

MINUTES
Village of Martin's Additions
Council Meeting
Thursday, July 19, 2007
7013 B Brookville Road, Chevy Chase, MD 20815
Meeting Agenda

Council Members and Village Representatives Present: Tim Price, Chair; Noell Sottile, Vice-Chair; Richard Krajeck, Treasurer; Jean Sperling, Village Manager; David Podolsky, Village Attorney, Alan Beal, Building Consultant. **Village resident present:** Jeff Stann

Call to Order: 7:40 PM

Police Report. Corporal Teideman, Chevy Chase Village Police

Activity reported in Martin's Additions included: responding to a dispute between neighbors; a false alarm on Cummings Lane; and suspicious persons at Brookville and Cummings that were not there when the police arrived. In general things have been quiet in the neighborhood. County police were called to respond to two intoxicated males behind the Brookville Supermarket; one had an outstanding warrant so he was arrested.

Approval of Minutes: June 21, 2007 Meeting. Ms. Sottile noted that Catherine Gwin's name was omitted from the list of residents in attendance. With that changed noted, Noell moved acceptance of the Minutes. Richard seconded. All in favor.

Treasurer's Report

- **Report of June Financials**

June 30 is the end of the 2007 Fiscal year. The financial report includes bills paid to date but the financials are not final until the audit has been completed. Not all expenses that were accrued in the FY 2007 have been submitted for payment. Contracts, such as the contract with A. Morton Thomas for the village-wide survey for which funds were appropriated in FY 2007 will be charged this fiscal year. The work for the contract is not expected to be completed—and the expense paid—until after the first of August as one example of outstanding expenses that are not included in this report but will be likely included in the final report and audit.

With that in mind, income for the month of June is approximately \$70,000, of which \$61,000 is from the income tax rebate. Expenses for the month are \$45,300. Other than the usual monthly expenses, this includes \$7,300 for street and sidewalk maintenance; \$11,600 for tree maintenance which includes tree removal and pruning including the emergency response to a downed tree on Cummings Lane, \$2,000 for tree replacement and \$4,000 for the June community celebration and for welcome tote bags for new residents.

Mr. Krajeck moved for acceptance of the June financial report as presented. Noell seconded. All voted in favor.

Tim asked how we handle contracts that were signed in the past fiscal year for which funds haven't been expended. Richard explained that those expenses will be carried over into FY 2008 as obligations in the current fiscal year.

- **Audit Report Initiation.** We've signed the auditor letter required to initiate the audit of FY 2007. An additional set of papers will be signed this evening that the auditors will send out to various authorities who provide us with revenues, confirming their contributions to Martin's Additions.

Zoning Concerns

- **Request for Proposal for an Urban Planning Firm** to assist in our review of zoning regulations. Mr. Price explained that the RFP was sent to five firms on July 17. There is a

return deadline of August 8 for the RFP. It is the council's intention to make a decision by about August 17. The Council intends the work to begin by October 1.

- **Development of Zoning Committee.** The Council expressed the need to establish a zoning committee that will work directly with the Urban Planning firm that is selected. A notice should be put in the newsletter calling for volunteers. Mr. Price noted that we will be asking these volunteers for a significant commitment to this project.

Manager Report

Maryland Municipal League Convention. Jean attended the MML Convention in Ocean City this year on a grant from the Maryland Municipal League. She summarized some of the major activities that occurred during the convention. She found the work session to be most helpful and informative. She learned that the Village should have a Document Retention Policy; she has contacted an archivist at the State Archives to see if VMA has filed one with the State. If we don't have one, Jean will work with the State, MML and the Village Attorney to develop one. Jean plans to gather information on Document Management Solutions and plans to set up a meeting with any interested neighboring managers. There are companies that scan your records and can make them 80-85% searchable. She has enrolled in the UMD Academy for Excellence in Local Government where she will earn a certificate after completing a certain number of courses that are conducted by the MML.

Progress on Street Signage Improvement on Raymond. Street parking sign improvements at dead end and Melville Intersection were reviewed with Mr. Cutro and Verges Construction so those repairs can begin shortly.

Clean up Of Raymond and Bradley dead end—The Council approved the estimate of about \$3,500 for clean up work at both dead ends. The work has begun

Police Contract has been signed. The police will be providing about 85 hours of service per month in FY 2008, keeping the budget to last year's amount.

Sidewalk Specs The specifications for the repairs to sidewalks on Melville, Bradley and Raymond Streets should be available soon so we can prepare an RFP to complete the work. We need to remember to coordinate the repair of the Melville Sidewalk with the construction at the Single's property.

Work is progressing on survey— AMT is apparently running a bit behind schedule on the village-wide survey. They have been very responsive to specific inquires about whether certain trees are within the right of way, and with set backs.

Construction Updates Report: Alan Beal

Permits:

3503 Thornapple (Weiner) - A permit has been requested for the construction of an addition to the rear of the home

3404 Turner Lane (Lara) A permit has been issued for the resident to work in the R-O-W for an upgrade of a sidewalk.

7215 Delfield Street (Reshefsky). A permit request for demolition and new home construction has been received for this location. This home has been slated for tear down for over a year. In the initial planning phase there was a side lot dispute that has apparently been resolved.

Other Updates/Issues:

6801 Brookville Road ((Potters)-Current owners-McNamara Brothers: They are still working on the subdivision plans with MD National Capital Park and Planning Commission. Under their proposal, the lot would be subdivided; the current house would be moved to where the garage is. A proposed new house would face Brookville Road and sit essentially where the current house is. The owner/builder is currently focusing on getting the lot re-zoned. Mr. Beal felt confident that McNamara brothers fully intend to save the original house, since they have invested a great deal of time and money to get it ready to move.

3512 Taylor Street (Bishop/Schlegel): They have asked for their bond back. There is a good deal of damage to the street in front of the house, so we had Chamberlain take a look at the street and the sidewalk to assess the damage. Alan felt the sidewalk has always been bad and the entire length should be replaced at Village expense. The street repair should come out of the construction bond.

The real complication right now is the wall that the owners wish to rebuild is on public property. This wall has been along the sidewalk for years. It is clearly in the right of way. Other jurisdictions have established license agreements between the town and the property owners who wish to build on the public right of way (ROW) to indemnify the town. Mr. Podolsky explained that CC Village has a "License to Use the Public Right of Way" that is issued for any hedge, wall, or fences--things that get in the way of the public ROW. It says "you are there at our sufferance"; the Village can make the resident take it out on 10 or 15 days notice.

The homeowner signs a License Agreement which goes into the land records. That way, if someone gets hurt on the ROW, based on what the resident put there, it's not the Village's responsibility. When that property is sold, the new owners will be retaining responsible for what has been built or planted on the ROW. This requires that VMA adopt an ordinance that provides for an appeal process for a variance. The ordinance could cover fences, hedges, walls, etc. and would require the homeowner to hold VMA harmless should there be any legal action taken as a result of what the resident has placed on VMA ROW.

The Council asked Mr. Podolsky to draft a proposed ordinance for Council review.

Quincy Street Water Issue – Discussion was held concerning a long term water issue on Quincy Street near Oxford. It is hoped that recent improvements where a drain has been installed across a neighbor's property, with permission, will resolve this issue.

115 Quincy St Construction. The front yard of this home has been completely covered in concrete. Alan explained that this is legal under the County building regulations and since we don't regulate water run-off, or lot coverage there is nothing we can currently do. Alan did recommend that this is the very kind of construction issue the Village will want to talk about when we move to develop our own zoning.

3501 Raymond Street. No further permit information has come to the village for this property, although the salvage of reusable materials has begun, much like at the Potter house, and the utilities are being disconnected. It may be awhile before the next major step (demolition) begins. The variance has been granted to allow the house to be built at the same set back from the street as the present home.

Residents of Raymond Street have expressed concern about construction vehicle parking as it has been an on-going problem. Alan will remind the construction company that La Ferme has offered the back corners of their parking lot for construction vehicles and work with PK Keating to minimize disruption to the residents.

It was noted that VMA could institute parking regulations as part of issuing building permits so the issue of how construction traffic disruptions are going to be managed become part of the approval process. It is an issue that will be addressed during the urban planning/zoning process.

7220 Chestnut Street- - The owner appeared before the Council to review his proposed building plans for a house that will be sited on 2 lots. No council action was required as the County building permits have not yet been issued. It was noted by the owner that the possible relocation of the

driveway and a new curb-cut could require one to two trees be removed that are on VMA ROW. The Council noted that previously we have required that trees be replaced by the property owners if they are removed from Village right-of-way.

Traffic Signage and Upgrade: Continued Work

By section 8-103, by resolution you will be authorizing the Village manager to provide for the erection of speed limit signs. Under Transportation Article of the Maryland Code, VMA has the authority to change the speed limit—to reduce it in this case—upon the finding that the default speed limit set in the Maryland Code is unreasonable for the conditions.

Resolution and Traffic Order # 7-7-1: 20 MPH Village wide. Introduced, Adopted and Effective 7/19/2007

Subject: A Resolution to Authorize the Village Manager to Provide for the Erection of Speed limit Signs.

Richard moved for the adoption of the resolution. Noell Seconded. All in favor

The Chair asked to table the other items on the Traffic Signage List, specifically Item 4(a)-4(d); 6(a)-6 (c), Chestnut Street mid-block stop sign, stop sign at Summit and Taylor. The Council requested more information about why the stop signs were originally put in place. The Council asked Jean to get some cost information for speed counts on Chestnut, Raymond, Bradley and Quincy.

Discussion of August Meeting: The Council agreed that there would be no August meeting although a working session would be scheduled.

Adjournment moved by Richard, Seconded by Noell. All in favor.