

APPROVED

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Tuesday, February 8, 2005 Rockville, Md.

The County Council for Montgomery County, Maryland convened in the Council Conference Room, Stella B. Werner Council Office Building, Rockville, Maryland, at 9:12 A.M. on Tuesday, February 8, 2005.

PRESENT

Councilmember Thomas Perez, President	Councilmember George Leventhal, Vice President
Councilmember Phil Andrews	Councilmember Michael Knapp
Councilmember Howard Denis	Councilmember Nancy Floreen
Councilmember Marilyn J. Praisner	Councilmember Steven A. Silverman
Councilmember Michael Subin	

The President in the Chair.

SUBJECT: **District of Columbia Water and Sewer Authority (WASA)**

Reference: Agenda item 1

The Council received a briefing on various WASA issues.

Ms. Floreen requested that WASA continue to discuss alternatives for disposal of solids generated at the Dalecarlia Water Treatment Plant.

Ms. Praisner requested a copy of the legal opinion submitted regarding the Intermunicipal Agreement (IMA), and a copy of the Blue Plain Service Area Study when it is completed.

The Council recessed at 10:05 A.M. and reconvened in the Council Hearing Room at 10:20 A.M.

The invocation was given by Venkataramany Balakrishnan, Sri Siva Vishnu Temple.

SUBJECT: **General Business**

Agenda and Calendar Changes: the Management and Fiscal Policy (MFP) Committee deferred consideration of the Clean Energy Rewards Program from the February 14 meeting until a later date.

SUBJECT: Approval of Minutes

Approved the minutes of January 24 and 25, 2005.

Mr. Leventhal made the motion.

SUBJECT: Consent Calendar**Reference:** Agenda items 4A-I

Referring to the Montgomery County Fire and Rescue Service (MCFRS) regulations being considered today, Ms. Praisner requested that the County Executive, in the future, any fire regulations or policy include information on the extent to which comments were provided by the Fire Commission and by the Local Fire and Rescue Departments; and how the master plan plans interact with respect to Federal installations given their increased security. She also requested that the Public Safety discuss with MCFRS the amount and type of apparatus that is dispatched for certain types of calls.

The Consent Calendar was adopted:

Introduced a Resolution to approve the Fire, Rescue, Emergency Medical Services, and Community Risk Reduction Master Plan;

Resolution 15-887, endorsing the Maryland Economic Development Assistance Authority and Fund (MEDAAF) grant for an environmental feasibility study at the Army Research Laboratory;

Resolution 15-888, supporting the development of a long range funding plan for the Washington Metropolitan Area Transit Authority (WMATA) and for increasing the Federal Government's contribution to WMATA;

Resolution 15-889, supporting the purchase of Pepco Communications' interest in Starpower Communications, L.L.C. by RCN Telecom Services;

Resolution 15-890, approving Executive Regulation 22-04, Position Description for Division Chief, Montgomery County Fire and Rescue Service Volunteer Services, Montgomery County Fire and Rescue Service;

Resolution 15-891, confirming the County Executive's appointment of Pamela N. Saul to serve as Supervisor, Montgomery County Conservation District Board of Supervisors;

Resolution 15-892, confirming the County Executive's appointment of Linda Ridall to the Committee on Hate/Violence;

Resolution 15-893, confirming the County Executive's appointment of the following persons to serve on the Partnership Board for Victims of Hate/Violence: Cherri L. Branson and Leslie Jackson;

Introduced a Resolution to authorize Advance Taking – Muncaster Road Improvements Project.

Ms. Floreen made the motion.

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS A DISTRICT COUNCIL FOR THAT PORTION
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT
WITHIN MONTGOMERY COUNTY**

SUBJECT: **Request for Oral Argument and/or Consideration of Hearing Examiner's Report and Recommendation**

Reference: Agenda item 5

Granted the request for oral argument, twenty minutes per side, to be held on March 1, 2005. Argument is limited to discussion on the following three points: The Applicant's rezoning application and development plan do not substantially comply with the Bethesda Sector Plan; the proposed development plan does not meet the requirements of the zone; and the proposed rezoning will not serve the public interest.

Ms. Praisner made the motion.

SUBJECT: **Amendments to the Solid Waste Management Plan; Executive Regulation 15-04, Solid Waste and Recycling; Executive Regulation 18-04, Collection, Transportation, and Disposition of the Solid Waste**

Reference: Agenda items 6 – 8

Ms. Praisner expressed concern that allowing a minimum of 25 homes to be eligible for a transfer if surrounded by Subdistrict A will lead to inefficiencies and recommended that language be added to the regulation that the outcomes of this policy will be reviewed in one year and thereafter.

Mr. Andrews requested information be provided on the recycling rate for single family homes provided with the rolling recycling carts. Ms. Praisner suggested that homeowners be reminded that the rolling carts must be removed from the curb after collection.

SUBJECT: **Closed Session**

Agreed to hold a closed session later in the day to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of employees, or officials over

whom it has jurisdiction, pursuant to Maryland Code, State Government Article, §10-508-(a)(1)(i). The topic is the inspector general.

Mr. Leventhal made the motion.

The Council recessed at 12:25 P.M. and reconvened at 1:35 P.M.

SUBJECT: **Public Hearing on the Washington Suburban Sanitary Commission's FY06 Capital Budget and FY06-11 Capital Improvements Program**

Reference: Agenda Item 9

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business February 22, 2005.

SUBJECT: **Amendments to the Solid Waste Management Plan; Executive Regulation 15-04, Solid Waste and Recycling; and Executive Regulation 18-04, Collection, Transportation, and Disposition of the Solid Waste (Continued)**

Reference: Agenda items 6 – 8

The Council continued its discussion of the Solid Waste Management Plan and related executive regulations.

Mr. Leventhal requested Executive Branch staff to provide information on specific environmental hazards of burning styrofoam. He also requested that a report be provided within six months to one year on the use of styrofoam in the Council Office Building, the Executive Office Building, and the Montgomery County Public Schools; whether a ban on the use of styrofoam in County facilities should be considered; and information on any efforts to recycling styrofoam.

Amended the language in the Plan by establishing a graduated recycling rate over the next five years that will reach a 50% rate goal in 2010.

Mr. Knapp made the motion. Mr. Subin and Mr. Silverman were temporarily absent.

[Amended] Agreed with Ms. Praisner's suggestion to amend the Committee's recommendation on page 33 of staff's memorandum [to retain] by adding the words: [and] maintain or exceed in Section 1.2.2., [and] Section 4.1.2., and Section 5.2.1.8.a of the Plan.

[Amended] Agreed with Ms. Praisner's suggestion to amend the Committee's recommended language on page 37 of staff's memorandum [to replace] by replacing the words: [vigilant in exploring] with the words: continue to explore in Section 5.2.1.8.j. of the Plan.

Amended the resolution to include Mr. Silverman's proposal to direct the Department of Public Works and Transportation to examine the feasibility of

mandatory recycling for electronic waste products know as “e-waste”; and to explore State and regional efforts to promote e-waste recycling. Common e-waste items include cell phones, computers, and home electronics.

Ms. Praisner suggested that the Montgomery County Public Schools link its educational efforts with recycling reports.

Mr. Knapp requested that each County agency provide to the Council tracking data on waste generation and recycling efforts, and that regular updates be scheduled.

Resolution 15-894, was adopted approving the Comprehensive Solid Waste Management Plan, as amended;

Resolution 15-895, was adopted approving Executive Regulation 15-04, as amended; and

Resolution 15-896, was adopted approving Executive Regulation 18-04.

The T&E Committee made the motion. Mr. Subin and Mr. Silverman were temporarily absent.

(Note for the record) At the meeting of February 15, 2005, Mr. Silverman stated that had he been present for the aforementioned vote, he would have voted in the affirmative.

The meeting recessed at 2:48 P.M. and reconvened in closed session in the Council Conference Room at 7:15 P.M.

SUBJECT: Closed Session

The County Council convened in the Council Conference Room in closed session from 7:15 P.M. to 8:00 P.M. under authority of Section 10-508(a)(1)(i), State Government Article, Annotated Code of Maryland. The topic was inspector general.

The meeting adjourned at 8:00 P.M.

This is an accurate account of the meeting:

Elda M. Dodson, CMC
Acting Clerk of the Council