

## MINUTES – July 8, 2008

The meeting was called to order by President Sharon Dooley. The minutes from the June meeting were approved with 1 change on Pg 3, ¶ 2, Impact to INFORCE, and 1 change on Pg 4, adding (Cherrywood) after Jarosinski. The agenda was accepted with 3 changes – a presentation by Chuck Graefe regarding non-responsive developers, Jim Smith giving the OTCAC report, and 1 addition under Old Business – discussion of tabled motion on ambulance fees.

### PUBLIC COMMENTS

- Sharon Dooley noted that Montgomery General Hospital's Women's Board Annual Bazaar will take place on July 22<sup>nd</sup>.
- Helene Rosenheim noted that effective July 1, the County will now accept plastic tubs such as margarine tubs and ice cream tubs, etc. People are no longer limited to recycling plastic containers in the shape of bottles. She recommended that people go to the County's website for more recycling tips at [www.montgomerycountymd.gov/recycling](http://www.montgomerycountymd.gov/recycling).

### SPECIAL PRESENTATION

**Proposed Ambulance Transport Fee** – Sharon Dooley noted that a motion supporting the proposed ambulance transport fee had been tabled at the May meeting because there were a number of questions people had about the legislation. There was an interest in hearing from both the Fire and Rescue Service (FRS) and the Sandy Spring Volunteer Fire Department (SSVFD) at this meeting. She introduced Chief George Brown, SSVFD, and their president, Paul Lilley; and Mike Love, a FRS division chief to present their respective positions on the proposal to collect payment from health insurance companies from insured patients for ambulance transports.

Chief Brown noted that the members of the SSVFD have some concerns about the proposed ambulance transport fee that do not have anything to do with their relationship with the Fire and Rescue Service. They have a very good relationship, but have concerns more as taxpayers. Chief Brown noted that this idea had been put forward 4 years ago and again 2 years ago, but had failed both times, primarily because there were too many questions about it. However, the budget situation is such this year that the idea is being looked at more favorably. The following are some of their key concerns:

- The legislation does not designate clearly enough where the funds will go, so there is no assurance it will go to the FRS.
- A fear that people will be afraid to call 911 for fear of being charged for the ambulance.
- A suspicion that insurance companies will raise premiums.
- Poor and/or uneducated residents will be hurt most because many will not understand that the statement they receive is not a bill.
- A lack of clarity about what will happen if insurance companies do not play the full amount of the charges.
- The language of this bill does not resemble the language of bills in other jurisdictions that already collect ambulance transport fees. Other jurisdictions designate that the funding raised through these fees go to their fire and rescue services. This past year the County did not use all of the money raised through the fire tax residents pay for Fire and Rescue needs and there is a concern since the bill speaks of emergency services rather than naming fire and rescue specifically that funds could be siphoned off for other budget needs.

They noted that the League of Women Voters, the Civic Federation, and the Kentlands Civic Association do not support the legislation. It was noted, however, that GOCA's understanding is that Civic Fed did not take a position in June and have not met since then.

Mike Love noted that Chief Carr was not able to attend because he was at the public hearing before the County Council on the legislation. He noted as well that this is a high profile issue that has been brought up several times already and is an emotional issue, so elected officials are cautious about voting for a bill they think may adversely affect their constituents. But, this year with the budget deficit a funding source that has been successful in other jurisdictions seems like a reasonable funding source to pursue. The County last built a fire house 20 years ago. There has been tremendous growth upcounty and they are finding a big gap in providing services to that area and in other areas of growth such as Olney. They are not meeting response time goals, are not maintaining

equipment as they should, and they are experiencing shortages of supplies. Olney gets great support, but other areas are not as generous. TIm Firestine has provided the County Council with an implementation plan specifying how the money is to be used - to purchase new equipment, maintain existing equipment, construct new stations,

Mike Love also noted in other areas that already collect these fees, some as supplements to their budgets, others as a part of their general funds. Ambulance service has never been denied to a patient. Fees are collect as a part of the hospital billing process. For those individuals who are insured, the insurance companies will be billed. The uninsured will not be billed, but will be asked to confirm that they are uninsured. For out-of-county patients, their insurance companies will be billed plus the patients will be asked to pay any co-pay portions of their insurance coverage, which County residents will not be asked to pay. He added that 61% of the nation's fire departments collect these fees. These fees are just user fees similar to fees the County charges for the use of ballfields or other County facilities and they feel it is a reasonable way to bring in additional revenues. He offered to email their implementation plans. Any one interested in receiving it should contact him at [michael.love@montgomerycountymd.gov](mailto:michael.love@montgomerycountymd.gov).

The following are some of the points made during the question and answer period:

- It does not appear that the implementation plan is part of the legislation when the bill designates that the money must be used to supplement not supplant FRS funds.
- The speakers were not able to say how the County was able to get the insurance companies to waive the co-pay fees. It was noted that Virginia Beach had similar language in their legislation creating their ambulance fees, was sued by the insurance companies and lost the lawsuit.
- MCPS policies will need to be addressed with respect to nurses calling ambulance that will cause fees to be collected from parents' health insurance companies.
- There are concerns because the legislation broadly states that the money raised through these fees goes to "emergency services". There is the possibility that the funds could be diverted to things other than the apparatus, facilities, and other fire service needs the fees are supposedly being collect to provide, and could be used for other emergency services. Paul Lilley noted that if the legislation specified that the average charges would not be passed on through to patients and that the funds raised through these fees would go to the Fire and Rescue Service, he could support it.
- The Sandy Spring Volunteer Fire Department has not received an increase in funding from the County for 10 years. They have made up the difference through community donations. They are now collecting more, but they and other volunteer fire departments are seeing increases in their budget needs and are struggling. And, some of the fire tax funds are being diverted to other parts of County government.
- While the volunteer fire department members are concerned about the impact these fees will have on their ability collect donations, Mr. Love noted that there is a lot of research that shows that there is no data that shows decreases in fundraising attributable to ambulance fees. Others suggested that there was no data either way.
- Steve Cohen noted that after hearing Chief Carr who spoke to the GOCA officers at the last officers meeting he felt he could support the fees, but hearing that \$12 million of the funds raised through the fire tax were being diverted to other uses was a big concern for him. He did not feel the County could have it both ways, and that you can't say you need to collect fees to address critical needs when a similar amount of the taxes to cover those needs is being siphoned off to other budget areas. Mike Love suggested that it may be that the fire tax is set up with a floor amount that the FRS gets and any amounts raised above that floor amount can be used for other purposes. A question was raised about whether the diversion of these funds is something that happens routinely or just in the past or recent years.
- If the fire tax funds are already being siphoned off for other uses, the legislation needs more teeth and stronger language to insure that the funds raised through these fees will go to the FRS.
- Councilmember Phil Andrews, Chair, Public Safety Committee has also raised concerns about the possibility that the fees will discourage people from calling for an ambulance and about the funds already in the budget from the Fire Taxes that are not being used for the FRS.
- It is unlikely that premiums will be affected because rates are set regionally and most of the other jurisdictions in this region already collect ambulance fees from the insurance companies in the area that are accounted for in current premiums. However, questions about whether insurance companies will waive residents' co-pay amounts is not fully answered yet.

(See Old Business for discussion of the tabled motion on ambulance fees.)

**Olney Theatre's 75<sup>th</sup> Anniversary Celebration** – Jim Haddow reported that that the Olney Theatre will be celebrating its 75<sup>th</sup> Anniversary this year. The Theatre plans to have a gala celebration in October 25<sup>th</sup> from 6:00

pm to midnight at the theatre. The gala will be a fundraiser for the Theatre and the contact for the gala is Eric Bailey, 301 924-4485 ext 146. Jim noted that the Theatre would like to put information in CA/HOA newsletters and on the GOCA website. And, he will come to the September meeting with more details. He was asked to also bring information about future development plans.

**Developers Not Engaging with the Community** – Chuck Graefe, who lives on Emory Church Rd, said that he was there to raise an issue that arises from time to time when a developer refuses to engage the community in a discussion of their proposal unless they are required to by law. This is especially a problem when the community learns about a proposal just 10 days before a hearing before the Planning Board. He asked that GOCA help develop some guidelines for getting development applicants to communicate with the community. It is difficult to learn about and form a position on a proposal in 10 days and there should be a way to delay a hearing when developers are not cooperative with the community. This was an issue with the proposals relative to Private Institutional Facilities (PIFs). Sharon Dooley noted that the 10 day notice by Park and Planning is an expansion of previous requirements. But, with major issues, the public should be able to get a sense from Park and Planning when an issue will come up before the Planning Board. Dave Eskenazi noted that PIFs seem to not be covered by the requirement to communicate with the surrounding community of a site being proposed for development. It has been an ongoing issue in Olney because of the number of proposed PIF development projects in this area. Chuck added that part of the issue is that PIF developers think of themselves as a permitted use and so, not covered by this requirement. Sharon noted that she would discuss this with Park and Planning and Dave suggested consulting with the County Council.

## **OFFICERS/COMMITTEE REPORTS**

**Treasurer's Report** – Roy Peck reported that the current balance in the accounts is \$5,908.62. He noted that he had received \$1,500 in bills that evening that would leave a balance of approximately \$4,400. Roy noted that we had received a letter from the Sandy Spring Bank indicating that they were going to begin to charge a maintenance fee. However, he was told over the phone that this fee did not apply to our account. Sharon noted that other banks allow non-profits to waive these kinds of fees, but since we have been with the Bank for so long, we want to give them a chance to waive them.

**Correspondence Report** – Sharon Dooley reported that the correspondence included a letter announcing the demolition of structures at the Oaks Landfill.

**Olney Chamber of Commerce Report** – No Report

**Olney Town Center Advisory Committee (OTCAC) Report**– Jim Smith reported that the OTCAC officers have completed their first 2-year terms. He is continuing in a second term at Chair, Helene Rosenheim is the new Co-Chair, and Nancy DeLalio is the Secretary. They have also just revised their 2008 work plan. It includes completing the illustrative concept for the Olney Master Plan for the town center and presenting it to the Parks and Planning Commission's Planning Board, continue to preparing development guidelines that work in conjunction with the illustrative concept, creating a concept plan for a civic center that we hope to complete by June 2009, doing outreach with the community on both the development guidelines and the civic center concept plan, working with State Highway Administration and County Dept. of Transportation on pedestrian accessibility and safety issues; and then reviewing and commenting on future development proposals. Helene Rosenheim is chair of the Pedestrian Safety Committee. The hope is to have all the concept plans and development guidelines completed within the next two year. After that, the OTCAC will focus on reviewing development proposals. The only two plans expected in the near future are from the Freeman Companies for the Olney Village Center and the Olney Town Shopping Center area and from Karen Rollings for her proposed development Olney Crossing between N. High Street and Morningwood Dr.

**Civic Federation Report** – No Report

**Membership Report** – Matt Zaborsky reported that he had just received dues from 2 additional associations being the total of paid associations to 22. He suggested that people check the GOCA website if they do not know if their association's dues are paid. Those associations that have paid their dues are bolded in the list of developments within the greater Olney planning area.

**Land Use Report** – No Report

**President's Report** – Sharon Dooley noted that she has received a call about the damage done to several cherry trees in Williamsburg Village by a PEPCO tree trimming contractor. PEPCO had been called about a problem last week of a tree burning because of touching wires. It was already dark when both the contractor and the PEPCO got there. The contractor went ahead in the dark trimming trees and did a poor job. PEPCO has acknowledged that they made a mistake in the way they did the trimming and have offered to replace the trees. Someone from PEPCO will be invited to a future meeting to talk about tree trimming policies.

## OLD BUSINESS

**State Highway Administration Issues** – Sharon Dooley reported that the State Highway Administration (SHA) has indicated that they will open Phase A of the Inter-County Connector (ICC) as soon as it is completed and that they are using the essence of the plan proposed by Roy Peck for continuing Phase A to Layhill Road with a temporary access instead of their original proposal for a spur road just north of Rte. 28. Roy is now looking at some SHA data that seems to show 33,000 coming off the ICC at Rte. 97 with 13,000 cars going south, and 20,000 cars going north. He is looking more into this data because that much traffic going north would significantly impact Olney.

Development on Batchellors Forest Road – Sharon noted that we have received plans for a site near Farquhar Middle School that shows the use of a number of grinder pumps. Chuck Graefe was not familiar with the details of this plan, but noted it was not the Hyde property that is also suppose to be using grinder pumps. Dave Eskenazi noted that it was his understanding that Park and Planning had approved grinder pumps in this area as a one-time situation in this area that is designated in the Master Plan to only use gravity-fed systems. Chuck noted that grinder pump technology has improved so they are more acceptable. However, that quadrant experiences a lot of power-outages which will affect the operation of these pumps. Also, the Washington Christian Academy had to dig up their grinder pumps many times before they operated correctly. Sharon will talk with Khalid Afzal about this plan.

**Channel 21 TV Show About Olney** – Lisa Stancik reported that the tape of the first episode of the Olney Loop is “in the can.” It will be aired for the first time on Sunday, July 13<sup>th</sup> at 9:30 pm and will be repeated each Sunday night during the month. And, it will soon be aired on Wednesday evenings as well. It includes a 15-minute segment where a number of people answered the top ten questions they received. They are working on expanding the show to 30 minutes. She noted that several people are taping segments and working on scripts and she encouraged any CAs/HOAs that have something unique they want to talk about to contact her and put together scripts that can be taped. The program will air on the Access Montgomery channel which is Channel 21 on Comcast. It will be available on Verizon Fios as well.

**Ambulance Fee Proposal** – Sharon noted that a motion on the proposed ambulance fees had been tabled at the last meeting. Ron Berger noted that it may be too soon to take a position on the proposed legislation. The Council is not taking action on the bill until September and GOCA may want to wait to give them time to work on the legislation before taking a position. The consensus was to continue to table the motion until September.

## NEW BUSINESS

**Rte. 108 Safety Issues** – Sharon noted that they have been discussing a number of issues with SHA which has indicated that they are proposing some work on the Rte. 97/108 intersection, but they do not have money for our requested improvements at Muncaster Rd. No decision has been made on changing the light at Roots to a full-cycle light rather than a flashing light. Joe Buffington organized a meeting with representatives from BF Saul, St. John's Church, the Library, GOCA, OTCAC and the office building on the north side of Rte. 108 to brainstorm on solutions that would make the Rte. 108 entrance to the Olney Shopping Center safer. That group came up with 5 recommendations:

1. Adding a crosswalk just west of the Center entrance and painting stripping the width of the Center entrance to make it more noticeable, and
2. Placing a Do Not Block Entrance sign west of the entrance so traffic stops just west of the entrance crosswalk

This will create a wider opening for westbound cars turning left into the Center.

3. Putting barriers at Homeland Avenue forcing cars in the right lane to turn right there as currently required by the signage there, and
4. Changing the signage before the Library requiring cars to turn into the Library.
5. Reducing the speed limit on Rte. 108 approaching and in the town center area to 30 mph.

This would prevent cars from getting into that lane near the Post Office and speeding down to the Rte. 97 intersection with poor visibility by westbound turning traffic at the Center entrance.

The hope of the ad hoc group Joe brought together was to send a joint letter from all the affected entities to SHA proposing these recommendations. The consensus of the meeting was that GOCA should support sending a letter with the 5 recommendations. Joe is also waiting to hear from the Church and the OTCAC.

Following that discussion, the meeting was adjourned at 10:10 pm.

Respectfully Submitted,

*Kathleen Donodeo*

Kathleen Donodeo, Recording Secretary

**People in attendance:**

Bob Beard (Homeland Village), Ron Berger (Norbeck Meadows), Benny Bienvenue (Our House Youth Home), Art Brodsky (Cherrywood), Joe Buffington (Chamber of Commerce), Keith Carlson (Hallowell), Steve Cohen (Oak Grove), Andrea Cunningham (Olney Oaks), Sharon Dooley (James Creek), Dave Eskenazi (Norbeck Meadows), Arnie Gordon (Norbeck Meadows), Jim Haddow (Hallowell), Terri Hogan (Gazette), Norman Holly (Leisure World), Paul Jarosinski (Cherrywood), Sharon & Jim Lasewell (Hallowell), Walter Lee (Environ, OTCAC), Diane Littlefield (Olney Acres), Jeannette Mendonca (Senator Rona Kramer's Office), Bill Mercado (Mercado Consultants), Ryan Mercado (RPMS), Del. Karen Montgomery (District 14), Astrid Pages (James Creek), Ravi Parkhia (TMGH), Robin Riley (Dept. of Rec.), Keith Robinson (Brookeville Knolls), Helene Rosenheim (Highlands/MCRSC/OTCAC), Robin Shea (Oatland Farm), Everal Smith (Olney Oaks), Lisa Stancik (Homeland Village), Lori & Louis Wilen (Cherrywood), Catherine Womack (James Creek), and Matt Zaborsky (Norbeck Meadows).