels to quickly move from goals into formulating and implementing executive orders, legislation, and encouraging private efforts to support the goals. The draft CAP neither contains a legislative priorities list, nor does it indicate what entities would shepherd these actions. The draft CAP also contains no discussion of the budgets and staffing requirements needed for these activities, and how we're going to pay for these actions and in what time frames. While we cannot control what the State or Federal governments can do, the County can and must move with alacrity to

implement the provisions that are purely local.

The Civic Federation, among other groups, joined with The Climate Mobilization MoCo CAP Coalition to review a much more substantive analysis of the draft CAP and [those comments can be found here](#), along with a list of the organizations that have also supported this effort.

The following represent a number of specific concerns that the MCCF feels the County should consider when reviewing the public comments that have been submitted on the CAP. These are just a handful when compared to the immense complexity of the overall plan.

The Clean Energy, Building, Transportation, and Public Engagement Sections deserve the priority attention indicated in the draft, but they need much greater detail, and,

## CAP Comments, cont.

as noted above, a specific roadmap on how implementation will proceed and succeed.

MCCF emphasizes the importance of public information and community engagement, but, as of this writing, the County has no targeted communications plan in place to even begin informing citizens of the massive undertaking that awaits us. Much of this effort can and should begin immediately and need not await finalization of the document.

The County's quasi-government agencies and private enterprises should not be insulated from the behavioral shifts that climate science dictates should be made. While MCPS has committed to the purchase of electric school buses, **the continued use of synthetic turf**

represents **the antithesis to achieving the goals of the CAP** and ending the extinction crisis.

ST fields are immense heat islands. 2020 was the hottest year on record. ST poisons water with a host of toxic chemicals. These plastics pitches are point sources of pollution for micro-plastics that infect aquatic watersheds that flow to the Chesapeake Bay. They emit the GHGs methane and ethylene from the moment the sun shines upon them and the off-gassing never stops. The plastics in these fields literally never stop giving off hydrocarbon gasses. Old fields are now being dumped around the nation and world where they continue to pollute and poison aquatic and marine resources. One of the toxic substances that leaches from ST, per- and polyfluoro-alkylated substances, or PFAS, has been found in rockfish, oyster, and blue

crab fisheries of the Bay. Public Employees for Environmental Responsibility (PEER.org) conducted one of the studies, **More PFAS Found in Maryland Water and Seafood**. Potomac Riverkeeper also studied Antietam Creek and **found similar results in aquatic species that humans consume**. Science has also revealed the presence of elevated levels of PFAS in both Bethesda and Poolesville drinking water.

The revised CAP should lay out the reasons for placing a moratorium on building new synthetic turf and poured-in-place playgrounds and banning reinstallation of the same. It's time to take us back to top-of-the-line grass fields. We cannot keep wishing that the state of our environment and drinking water will improve with these toxic pitches in play. Montgomery County



## CAP Comments, cont.

Public Schools and private schools throughout MC must come to terms with the science and stop selling lies to unsuspecting parents about the never proven “greatness” of ST.

The CAP should identify areas where the idea of low-hanging fruit and public involvement can be combined. An example lies in the CAP goal to electrify residential and public and private buildings. While there are many ways the county and state could act to provide incentives, a targeted outreach campaign to county residents could spur early adopters to make it happen now. But anyone considering the change will undoubtedly have numerous questions. The County could create an online hub with resources and answers to kick start action.

The same type of resource can be

developed for the installation of geothermal-assisted heating and cooling systems, but the draft CAP makes no mention of how geothermal systems fit in the mix of tactics to accomplish our goals or how to integrate County and State legislation to support it. On Feb. 25, 2021, Del. Lorig Charkoudian’s bill HB 1007 had a hearing before the House Economic Matters Committee on whether geothermal should be given a Tier 1 ranking within the state’s Renewal Portfolio Standard and create other changes that would support expansion of geothermal in Maryland. A senate companion bill, SB 810, is sponsored by Sen. Brian Feldman. The CAP should state the county’s intent to support these legislative efforts.

MCCF remains concerned about the county’s tree canopy, which

should be an integral part of supporting a livable environment. The CF has staunchly defended the need to protect trees for many years and has long noted that development illegally removes more canopy than should be allowed. The CF advocates that all entities signing development applications should do so under penalty of perjury. The legislation, [MC/PG 106-19](#), can be seen [here](#). It would require an applicant who seeks to subdivide land in the County to certify under penalty of perjury that development documents are true, correct, and complete to the best of the applicant’s knowledge. Details about the county’s reforestation plans must be laid out more comprehensively in this plan.

Lastly, we need to know the



## CAP Comments, cont.

details on how we reach CAP goals for transportation mode shift among our more than 1 million residents. How do bicycles, electric scooters, and other examples of micro-mobile transportation fit in the plan? If someone commutes regularly to work by bicycle, what sort of tax credit could they seek, and what incentives could be developed to make this mode shift more commonplace?

We know the draft CAP is not final and much work remains to create the roadmap with all of the details fleshed out that will make us successful. The MCCF stands with our County and its leadership—and our State and Federal leadership—to make the CAP a success story that the rest of the nation can emulate. We need much greater detail, however, for us to reach the goals

laid out in the Montgomery County Climate Emergency Mobilization Resolution of 2017:

*On December 5, 2017, the Montgomery County Council adopted Resolution 18-974, Emergency Climate Mobilization. “This resolution calls upon the national Administration, the Congress, the State, and other local governments to join Montgomery County to use all available powers and resources to reduce greenhouse gas (GHG) emissions by 80 percent by 2027 and 100 percent by 2035. The resolution further calls upon the County Executive, Montgomery County Public Schools, and the Maryland-National Capital Park and Planning Commission to advise the County Council on “specific methods for accelerating the County’s greenhouse gas emis-*

*sions reduction goal.”*

The County joined the ranks of climate activism more than three years ago with a resolution. Now it’s time to join the big leagues with action across numerous fronts. The draft CAP must evolve to become the brain trust that takes us there. Citizens from across the county have lent considerable effort to analyze the draft CAP and make meaningful and important recommendations to make it successful. Earth Day 2021, April 22, could be the day that the genius born of this collaboration is unveiled to the region and the nation. The Civic Federation is committed to this work for the duration! ■

## **State Legislation: Bills of Interest Currently Before the Maryland General Assembly**

*By Peggy Dennis, Legislation Chair*

The following are bills of interest to residents of Maryland that are currently before the state legislature in Annapolis. The session ends in mid-April.

### **CLIMATE SOLUTIONS NOW ACT** *SB 414/HB 583*

This bill will significantly expand Maryland’s efforts to address climate change, including:

- ▮ Requiring our state to reduce its greenhouse gas emissions by 60 percent by 2030 and achieve net-zero emissions by 2045;

- ▮ Planting and maintaining five million native trees by 2030, including 500,000 in underserved urban areas;

- ▮ Transitioning the state’s bus fleet to electric buses;

- ▮ Prohibiting the state from counting highway expansion programs as climate-beneficial;

- ▮ Establishing a Commission on Environmental Justice and Sustainable Communities, and a Just Transition Employment and Retraining Work Group;

- ▮ Requiring climate mitigation plans to account for the social cost of carbon; and

- ▮ Requiring MDE to use the latest science on methane pollution.

### **BEVERAGE CONTAINER DEPOSIT PROGRAM** *HB 99*

I testified as an individual in support of this bill ([see page 21](#)) which would make Maryland the 11th state to require a deposit on beverage containers—plastic and glass bottles

and aluminum cans. Passage will increase the containers that get recycled and help tidy our roadsides.

### **ENVIRONMENT—SYNTHETIC TURF AND TURF INFILL—CHAIN OF CUSTODY AND REUSE** *HB 857*

I testified on behalf of the MCCF Executive Committee in support of this bill ([see page 20](#)).

### **MONTGOMERY COUNTY—HOUSING OPPORTUNITIES COMMISSION** *HB 769*

I testified on behalf of the MCCF Executive Committee ([see page 19](#)) in support of this local bill requiring that committees of the Montgomery County Housing Opportunities

## **Bills of Interest, cont.**

Commission be considered as public bodies for purposes of the Open Meetings Act.

### **EDUCATION—SCHOOL CONSTRUCTION—PEDESTRIAN SAFETY PLANS**

*School Pedestrian Safety Act, HB 487*

School construction/renovation/additions seeking State funds must include a pedestrian safety plan.

### **I-495 AND I-270 PUBLIC-PRIVATE PARTNERSHIP—PARTNERSHIP AGREEMENT—REQUIREMENTS**

*Maryland Department of Transportation Promises Act of 2021, HB 67*

In the project to construct toll lanes on these two interstate highways, the bill requires:

- ten percent of toll revenue (after

constructions costs are covered) must be used for transit projects and “community benefits”;

- that workers must not be paid less than the prevailing wage rate;

- that at least 80 percent of the craft workers on the project have completed an occupational safety and health administration 10-hour or 30-hour course;

- promotes career training opportunities in the transportation industry for local residents, veterans, women, and minorities;

- provides for best efforts and effective outreach to obtain, as a goal, the use of a workforce that includes minorities to the extent practicable;

- “reflects a 21st-century labor-management approach based on cooperation, harmony, and partnership”;

- keeping data shared between MCDOTs and M-NCPPC confiden-

tial; and

- completion of a monorail feasibility study.

### **PUBLIC-PRIVATE PARTNERSHIPS—PROCESS AND OVERSIGHT**

*HB 485*

Establishes a P3 Oversight Review Board.

### **MORTGAGE SERVICERS—REQUIREMENTS AND PROHIBITIONS DURING AND AFTER A STATE OF EMERGENCY AND CATASTROPHIC HEALTH EMERGENCY**

*Foreclosure Relief Act of 2021, HB 1009/SB 724*

Puts constraints on mortgage foreclosures during a “catastrophic health emergency,” i.e., the current pandemic; of certain interest to homeowners with mortgages. ■

## Testimony on MoCo Housing Opportunities Commission, Public Body MC 07–21

*[The following testimony was delivered on behalf of the MCCF on February 23, 2021, before the Maryland General Assembly by Legislative Chair Peggy Dennis.]*

For the record, I am Peggy Dennis from Potomac, testifying in support of HB 769 on behalf of the Montgomery County Civic Federation, Inc. Since its founding in 1925, the volunteers of the MCCF have committed themselves to providing an effective citizen voice to government policy makers, both elected and appointed.

The Civic Federation is a not-for-profit, county-wide umbrella group designed to promote cooperation, education, and effectiveness of civic and community associations in Montgomery County. We represent more than 150,000 Montgomery

County residents.

The mission of the MCCF is to preserve and improve the quality of life for all current and future residents of Montgomery County, Maryland. We address a wide range of concerns in transportation, land use, environment, education, budget and finance, public safety, and ethics. With our strength of numbers and thoroughness of our deliberations, the Montgomery County Civic Federation influences county policy and balances the activities of vested county pressure groups.

**HB 0769** is a bill for the purpose of providing that a committee of the Housing Opportunities Commission of Montgomery County is a public body for purposes of the Open Meetings Act. In the fiscal year ending on June 30, 2020, the

Housing Opportunities Commission received Governmental grants of \$140,900,000. It had expenditures of \$277,200,000 and total assets of \$1,517,400,000.

We consider it important the all public bodies in Montgomery County be in compliance with the Open Meetings Act, and that the public has the right to observe all meetings that result in the expenditure of taxpayers' funds. The public should absolutely have the right for public review of all activities of the Housing Opportunities Commission.

We, therefore, respectfully ask for a favorable report on bill HB0769.

Thank you for considering our views. ■

## Testimony on HB 857: Synthetic Turf and Turf Infill Chain of Custody and Reuse

*[The following testimony was delivered on behalf of the MCCF on February 24, 2021, before the Maryland General Assembly by Legislative Chair Peggy Dennis.]*

For the record, I'm Peggy Dennis from Potomac, testifying in support of HB 857 on behalf of the Montgomery County Civic Federation, Inc. Since its founding in 1925, the volunteers of the MCCF have committed themselves to providing an effective citizen voice to government policy makers, both elected and appointed.

The Civic Federation strongly supports **HB 857**. This bill will require a producer of synthetic turf and turf infill to establish a system to track the chain of custody of the synthetic turf and turf infill from their manufacture to their reuse, recycling, and final disposal. This is

crucial for environmental, climate change, public health, and fiscal reasons.

When we buy new tires, we pay a fee for the disposal of the old tires as hazardous waste. The tires are ground up into "tire crumb" and spread between the plastic blades of the plastic carpeting known as Artificial Turf. But Artificial Turf (AT) is a completely unregulated product. Both the plastic blades and the crumb rubber infill contain



numerous toxic substances which are harmful to the environment, the surrounding neighborhoods, and the watersheds which carry away tons of tiny particles into the Potomac and the Chesapeake. Children and adults who play on AT fields get heat burns and more severe sports injuries than they get on natural fields. The AT fields are heat sinks which absorb so much heat that they cannot be played on during the summer. Thus, they also contribute to climate change.

Artificial Turf fields must be replaced every 8-10 years. Each field represents many tons of toxic waste and there is, at present, no way to safely "recycle" the degraded product. Like nuclear waste, there is no good solution. Disposal costs per

## HB 857 Testimony, cont.

field are estimated to be \$130,000 plus transportation and landfill charges. Should taxpayers be on the hook for this kind of bill for every school and recreation department playing field and play ground that has to be removed? That’s a mighty steep charge mostly falling on the taxpayers.

By requiring the producers of AT fields to provide a “chain of custody” record covering the disposal of this toxic product, we take a small first step at regulating a product which creates local environmental and public health challenges and global climate change. It should have been done at least 10 years ago. But better late than never. That’s why the Montgomery County Civic Federation urges you to send HB 857 on with a Favorable report. ■

## Testimony in Support of HB 99: Beverage Container Deposit Program—Establishment and Advisory Commission

*[The following information was submitted in support of HB 99 by Peggy Dennis, MCCF’s Legislative Chair.]*

### STATES WITH BEVERAGE CONTAINER DEPOSIT LAWS

	Enacted	Value Per Bottle/Can
Oregon	1971	10¢
Vermont	1972	5¢, 15¢ for liquor
Maine	1976	5¢, 15¢ wine and liquor
Michigan	1976	10¢ (very comprehensive)
Connecticut	1978	5¢
Iowa	1978	5¢
Massachusetts	1981	5¢
New York	1982	5¢
California	1986	5¢ <24 oz., 10¢ >24 oz.
Hawaii	2002	5¢
Guam	2010	5¢

Source: NCSL

## VERMONT’S ‘BOTTLE BILL’ Why does Vermont have a beverage container law?

Vermont’s Beverage Container

and Redemption Law (“the Bottle Bill”) began as a litter law intended to clean up Vermont’s roadsides.

## HB 99 Testimony, cont.

Over the years, the Bottle Bill evolved into a successful recycling program. Under the law, anyone can return a covered bottle or can to a retailer or redemption center to redeem the deposit (5 cents to 15 cents).

### Where can I redeem my empty containers?

*Retailers:* Retailers are required to take back empties for beverage brands that they sell (regardless of whether the container was purchased at that location), as long as they were purchased in Vermont and are clean and unbroken. Retailers may apply for an exemption to this requirement if there is an alternate redemption location available.

*Certified Redemption Centers:* Consumers may bring any empty

containers that were purchased in Vermont and carry the Vermont redemption message to a Certified Redemption Center. [A [list](#) and a [map](#) of State Certified Redemption Centers are available for Vermonters to check online.] Certified Redemption Centers must accept all covered beverage containers that are clean and unbroken.

### What beverages are covered under the Bottle Bill Law?

When purchased in Vermont:

- Beer, wine coolers, and other malt beverages
- *Carbonated* non-alcoholic beverages, including sodas, sparkling waters and juices, and carbonated sports and energy drinks
- Liquor and spirits

### What beverages are not covered under the Bottle Bill Law?

- Wine and hard cider
- *Non-carbonated* non-alcoholic beverages, including water, milk, juice, sports and energy drinks
- Beverages purchased out of state

### What happens when I return a container to a retailer or redemption center?

Retailers and redemption centers collect empty containers from the public and return the deposit refund (5 cents to 15 cents). Learn more in "[How the Money Flows: What Happens to a 5 Cent Bottle Deposit.](#)" Distributors, or a third-party agent acting on behalf of distributors, pick up empty containers from the retailers and redemption centers and recycle them.

The State of Maryland can learn from successful, long-running bottle redemption programs elsewhere. ■



## 'Stream Restorations' in Montgomery County

By Ken Bawer, *Montgomery Coalition to Prevent Stream Destruction*

The topic of “stream restorations” has been heating up both in Montgomery County and Northern Virginia as residents become more aware of the negative impacts that result. Recently, the Montgomery Coalition to Stop Stream Destruction (now called the Montgomery Coalition to Prevent Stream Destruction) sent a letter to County Executive Marc Elrich and Parks Director Mike Riley which was signed by 20 organizations and 141 individuals ([see the entire letter here](#)). The signatories represent a diverse cross-section of the County, including towns, environmental and faith-based organizations, civic and homeowners' associations, and a broad array of concerned residents. We have an

interest in protecting our streams by questioning the practice of stream engineering known as “stream restoration” in Montgomery County and Montgomery Parks. (*Note: To be clear, we do not oppose necessary utility or infrastructure protection projects in stream valleys such as those for exposed sewer lines, fiber optic cables, stormwater outfall pipes, bridges, and roads.*)

Based on the information in this letter, we called for: (1) a common sense, temporary pause in “stream restoration” projects, (2) a temporary pause in the inclusion of “stream restoration” projects in new MS4 Permits and the County's design/build “Clean Water Montgomery Program” RFP, and (3) the initiation of a dialog among all stakeholders to discuss the relevant



City of Rockville

### A 'STREAM RESTORATION' AT UPPER WATTS BRANCH IN ROCKVILLE

issues.

Every year, millions of taxpayer dollars are spent on “stream restoration” projects. First and foremost, the term “stream restoration” is misleading since these projects do not actually restore streams as explained below. To see is to believe, and the

## 'Stream Restorations,' cont.

self-evident, inconvenient truth is that “stream restoration” projects cause irreparable damage to our natural areas; existing irreplaceable natural features in the footprints of “stream restoration” projects are lost forever.

A “stream restoration” (as defined by Maryland Department of the Environment) is a stormwater management engineering practice that uses heavy equipment such as bulldozers and backhoes to modify a stream channel. Typically, this means using heavy boulders from outside sources to armor-plate sections of the stream bank, changing a stream’s natural meander pattern based on theoretical mathematical formulas (based on some version of the Natural Channel Design methodology), cutting down stream banks,

and raising the level of stream channels with fill material brought from off-site. This involves removing tons of stream bank soil, along with all the plants and animals residing on and in it. To provide access for the heavy equipment, hundreds or thousands of trees are cut down to build access roads, and then many more trees are cut down during the construction project itself. To add insult to injury, the County and Parks have asked that their “stream restoration” projects be exempted from our forest conservation laws.

Why are “stream restoration” projects done? They typically are used to help meet the requirements of the Municipal Separate Storm Sewer System (MS4) Permit required under the federal Clean Water Act and issued by Maryland Department of the Environment (MDE). The permits require that

Montgomery County and Parks decrease the amount certain pollutants (nitrogen, phosphorus, and suspended sediments) entering the Chesapeake Bay. Some “stream restorations” are done as mitigation for environmental destruction done elsewhere (for example, the proposed Beltway expansion).

However, while sediment caused by stream bank erosion may be reduced by these projects which armor-plate sections of streams, research by Robert Hilderbrand analyzing the results of 40 “stream restorations” in the Baltimore/Washington, D.C., Metropolitan area of Maryland has shown that, “Despite the promise and allure of repairing damaged streams, there is little evidence for ecological uplift after a stream’s geomorphic attributes have been repaired.”<sup>1</sup>

## 'Stream Restorations,' cont.

In other words, while armor-plating streams with boulders and stabilizing banks with geotextile fabric may temporarily decrease erosion (temporary since future storms can and do blow out these structures), the biological health of the area is not improved. In fact, the devastating biological impact of excavations by bulldozers and backhoes in our stream valleys is obvious to even the most casual observer, as seen in the photographs in this article.

Even though "stream restorations" are demonstrably destructive to our relatively few remaining natural areas, the County and Parks are proceeding full speed ahead with these ecologically damaging projects. Consider the impact of "stream restorations" in Montgomery County: "To date, the County has completed



Ken Bawer (9/10/2020 During a Rain Event)

**DOWNSTREAM FROM JOSEPH'S BRANCH "STREAM RESTORATION" BEHIND 3926 RICK-OVER RD. THIS IS WHAT HAPPENS DOWNSTREAM FROM A 'STREAM RESTORATION' PROJECT WHEN STORMWATER FROM DEVELOPMENT IS NOT KEPT OUT OF STREAM VALLEYS.**

stream restoration projects, restoring almost 30,000 linear feet of stream..., [per the latest report on](#)



DEP

**A DEP 'STREAM RESTORATION' COMPLETELY DESTROYED THE FOREST COMMUNITY IN ITS FOOTPRINT. PLUS, LOSS OF SHADE CAUSES STREAM TEMPERATURES TO RISE, IMPACTING FISH AND AMPHIBIANS.**

[meeting the MS4 Permit](#). The truth is that these misguided projects convert our natural stream valleys into engineered stormwater conveyances

## ‘Stream Restorations,’ cont.

without addressing the root cause of the problem: stormwater fire-hosing into streams from developed areas (i.e., impervious surfaces such as roads, roofs, sidewalks, driveways, etc.).

“Stream restorations” address the symptoms of the stormwater problem (stream bank erosion) but not the root cause in an effort to check the MS4 Permit box or to do a mitigation project that is paid for by a private corporation.

Indeed, there are several local ecological factors that are currently not even considered when approving “stream restoration” projects, including: the full range of flora and fauna loss, lost ecosystem services (e.g., lost CO<sub>2</sub> uptake, lost O<sub>2</sub> production, food web disruption, tree death due to critical root zone dam-



Ken Bawer

**THE ENTIRE FALLSREACH STREAM, A TRIBUTARY OF WATTS BRANCH (WEST OF I-270) IS RUNNING THROUGH THE BLACK PIPE DURING CONSTRUCTION (3/19/2019).**

age, etc.) during and after construction, hydrologic disruption due to riparian soil grading and compaction (e.g., destruction of seeps and springs), and the carbon footprint of large-scale construction activities.

And upland (out of stream valley) alternatives to “stream restorations” are sometimes not even considered; this was the case with the Fallsreach project in the photograph above.

Rather than using “stream restorations,” which degrade the environmental health of the local area, it is far better to meet MS4 Permit requirements and perform mitigation projects by using (1) upland stormwater control practices in already disturbed areas, and (2) other non-destructive practices, such as forest planting and riparian conservation landscaping.

The alternatives to “stream restorations” that we support from the [June 2020 MS4 Accounting Guidance document](#) include, for example (from Table 1) the “Land Cover Conversion” practices (Forest Planting, Riparian Forest Planting,

## 'Stream Restorations,' cont.

Conservation Landscaping, Riparian Conservation Landscaping, Forest Conservation, Impervious Surface Reduction, Street Trees, and Urban Tree Canopy Planting) with the caveat that only native plants should be used and "Urban Soil Restoration" practices, and (from Table 2) most of the Runoff Reduction (RR) Practices (for example, bioretentions, rain gardens, green roofs, etc.).

Controlling stormwater before it can enter streams using the above practices would eliminate the need for "stream restorations." Since "stream restorations" are done to control stream bank erosion and flooding, keeping stormwater runoff out of streams would result in less flooding and stream bank erosion would drastically decrease to naturally occurring rates.

Given the mixed results of past "stream restoration" projects in the County and little publicly available results in Parks, scientific evidence questioning the benefits of such projects, and the concept that up-land projects can address the problem of stormwater by keeping it out of streams to begin with, a reasonable course of action would be a common sense, temporary pause in "stream restoration" projects (with exceptions for infrastructure protection projects as noted above) and the design/build RFP release, and a robust, respectful, and comprehensive discussion of issues and ideas among all stakeholders.

These temporary pauses and discussions would, for example, allow all interested parties to (1) understand the current and proposed selection process of "stream restorations" versus alternative up-

land projects, (2) have opportunity to provide input, and (3) evaluate the wisdom of continuing "stream restoration" projects that can cause an unacceptable loss of irreplaceable native forest, wildlife, and landscape memory.

Please contact County Executive Elrich ([marc.elrich@montgomery-countymd.gov](mailto:marc.elrich@montgomery-countymd.gov)), Parks Director Riley ([mike.riley@montgomeryparks.org](mailto:mike.riley@montgomeryparks.org)), and the County Council ([County.Council@MontgomeryCountyMD.gov](mailto:County.Council@MontgomeryCountyMD.gov)) with your views.

### REFERENCES

<sup>1</sup>Hilderbrand, Robert H., et al., "Quantifying the Ecological Uplift and Effectiveness of Differing Stream Restoration Approaches in Maryland," final report submitted to the Chesapeake Bay Trust for Grant #13141, 2020. ■

## Minutes of February 8, 2020, MCCF General Meeting #920, Virtual Zoom Meeting

*By Karen Cordry, MCCF Recording Secretary*

Due to the COVID-19 outbreak, the General Meeting was held via Zoom as a virtual meeting.

**Call to Order:** President Alan Bowser called the meeting to order at 7:31 pm. There were 56 participants over the course of the meeting.

**Approval of Agenda:** It was moved and seconded the agenda be approved; approved by voice vote.

**Approval of Minutes:** It was moved and seconded the minutes be approved; approved by voice vote

**Treasurer's Report:** Jerry Garson reported that for the total dues collected since July 1 were \$1,087,

with a total of \$735 in expenses. The current bank balance is \$9,601.

### ANNOUNCEMENTS

■ Alan Bowser noted that the County Executive had released recommendations of the Reimagining Public Safety Task Force and that the County's draft Climate Action Plan was also out for comments; the deadline for submission in Feb. 28.

### PROGRAM

The program focused on public safety and police accountability issues. The speakers were Chief Marcus Jones and Council Member Wil Jawando. Chief Jones began with a review of crime statistics, noting that there had been substantial increases in a number of areas over last year, including homicides (8 to date versus

18 for all of last year) and robberies which were up by 37%. Some other crimes were up only minimally and others were down. There are similar trends across the DMV and the perpetrators are primarily young people who seem to be more looking for a thrill rather than financial gain.

The discussion then turned to police reform issues and actions the county had been taking. Chief Jones noted that the County had been doing implicit bias training for the last 4-5 years and had been retraining annually. He also noted that police were called on to handle many mental health issues where they really weren't the proper ones to be dealing with such problems. They have received numerous recommendations from their task forces, ranging from



## February Minutes, cont.

how to deal with the racial disparity in traffic stop statistics to the hiring statistics in the department.

The Department has created a Professional Accountability Division to review these issues. With 1,300 uniformed officers and 500 staff, the County Department is one of the 80 largest in the country. They are working with Council Member Albonorz on legislation to ban “ghost guns” (ones that can be purchased on line without being registered or accounted for) and concentrating on more efforts to communicate with the public, including by operating the County Academy (a 15-week program for the public to attend and learn about the department’s work). He ended by noting that gang-related crimes were down and they only had one gun-related incident in schools

over the last few years.

Council Member Jawando began by discussing his concerns with addressing the overall culture of policing and how it raises issues of racial and economic justice. He noted that, from his own background, he learned about being arrested and saw the effects of poverty and discrimination. As a result, he saw a need to rethink the entire role of law enforcement in our criminal justice system. From their original creation in the 1700s to help enforce slave holding law, though the enforcement of Jim Crow laws, through their use against labor unions and LGBTQ rights, traditional policing methods have had huge effects. One out of two African-American youth have been arrested by age 23; one of three has been incarcerated. MoCo is not immune: on virtually every measure, from arrests to use of force to denial of bail,

to being pulled over and/or ticketed, the statistics show African Americans are disproportionately affected.

He agreed with the Chief that police were asked to handle far too many problems, such as mental health issues or homeless persons, and society needed to deal with those issues directly, not pass them off to the criminal justice system. He then discussed the SRO program, noting that again the vast majority (83%) of kids pulled aside and dealt with by the SROs were black or Latino. In many cases, even if those students were having problems, in most case, school psychologists and similar personnel would be of more use.

Some of the changes he suggested were to have considerably longer training periods for new officers and to pay more. On both counts, he said MoCo was on the low end of compa-



## February Minutes, cont.

rable forces. In terms of use of force, he suggested the review standard should be changed from was the use of force “reasonable,” to whether the force was “necessary after efforts to deescalate the situation.” There should also be limits on “no knock” warrants and he supported efforts to have a State-level independent investigative body to look at police shooting incidents. One of his main suggestions was to consider how to reduce the number of personal interactions with police (each of which has a potential for problems) in favor of automatic enforcement such as speed cameras.

There was an extended discussion with audience members about the SRO program and whether it should be retained for the benefits it could provide. Jawando supported

police involvement with students but more in the nature of discussions, athletic programs, etc., rather than as an omnipresent enforcement presence and that, again, to the extent counseling or assistance services they provided were better performed by lay persons such as counselors, psychologists, nurses. Chief Jones defended the SRO program, noting that most officers were persons of color, they were all volunteers, received special training, and cared about the kids. He also noted that they made few arrests (only 27 total last year). Conversely, their presence has helped deter gang presence and other problems in the schools and that protected the rest of the students.

There was also a discussion about the ability of businesses to hire uniformed officers to work during their off-duty hours. Those of-

ficers are held to the same standards but are expected to call an on-duty officer to actually make an arrest. Their hours are limited somewhat to keep them from being over-tired, but Jawando noted that higher pay could address this issue as well. The discussion ended with an endorsement of Neighborhood Watch programs.

## COMMITTEE REPORTS

### *Public Safety*

■ Next month’s meeting will be on Pedestrian Safety Issues and we will also be asking Co. Public Health Officer Travis Gayles to report on COVID-19 and vaccinations.

### *Land Use*

■ The small cell tower proposal ZTA 19-07 is back. We opposed it before and we will restate that on the website.

■ On ZTA 20-01 dealing with solar

## February Minutes, cont.

in the Ag Reserve, the amended proposal was expected to be coming up for a vote, but Member Riemer is holding back on that.

### Public Utilities

■ Lou Willen noted that Pepco had moved its consumer service response work to a company in Alabama, which has done nothing to improve service.

### Legislation

■ Peggy Dennis noted that there is again a bill (HB 99) pushing to require a deposit on all plastic bottles to seek to ensure that they are returned.

■ Cary Lamari noted that there is consideration of a “right to repair” bill to ensure that manufacturers provide information and parts to small companies so they can do this work and are not frozen out.

### Environment

■ Peggy Dennis noted that the County’s Climate Action Plan was out and we should be looking at it to take a position in the County and on areas where it tied in at the State level. Bailey Condrey is working with a coalition group that is putting together comments on this. MCCF should consider whether to sign on to the Coalition comments and/or add on additional comments.

There was a final discussion about whether MCCF should try to send in a letter about ZTA 20-07 (Missing Middle Housing) prior to the Feb. 11 hearing. It was concluded there was insufficient time. We intend to hold a more extensive meeting on the topic at a later date.

**Adjourn:** At 9:46, a motion to adjourn was approved by voice vote. ■

## cfn

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