

SECTION THREE
VILLAGE OF
CHEVY CHASE

News & Views

FEBRUARY 2015

CALENDAR

WEDNESDAY, FEBRUARY 11

Council meeting
CCUMC Room 107, 7:45 p.m.

**SATURDAY,
FEBRUARY 14**
Valentine's Day!



**WEDNESDAY,
MARCH 4**
First Bulk Trash Pick-Up
of 2015, Curbside

WEDNESDAY, MARCH 11
Council meeting
CCUMC Room 107, 7:45 p.m.

TUESDAY, MARCH 17
St. Patrick's Day
Annual Everybody's Irish Party
Gazebo Park and Fulton Street
5:00-7:00 p.m.

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COUNTY EXECUTIVE PROPOSES, THEN WITHDRAWS INDEPENDENT TRANSIT AUTHORITY LEGISLATION

Fast moving events at the County and State levels transpired in the last week in January. On Friday, January 23, County Executive Ike Leggett sent proposed enabling legislation to the Montgomery County State delegation to allow the County to establish an Independent Transit Authority (ITA). While most bills are submitted months in advance for the current three month state legislature session, this bill emerged very late, was accepted by our State Delegation to go through the process at the state level and what would have been the only public hearing on it before their deliberations was scheduled for a week after its introduction. The County Council was supposed to vote on it on Monday, February 2, but Mr. Leggett withdrew the bill due to overwhelming negative public response. A petition put up mid-week gathered over 1,000 signatures in a few days and a Facebook page against it also received a lot of public interest.

Section 3 residents were made aware of the bill via email on Friday, January 30. Those who took the time to send their response to the bill had their voices heard as did the many who turned up on at the Friday night hearing to voice their concerns.

While Mr. Leggett withdrew his bill from County Council consideration on Monday, February 2 and says he plans to do the same at the State level, the concept of an independent transit authority is not yet dead. For that reason, it's important to understand the powers that have been proposed for this agency and keep a watchful eye in the discussions over the next half year:

- * It would have the ability to levy an additional tax on our property tax bill for the purposes of funding mass transit. These taxes would circumvent the Charter limits which are imposed on the County Council and which cap the amount our taxes can go up year to year. Its existence would not preclude the County Council from also imposing additional taxes within the Charter limits.
- * It would have the powers of eminent domain for Bus Rapid Transit (BRT) and Corridor Cities Transitway (CCT) routes.
- * The ITA would be run by a board appointed by the County Executive and be independent from the County Council.
- * Personnel employed by the ITA would be taken from some the County's Department of Transportation ...but not all the functions. So while traffic functions would remain at the County level for example, control of

CONTINUED ON PAGE 4

**In accordance with the Americans with Disabilities Act and our desire to have our meetings open to everyone in our community, Council meetings are held at the Chevy Chase United Methodist Church which has handicapped elevator access via the parking lot entrance. We are grateful to the Church for their generosity in allowing us to use their facility each month.*



COUNCIL ACTIONS

The Council met on Wednesday, the 14th of January in room 109 of the CCUMC. The meeting began at 7:55 p.m. All Council members except **Mike Dietrich** were present.

The Council approved the December minutes as they appeared in the January newsletter. They did, however, want to correct the published Variance request. The house at 7101 Georgia Street was owned by the **Norton** family, however, they sold it to their daughter and son-in-law, the **LeBoo** family, who are now the legal owners of the property. The variance request was for a six-inch overhang on the roof of a bay window, not six foot, a typo corrected at the meeting. All the neighbors were informed of the errors prior to the meeting and voiced no objection.

PUBLIC SAFETY ISSUES

The Village Manager reported that police patrols continue to catch folks not observing the stop sign at Taylor Street and also those who go west on Shepherd Street during the restricted hours. The Village Manager reported that one of our policemen, Brian Merryman, has a very sick child who will be taken to Florida for two months this summer for medical attention (see story this issue). The Council agreed that we should share the plight of his six year old with the community in the event that they would like to help out someone who helps us. Our other policeman, Chris Jordan, will cover his hours for July and August.

BUILDINGS AND ROADS

The Council voted to approve the six-inch variance for the LeBoo family at 7101 Georgia Street. They also read the final wording of the variance granted the previous Council meeting, but drafted by our attorney for the **Weller** ice rink.

Formal Ordinance to Abandon Village Property

The Council voted to abandon the 169 square feet inside the fence on the **Scheck** property at 3615 Taylor Street. In order to legally abandon a right-of-way or portion of a right-of-way dedicated to street use, State law requires that the Council pass an uncoded ordinance declaring the reasons why the property should be abandoned. The ordinance will be voted on at the next meeting of the Council.

The reasons for abandoning this space include cited in the ordinance include:

The fact that this right-of-way is unique with no such area existing elsewhere in the Village including similarly-

aligned streets running off Taylor Street,

The land is currently enclosed by a fence and being used by the owners of 3615 Taylor Street,

The land area in question is not necessary for public travel or other public purposes, and

Abandoning the excess area would benefit the public by eliminating the Village's liability and maintenance responsibility for an unnecessary portion of the roadway, while potentially increasing the Village's tax revenue.

A copy of the full ordinance is posted on the town bulletin board and is available at the Village Manager's office for viewing. The Council will vote on this at its February meeting and, if passed, will become effective on March 4, 2015.

Road and Sidewalk Work

A number of sidewalk segments have been identified as tripping hazards due to the rise and fall of the earth beneath or tree roots. These panels will be repaired by our contractor, D & F Construction, in February. Neighbors may have already noted markings placed nearby by Miss Utility in anticipation of the work or yellow arrows on the sidewalk panels themselves.

Because cracks appeared on Raymond and Shepherd Streets despite the work being executed in accordance with our specifications, our consulting engineer has recommended that core samples be done to analyze the foundation of our roadbeds. We plan to take a four inch core sample from both the streets that have been affected by cracking too soon and also on the streets where we had planned to mill and pave in the spring to determine if in fact we need to do more extensive road reconstruction work because the foundation is no longer stable. The core samples will tell us what we need to make an informed decision. The head of Buildings and Roads and the Village Manager are in discussions with our consulting engineer to determine the best locations and the pricing for this work which will be done most likely in February.

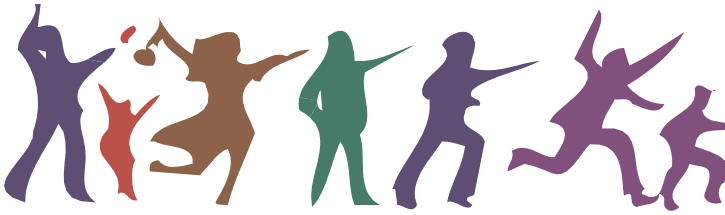
SIGNAGE UPDATE

All the Village stop sign/street sign combinations have now been installed and a certain amount of sign pollution has been removed by the combination signage. We are in the process of identifying vendors to replicate the same look on our 29 remaining free standing stop signs. A sample of what it will look like is visible at the intersection of Florida and Raymond Streets.

FINANCIAL REPORT

The Council reviewed the rollovers of CDs. Rates continue to be pitifully low and we are in search of higher interest rate CDs for no more than two years.

CONTINUED ON PAGE 4



NEIGHBORHOOD NEWS

Congrats to **Laura Lytle** of Fulton Street on her recent marriage to **Christian Yarnell**. We wish you both much happiness!

Thank you to our neighborhood snow shovelers!

Happily, we have a group of hard-working young people who hired themselves out to shovel sidewalks and driveways!

Thanks to all the parents who shared their names and contact info with the Village Manager; we are happy to have them around!



TEA WITH AMBASSADOR BODDE, FEBRUARY 17



Wonder what it's like serving as an ambassador? William Bodde, Jr., a Chevy Chase resident and a long-time foreign service officer, served as Ambassador to the Marshall Islands, Fiji, Tonga, Tuvalu and Kiribati from 1980 to 1992. He will share many of his experiences in Asia at a tea from

2:00 to 4:00 p.m. on Tuesday, February 17.

A senior advisor to Presidents Carter, Regan and Bush, Ambassador, Bodde boasts over 30 years in the foreign service and has many stories to share. So, join the members of Chevy Chase at Home for this free event at the Chevy Chase Village Hall.

A HELPING HAND FOR ONE OF OUR OWN

Section 3 has been fortunate to have the same two Montgomery County policemen patrol our streets in their off hours, Brian Merryman and Chris Jordan. Together they spend about 16 hours a month in our community, driving past every house, helping folks, observing problems, catching people who blow through stop signs or go west on Shepherd Street during the do-not-enter hours. Their work augments the work done by Montgomery County's police, who are responsible for our community, but spread too thin to do regular patrol work.

One of our policemen, Brian Merryman, has a son Matthew, who was diagnosed with a rare form of cancer when he was only a year old. He is now six. In addition to Matthew, Brian and his wife Tina have a three-year-old and a 16-month-old. Matthew has had nine brain surgeries, has developed liver disease from the chemo and has now developed Dystonia, a type of Parkinsons' disease which causes painful uncontrollable movements. He has been evaluated as a candidate for Deep Brain Stimulation surgery to control the movement, but it will require the family to live in Florida near the pediatric specialist in this area for at least two months. During that time, Brian will be taking an unpaid leave of absence. To help out, folks at his police station have set up an online fundraiser. If you are interested in learning more and perhaps helping Brian and his family out, the Council thought it would be a good idea to share with you the story and the website: <https://www.crowdrise.com/superheromattthew/fundraiser/brianandtinaemerryman>.

Take a look, it's hard not to want to help them out.

LITTLE FREE PUBLIC LIBRARY COMING TO THE GAZEBO PARK!

As soon as the weather breaks, we will be installing a new very little "library" in the park just next to the Gazebo. We're hoping that parents will take a moment to borrow a book to read to a child in the park, or take it home with them. And we hope adults will join us in putting in books they've read and enjoyed. Feel free to leave a little post-it about why you liked the book (adult or children). The idea is "take a book, give a book"...doesn't have to be the same day, but we'd love to see the "stock" in our tiny library keep changing and hope that it will be a fun place to visit.

TRANSIT AUTHORITY, CONTINUED FROM PAGE 1

routes, schedules and fares would be ceded to the ITA.

County employees, who were not informed of the proposal and their union are extremely concerned about this proposal.

So what is this all about? Mr. Leggett says that the ITA is a way to focus with laser-like attention on the mass transit needs for the County to grow and is an outgrowth of a mass transit task force. The head of the Montgomery County Taxpayer's League calls it a solution in search of a problem. The County Council's own attorney has pointed out to County Council members, in a memo, ways in which the County already has the authority to cre-

ate mass transit special districts and fund these projects, at much lower cost. Because the ITA would NOT have the backing of the full faith and credit of Montgomery County, the County Council's staff has pointed out, the revenue bonds that the ITA might issue to fund mass transit would have a lower rating and higher interest rate than the bonds backed by the County—not to mention the cost of issuing the bonds would be higher. In short, he has concluded that funding the BRT with revenue bonds issued by the ITA would cost County taxpayers more than County-issued revenue bonds.

County Executive Leggett now says that he wants to have discussions on this "through June" which means that he would like to resolve ways to fund mass transit by then. This is a reasonable time frame to come to some conclusions about what kind of mass transit we want and how we want to fund it. However the County will be considering the Executive's budget recommendations which exclude the ITA, prior to that date. The County Council has already approved a master plan for both BRT routes along Wisconsin Avenue and along Georgia Avenue but the details are still to be worked out over the next few years.

The County's leadership in the area of transit has had its problems of late: the InterCounty Connector is a money-losing proposition and has not picked up users because of the cost, the Silver Spring mass transit hub construction problems are yet to be resolved and have cost us a great deal of additional taxpayer funds, and the Ride-On bus, needed by many who do not own a car or opt for public transit, is operating in the red.

As we plan for more densely populated centers like Friendship Heights, Bethesda, Silver Spring, Wheaton, White Flint, and Rockville, we need to plan for ways to get people to and from work and home more efficiently. Hopefully, there is a lesson in the adverse public reaction to the lack of public discussion of how we get there. Since Mr. Leggett has invested so much personal commitment and energy into the concept of the ITA, it is important that we understand that he is not about to give up on this idea so easily and that we, as taxpayers and constituents, should be prepared to participate in the next, hopefully more rational, solution to funding mass transit.

COUNCIL ACTIONS, CONTINUED FROM PAGE 2

OTHER

We have a number of new neighbors. We've finally run out of canvas bags and are looking for replacement bags. Ellen McKenney continues to welcome everyone with wine and flowers and lots of good information. We are grateful to her.

The Council voted to go into Executive Session for purpose of reviewing the performance and compensation of the Village Manager. All present voted to go into executive session.

WHAT TO DO WITH EXPIRED PRESCRIPTION DRUGS

Chevy Chase Village has received a special grant to have a medication disposal unit inside the Village Hall. They have been kind enough to let us know that Section 3 residents can use this disposal unit to drop off any prescription or over the counter (OTC) medication (for you or even your animals) so that they don't get flushed into the bay where they are harmful. So take a moment to go through your medicine chests and get rid of all that expired medicine! No liquids, needles, or empty pill boxes, please!

You can bring them to the Village Hall anytime during regular business hours and drop them in a locked box that looks like a mailbox inside the Village Hall. The communications folks at the desk will direct you and there is usually on-street parking. Thank you, Chevy Chase Village!



COUNTY PROPOSES FAR-REACHING PESTICIDE BAN

The County Council has introduced a controversial bill which will result in many homeowners being prohibited from using readily available pesticides used to eliminate grubs, fungus and invasive weeds. This ban would extend to lawn services many Section 3 residents already use as well as items used by homeowners themselves. If passed as it now reads, it will also ban “non-essential” pesticide use on all County playing fields and parks.

A public hearing on the Bill MC 52-14 was held on Thursday, January 15 and was widely attended. The bill is modeled after one that has been adopted by Takoma Park, Maryland (where three County Councilmembers reside).

The motivation for the legislation is to protect our rivers and streams from pollution via these pesticides and to protect us from possible health hazards by their use, even if the causation has not been definitively linked scientifically in the case of the chemicals on the list and the manner in which they are used. It also pointed to bee colony collapse as a reason for banning a whole class of pesticides.

This proposed legislation has raised passions on both sides of the issue. The packed hearing room and the need to schedule a second hearing on February 12 demonstrates that fact. Maryland is one of only seven states in the country that is not been pre-empted by Federal legislation so it can pass more restrictive legislation than the EPA. Other than Takoma Park, only one other locality in the U.S., Ogunquit, Maine—has adopted similarly extensive prohibitions. Even the state of California, a bellwether for environmental legislation, has not sought such far reaching and all inclusive bans on pesticides. The fine for using chemicals on the banned list is \$200 a day for every day the ban is violated.

The chemicals banned are NOT on the EPA list of prohibited pesticides.

The legislation does not include a specific list of chemicals deemed “non-essential.” However, it does include all the chemicals on EPA’s “Carcinogenic to Humans” or “Likely to be Carcinogenic” lists that are not currently banned, a list from the province of Ontario which has passed similar legislation, and a list from the European Commission that they characterize as “Category 1 Endocrine Disruptor” and “any other pesticides which the Executive determines are not critical” to pest management in the county. Health risks depend on the percentage of a chemical in a pesticide and its application and use, but the legislation does not address that issue.

The prohibited list will be updated annually by an appointed committee and it will be the consumer’s responsibility to keep up with the latest banned chemicals. According to testimony at the hearing, in Takoma Park, that list now totals 166 chemicals which

homeowners must check against any label on anything they might buy to address a problem in their lawns because the pesticides will be readily available in stores throughout the county. There is no ban on the sale, only the use.

Many of the listed chemicals are also used on agricultural products. However, the legislation specifically exempts agriculture; yet 50 percent of county land is in the agricultural preserve. Golf courses and turf farms are also exempt from the legislation.

Currently, the state of Maryland requires all licensed lawn care professionals (including our own contractors) to be tested and licensed to dispense pesticides in a safe and sound manner. When they apply pesticides to your lawn, they are required to notify neighbors who are listed on a state registry as having health issues that might be affected by the application of pesticides and they are supposed to post signs.

At the first of the two hearings on MC 52-14, the County Executive’s representative urged the Council to consult with scientists before proceeding and also urged that public playing fields be excluded from the legislation, as did a number of other representatives, including the head of the County’s Parks department. The County has a \$31 million public-private investment in the soccer complex in Gaithersburg. Their director testified that while they use an integrated plant management program, they need pesticides to maintain those green fields for playing. Others testified that organic lawn care was more costly but avoided many pesticides. Our own Section 3 arborist, who is a beekeeper, testified that the bee colony collapse, which was the justification for banning a whole class of pesticides, was not relevant because there has been no evidence of bee colony collapse in the entire state of Maryland and that a Presidential Commission is exploring the science behind the collapse to give us definitive answers to the problem where it occurs. These same pesticides can still be used on trees and in gardens, just not on lawns...making the health risk argument even more strained.

In terms of enforcement, the legislation mandates that a County inspector visit every location in the County where pesticides are sold on an annual basis and inform them of the legislation. As to violations, it appears that the legislation pits neighbor against neighbor in reporting violations which then would have to be verified by a County inspector.

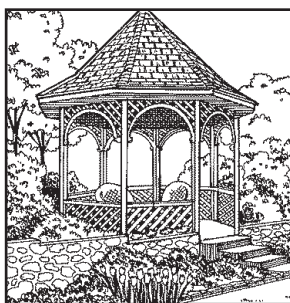
The motivation for moving to a more organic approach to lawn care is laudable; however, as one lawn care specialist pointed out, pesticides are “non-essential” until you need them. If this legislation is meant to protect our health and rivers and streams, the exemption for agricultural uses, tree care, golf courses and turf farms is difficult to understand. Google Montgomery County, MD Bill 52-14 to read about it in detail and make your concerns known to members of the County Council by emailing them at www.county.council@montgomerycountymd.gov.



**SECTION 3 VILLAGE OF
CHEVY CHASE**

P.O. Box 15070

Chevy Chase, MD 20815



**SECTION THREE
VILLAGE OF
CHEVY CHASE**

News & Views

FEBRUARY 2015

DOGGIE POO OOOOO!

There is nothing quite like gazing out at white snow covering your lawn only to have it to be marred by the thoughtless droppings of someone's dog! We now have doggie bag dispensers at Raymond and Florida Streets, Delaware and Shepherd Streets, Fulton and Shepherd Streets and one dispenser IN the Gazebo Park. There's really no excuse for not picking up after your dog. We've had complaints from residents whose lawns are being littered by someone else's dog's waste. Please be a good neighbor and pick up after your dog!

