

MINUTES – November 8, 2005

The meeting was called to order by Executive Vice President Art Brodsky. The October 2005 minutes were approved with no corrections or additions. The agenda was approved with no additions or corrections.

PUBLIC COMMENTS

- Joe Buffington presented copies the 16-page history of Olney that his family commissioned Thomas Canby, a local historian to write. Writing this history was done in connection with the restoration effort they made with the historic spring house in front of their building. The booklet, Olney – Crossroads to a HomeTown, will be available at the Buffington RE/MAX Center, the Sandy Spring Museum, and at the Olney Library. While the booklets are free, they cost \$2 to produce and the Buffingtons would appreciate that people make a \$2 donation to the Museum for each copy they take.
- Leslie Cronin noted that Sandy Spring/Ashton community has been working with a developer on the proposed development at New Hampshire and Rte. 108. They are looking for GOCA and individual civic and homeowner associations to support a decrease in the parking from the 400 spaces now planned for, and a decrease in the size of the “destination” grocery store that is proposed to have a 200’ façade along Rte. 108. The site plan is being submitted on Wednesday, 11/9. Art suggested that GOCA invite the developer to the November meeting. She added that the developer is using a mixed-use zone in the Sandy Spring Master Plan that had actually been deleted by the County Council, but that the Park & Planning (P&P) staff had failed to delete from the text of the plan. The site is in the Northwest Branch watershed.
- Arnie Gordon noted that the 2006-2007 Capital Improvements Plan for Montgomery County Public Schools is now available for review.
- Ron Berger noted that the Department of Public Works and Transportation has established a one-stop shopping phone number for help – 240 777-6000

SPECIAL PRESENTATIONS

Consumer Fraud and Scams in Montgomery County – Art Brodsky welcomed John Lewis, an investigator in the Mont. County Division of Consumer Affairs, Dept. of Housing and Consumer Affairs (DHCA). Mr. Lewis noted that “scams are alive and well in Montgomery County.” And, unfortunately, in spite of all their efforts, scams are increasing. He recommended that people:

- Do not let contractors start work till you have a signed contract.
- Protect yourself by keeping some part of the amount due for the work till the work is completed.
- Be wary of contractors who come door-to-door, if they are coming to you, they usually need money.
- Be careful with arrangements agreed upon with handshakes or verbal agreements. Demand a written contract that clearly specifies what work is to be done.
- Use licensed contractors

Consumers should be aware that:

- Down payments should not exceed 1/3rd of the total cost
- Contracts should have a beginning and ending date
- Consumers have 3 days to cancel a contract, but contractors don’t usually put that information in the contract.
- The contractor’s license number must be on the contract with a phone number where the consumer can verify that they are licensed.
- Many contractors include a liquidation clause in their contracts that the consumer owes all the money even if the work is not all done. However, this is considered excessive by most courts.
- Maryland has an implied warranty that the end product has to be fit for use when the contractor is done. Within 4 years, a consumer can take a contractor to small claims court.
- Some contractors include an arbitration clause that requires the consumer to go to arbitration before they can sue the contractor. Some will then say they have to be out of the State and the claim will be decided by a court in Texas. The contractor or merchant will get the Texas court to find something against the consumer that was never intended because the consumer is not there to refute the claim.

- Complaints must be filed in writing – mailed, faxed, or online at the DHCA's website at montgomerycountymd.gov/consumer/pending/unresolved.
- Fines can only be imposed within a year from the incident, and are typically for deceptive trade practices.
- If the cost is over \$500, it is a criminal act that can result in an arrest.
- Consumers do not normally receive damages, but do get restitution of the amount given to the contractor.
- The DHCA's website has a list of contractors being investigated
- With licensed contractors, consumers can be reimbursed from a Maryland State fund for badly done work.
- Billing complaints are handled by Liz Brennan in their office.
- Plumbers are licensed by WSSC, electricians are licensed by the County, and the others are licensed by the State.
- The Public Services Commission controls the utilities.

Only licensed contractors can get building permits, so unlicensed contractors use the name of the homeowner to get building permits. Unlicensed contractors cannot get plumbing permits and other permits. Plumbing lines and electrical work typically end up behind walls, so the only way to see what they have done later if there is problem or if the work is not complete is to break through the walls or floors to see the work behind them.

Some of the types of contract work in which there are often scams include air conditioning and heating work, burglar alarm installation, chimney cleaning and repair, waterproofing, paving, roofing, termite treatment, and tree removal. With burglar alarm installations, some contractors get consumers to sign a contract for the installation, but slyly get them to sign for a 3-year monitoring service that you typically cannot get out of. With chimneys, the contractors may tell the consumer they need more work done than is really necessary. Some contractors leave flyers saying they will be in a neighborhood doing some type of outside work and if the consumer leaves a check for \$45 the contractor will do their house as well. However, they take the check, but don't do the work. Last year a paving company did a good job at a few houses and then got a lot of other contracts that they either did not do or did poorly. Mr. Lewis' office was able to get this contractor out of the County with a threat of arrest. In the roofing scam, it is frequently a father and son pair that claim they did the roof on a house 28 years ago and it is needed again, even though it may not be. With the tree scam, a contractor will come up to a house with a dead tree, offer to remove it, and ask for half the money up front. Then, after making a few cuts, they claim something is wrong with the saw and they will have to come back the next door. But, they do not return. There is a family operating as Jimmy's Trees from Culpepper that come up to Montgomery County everyday, and then cash their checks at the same liquor store back in Culpepper. Consumer Affairs has made a few arrests, but they still seem to operate.

OFFICERS/COMMITTEE REPORTS

Treasurer's Report – Roy Peck reported that the current balance is \$4, 869.09.

Correspondence Report – Jay Feinberg reported that we received several development plans, including one for the Polliger property on Batchellors Forest Rd (Trotter's Glen Golf Course) for 78 homes, the Marian Fathers property on Georgia Ave for 48 homes, and the Hyde property on Dr. Bird Dr. near the Good Counsel site for 31 homes, and the Danshe property near the Sandy Spring Volunteer Fire Dept on Georgia Ave for 40 homes..

Olney Chamber of Commerce Report – Joe Buffington invited everyone to the Ribbon-Cutting for the newly expanded Olney Police Satellite Station on Thursday, November 17th at 9:30 am. Those present were encouraged to invite others in their associations and developments to attend. The cost of the expansion had been \$21,000 which was a little over budget. They now need to get support going from the community to raise money for the monthly operating expenses, and they will begin their corporate fundraising at the ribbon-cutting..

The Chamber is going to begin presenting the Athena Award. This is a nationwide Chamber program that recognizes the contributions of professional women in a community. The recognition goes beyond Chamber members, so the Chamber has asked GOCA to provide a representative to a committee that will oversee the selection of the Award recipients.

Community Night was a success and the Chamber is looking for comments about the use of St. John's gym vs. returning to Longwood Recreation Center. Comments can be sent to Joe at joebuffington@remax.net or to 301 591-3434.

Membership Committee – Art Brodsky reported that GOCA now has 31-32 member associations.

Land Use Committee – Art reported for John Lyons that a letter had been sent to Khalid Afzal with a number of suggestions and concerns about the initial proposal for the Town Center Advisory Committee. There had been a meeting scheduled by Park and Planning with Councilmembers Praisner and Knapp to clarify the authority of the Advisory Committee, but that meeting had to be canceled. Khalid indicated that to avoid further delay in getting the Advisory Committee underway, he may try to get the necessary clarification by meeting with the councilmembers individually and through emails. Barbara Falcigno reported on the Roundtable Discussion she attended at which Planning Board staff and development experts were discussing mixed-use development. One of the key points made was that mixed use development is difficult. Most developers specialize in a type of development such as commercial or residential. They are not comfortable with development that mixes their areas of specialization and banks are uncomfortable loaning money for these more speculative types of development. Initially, the stock of the company that built the mixed-use development next to Congressional Shopping Center in Rockville has dropped. Generally these developments require structured parking and several of those already built required public funding in order to be completed. Population projections indicate that in 20 years, 80% of the County's households will not have school-aged children, so "place-making" will make an area a destination. One of the experts there was John Eisen lives in the Olney area and Barbara suggested that he be invited to participate with the Advisory Committee.

Also, the Board of Appeals denied the Winchester School's special exception application. They were not able to get the three votes needed for approval of the application. Angelo Caputo, was one of the Board of Appeals members who voted for approval. SEROCA is reviewing the preliminary plan for the Pollinger site.

OLD BUSINESS

Private Institutional Facilities Update – Art reported that Susan Petrocci was attending the hearing that evening of the work group studying the development of private institutional facilities (PIFs) in large lot zones. She will be testifying on behalf of GOCA. Her testimony will reflect GOCA's view that the Agricultural Reserve be preserved. Barbara Fagcigno noted that the proposal being discussed sets the impervious cap at 15%, but conservation groups are recommending that it be set at 8%. The Planning Board believes that the imperviousness cap is the best way to control development. The speculation is that lowering the imperviousness rate will just mean that the PIFs will just purchase larger amounts of land to achieve the desired level of development. There have been 13 applications by PIFs for development in the Agricultural Reserve over the past 2 years. One issue being looked at is how to deal with current applications at the same time protecting the Reserve. Councilmember Knapp recognizes that going into the Agricultural Reserve is not a good idea and is looking for ways to let churches grown within other zones inside of the sewer envelop.

Olney Town Center Advisory Committee – Khalid Afzal noted that he would like to keep the membership of the Advisory Committee to people who are familiar with the newly revised Master Plan and to not let it get too large to be effective. That is why he had suggested having one or two people representing the various developments surrounding the shopping centers. He has written to the local civic associations and asked them to join forces. He is suggesting that the Committee be made up 6 civic and homeowner associations, 6 other umbrella groups such as GOCA, the Olney Boys and Girls Community Sports Association, the Olney Coalition, and the Olney Chamber of Commerce. He is still looking for some professional experts such as architects and engineers to serve on the Committee. He is anxious to get started because he knows that it will take 2-3 sessions getting people up to speed before the Committee can really begin to do its work. He expects the first meeting will be in February. Khalid noted that the actions being taken by the Strategic Planning Roundtable on Centers and Boulevards could have a significant impact on how the County will deal with the development that takes place over the next 20-25 years. Most of the large properties in the County are developed, so they are going back now to see what the best way is to absorb continued development. They are looking at older shopping centers, transit size, and major traffic corridors such as Georgia Avenue and Viers Mill Rd. The Roundtable has just begun its efforts and he is not sure where things will go. But, they need a lot more community input on what is happening, what direction it is going in, and who is participating on the Roundtable.

In response to a question from Dave Eskenazi about Mr. Duncan's proposal to strip P&P of its enforcement responsibilities, Khalid noted that P&P only has enforcement of site plan development, not of development that does not require a site plan, but is only required to acquire building permits from the Dept. of Permitting Services (DPS). He feels that it is probably better for P&P to get out of the enforcement area and to have that done by a different set of eyes. Arnie Gordon expressed concern that if the oversight is done by the Executive Branch, the public will have fewer opportunities to be heard and will only be left with the courts to address concerns about inappropriate actions by developers. Part of the reason for the problems in areas like Clarksburg came about because DPS thought P&P was overseeing all development not just development based on site plans and P&P believing that DPS was overseeing the non-site plan development. This change would only add site plan

development to the other types of development DPS is suppose to be overseeing now. It should create more consistency in the implementation of development. Barbara Falcigno noted that one concern about the County Executive's proposal is that it would give DPS the ability to make "minor changes. If developers are locked into what the Planning Board approves in a site plan, this may be less of a concern.

Inter-County Connector Update – Roy Peck noted that he had gone to the meeting in Derwood on the Inter-County Connector (ICC) which is going 25' below grade near Derwood. Real estate appraisers have been visiting homes in that area. It appears that none of them are from this area, but from other jurisdictions that have lower property values. People are getting appraisals at about 1/3 the value they expected. If the State Highway Administration (SHA) is estimating the cost of the ICC project on these low appraisals, the actual costs will be substantially higher than projected. Arnie noted that a representative from SHA will be at the January meeting of the Norbeck Meadows CA. They will be bringing detailed plans for the area. He encouraged representatives from GOCA and the Olney Coalition to attend, but he wants to limit questions to those of Norbeck Meadows residents dealing with specific design issues rather than having a debate about whether there should be an ICC.

Candidates Debates – Art B. reported that the Olney Chamber of Commerce has agreed to be co-sponsors for the Candidates Debates GOCA decided to hold next Spring. Joe Buffington and Marc Rosendorf have joined the planning committee as Chamber representatives. The Planning Committee has decided to hold 3 events that they are going to call forums. There will be one for county executive, one for County Council District 2, and one for County Council District 4. The Forums will take place in May at middle and elementary schools in the area. Possible sites Olney Theatre, Cashell El., Farquhar MS, Brooke Grove El, or Olney El. All candidates at the time of the Forums will be welcome to participate. No decisions have not been made yet on the format for the Forums.

NEW BUSINESS

2005 GOCA Awards – Ron Berger noted that it is time again to think about nominations for GOCA's annual awards. Each year GOCA presents awards to individuals and/or groups and businesses that have made significant contributions by helping children, adults, the disabled, the poor, the environment, etc. Nominees are found throughout the community and are not limited to people involved with GOCA or that GOCA members are aware of. There is so much happening in the community that GOCA cannot be aware of everything and everyone worthy of recognition by the community. So, we rely on people throughout the community submitting nominations. There will be a nomination form available on GOCA's website, www.goca.org shortly that people can download and submit to GOCA by mail, by fax, by dropping it off at the Olney Library, by giving it to a GOCA member, or bringing it to a GOCA meeting. The deadline for submitting nominations is the January GOCA meeting. But Ron hoped that people would submit them earlier than that so that the Awards Committee has time to put together more detailed information about the nominees contribution, if necessary. A list of nominees is present to the GOCA delegates at the January meeting, ballots are sent to each delegate and returned ballots are tallied at the February meeting. The Awards are then presented at a ceremony at Longwood Recreation Center on the first Sunday in March. Ron encouraged everyone to begin thinking about possible nominees and to encourage people in other organizations or businesses they are involved in to make nominations.

After noting that the next meeting will take place on December 13th, the meeting was adjourned.

Respectfully Submitted,

Danny Benn

Danny Benn
Recording Secretary

People in attendance:

Khalid Afzal, Gina Angiola, Danny & Jackie Benn, Ron Berger, Art Brodsky, Joe Buffington, Leslie Cronin, Dave Eskenazi, Barbara Falcigno, Jay Feinberg, Arnie Gordon, Terri Hogan (Gazette), Dean Kimmel, Anthony Macaluso, Ellen Maschiocchi, Astrid Pages, Roy Peck, Susan Petrocci, Helene Rosenheim, Robin Shea, Robert Sigillito, Teresa Somogyu, David Tatwell, and Ed Weisel.