



Greater Olney Civic Association

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www.goca.org

MINUTES – November 11, 2003

The meeting was called to order by President Stephen Smet. Following introductions, approval of the October minutes was tabled till December. The agenda was approved with one addition, the special presentation on the proposed changes to the County's Annual Growth Policy.

OFFICERS/COMMITTEE REPORTS

President's Report - Stephen Smet reported that

- He wanted to thank the people who attended the candlelight vigil that was held in response to the recent hate/violence crime in the Olney Oaks development.
- There is currently a proposal to put a 28,000 square foot building on the commercially zoned portion of the Silo Inn property, with parking on the residentially zoned piece of that property. He called Susan Scala-Demby, Dept of Permitting Services (DPS) requesting a follow-up on the letters from GOCA and Victoria Springs HOA with affidavits saying that the property had been abandoned and that the special exception process needed to be used with respect to the portion of the planning placing parking on the residentially zoned part of the property. She informed him that the matter had been turned over to one of the County's attorneys and we are awaiting their response.

Correspondence Report – Don Schmelter reported that there was no new correspondence this month.

Treasurer's Report - Roy Peck reported that we have a balance of \$7,554.58, and submitted a written report of income and expense to date.

Membership Committee – John Lyons indicated that he had no updates. But Chuck Young noted that the Olney Acres Civic Association which had been inactive since the late 70's has reactivated with help from Dave Eskenazi, has held its first meeting and Chuck submitted their dues to the Treasurer..

Land Use Committee – John Lyons reported that the Park & Planning's (P&P) Planning Board held its first session on the draft Olney Master Plan. The topics for that meeting were the overall concept of the plan and beginning discussions of the issues in the Southeast Quadrant. The Board members asked a lot of questions and asked the staff for additional information. No positions were taken.. The next worksession is scheduled for Dec 4 and the topic will be Transportation, but this could change.

- There will be a State Highway Administration public forum on the Inter-County Connector (ICC) at Blake HS on Sat., November 15th from 9:00 am – 2:00 pm. There will be information on the different options now under study and staff to answer questions and take comments. In addition, a number of other groups that have coalesced to support other options besides building the ICC will also have displays.
- The Washington Christian Academy which is interested in a property near the Georgia Avenue end of Batchellors Forest Rd met with SEROCA. While they are trying to be responsive to community concerns, there are still a number of issues related to their proposal. The biggest issue is whether they will get permission to use a grinder pump to tie into the sewer line uphill from the site. They were tentatively on the Nov agenda, but it was too full to include them. So they will likely come to the December meeting.

PUBLIC COMMENTS

- Cary Lamari, President, Montgomery County Civic Federation, extended an invitation to their Annual Holiday Reception at the New Fortune Restaurant, on Dec 5th, 6:30 – approx. 9:30 pm. The cost is \$40. Many elected officials will attend, but this is strictly a social event. So, there is no lobbying.
- Cary also noted that the Norbeck Rd. Widening Focus Group learned that this project may not get done for 23 years. When developed, it will be done piecemeal. The portion from Georgia Ave to Layhill would be the first part done. But, currently, there is no State or Federal money for the project for the foreseeable future. He is concerned about this because traffic is worse since the completion of the Rte 29/198 connector.
- Arnold Gordon reported that the County's Charter Reform Commission will meet on Dec. 3rd to discuss the issue of single district seats vs. at large seats. The meeting is at the County Council Building, from 7:00-9:00 pm. He felt it was important that GOCA be there.

SPECIAL PRESENTATION

Annual Growth Policy Discussion - John Lyons noted that 2 weeks earlier the County Council had voted on the proposed changes to the Annual Growth Policy (AGP) and introduced Councilmembers Mike Knapp and Marilyn Praisner to explain the impacts of that legislation in the Olney area.

Marilyn Praisner began by noting that she serves on the both the PHED and the Management & Finance Committees and that she did not support the AGP legislation. She stated that Montgomery County has had an annual growth policy in some form since the 1970's, but especially since the 1980's when the guidance on schools was developed. Master plans tell us generally what is to be developed on the land, and then the Council does the zoning actions to implement those plans. The AGP regulates the pace of that development will occur, when an area has, in balance, especially that transportation in place to support the traffic development will generate. The pace of evaluation is measured by P&P in two ways. There are 29 AGP policy areas that are approximately the same, but not identical to the master plan areas. The policy looks at the amount of development that has occurred or been approved and how much the capacity of roads is left. The traffic capacity of a policy area is evaluated, principally, by assessing intersections at the policy area review.

Now when developers look first at the situation at the policy level to determine whether the area is in moratorium for either for housing or jobs. There are ways to go ahead anyway in areas that are in moratorium. They can move ahead if they can mitigate their traffic impact by adding lanes or other physical improvements or providing funds permanent or temporary (10-12 years) for buses or bus shelters, etc. Developers have to pass this first test before they can go before P&P for the next step. The second step is the local area review. The question here is how far out from the site in question to look at intersections. Once the affected intersections are identified, the question is can they do any intersection improvements here to mitigate traffic impacts.

Two years ago the Council asked the Planning Board to do a comprehensive review, with no directions to rewrite the policy or develop an all new policy, just to come back with recommendations for a better annual growth policy. The Planning Board came forward with the concept a cap of 1.5%. The Council would be able to adjust that percentage in the future. The Council members rejected the Planning Board recommendation, but for different reasons. The Council staff proposed having no policy area review and just using local area review, which would mean no moratoriums. They proposed tightening the local area review. But the feeling with her committee was that is "just chewing at the edges" No one has ever had a project rejected as a result of the local area review. She was also concerned because the staff recommendation was presented after the public hearing so it was not commented on by anyone from the general public. No one at the hearing suggested relying only on the local area review as a substitute for the current system. There has been criticism of the policy area review process because of a perception that it is complicated, hard to understand, and criticized by the community by it is difficult to formulate counterpoint recommendations to those presented by experts on behalf of developers. P&P staff said that it would take 4 months to develop an alternative proposal, have public hearings and bring the recommendation to the Council. She had recommended keeping the current policy until July because it was not realistic for the Council to review a new proposal while they are doing the budget. That was defeated, but what she found most problematic is that the new policy does not take effect until July and there would not have been any lose to try to find something better if they were going to wait till July to implement the new policy.

Everyone agreed that there were problems with the school test, the borrowing capacity from neighboring cluster, and the whole concept of what you looked at. She felt they needed to tighten the school test, but they did not tighten it enough. The implication of the Council's funds, the superintendent's CIP goal is that no area be in moratorium. Some Council members feel county government should regulate at the master plan process and not after that, e.g., putting areas into moratorium. They feel it is okay to collect large sums of money from developers, but they should not interject themselves into concepts like moratorium. She does not share that view. It was this philosophical difference that led to the Council not wanting to implement her recommendation for a school impact test that would have put 4 policy areas in moratorium.

Ms. Praisner has worked on impact taxes for years. She introduced legislation with a previous Council that imposed higher impact taxes that passed by a 5-4 vote. But the bill was vetoed by the County Executive who came back with his own proposal that picked up some of Ms. Praisner's ideas, but did not set the tax rates that were high enough. In the Spring, the Council looked at impact taxes. In the legislation for the transportation and now the school impact taxes, they are permitted to increase the rate by resolution rather than by having to change the law. She feels that is useful because that means they do not have to take the time to wait for a bill from the County Executive. She put in a resolution to increase the transportation tax, and Tom Perez, with Phil Andrews, put in a resolution to create a schools tax. They were defeated by a 5-4 vote with a comment that they would raise higher taxes in the Fall when they review the AGP, and that is what they have done. We now have the highest in the State. However, she does not see them as a quid-pro-quo for dealing with the AGP. They could have adjusted them in the Spring. She prefers the elements in the transportation legislation more than what was proposed in the Spring, but they could have done that at any time. The dollars raised through impact taxes are significant, but it takes a long time to put the money into infrastructure. If they move ahead with no moratorium, they will put more strain on infrastructure that already behind need. Olney is in moratorium until July for housing. Developers required to do more in the approval process before will only have to look at local area review But, they will have to pay a higher impact tax under the new policy. But, the impact of the money and the development happen at different times. She tried to put in a surcharge for Olney and other areas in moratorium, a 1.5% higher impact tax than other areas, thinking that they would need a greater infusion of funding, but it was defeated. The first \$56 million collected will need to

be used to close out accounts for projects already approved or built which have assumed the collection of impact taxes. So they will be deeper in the hole.

Mike Knapp, as one of the newer Council members, found that as they went into the AGP review, there were 3 goals or objectives that needed from what he heard from people around the District: First people wanted a clearer, more defined process. Second, they wanted a new approach to looking at the AGP with after a comprehensive review and input from P&P, Council staff, and County Executive staff to develop an approach people were more comfortable. One concern of his is that the concept of moratorium wasn't getting infrastructure in the areas in moratorium, so they were continuing to stay in moratorium. Third, at the end of the process we should be generating significant levels of revenue for infrastructure. Mr. Knapp felt that we do have a cleaner process now. It has generated a mechanism to raise more money, but he was disappointed because he felt that the Planning Board or others did not really come back with a new approach except a growth cap. Much of the debate was on the elements that have been part of previous AGP discussions. He agreed with Ms. Praisner that all of the Council members thought was not good, but for different reasons. What they ended up debating was growth as it relates to new development, which as it relates to schools does not significantly impact school clusters. The data shows that 20% of our school enrollment comes from new development which translates to 7-8 new students per cluster per year. So the impact tax doesn't address that other 80% of the enrollment.

But, since we are in declining curve as it relates to grown and new development what we don't have is a mechanism to identify sustainable sources. The impact taxes will generate large amounts of money initially. But as growth declines, those amounts will decrease and we don't have a mechanism to identify sources over time. He believes this is something we need to focus on. What was put together was a more stringent local area review and gave the Planning Board discretion to look beyond just those intersections that are immediately affected by a specific development, to the extent that they need to feel confident that the numbers reflect what we need to do from a traffic congestion perspective. They can look at the broader impact. With the school test, it is a valid test. They eliminated the process of borrowing capacity from adjacent clusters. They took the recommendation of the Board of Education concerning where they saw capacity and at what point they would begin to identify the need to do something in a give cluster or school, e.g., build new classrooms or new schools.

With respect to the policy area review, he was concerned whether they needed to look at the moratorium perspective or to focus on generating revenues to provide the infrastructure, but he did not get enough information to determine whether the moratorium was having any significant impact. They still were getting things done and weren't spending resources in these areas. Where they are now is better than they where they had been, but this is still not the best we need. It still needs improvement.

In Olney, the moratorium will be lifted, but development is still governed by the master plan process. It is his understanding that much of the developable areas have already been addressed or are in the pipeline so there won't be a significant impact there. However, the reality is that given the numbers generated by the local area traffic review, there will be significant impact on the roadways or intersections where those developments will occur more than would have happened before. In addition, the resources that will be generated for schools will have a significant impact. One of the things he had been struck by was that before the Council, for reasonable reasons, hadn't addressed all the capital needs in the area, and we are now playing catch-up. With respect to impact taxes, what the Council talked about in the Spring, and came to fruition in the Fall was that they needed to look at all perspectives which I think they did. He was generally pleased with the outcome.

The following are points made during a question and answer period:

- Impact taxes do go into the general fund, but they are dedicated for traffic improvements, but not necessarily for roads. The school impact tax is only for schools. The impact taxes collected in Clarksburg will only be spent in Clarksburg. Others will be spent anywhere in the County.
- Developers can get credit for building school capacity, but they have not looked at public safety improvements. It has to be a school MCPS and the Council say is needed and not just dedicating land.
- Portable classrooms exist throughout the County. Some of the overcrowding is not new enrollment, but is from the initiative to reduce class size and to provide all-day kindergarten at all schools. It may appear that there are more portables in the eastern areas of the County because of the design of the older school sites in the older areas, but actually they are all over the County.
- The Council does not automatically build new classrooms just because of increased enrollment numbers in one year. There are sometimes cycles in populations, so they need to see a continued need. The Council is trying to get more demographics on the shifting in the enrollment numbers because they need to watch that so they can identify real trends, but just bubbles in the numbers. Bruce Crispell, MCPS's demographer, does projections based on the historic yields from different types of housing stocks and in different geographic areas and is constantly revising their projections.
- The Fairland/White Oak area has been in moratorium for 8 years because of the delays in the ICC project. The only constructions has been approximately 500 townhouses built under the exception to the moratorium for MPDU projects. Marilyn got a restriction that says if there are 1,000 units in an area and 500 are MPDUs, a developer cannot use the affordable housing exception.
- No specific number was given to the debate on what the loss would be by eliminating policy area review.
- Ms. Praisner noted that rates of the impact taxes can be looked at any time of year and prefers that they be looked at every 2 years. Policy area review was a process for deciding if projects go forward.
- The Council has tightened up the levels of operation for intersections. They changed the critical lane volumes by reducing by 50 cars because of the increased public transportation.

- P&P staff said that if they are not taking out the caps, then at least leave the policy area review in the process until they figure out new solutions, at most – 9 months.
- Ms. Praisner wanted to only count what projects are approved in the CIP for next year because they do the budget every 2 years, but they approved considering anything being built for the next 4 years.
- Impact tax applies to all new development. The AGP doesn't include impact taxes, it is separate legislation.
- The 1.5% caps does not include those projects already approved nor does it include incorporated areas like Gaithersburg and Rockville.
- Ms. Praisner raised the issue of sustainability throughout the process. But, Mr. Knapp said they had not seen anything brought to the Council on that yet and he is concerned that there is no planning for that.
- Ms. Praisner noted that the County is about 80% built out, but development never really stops cause can do redevelopment, going up instead of going out.. We need to look at capacity matching development.
- Chuck Young suggested that since the process will only be looking at intersections, we will need to look carefully at the big picture and will need to press for the lowest density so our intersections are not completely overwhelmed.

OLD BUSINESS

Draft Olney Master Plan – Steve Smet reported that GOCA submitted supplemental testimony prior to the October 17th deadline. The officers each took sections of the plan to be sure we did not miss any issues or concerns we needed to address. The Upper Rock Creek Coalition submitted additional testimony on environmental impacts of some of the proposed land uses, e.g., the use of the former school site on Bowie Mill Rd for affordable housing and on some issues they wanted to provide more details.

Pulte-Del Webb Development Proposal for the Freeman Property – Steve Smet noted that following the last meeting at which Steve Coniglio of Pulte-Del Webb had presented the concept plan for a 700+ active adult development on the Freeman property on Rte. 108 near Johnson's Nursery, GOCA sent a letter to the County Council requesting that the plan be sent to P&P for review. The Council did request that P&P review the plan. The developer presented a revised plan to a group of the GOCA officers. The development has been scaled down to 520 units with 65 MPDU units that will bring the total density to 585 units. Khalid Afzal noted that the plan had never been presented to the Planning Board before the Draft Upper Rock Creek Master Plan was sent to the County Council. The developer had gone directly to the County Council with their proposal and the Council had referred it back to the Planning Board for review and a recommendation to the County Council for their consideration as they review the draft master plan. There will be a public hearing before the Planning Board on Thursday, November 13th at which the Planning Board will make a recommendation to the Council on whether to include this proposal in the Draft Upper Rock Creek Master Plan. The Planning Board actually has a number of options. They can just comment on the proposal, or they can decide to amend the Draft to include the proposal. The staff has prepared a brief report on the project, but not with the kind of detail they provided for other properties in the Master Plan. The current recommendation for this property is to rezone it to the Rural Neighborhood Cluster (RNC) zone with a density of .23 units per acre. At that rate, the 330 acres property would yield 109-110 single-family detached units. If MPDUs were included, there would be an additional 32 units.

The developer is not applying for a Planned Retirement Community zone, but for the RNC zone, but with a higher density than the Draft Master Plan recommends. However, the definition of the current RNC zone does not permit more than 1 unit per acre, and they are requesting more than that. So, in order to achieve their desired density, they are proposing a zoning text amendment (ZTA) that could apply countywide depending on how the ZTA is worded. It might possibly be worded so that it is limited to adult active communities which would have more restrictions. But, it will be difficult to tell until we see the language. Mike Knapp added that this was such a significant proposal that it seemed inappropriate for the Council to go forward with their review of the Upper Rock Creek and Olney Master Plans without input on this from the Planning Board. Mike Kelley thought it would be difficult to word the ZTA so that it would not have broader countywide impact.

Steve Coniglio, the Pulte-Del Webb developer added that they are trying to word the ZTA tightly with features already in the RNC zone, but with increased density. They are proposing that the density be increased from 1 unit per acre to 1.4 without MPDUs and 1.8 with MPDUs. Their goal is to make it look like an RNC zone with their density. On the Freeman property they are proposing 520 units at market rate with 65 MPDUs. They would be single-family and 1-story villas with townhouses for the MPDUs. There would be 9.4% impervious surfaces and 75% of the land would be undeveloped and they would reforest 50 acres. Because it is an active adult community, there will not be any impact on the schools. The property includes 2 historic buildings, the Chichester House plus an existing barn that is not being used as a barn. Both are being retained. Their engineer explained that they will capture 75% of the water running off roof tops that they will recycle and use. That is different from land run-off. Mr. Coniglio stated that he had looked at the County's numbers for traffic generation from this type of development. He projects that 1 market rate house is the equivalent of 4 senior houses in terms of traffic generation. His traffic analysis is higher with more active adults at 1 regular house equaling 3 senior houses. At his development in Loudon County the result is 1 regular house to 3.5 senior houses.

Khalid noted that that this was not the only time they had received a proposal late in the development process of a master plan, but he did not feel this would set any precedent with respect to density for properties in the Draft Olney Master Plan. Mr. Coniglio noted that Freeman Associates who they bought the land from would not let them talk to the public before they owned the land. He added that they will still be neighbors regardless of whether this proposal moves forward and he wants to build a nice project.

The following points were made during discussion of the proposal:

- They would be governed by 80% of the households having to have one person at least 55 years old. If someone in the house is younger that is okay. This applies to new and resales. They will covenant that no one under 19 years of age live there, except possibly if they are handicapped. The experience in their other projects is that the average age starts at about 62 years old, but moves to 69 as the development matures in about 3 years. Steve C. was not sure what happens if the person who is 55 or older dies with respect to whether the younger person can stay.
- The risk in being able to get this development proposal approved is the reason he got the land at the low price he got it at, so it would be doable. He expects that when the project opens they will have 200 units sold.
- They are using a new revolutionary constructions technique in which the factory is building parts of the house that they then assemble on the site. They expect a 3 ½ year build out. He has also figured out what it will cost him to do the environmental improvements he is proposing.

Susan Petrocci moved that:

GOCA HEREBY RESOLVES THAT THE GOALS OF THE UPPER ROCK CREEK MASTER PLAN AS STIPULATED IN THE PLANNING BOARD DRAFT ARE: (1) TO PRESERVE AND PROTECT THE HEADWATERS OF THE UPPER ROCK CREEK AND TO MAINTAIN THE USE III STREAMS, AND (2) TO PRESERVE THE RESIDENTIAL CHARACTER BY MAINTAINING LOW DENSITIES AND RELATIVELY LARGE LOTS.

PULTE'S PROPOSAL TO BUILD AN ACTIVE ADULT COMMUNITY OF APPROXIMATELY 585 UNITS IS UTTERLY INCONSISTANT WITH THESE GOALS, WITH THE MASTER PLAN RECOMMENDATIONS FOR THIS PROPERTY, AND WITH THE PROVISIONS OF THE RURAL NEIGHBORHOOD CLUSTER (RNC) ZONE. PULTE PROPOSED DENSITY OF 1.8 UNITS PER ACRE IS ALMOST DOUBLE THE MAXIMUM PERMITTED DENSITY OF 1 UNIT PER ACRE IN THE RNC ZONE. PULTE HAS REQUESTED BOTH REZONING OF THE PROPERTY AND A ZONING TEXT AMENDMENT CUSTOMIZED TO ENABLE THIS PROPOSAL TO GO FORWARD. GOCA STRONGLY URGES THAT THIS REQUEST BE DENIED. FURTHER, GOCA BELIEVES IT IS ILL-ADVISED TO ALTER THE RNC ZONE TO PROVIDE FOR ANY NON-RESIDENTIAL STRUCTURE INCLUDING, BUT NOT LIMITED TO, RETAIL, MEDICAL SERVICES, OR PROFESSIONAL OFFICE FACILITIES.

PULTE'S PROPOSED ZONING TEXT AMENDMENT WOULD AFFECT ALL AREAS OF THE COUNTY WHERE THE RNC ZONE EXISTS. GOCA IS DEEPLY CONCERNED THAT THE SPECIFIC CHANGES TO THE RNC ZONE PROPOSED BY PULTE WOULD INVITE INAPPROPRIATE DEVELOPMENT PROPOSALS ON OTHER LARGE LOT PROPERTIES IN THE UPPER ROCK CREEK WEDGE OR IN EQUALLY SENSITIVE AREAS THROUGHOUT THE COUNTY, INCLUDING AREAS IN THE OLNEY MASTER PLAN AREA.

THEREFORE, GOCA STRONGLY OPPOSES ANY DEVELOPMENT OF THE FREEMAN PROPERTY THAT EXCEEDS THE PLANNING BOARD'S DRAFT RECOMMENDATIONS OF .33 UNITS PER ACRE (I.E., A MAXIMUM OF 110 DWELLINGS UNITS) FOR THAT PROPERTY. GOCA ALSO STRONGLY OPPOSES PULTE'S PROPOSED ZONING TEXT AMENDMENT THAT WOULD SUBSTANTIALLY REDEFINE THE RNC ZONE. FINALLY, GOCA URGES THE PLANNING BOARD TO STAND FIRM BEHIND ITS RECOMMENDATIONS FOR THE FREEMAN PROPERTY IN THE DRAFT UPPER ROCK CREEK MASTER PLAN, AND TO REJECT ANY PROPOSAL FOR THE FREEMAN PROPERTY, INCLUDING PULTE'S, THAT IS INCONSISTENT WITH THE BOARDS RECOMMENDATIONS.

The motion was seconded by Arnold Gerber and passed, with no additional discussion.

NEW BUSINESS

County Council Bill 36-03 – County Councilmember Mike Knapp noted that for the past year he has been chair of the Council's Homeland Security Committee. He started a study of homeland security broadly and held more than 50 meetings to discuss the issue. As a result, he looked at the County's fire and rescue services, the County's first responders for home land security, and a number of issues before the Council that were contentious. The question for him is what is a good dual system made up of career and volunteer fire fighters. He felt that there is a clear lack of accountability in the decision-making component within the Fire & Rescue Service that was leading to various confusions and levels of contentiousness. There have been maintenance and service issues that have not been getting addressed as a result of that. The numbers of both paid and volunteer fire fighters has been leveling off at a time when we need to bring on more personnel on both sides to be sure that we are prepared. In trying to figure out why, they found that much of the governing language in Chapter 21 of the County Code that was put in the place in 1997/98 as a result of a very significant discussion and compromise legislation while a good step forward for the County, is still nebulous in a number of places and open to a lot of interpretation. He felt that there was a need to look at ways to better reach out and define and clarify roles and responsibilities of positions within the Fire and Rescue Service, to enhance the role of volunteers within the Fire and Rescue Service, to establish clear accountability within the structure as it is currently designed, and to look at improving the incident management and emergency management from a preparedness perspective, looking more broadly at the planning element to be sure that we can not only meet our County's needs and to see how we fit within the regional as a whole.

To that end, in looking at all of those pieces, he tried to meet with a variety of organizations, and recognizing that there are a fair number of political sensitivity associated with addressing anything within the Fire and Rescue Service, talked to a number of organizations and discussed a number of concepts. He took that feedback back and he and his staff drafted legislation that began to address some of these needs. Having identified a number of these issues, Hurricane Isabel gave him an opportunity to see some of the holes in the system come to fruition. One clear example that he found disconcerting occurred while they were putting together a countywide plan that looked at all of our resources through the local volunteer fire departments and the County, they ended up having 4 different emergency plans being discussed and put into action because there were a number of people at the same level of authority to make those decisions. Fortunately Isabel wasn't as significant as originally anticipated. But the problem he saw was that there were firefighters in the same areas responding to different, but legitimate orders from different chiefs located in different places trying to respond to the needs of their communities.

Having watched this play out, he went back to try to build upon the current system, looked at models that had worked in other areas around the country with significant volunteer components and with much more hierarchical structures; they created a proposal in which the County would develop memorandum of understandings (MOUs) between the County and the individual local volunteer fire departments so there would be a clear understanding between both organization as to what each party brought to the table. For example, in trying to address a maintenance issue, one of the legitimate concerns the volunteer organizations raised is that the County has not provided enough additional funding for maintenance and the reality is that it has been flat-funded, essentially, for the last 10 years. The County needs to address that and the volunteer departments need to know what the County will provide. In turn, from a planning perspective, the Council needs to have a better understanding from the County as to what resources each volunteer department is bringing to the table so they can be certain how resources get allocated from a Countywide perspective and supplement where their might be holes in the system.

A second piece of the proposal is to modify the role of the Fire and Rescue Commission because when they looked at the decision-making process in the current system, it is a circle. The reality is that a number of people in the circle have various elements of accountability, but none of them ultimately owns the final decisions. So, what happens is that people with the best of intentions do the piece of the process that they control, but other pieces not getting accomplished at the overall level because no one ultimately has that accountability. So, maintenance, again being an example, is something that has been on the books for the Fire and Rescue Commission to look at. But, because it is can be relatively difficult to address, it has not addressed maintenance and policy for maintenance for the past 5 years. So what they are proposing is to move some of the authority from the Fire and Rescue Commission to the Fire Administrator who would be responsible for policy and enhancing the role of the volunteer Fire Chief to manage the relationships and the MOU's with the volunteers so that the person who is directly interacting with the volunteer fire departments on a daily basis is in the office of the Fire Administrator making sure that input is being provided to the Fire Administrator and then moving a level of operational authority to the Div. of Fire and Rescue Services Chief.

This would result in the formation of an executive committee who are making decisions and are directly in-line accountable, while maintaining the Fire and Rescue Commission to have an advisory role to both the Council and the Office of Fire Administrator. The Commission would provide input to the Fire Administrator, but they are not the people trying to implement the policies. This adds a level of accountability to the system. In addition, what they did, at the request of some of the volunteer leaders was to increase some of the benefits for the volunteers. There were certain elements that related to the volunteers relationship with the County that hadn't been addressed. There have been several surveys completed over the last 8 years that made recommendations relative to a quasi-retirement, length of service award program. They made some modifications that relax the requirements for inclusion for volunteers and recognize the volunteers the same as County employees for access to County recreational facilities, for participation in the County's tuition-assistance program through Montgomery College. These are enhanced tools recommended through these surveys to reach out to new people for the volunteer element, while they are also trying to identify new resources to attract more career firefighters. Both need to be growing and robust.

These are basically the three elements they have proposed to try to address the concerns and to make sure that as the County looks at emergency preparedness given our proximity to the greater Washington area and the concerns we have already seen in the community over the last 2 years. They want to be sure that we are not just comfortable at being where we are and saying that is good enough; but are asking the hard questions about whether there are ways for them to continue to improve, to refine their activities, and to provide the mechanism to do that; so that they can make a good system better.

Mike Kelley, Sandy Spring Volunteer Fire Department (SSVFD) Deputy Chief and former president of the Montgomery County Volunteer Fire & Rescue Association, noted that he has served 30 years as volunteer fire fighter, beginning in 1974, and has been a resident of Olney for 10 years and a former GOCA president. He was there as a representative of his local volunteer fire department (VFD). and as a representative of the association that was formed to urge citizens to call the County Council to kill Bill 36-03. He added that Mike Weiner was there as the President of the SSVFD, and current President of the Volunteer Fire & Rescue Association made up of 18 of the 19 volunteer fire departments in the County. He felt that "the system Mr. Knapp doesn't like is called democracy". The system was established in 1998 after a voter referendum that defeated the referendum questions for a "super chief" by a 64% vote.

Mike Kelley made the following points in the Powerpoint presentation he gave:

In 1996, the voters in Montgomery County were asked to consider a Ballot Referendum that would have created a single fire department commanded by a single fire chief. This initiative was often referred to as the movement to create a "Super Chief." The outcome was that 64% of the voters REJECTED this measure

Following the election, the volunteer fire-rescue leadership immediately met with the County Executive to start working on measures to create a partnership to manage the fire and rescue service in Montgomery County. In 1998, legislation was adopted by the Montgomery County Council, which called for the creation of the "Montgomery County Fire and Rescue Service (MCFRS)," which is a public-private partnership made up of the 19 local fire and rescue corporations and the County Government. Today, this partnership is capable of efficiently and effectively managing the fire and rescue service, provided that all partners work in good faith to ensure adequate representation at all levels, as specified in the Montgomery County Code.

The MCFRS Organization that was created includes:

- The Fire and Rescue Commission - Responsible for creating and adopting operational and administrative policies and regulations for the efficient management of the Montgomery County Fire and Rescue Service.
- The Fire Administrator who is responsible for the enforcement of policies and regulations, along with the general coordination and oversight of the Service.
- The Division of Fire and Rescue Services which is the paid fire-rescue personnel responsible for working with the volunteer fire-rescue personnel at the Local Fire and Rescue Departments to provide emergency services to the communities throughout the County.
- The Division of Volunteer Fire and Rescue Services which is the administrative personnel responsible for assisting the Local Fire and Rescue Departments with coordination of fire and rescue activities and services.
- The Local Fire and Rescue Departments which consists of 19 community-based volunteer fire and rescue corporations. These departments have a combined force upwards of 1500 members, own 27.5⁽¹⁾ fire and rescue stations, and own millions of dollars in vehicles and equipment.

(1)Another example of a successful Public-Private Partnership is Sandy Spring Fire Station 4, which is owned jointly by the Sandy Spring Volunteer Fire Department and Montgomery County.

The Current System:

- Started 1998 after a reorganization and change to the Montgomery County Code.
- Provides for volunteer and paid fire-rescue staff to work in collaboration to provide emergency services.
- Provides for meaningful input into the operations and administration of the service.
- Provides for a balance of power among the elements within the service.

The Knapp Proposal:

- Was created without input from the community and their representative volunteer fire-rescue leaders.
- Seeks to ignore the will of the voters in rejecting a "Super Chief."
- Removes meaningful community and volunteer contribution to public service.
- Would ultimately lead to the demise of the community-based fire rescue service.
- Takes the community out of "homeland security."

Mike K. noted that Mr. Knapp's proposed legislation was in its 11th draft when it was obtained by the volunteer fire departments, about a week before it was submitted to the Council. He suggested visiting the www.killthebill.org website for more information, calling County Councilmembers at 240-777-7900 and asking them to vote "NO", writing to the President of the County Council, Michael Subin, getting involved with our community-based fire and rescue department, and tell our relatives and friends to call or write.

Mike Weiner stated that he felt this legislation was a Trojan horse and would turn the improvements made since 1998. He noted that on 9/11 within a half an hour after the second plane hit the World Trade Center, their department had 35 volunteers, both Mikes included, sitting at the station on Georgia Ave. They had every piece of equipment, including the power lawn mower, manned and ready to go. The problems they encountered with Hurricane Isabel resulted from people in the command center making decisions on what to do without communicating with the volunteer fire departments. For example, they sent plywood and 8-penny nails and chain saws to protect the stations. But they didn't have a way to cut the wood or use the nails to hammer into the bricks the stations were built out of. He noted that in speaking to Mr. Knapp just a few weeks before the announcement in the paper about Mr. Knapp's intention to submit legislation, they had been given the impression that he was not. The first version they saw was the 11th draft and it was the 14th draft that was finally submitted. This disconnect in their understanding and what actually happened made them, and he believes the community, feel that this had not been discussed in good faith. That perception is part of the challenge that the volunteer fire fighters have been fighting with the County government all along – a lack of trust. So, the volunteer fire departments are fiercely independent because they know that the bottom line is that when they are inside a burning building or dealing with a patient that is bleeding to death, or extricating a mangled passenger in a crashed vehicle, they have to be able to rely on their own team which includes both career and volunteer fire fighters. They know what they have to do. He felt

that the legislation strips away the autonomy the volunteer fire departments have under the current law in ways he didn't think Mr. Knapp had intended. In the name of the equality they are supposed to be enjoying in the County, he suggested that the legislation be withdrawn. And, he suggested instead that they work together to tweak the existing law which is 95% there, while the proposed legislation would put them 20% of the way to being there.

The following points were made during questions and answers:

- Mr. Knapp stated that there was no structure now to ensure that equipment is being maintained, including a number of pieces of equipment that do not meet maintenance standards. With respect to Hurricane Isabel, they had 21 people with the authority to make certain decisions and enact certain activities, but they didn't have in place because they did not have the level of accountability that we need to have throughout the County, taking into account both what is being seen at the local level and, at the macro level, having the input for the bigger picture. Information was falling through the cracks and they were making decisions and having disputes and debates at the time because there was no one person with the authority to make decisions and carry them out. He stressed that we do have a good system, but we need to continue to look for ways to make it a better system. Based on what we have learned over the last 2 years, and with Isabel, the proposed legislation gives us the opportunity to discuss the issues in a way that the referendum in 1998 did not give.
- Mike Kelley noted that with respect to maintenance, Mr. Knapp noted maintenance dollars were flat, so you can't blame the volunteer fire departments for not being able to maintain their equipment. Also, there is a volunteer chief who retired in April and the slot has not been filled yet. So, you can't blame them for not being prepared when the chief is gone.
- Mike Kelley noted that the checks and balances in the system are in the body made up of fire department personnel and the public making the policy. Then there is the first responders in the stations doing the work. He indicated that there is an extensive set of manuals that includes all of their training requirements from the fire fighters and EMTs who ride on the trucks to those that want to be fire chiefs. All in the County responded well to the 9/11 incident, a year later to the train crash in Kensington, to the sniper situations, and even to Hurricane Isabel.
- Mike Kelley noted that there is an overall Countywide disaster plan, and then the volunteer fire departments do local disaster plans. There is no one person making the decisions because making these plans is team work. In fire fighting, you have to trust the people you work with, which is why it is key that you know each other. In the case of Isabel, the stations were told that they had to deal with situations in their respective areas on their own without any outside help. So, it was a good thing that there were 21 chiefs with local disaster plans that could jump into action. You can't strip independence away and put in a linear structure. The existing law states, there needs to be cooperation between the career and volunteer fire fighters. Bill 36-03 creates a new bathtub and throws out the baby with the bathtub when the old bathtub is not so bad.
- Mr. Knapp indicated that the structure described in the legislation is modeled after communities where there are only volunteer organizations that interact with municipalities and after how you address firefighting out west where you have number of fire departments have to come together to address a sustained incident. The MOU lays out elements that outline what each of the local fire departments is to bring to the effort. We need to recognize the level of effort of the volunteers. Through the legislation they were trying to codify the relationships between the County and the individual VFDs to clarify their respective roles and to enhance volunteering.
- Mike Weiner added that part of the memorandum of understanding has a Damocles sword over the local fire department chiefs. The Fire Administrator has the right to seize their equipment and property if they don't meet the MOU. The Sandy Spring VFD has \$1.2 Million's worth of equipment paid for with donations from the community that can be taken from their Department.
- Mike Kelley noted that he has been a volunteer for 30 years and could do it for another 20. But, they get tired of constantly fighting the County government to maintain their independence; they only have so much fight in them. If this legislation were to pass as it is currently written, he would quit. And, if the local chiefs are not there to train the new volunteers, the volunteer system quickly goes away.
- Mr. Knapp noted that it is already in the law that the County has the responsibility to provide fire rescue and safety in the County and can move equipment to other areas to achieve that. Mike Kelley noted that there is a check and balance in the current law that limits how long equipment can be taken elsewhere, but the new legislation takes this away.
- Mr. Knapp added that they are trying to streamline the bureaucracy. He held 50 meetings to discuss the concepts in the legislation including the elements of leadership in the Fire and Rescue Service, career plus volunteer fire fights plus leadership, and service providers outside of the County. There has been political tension since 1998, so he tried to hold a discussion without generating tension. The MCVFA found cause of recognition that needed a common voice on issues.
- The bill was introduced with a hearing set for three weeks later, Nov 18th, with 15 speakers on each side and that list is filled. The first public worksession is Dec 3rd. The bill cannot be acted on until January. Mr. Knapp encouraged people to communicate their concerns and thoughts either through the public hearing process, in writing, by email, or by phone. He feels is an opportunity for a public discussion that has not taken place before.

Arnold Gordon moved that:

GOCA OPPOSE BILL 36-03 IF IT GOES TO PUBLIC HEARING. HOWEVER, GOCA REQUESTS WITHDRAWAL OF THE BILL AS CURRENTLY WRITTEN AND REQUESTS THAT THE LEGISLATOR HOLD OPEN DISCUSSIONS WITH ALL PARTIES TO ADDRESS SAFETY ISSUES THAT ARE BROKEN AND ACTIONS NECESSARY TO RESOLVE THEM.

The motion was seconded by Susan Petrocci. The following points were made during the discussion of the motion.

- There are still a lot of questions about the need for the legislation, if it will accomplish its objectives, and what the real impact will be on the volunteer fire departments.
- People that volunteer as fire fighters do so with their hearts, and fell an emotional attachment to their stations and the equipment they purchase for their communities. That feeling may go away with the amount of government oversight proposed in the bill.
- It is difficult to take a position on the bill because of all the questions and concerns.
- The legislation seems to be being written without enough facts.
- It seems like this bill would reverse what the citizens voted for in 1996. A bill that would allow the County to take equipment the community has paid for through donations to the volunteer fire department is not good. And, if the County is strapped for money, it seems like they need to rely on the money the volunteers raise .which saves the County a lot of money.
- While there may have been a lot of meetings to discuss this legislation, it seems as though the volunteer fire departments were brought into the discussion very late in process. The first version of the legislation they saw was the 11th draft.

Following the discussion, the motion passed.

After a few brief announcements, the meeting was adjourned.

Respectfully submitted,

Helene Rosenheim

Helene Rosenheim
Recording Secretary

People in attendance: Khalid Afzal, Jackie & Danny Benn, Josh Bokee, Rick Coburn, Steve Coniglio, Leslie Cronin, Martha Cunningham, Dave Eskenazi, Barbara Falcigno, Larry Goldstein, Arnold Gordon, Robert Hausman, Terri Hogan (Gazette), Lori Keasy, Mike Kelley, Mike Knapp, Cary Lamari, Michael Love, John Lyons, Janice & Christopher & Michael Mercado, Karen & Harry Montgomery, Alyce Ortuzar. Astrid Pages, Roy Peck, Susan Petrocci, Gary Rebsch, Helene Rosenheim, Don Schmelter, Ken Silverstein, Michael Swaine, Ed Weisel, Nancy Wendt, and Chuck Young