



Greater Olney Civic Association

Post Office Box 212 Olney , Maryland 20830

www.goca.org

MINUTES – May 10, 2005

The meeting was called to order by President John Lyons. Following introductions, the April 2005 minutes were approved with one correction (pg. 3, Winchester School Special Exception, In 6 “Emmit Dodge” should be “Emmett Black”) and no additions. The agenda was approved with no additions.

OFFICERS/COMMITTEE REPORTS

PRESIDENT’S REPORT

John Lyons reported that now that the Olney Master Plan process is essentially completed, GOCA will be monitoring the implementation of the Plan and will be identifying other issues that GOCA should be paying attention to. There are a number of budget issues that we could be looking at, including how the budget is put together and whether Olney is being treated fairly in terms of services the area receives relative to the amount of taxes paid by residents in this area. Tax relief issues are also worth looking at. He asked anyone interested in doing this type of analysis to contact him. He noted too, that a lot had been imposed on the community through the master plan process and we would need to make sure that the area is getting resources from the County resulting from needs created by those changes. This begins by having a better understanding of the budget process.

CORRESPONDENCE REPORT

Jay Feinberg reported that the correspondence primarily included dues checks from several homeowners associations.

TREASURER’S REPORT

Roy Peck reported that the current bank account balance is \$5,989.60.

CIVIC FEDERATION REPORT

Jackie Benn reported that Civic Federation’s 2005 Banquet had gone well with 115 people attending. The Olney Boys and Girls Club was honored.

MEMBERSHIP COMMITTEE

Art Brodsky report that we had received dues from the North Creek HOA. He noted as well that Sycamore Acres will likely rejoin and Brookeville Estates will join as well now that he has answered a few questions they had. And, Art noted that he is hoping to post a brief summary of the meeting on the GOCA website within a few days of the meeting, with the complete minutes to be distributed later as we now do. Most of our delegates and others receiving the minutes are receiving them electronically, and in the Fall we want to stop mailing out the paper versions of the minutes. However, if for some reason, an interested party cannot receive them electronically, we will try to accommodate them.

LAND USE COMMITTEE

John Lyons reported that the Tang development in the Christie Estates now calls for 13 houses. The developer worked with the James Creek HOA to develop this backyard site plan, but it does not appear that the Christie Estates HOA had been involved. The current plan is an improvement over the 30 units originally proposed. Of the 9 acres of the site, only 4 acres are developable and that portion of the site is arrow-shaped. Also, the Washington Christian Academy that has purchased the property on Batchellors Forest Rd immediately behind the Judean/Norbeck Memorial Gardens has gotten a final opinion from the Park and Planning Commission and is moving ahead as much as they can. They cannot plat the property until the Fall. Good Counsel High School had its groundbreaking

Susan Petrocci reported that the Upper Rock Creek Coalition met with 2 Park & Planning attorneys to discuss issues relating to the rural open space portions of the Rural Neighborhood Cluster (RNC) zone optional development terms. The Coalition has worked for the past 18 months to get the language changed in the zone to make the requirement that open space land be retained “in perpetuity” stronger. The proposal is to give land adjacent to Park and Planning property be given to Park ad Planning, fee simple, and the community is being asked to trust that Park and Planning will be good shepherds of the land. In essence this means the community will need to keep track of the property to see what they are doing with the land. The only real guarantee seems to be to get the land transferred to a third party group such as a land trust organization. The Pulte Preserve at Park Hill is the first test case. The Upper Rock Creek Coalition is not willing to invest anymore time in going back to the Council for another change to the RNC zone. Barbara Falcigno noted that it is difficult to find a third party to put the land into a trust.

OLNEY CHAMBER REPORT

Joe Buffington reported that Olney Chamber Awards Reception will take place at Montgomery General Hospital on May 12th from 5:30 -7:30 pm. They will be presenting this year's Scholarships, plus their Business Person of the Year Award. Helene Rosenheim noted that Joe Buffington was this year's recipient of that award.

SPECIAL PRESENTATION

Controlling the Deer Population – John Lyons introduced Rob Gibbs, Maryland – National Capital Parks and Planning Commission (P&P), to present an overview of the workshops P&P is conducting on Deer Control. His office is responsible for the deer management program for the County that was started 8 years ago. The Program calls for a combination of education and management of the number of deer in the area. Deer cause accidents, damage landscaping, spread Lyme disease, and impact the area's eco-system and agriculture. Their Deer Workshop consists of an hour to hour and a half presentation that explains what residents can do to reduce the impacts of the deer and reduce deer/vehicular accidents, mainly by observing driving speed limits. They go into non-lethal management procedures. The County started with managed hunts in 3 parks, Little Bennett Park, the Agricultural Historic Farm Park, and Seneca Creek Park, and now are in 15 County parks. Hunting regulations have changed so hunters can now shot 30 deer, mostly does. The limit used to be 3. They have seen a decline in the deer population and in accidents, as well as in the impact on agricultural facilities around the 15 parks. Rob Gibbs can be reached at 301 949-2909. Homeowners and civic associations (HOA/CA) should call if they are interested in holding a workshop. He prefers that the workshops not be part of a regular association meeting, but as a stand-alone meeting for 20 or more people.

The following points were made during questions and answers:

- A typical workshop includes a slide presentation; providing lists of plants that the deer do not like as much, types of repellants that can be used and their proper application; fencing that is effective. Inexpensive electric fences may be useful for temporary needs such as around seasonal vegetable gardens. County regulations limiting fence heights to 6 ft. have recently been changed to permit 8 ft. black mesh deer fencing. This is separate from restrictions contained in HOA by-laws.
- A lot of the meat from managed shoots goes to feeding the needy and homeless. Last year 7 tons of meat were used for this purpose.
- Dr. Hess noted that the number of deer he sees daily coming across his property has grown from 3-4 to 15-20. Deer tend to travel 2-3 miles from where they are born, but there are no hunts within 4 miles. Mr. Gibbs noted that the County is expanding the controlled hunting program. The budget for the hunts is doubling. They look at the following to identify areas to expand into: (1) auto accidents, mapping accidents to see areas of concentrations; (2) agricultural damage, (3) damage to natural resources in parks; and (4) damage to home landscaping. They are still struggling with hunts in small areas to ensure that they are conducted safely. Mr. Gibbs doesn't think they will be able to get to all the areas affected for now.
- There are no places in Olney where people can hunt with rifles. However, within proper distances, people can hunt with bow and arrows. Currently the distances are 150 yds within occupied structures, with permission, and 100 yds of a road. However, these distances may be reduced to shorter distances.
- The County will not do anything off County-owned property, but will assist communities plan for hunts and will work together with them. Their office is happy to meet with groups to discuss the issue and lay out the science and facts needed to help get consensus from communities needing to do this.
- Del. Karen Montgomery noted that the Legislature is trying to get the State to work better on this issue.
- Coyotes are a predator for the deer, but they work better in area with more snow.
- Larry Solomon noted that he is in the car rental business and he has seen a reduction in the accidents with rental cars.
- Jay Feinberg noted that there are about 25 acres along the creek in their development that have a lot of deer damage, and in which no new trees are growing so there are a lot of bare spots. However, their HOA cannot afford to sponsor a hunt, so he feels it should be done by the County. Mr. Gibbs noted that the County will help the HOA, but a hunt does not need to be expensive and can still be done safely. Lots of hunters are looking for places to hunt, so it is just a matter of getting the groups together. The County is encouraging this effort which is why they are adjusting the legislation restricting hunting.

State Legislative Wrap-Up – District 14 Delegate Karen Montgomery & District 19 Delegate Carol Petzold provided a wrap-up of the actions during the Legislative Session that will impact Olney. Karen noted that the General Assembly really has one job – to pass a balanced budget. Montgomery County did pretty well this session. The Olney Theatre and the Sandy Spring Museum both received grants. She noted as well that Delegate Herman Taylor was not able to attend because he was recuperating from an automobile accident he had been in on Mother's Day and Delegate Anne Kaiser was out of town. Karen noted that she voted against the legislation dealing with the Inter-County Connector. We are dealing with all of the bad parts of the roadway in the Olney area. The Corps of Engineers is looking at the northern alignment which takes more houses and costs more money, but is less environmentally hazardous. Del. Montgomery opposed slot machines which passed in the House by 1 vote. The House bill limited the number of places where they could be located to areas bordering Pennsylvania and West Virginia. The Senate did not want to deal with that bill, so no compromise could be reached between the Senate and the House, so the bill died.

A number of bills relating to teen driving passed. For the first 6 months teen drivers have their licenses, they are not allowed to have teenage passengers. This was based on studies showing exponential increases in accidents with increased numbers of teenage passengers in the car. Del. Montgomery noted that many parents may not be aware that under current law, teenagers cannot get their drivers licenses until they are 18 unless parents sign the form permitting them to get their license at 16. So, if parents did not sign the forms, teenagers would have to wait till they were 18 to get their licenses. She also noted that the

House of Delegates passed a 4.5% property tax reduction, but the Senate did not pass it. The Governor may give a 2% reduction, depending on the condition of the stock market.

District 19 Delegate Carol Petzold noted that the County got more school construction money than originally indicated, but did not get all that was needed. The County works with the State through the Interagency Coordinating Committee to determine the priority of projects. She works on the Judiciary Committee. She sponsored a bill relating to absentee ballots that would eliminate the list of reasons to justify being able to use an absentee ballot which passed, but had not been signed yet. There was also a bill that would permit early voting on the Saturday through Tuesday during the week before the election. On May 26th, the Governor is scheduled to sign all the bills relating to elections. Legislation was passed on witness intimidation. There has been a crisis situation in Prince Georges County and Baltimore where gangs intimidate eye witnesses in criminal cases. The Chairman of their Committee, did not like the reliance on hearsay evidence in the legislation, so limited the impact of the legislation to certain violent cases. There are a number of conditions that apply, but it is a good first step while at the same time protecting the rights of the accused.

On juvenile justice issues, they passed legislation to establish a joint oversight committee outside of the juvenile justice system; and to establish incarceration group home facilities. There was also a bill relating to measuring the competency of juveniles to stand trial. It requires evaluation and treatment as opposed to just releasing a defendant back into society. There are only about a dozen such situations each year. This may be vetoed because of the cost. There was also a bill to collect DNA evidence immediately at incarceration in the court house. It is now done at the jail, but not all defendants go to jail before going to trial.

Some of the following bills may be vetoed by the Governor: (1) The bill requiring employers with 10,000 or more employees to provide health insurance when first employed. Walmart is currently the only business in the State of that size that does not provide health insurance until a person's second year of employment. (2) The bill raising minimum wage from \$5.15 to \$6.15.

The following points were made during questions and answers:

- The issue of the Governor selling parkland without the sale being vetted by the legislature will be going to referendum during the next election. Now the Governor can sell parkland on his own. Usually it is small pieces of land that are no longer needed as a right of way for State projects. This was done to make people aware of what the Governor is doing.
- Project Open Space did well. Money was put back into this program.
- It does not appear that there will be a special session on slot machines. It will continue to be a very partisan issue during the next legislative session, but it may not go anywhere because it will be an election year. Also, the Governor said he would not bring up slot machines again.

PUBLIC COMMENTS

- Barbara Falcigno noted that an asphalt company, Rooney Brothers, has been defrauding citizens through intimidation for cash payments doing work without contracts and doing unauthorized work. She also suggested having links from the GOCA website to other HOA websites to share information. John Lyons noted that GOCA is working on updating its email lists with HOA's to help do that. Brenda Egeland noted that if people are not getting GOCA minutes but want to, they should sign up to be on her email list. This is not limited to GOCA delegates.
- Chuck Keyserling noted that there had recently been two deaths in traffic accidents in their neighborhood. It couldn't be proved that they were deer-related, but he felt people would be better off hitting the deer than to try to avoid them and then going off the road.

OLD BUSINESS

Winchester School Special Exception – John Lyons reported that the Planning Board is still opposing the application and recommend denial. There was to have been a Board of Appeals hearing in March and GOCA wrote a letter of opposition. But, at the last minute, the applicant asked that the hearing be deferred until May 17th. A week ago, they asked for another continuance to allow the Planning Board to have time to review their revised plans. GOCA will oppose the continuance. He has not seen the latest revised plan, but Park and Planning may have it. John is aware that they have reduced their class size and created a smaller footprint for the building, but he believed that changes are still in progress. One of the neighbors reported that they had received notification that the plans had changed, but did not receive a copy of the changes.

The ICC at Georgia Avenue – John Lyons also reported that he had been contacted by a group representing developments on Georgia Ave in the vicinity of the ICC right-of-way that had been working on the Rte. 28/97 interchange and was now working with the State Highway Administration (SHA) on what the ICC interchange at Rte. 97 should look like. John had received a copy of a number of recommendations the group made to SHA in response to the Draft Environmental Impact Statement. A resident of The Preserve, John Kramer, has been working with Brooke Manor Estates, Norbeck Meadows, and Sycamore Acres to work with SHA to change SHA's plan to eliminate the existing hiker/biker trail between White's Hardware and Brooke Manor Estates. SHA has acknowledged that was a mistake and it will stay as a trail. The group has identified a number of issues with the noise abatement proposed for the ICC in their area, in particular, their finding that Brooke Manor is not above the threshold for noise abatement. The group has asked for a public hearing on a proposal to put a Park and Ride Lot on the south side of the Emory Lane/Georgia Ave intersection even when there is one nearby. Also, the Rte. 29/97 interchange project has been suspended, so it will not be built until after the ICC is completed. That project has already been delayed 18 months and SHA says it won't build

both interchanges at the same time. But there is a great need for the 29/97 interchange. And, the DEIS has the ICC going over Georgia Ave while under most other roads except I-95 and Rte. 29. SHA did have a study done of the cost of going an underpass and it can be done for \$21 million more than the overpass. But, an underpass is technically feasible.

Mr. Kramer asked GOCA to write to or communicate with SHA again about their opposition to an overpass because of its visual impact on the gateway into Olney, noting that the overpass does not just impact the houses in the immediate vicinity of the ICC. Their group will be meeting with SHA on the following Thursday to go over their response to the feasibility study at SHA's Baltimore office and they have gotten agreement with SHA to let GOCA attend. Khalid Afzal and Dan Harding of Park and Planning may be there as well. They have not seen the plans for the overpass yet, but know that it will have to be designed to accommodate the Georgia Avenue Busway. That will impact the placement of the supports for the overpass which will likely make the overpass less attractive. Dave Eskenazi noted that the Rte. 28/97 interchange is a higher priority than the Brookeville Bypass, but is missing \$17,000 of its funding. There are issues about the noise level of an above grade crossing being higher than at grade, and that it will impact the Olney Manor Park as well. The Federal agencies have indicated the same criteria for noise abatement apply to the park as to residences. There were some concerns raised that is the community works with SHA on this, they will think that if they give the community a few concessions, they can move ahead with the whole project. So, we need to proceed in a way that the State won't be able to interpret the community's response as saying that if they make these changes, that we can live with the project.

It was also noted that this situation is similar to that with the hiker/biker trail in which this was the only opportunity to provide input on this issue, but at the same time we voiced our continued opposition to the project in general. Work on the road is likely to begin within the year, so the design phase will be short. Changing to an underpass would be a significant change in the environmental impact statement that they may need to address in the final impact statement. Del. Montgomery noted that the Corps of Engineers seems to be finding the northern alternative has less environmental impact than the master plan route, but if the SHA goes with that route, Montgomery County will oppose that. It was suggested that GOCA find groups that support the ICC that would also support an underpass rather than the overpass. John agreed that it would be good to restate GOCA's opposition to the ICC, but that if it is being built that the community has strong feelings about the design of the interchange with Rte. 97. There was general agreement that someone from GOCA should attend the meeting with SHA. Barbara Falcigno moved that:

GOCA (1) RESTATE ITS OPPOSITION TO THE ICC, BUT STATE ITS INTEREST IN PROTECTING THE GATEWAY INTO OLNEY AND DIRECTLY AFFECTED SURROUNDING NEIGHBORHOODS BY BUILDING AN UNDERPASS AT THE INTERCHANGE WITH RTE 97 RATHER THAN AN OVERPASS, (2) STRESS APPROPRIATE SOUND WALLS BEING INSTALLED FROM MUNCASTER MILL ROAD TO LAYHILL ROAD, AND (3) ENSURE COMPLETION OF THE RTE 28/97 INTERCHANGE PRIOR TO CONSTRUCTION TO COMPLETION OF THE ICC.

The motion was seconded by Dave Eskenazi and passed unanimously with 2 absentions.

Olney Days 2005 - Helene Rosenheim noted that Olney Days would take place from May 20th – May 22nd. She reviewed the Schedule of Events, thanked the many sponsors including Fletcher's Service Center, Good Earth Garden Market, Cold Stone Creamery, Madlax Sporting Goods, Buffington RE/MAX, BJ Pumpnickel's St. John's Episcopal Church, Olney Theatre Center, and Long & Foster. She noted that there were still opportunities to volunteer, circulated a sign-up sheet and invited those there to let people they know who might be interested in volunteering to contact her as soon as possible.

John Lyons announced that Nancy Wendt was moving to the coastal Carolina area, thanked her for all her work on behalf of the community, and wished her well. Following a few additional announcements, the meeting was adjourned.

Respectfully submitted,

Danny Benn

Danny Benn
Recording Secretary

People in attendance: Theresa Barczy, Jackie and Danny Benn, Ron Berger, Art Brodsky, Joe Buffington, Jim D., Sharon Dooley, Brenda Egeland, Dave Eskenazi, Barbara Falcigno, Jay Feinberg, Rob Gibbs, Robert Hausman, Joe Hess, Christine Joy, Chuck Keyserling, Dean Kimmel, John Kramer, Donald Light, John Lyons, Robert Manno, Karen Montgomery, Roy Peck, Susan Petrocci, Dave Quirk, Helene Rosenheim, Robin Shea, Bob Sigillito, Larry Solomon, Michael Sullivan, Robert Twonkowski, Ed Weisel, and Michael Weiser