



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

Commission Meeting
Open Session Minutes
November 20, 2019

The Maryland-National Capital Park and Planning Commission met at the Montgomery Regional Office Auditorium in Silver Spring, Maryland.

PRESENT

Prince George’s County Commissioners
Elizabeth M. Hewlett, Chair
Dorothy Bailey
Manuel Geraldo

Montgomery County Commissioners
Casey Anderson, Vice-Chair
Gerald Cichy
Tina Patterson
Partap Verma

NOT PRESENT

William Doerner
A. Shuanise Washington

Natali Fani-Gonzalez

Chair Hewlett convened the meeting at 10:10 a.m.

ITEM 1 APPROVAL OF COMMISSION AGENDA

ACTION: Motion of Commissioner Geraldo to approve the Commission agenda
Seconded by Commissioner Bailey
7 approved the motion

ITEM 2 APPROVAL OF COMMISSION MINUTES

Open Session – October 16, 2019
ACTION: Motion of Commissioner Geraldo to approve the minutes
Seconded by Commissioner Bailey
7 approved the motion

ITEM 3 GENERAL ANNOUNCEMENTS

Chair Hewlett announced the following for the month of November:

- National American Indian Heritage Month (Maryland American Indian Heritage Day Nov 29).
- American Lung Cancer Awareness Month; Pancreatic Cancer Awareness Month; November 21 is also “The Great American Smoke Out” designated by the American Cancer Society to encourage someone you know to quit smoking.
- Bereaved Sibling Month.
- Caregivers Month.
- National Adoption Month.
- 100th anniversary of Armistice Day. The United States just celebrated Veterans’ Day. Chair Hewlett acknowledged it is imperative we honor our veterans and acknowledge all service members. She said the agency held several events observing the day.
- Military Family Appreciation Month. Chair Hewlett noted families of service members sacrifice of themselves as well.

- November 15 is “America Recycles Day”.
- November 23 is the Department of Parks and Recreation’s “Trot for Turkey” Day.
- Thanksgiving & Employee Appreciation Holidays (Nov 28-29).
- Prince George’s Department of Parks and Recreation Annual Winter Festival of Lights at Watkins Park (Nov 29-Jan 1). Opening Ceremony and M-NCPPC Employee Reception on November 25, 6-8 p.m.
- Montgomery Parks Department Winter Garden Walk-Through Holiday Light Display at Brookside Gardens (Nov 22 – Dec 31). M-NCPPC Employee Preview Night on November 26, 5-8 p.m.
- Upcoming One-Commission Holiday Event December 6, 2019 at Newton White Mansion in Mitchellville.
- Membership Positions Open on the 2020-21 Diversity Council – Apply to oed@mncppc.org by November 30.
- Chair Hewlett gave congratulations to Commissioner William Doerner, who welcomed a new baby and to Commissioner Manuel Geraldo on the birth of his new granddaughter.

Chair Hewlett made two announcements pertaining to the agency’s search for Executive Director.

- Commissioners joined Chair Hewlett and Vice Chair Anderson began by acknowledging and thanking Ms. Anju Bennett who served as the agency’s Acting Executive Director for the more than one year. Ms. Bennett had agreed to serve in the interim capacity while the agency searched for its permanent Executive Director. Chair Hewlett stated the agency owes Ms. Bennett a huge debt of gratitude for serving in the position far longer than initially communicated, and for her outstanding work and partnerships she developed throughout this period. She garnered respect from individuals inside and outside the agency for her leadership and her work was exceptional, citing examples of leading negotiations, policy and other items while acting. Vice-Chair Anderson added that Ms. Bennett’s commitment to the Commission is exemplary, she one of the most incredibly hard workers, and her work has been absolutely fantastic. Chair Hewlett shared that Ms. Bennett was instrumental in helping the agency search for its new Executive Director. Commissioners and Department Heads joined the Chair and Vice Chair in thanking Ms. Bennett. Ms. Bennett indicated it was her honor to serve the agency in the interim role and thanked the Commissioners for their confidence. She was grateful to Chair Hewlett and Vice-Chair Anderson for their sage advice and support throughout the period. She thanked Department Directors and Deputies, indicating they had developed strong positive working partnerships which will continue beyond the transition. She also thanked the other bi-county Officers and the hard-working staff of the bi-county offices indicating she could not have carried out the interim role without their support. Ms. Bennett indicated she was excited to work with the incoming Executive Director.
- Chair Hewlett introduced Executive Director, Asuntha Chiang-Smith, who was selected after a year-long search. Chair Hewlett said Ms. Chiang-Smith worked at the highest levels of state government, including serving as Chief Innovation Officer and chief of staff for the Maryland Department of Housing and Community Development; and as the Executive Director for the Maryland subcabinet of Base Realignment and Closure where she successfully managed the \$3.5B program, including creation of policies, master plan and communication strategy for the project. She has experience in IT management and holds certifications and degrees in business, public relations and project management. Ms. Chang-Smith said she was deeply honored to be selected as the agency’s Executive

Director and looks forward to working with Commissioners and staff. She spoke about her local ties to the area, noting she grew up in Beltsville and worked as a volunteer at a Parks and Recreation facility as a teenager. During her time working for former Governor Glendening, she also had an opportunity to work closely with M-NCPPC planning staff from both counties. She has a deep affection and appreciation for the M-NCPPC and looks forward to working with Commissioners, staff, and the residents of both counties.

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

- a) Executive Committee – Open Session October 8, 2019
- b) Executive Committee – Closed Session October 8, 2019
- c) Employees’ Retirement System Board of Trustees Regular Meeting – September 3, 2019

ITEM 5 ACTION AND PRESENTATION ITEMS

- a) Resolution 19-20, Merit System Board Chairman Reappointment – Tanya Upthegrove Coleman (King)

ACTION: Motion of Commissioner Patterson to approve Resolution 19-20
Seconded by Cichy
7 approved the motion

- b) Resolution 19-22, Actuarial Valuation Presentation with a Recommendation to Approve an Employer Contribution for Pension Plan in the Amount of \$22,312,947 (Rose)

Employees’ Retirement System (ERS) Manager Andrea Rose introduced Janet Cranna and Patrick Nelson of Cheiron Actuary group. She said the ERS annually conducts an actuarial valuation to determine funding requirements and make a recommendation of the employer contribution to ensure the health of the agency’s retirement benefits fund. Ms. Cranna and Mr. Nelson reviewed the data and models used to calculate the valuation, and its results, which overall indicated that the funds were well-managed and the agency’s retirement fund was in a very good position compared to many other similar agencies. They discussed the differences in projections that were made on investment returns and other factors versus actual returns and the adjustments made accordingly. They maintained these changes were well within reasonable market variations and the projected fund remains in excellent health.

Ms. Cranna and Mr. Nelson discussed the differences between the retirement plans including the differences in allocation for Park Police versus non police employees.

Chair Hewlett noted this presentation was made at a recent Employees’ Retirement System Board of Trustee’s meeting. Commissioner Cichy praised the report, saying it was very thorough.

ACTION: Motion of Commissioner Cichy to approve Resolution 19-22
Seconded by Geraldo
7 approved the motion

- c) I-95/I-495 Managed Lanes Update – Revised ARDS Position (MD-State Highway Admin/Rubin/Borden):

Special Project Manager Carol Rubin introduced Lisa Choplin, Director of the I-495 and I-270 P3 Program, and Jeff Folden, Deputy Director, who were present to represent the Maryland Department of Transportation, State Highway Administration (MDOT SHA). Ms. Rubin reminded the Commissioners about their previous vote to “not concur” with MDOT

SHA's Alternatives Retained for Detailed Study ("ARDS") and explained that a number of recent changes to the project had taken place since that vote. For that reason, Ms. Choplin and Mr. Folden were on hand to: i) provide a project status update to the Commission, including their analysis and decision about not moving the MD 200 Diversion Alternative forward as one of the ARDS, and, ii) request concurrence with the SHA's Revised ARDS with the deletion of Alternative 5. Ms. Rubin briefly summarized the reasons contained in the M-NCPPC's prior non-concurrence.

Ms. Choplin described the project's purpose and need, and how MD SHA had approached the process of identifying alternative solutions, describing the alternatives that were to be retained as ARDS, how MDOT SHA interacted with M-NCPPC, and she outlined the next steps.

An extended discussion followed with a series of questions from all of the Commissioners, with certain responses by Ms. Choplin and Mr. Folden.

Commissioner Geraldo asked for an explanation for leaving the Beltway area between MD Route 5 and the Wilson Bridge out of the project scope. Ms. Choplin indicated that MD SHA wanted to work in tandem with Virginia on that segment, and that Virginia had not even initiated any environmental analysis relevant to that segment. Mr. Folden agreed with Commissioner Cichy's recommendation that SHA MDOT should address the Wilson Bridge as an integral component of the project in the same way that the American Legion Bridge has been included.

Commissioner Patterson highlighted concerns about the origin of traffic on I-270 at Urban, Frederick and Damascus. She cautioned SHA MDOT against a focus on that corridor from Exit 9 and southward. Commissioner Cichy indicated his agreement and described traffic planning for that facility from an historical perspective.

Vice-Chairman Anderson asked why SHA MDOT was following a number of economic assumptions, but had not made key project data, including traffic and toll data, available for review and comment by the Commission. As part of the discussion, Commissioner Geraldo inquired whether the State's modeling for the project includes a tax rebate or other allowances for low- and moderate-income households – "working families."

Mr. Folden indicated that some of the information may have been withheld over proprietary or procurement concerns. Vice-Chair Anderson noted that not all of the information – for example, the input assumptions – would be a proprietary algorithm. Chair Hewlett noted that it was proving impossible for the Commission to provide complete responses to MD SHA requests for project input because such important data was being withheld. Commissioner Patterson discussed the public concerns over a lack of transparency.

Mr. Folden and Ms. Choplin indicated that they would consult with her agency leadership about providing the additional information. General Counsel Gardner proposed to prepare a comprehensive list of requested data and project information for this purpose, and the Chair and Vice-Chair indicated their mutual agreement to present a comprehensive list of required information. Ms. Rubin and Deputy General Counsel Debra Borden made it clear that several items had previously been requested verbally, in writing or both; but that MD SHA had not been forthcoming about the reasons for withholding it.

Commissioner Bailey inquired about the time-frame for evaluating the segment south of MD Route 5. Ms. Choplin reported that MDOT SHA currently has no such time-frame.

Commissioner Geraldo inquired about whether the plans include providing access points from the managed lanes to an exit that is proximate to the new University of Maryland hospital facility in Largo. Mr. Folden indicated his understanding that an exit would be included for that access. Deputy General Counsel Borden reported that staff was being told conflicting information, and that nothing had been presented in writing. Ms. Choplin then clarified that MDOT SHA could not make that commitment to hospital access because it was still under analysis, although she would need to confirm whether her comments related to the same hospital location.

Ms. Rubin called the Commission's attention to the major change in the ARDS that involves MDOT SHA's decisions to eliminate the MD 200 Diversion and Alternative 5 from further consideration. After describing certain elements of the NEPA process, Ms. Choplin described Alternative 5 as the "One Hot Lane Alternative" on I-495 and I-270. She reported that, although it does improve traffic congestion in the corridor, it had the "worst results" using the traffic modeling and that it was "not financially viable." Commissioner Anderson questioned whether elimination of an alternative from further consideration as one of the ARDS is proper when it clearly does offer some improvement. Mr. Folden acknowledged that MDOT SHA's rationale is based, in part, on data that it has withheld from review by Commission staff.

Ms. Choplin reported that MDOT SHA was reviewing the project based on regional transportation planning goals developed by the Metropolitan Washington Council of Governments 2040 plans. She also acknowledged that an update in that plan for 2045 was underway and the project plans would need to be evaluated after that update is completed. Ms. Choplin mentioned the impact associated with the recent announcement about Virginia's involvement in the American Legion Bridge project. Mr. Folden reported that the Commonwealth's participation in the funding was already assumed into the cost assumptions for Maryland, such that no fiscal impact follows from news of the inter-state cooperation. Commissioner Verma inquired whether any plans to include rail on the American Legion were under consideration, and Mr. Folden indicated there were not.

Mr. Folden also reported on MDOT SHA's analysis of the MD 200 diversion alternative. He indicated it was not a feasible option measured by travel time or average speed. He also described the physical constraints involved in using existing shoulders on the Beltway's topside. To summarize, he concluded that the alternative does not do enough for the worst bottlenecks and the ICC would not capture enough flow. Vice-Chair Anderson questioned MDOT SHA's emphasis on latent traffic demand that was used to support elimination of the MD 200 diversion.

Chair Hewlett discussed the letter MDOT SHA had previously transmitted in response to the Commission's previous non-concurrence with the ARDS. She described why it was taken to be dismissive of the reasonable concerns on behalf of nearly 2 million residents within the Commission's jurisdiction. The Chair expressed a continuing desire to work together on the project but cautioned that MDOT SHA should not send any further communications with that improper tone.

Commissioner Anderson proposed that the Commission affirm its position and not concur with the ARDS proposed by MDOT SHA.

ACTION: Motion of Vice Chair Anderson to maintain non-concurrence.
Seconded by Patterson
7 approved the motion

ITEM 6 OFFICERS' REPORTS (For information only)

- a) Executive Director's Report
Employee Evaluations Not Completed by Due Date (October 2019)

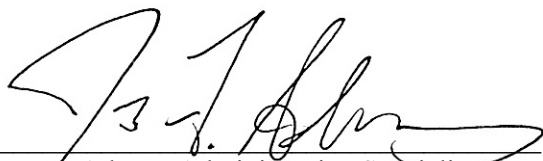
- b) Secretary Treasurer
MFD Report
Quarterly Investment Report

- c) General Counsel Litigation Report, August 2019
Legislative Update


Chair Hewlett asked for a motion to enter closed session at 12:26 p.m. Commissioner Geraldo moved, Commissioner Bailey seconded. 7 approved the motion.

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.

Open session resumed at 12:54 p.m. There being no further business to discuss, the meeting ended at 12:54 p.m.



James F. Adams, Administrative Specialist II



Anju A. Bennett, Acting Executive Director