



Commission Meeting
Open Session Minutes
October 21, 2020

The Maryland-National Capital Park and Planning Commission met via videoconference with the Chair initiating the meeting at the Wheaton Headquarters Auditorium in Wheaton, Maryland. The meeting was broadcast by the Department of Parks and Recreation, Prince George's County.

PRESENT

Montgomery County Commissioners

Casey Anderson, Chair
Gerald Cichy
Tina Patterson
Partap Verma (departed at 11:40 a.m.)

Prince George's County Commissioners

Elizabeth M. Hewlett, Vice-Chair
Dorothy Bailey
William Doerner
Manuel Geraldo

NOT PRESENT

Natali Fani-Gonzalez

A. Shuanise Washington

CA called meeting to order at 10:02 a.m.

ITEM 1

APPROVAL OF COMMISSION AGENDA

Corrected date for July 15 minutes

ACTION: Motion of Vice-Chair Hewlett to approve the agenda
Seconded by Commissioner Geraldo
8 approved the motion

ITEM 2

APPROVAL OF COMMISSION MINUTES

Open Session – September 16, 2020

Closed Session – September 16, 2020

Open and Closed Session – July 15, 2020*

ACTION: Motion of Commissioner Vice Chair Hewlett to approve the minutes
Seconded by Commissioner Geraldo
8 approved the motion

**Minutes erroneously approved as July 16, 2020 during the September Meeting*

ITEM 3

GENERAL ANNOUNCEMENTS

- a) Breast Cancer Awareness Month
- b) National Pregnancy and Infancy Loss Awareness Month
- c) National AIDS Awareness Month
- d) Hiring People with Disabilities Month
- e) National Domestic Violence Awareness Month
- f) National Stop Bullying Month

- g) Italian American, German American and Polish American Heritage Month
- h) National Down Syndrome Awareness
- i) Vice Chair Hewlett wished Chair Anderson and Commissioner Fani-Gonzalez happy birthdays

ITEM 4 COMMITTEE MINUTES/BOARD REPORTS (For Information Only)

- a) Executive Committee – Open Session October 7, 2020
- b) Executive Committee – Closed Session October 7, 2020

Chair Anderson asked for a motion to enter closed session at 10:05 a.m. Vice Chair Hewlett moved; Commissioner Geraldo seconded. The motion was approved by all 8 Commissioners present for the vote.

Pursuant to Maryland General Provisions Article of the Annotated Code of Maryland, Section 3-305(b) (7) & (9), a closed session is proposed to consult with counsel for legal advice and conduct collective bargaining discussions.

There being no further business to discuss in closed session, the meeting resumed in open session at 11:48 a.m.

ITEM 6 ACTION AND PRESENTATION ITEMS

- a) Park Police Resolutions

- 1. Resolution 20-23 Ratification of the tentative Agreement for 3-year collective bargaining contract with The Fraternal Order of Police (FOP) (Chiang-Smith/Bennett)
- 2. Resolution 20-24 Approval of Fiscal Year 2021 Cost of Living Adjustment and Pass-Through of Other Terms for Command Officers and Candidates (Chiang-Smith/Bennett)

ACTION: Motion of Commissioner Geraldo to approve Resolutions 20-23 and 20-24
 Seconded by Commissioner Patterson
 7 approved the motion (Verma absent for vote)

- b) Consideration of item 5b. Memorandum of Understanding (MOU) between the United States Attorney’s Office for the District of Columbia, the Metropolitan Police Department of Washington, DC and the Maryland-National Capital Park and Planning Commission (Gardner/Dickerson)

ACTION: Motion of Vice Chair Hewlett to approve the MOU
 Seconded by Commissioner Patterson
 7 approved the motion (Verma absent for vote)

- c) Resolution 20-25 In Support of Question A, and in Opposition to Question B for the 2020 General Election in Montgomery County (Gardner)

ACTION: Motion of Commissioner Geraldo to approve Resolution 20-25
 Seconded by Vice Chair Hewlett
 7 approved the motion (Verma absent for vote)

- d) Resolution 20-22 Appointment of Gerald Cichy to the Board of Trustees of the Employees' Retirement System (Rose)

ACTION: Motion of Vice Chair Hewlett to approve Resolution 20-22
Seconded by Commissioner Patterson
7 approved the motion (Verma absent for vote)

- e) Health Insurance Rate Changes for the Municipal and County Government Employees Organization (MCGEO) Collective Bargaining Unit (Spencer/McDonald)

ACTION: Item not taken

- f) I-495 / I-270 Managed Lanes Briefing and Update (Rubin/Borden)

Special Project Manager Rubin recommended the Commission authorize the Chair and Vice-Chair, designated officers, staff and/or counsel to transmit correspondence as necessary and appropriated to:

- (a) Express the substantive and technical comments developed by Commission staff detailing the deficiencies in the Draft Environmental Impact Statement (DEIS) issued by the Federal Highway Administration (FHWA) and Maryland Department of Transportation's State Highway Administration (MDOT SHA) in connection with the I-495 and I-270 Managed Lanes Study (Project); and,
- (b) Express the substantive and technical comments developed by Commission staff as reasons for denying any joint permit application (JPA) made by FHWA and MDOT SHA to the U.S. Army Corps of Engineers (USA-COE) and the Maryland Department of Environment (MDE) for alternation of a floodplain waterway tidal or nontidal wetland in Maryland.

Comments and concerns for the Joint Permit Application include:

- MDOT SHA and FHWA have eliminated alternatives from detailed study, including the MD 200 Diversion Alternative, transportation demand management and transit alternatives, that are practicable and would be much less damaging to the environment.
- The limits of disturbance (LOD) in the DEIS do not adequately address the likely impacts of the project on aquatic resources.
- The JPA and supporting documents fail to adequately address required mitigation.
- The JPA and supporting documents do not comply with Section 106 of the National Historic Preservation Act.
- The Clean Water Act Section 401 Water Quality Certification and the Coastal Zone Management Act (CMZA), Section 307 consistency should be reviewed prior to the FEIS.

Comments and Concerns for the Draft Environmental Impact Study:

- Insufficient Accounting for the ICC.
- LOD Modifications after FEIS and ROD.
- Making Parks Whole Again.
- Adherence to the Capper-Cramton Act.
- Social Equity.
- Alternative Modes of Travel.
- Non-auto driver mode share (NADMS).
- Non-Conformance with the Historic Preservation Act.
- Inadequate stormwater treatment.
- In addition to omitting the MD 200 Diversion Alternative from further study, MDOT SHA and FHWA have construed the purpose and need so narrowly as to exclude from consideration a number of reasonable alternatives.
- MDOT SHA and FHWA have failed to consider the Project's impacts from phasing.
- Lack of financial viability and incomplete project costs.

Next steps in the schedule:

Before the end of 2020: SHA begins the NEPA process for the northern part of I-270 to bring the projects together.

May 2021: SHA plans to publish their Final EIS and Record of Decision in selecting the Private Partner for Phase 1. Mandatory Referral Review.

ACTION: Motion of Vice Chair Hewlett to adopt the positions outlined above
Seconded by Commissioner Geraldo
7 approved the motion (Verma absent for vote)

ITEM 6

OFFICERS' REPORTS

Executive Director's Report

a) Employee Evaluations Not Completed by Due Date (September 2020) (For information only)

Secretary Treasurer Report

b) Investment Report FY19 4th Quarter report (For information only)

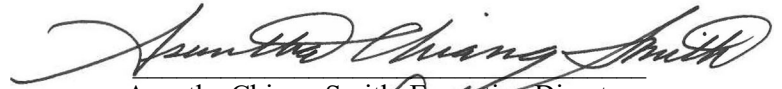
General Counsel Report

c) Litigation Report (For information only)

There being no further business to discuss, the meeting ended at 12:11 p.m.



James F. Adams, Senior Technical Writer



Asuntha Chiang-Smith, Executive Director