

**Village of Martin's Additions
Council Meeting
Minutes of Meeting February 19, 2009
7013 B Brookville Road, Chevy Chase, MD 20815**

COUNCIL MEMBERS AND VILLAGE REPRESENTATIVES PRESENT: Council Members: Noell Sottile, Richard Krajeck, Diane Everts, Catherine Gwin; **Village Manager:** Jean Sperling; **Attorney:** Ron Bolt; **Building Administrator:** Alan Beal.

Residents: Hanne Correl (Turner Lane), Chris Mueller (Shepherd Street), Pat Pendergast (Thornapple Street), Sharon Hadary Coyle (Summit), Bill Catherwood (Shepherd), Rick Michel (Brookville), Mike Zielinski (Turner).

MEETING CALLED TO ORDER: Chairman Richard Krajeck at 7:30 pm. Mr. Krajeck announced the meeting was being recorded by the Village.

Police Report: Sgt. Dasilva.

Three calls were reported in Martin's Additions during the past month. One was a suspicious noise on Cummings Lane; another was for a road hazard on Turner Lane, and wires down. Sgt. Dasilva reported that thefts from vehicles continue to be a major problem throughout the area. Residents are urged to lock their cars. There were no questions.

Resident Comment and Contributions

There were no residents' comments. Chairman Krajeck said that he would make time available at the end of major issue discussions during the meeting to take residents' comments if there is interest.

ACTION ON MINUTES-January 15, 2009 Meeting

Motion to Approve the Minutes: Councilmember Catherine Gwinn moved that the minutes be approved.

2nd: Councilmember Diane Everts

Vote: All in favor

INTRODUCTION OF RULES FOR OPEN MEETINGS ORDINANCE

Chairman Krajeck explained that the Council is considering introducing an amendment to Chapter 2 of the Code of Ordinances of the Village of Martin's Additions to adopt regulations for open sessions of the Council. He asked the Council members if they had all read the draft Ordinance that was presented at last month's meeting. All Council members had done so. Krajeck asked for a motion to introduce the Ordinance.

Motion to introduce the Ordinance No. 2-09-1, An Ordinance to Amend Chapter 2 of the Code of Ordinances of the Village of Martin's Additions by adding an Article 5 to adopt certain regulations for open sessions:

Councilmember Noell Sottile

2nd: Councilmember Diane Everts

Vote: All in favor.

The proposed Ordinance is attached to these minutes and will be published in the newsletter and a Public Hearing to take comment on this Ordinance will be held at the March 19, 2009 Council meeting. Adoption may follow at the April 16th meeting and it may become effective 20 days later on May 6, 2009, if adopted.

COUNCIL EXECUTIVE SESSION 2/10/09

The Council met in an Executive Session on Tuesday, February 10, 2009 in the Village Office to discuss the compensation and performance evaluation of an employee pursuant to Section 10-508(a)(1)(i) of the Open Meetings Act. Persons present were: Council members Richard Krajeck, Noell Sottile, Catherine Gwin, Diane Everts, and Larry Wasson. All Council members were present and voted in favor of closing the session. Topics discussed included (1) renewal of Village Manager's contract, (2) Performance Review, (3) Cost of Living Adjustments to the salary based on the requirements of the contract and (3) salary increase. Councilmember Gwin made a motion that Jean Sperling's employment contract as Martin's Additions Village Manager be renewed. Councilmember Everts seconded the motion. All voted in favor. The meeting was adjourned at 8:15 PM.

LAND USE TASK FORCE PROPOSAL.

Mike Zielinski, Chairman of the Land Use Task Force was present to formally deliver the Land Use Task Force's Recommendation to the Council of Proposed Building Ordinance. He thanked Jean Sperling, the Village Manager for the important part she played in bringing this report and recommendation to its conclusion.

Mike noted that there have been four or five changes to the proposals since the Community wide meeting on October 23, 2008. They include a change in the treatment of accessory buildings, the permissible percentage of lot coverage (related to changes in the County law), the permissible percentage of non-vegetative surface coverage, the "corner lot" definition and the variance process (requests are to be submitted to the Council rather than a separate board).

Mr. Krajeck thanked Mike for all the incredible and hard work he and the task force did to bring these proposals to the Council. He then outlined the process that the Council will follow: First, Council working sessions will be scheduled to explore these proposals closely. The sessions are open to public attendance. The first one took place on March 2, 2009 and a second took place on March 11, 2009 in the Village Office. Additional sessions will be scheduled if necessary. Second, the proposal will be reviewed by the attorney for final drafting of an ordinance to be introduced to the residents. Third, the ordinance to be introduced will be sent to the Montgomery County Council for a required 30-day comment period and provided to residents. Fourth, a Public Hearing or hearings will be conducted for all interested residents to comment on the proposal.

The report and supporting documents will be posted on the Jakubiak website, and a link will be built on the Village of Martin's Additions website to assist in making this information as readily available as possible.

TREASURER'S REPORT:

- **January 2009 Financial Reports: Councilmember Gwin**

Income for the month of January was some \$98,806, the two largest sources of revenue being \$83,126 in state income tax rebate and \$8,303 in real property tax.

Expenses for the month totaled \$41,226, significantly below the \$67,033 budgeted. This is largely due to lower than budgeted professional fees and street expenditures for the month, the latter continuing to run well below YTD expenses.

For the months July-January, income is \$475,005, or approximately 72% of the projected annual income of \$650,920. Expenses over the same time seven-month period are \$268,669, or about 35% of the FY2009 budget of \$764,400. Three income items bear mention as lower than budgeted for the period. These include: permit fees of \$6,100 compared to the YTD budget of \$11,666, highway user fee income of \$13,946 compared to the YTD budget of \$22,166, and interest of \$11,612 compared to the budget of \$23,333. At the same time, income tax and real property tax incomes were slightly higher than budgeted. On the expense side, overall, expenditures for the first seven months are notably lower than the amount budget for this period.

Motion to Approve the Treasurer's Report: Councilmember Sottile

2nd: Councilmember Diane Everts

Vote: All in favor.

- **FY 2010 Budget Development**

The treasurer and manager will meet with the Village Accountant to review the current ledger and consider amendments to this year's budget as well as project expenses by budget category for the next fiscal year. A working draft budget can be discussed at the March meeting. The budget is introduced at the April monthly meeting and is adopted by resolution, along with the tax rate, at the annual meeting on May 7, 2009. The council needs to schedule its annual spring village walk through to identify infrastructure issues that may need to be addressed in next year's budget.

MANAGERS REPORT FOR FEBRUARY 09 COUNCIL MEETING:

- **Credit Card Application:** The manager asked the Council to acquire a Credit Card for the use of the Village Manager. It will be helpful in several ways whether it be monthly operating issues or special event functions. A Village credit card can be paid directly by the accountant and not consume the personal credit of the manager. An application for a credit card from United Bank, the Village's primary operating bank, has been completed and is ready for the necessary Council member's signatures, requesting that a credit card be issued to the Village in both the Village's name and the manager's name. A credit limit of \$5,000 is proposed with no ATM cash advance features. Expenses are to be billed to the Village monthly and will be paid in full monthly. All purchases will be supported by receipts that are filed with the Village Accountant.

Motion: Approve the Resolution for a Credit Card from United Bank for the Village Manager was made by Noell Sottile. 2nd: Councilmember Diane Everts

The resolution was read into the record as follows: "I, Diane Doolan Everts, certify that I am Secretary (clerk) of the above named corporation under the laws of the state of Maryland, Federal Employer ID Number 52-0969751,

engaged in business under the trade name of Village of Martin's Additions, and that the resolutions on this document are a correct copy of the resolutions adopted at a meeting of the Board of the Directors of the Corporation duly and properly called and held on February 19, 2009. These resolutions appear in the minutes of the meeting and have not been rescinded or modified."

"RESOLUTIONS

The Corporation named on this resolution resolves that,

(1) The Financial Institution is designated as a depository for the funds of the Corporation and to provide other financial accommodations indicated in this resolution.

(2) This resolution shall continue to have effect until express written notice of its rescission or modification has been received and recorded by the Financial Institution. Any and all prior resolutions adopted by the Board of Directors of the Corporation and certified to the Financial Institution as governing the operation of this corporation's account(s), are in full force and effect, until the Financial Institution receives and acknowledges an express written notice of its revocation, modification or replacement. Any revocation, modification or replacement of a resolution must be accompanied by documentation, satisfactory to the Financial Institution, establishing the authority for the changes,

(3) The signature of an Agent on this resolution is conclusive evidence of their authority to act on behalf of the Corporation. Any Agent, so long as they act in a representative capacity as an Agent of the Corporation, is authorized to make any and all other contracts, agreements, stipulations and orders which they may deem advisable for the effective exercise of the powers indicated on page one, from time to time with the Financial

Institution, subject to any restrictions on this resolution or otherwise agreed to in writing, (4) All transactions, if any, with respect to any deposits, withdrawals, rediscounts and borrowings by or on behalf of the Corporation with the Financial Institution prior to the adoption of this resolution are hereby ratified, approved and confirmed.

(5) The Corporation agrees to the terms and conditions of any account agreement, properly opened by any Agent of the Corporation. The Corporation authorizes the Financial Institution, at any time, to charge the Corporation for all checks, drafts, or other orders, for the payment of money, that are drawn on the Financial Institution, so long as they contain the required number of signatures for this purpose.

(6) The Corporation acknowledges and agrees that the Financial Institution may furnish at its discretion automated access devices to Agents of the Corporation to facilitate those powers authorized by this resolution or other resolutions in effect at the time of issuance. The term "automated access device" includes, but is not limited to, credit cards, automated teller machines (ATM), and debit cards.

(7) The Corporation acknowledges and agrees that the Financial Institution may rely on alternative signature and verification codes issued to or obtained from the Agent named on this resolution. The term "alternative signature and verification codes" includes, but is not limited to, facsimile signatures on file with the Financial Institution, personal identification numbers (PIN), and digital signatures. If a facsimile signature specimen has been provided on this resolution, (or that are filed separately by the Corporation with the Financial Institution from time to time) the Financial Institution is authorized to treat the facsimile signature as the signature of the Agent(s) regardless of by whom or by what means the facsimile signature may have been affixed so long as it resembles the facsimile signature specimen on file. The Corporation authorizes each Agent to have custody of the Corporation's private key used to create a digital signature and to request issuance of a certificate listing the corresponding public key. The Financial Institution shall have no responsibility or liability for unauthorized use of alternative signature and verification codes unless otherwise agreed in writing.

Discussion: Chairman Krajeck asked that the application specify that the credit limit be set at \$5,000 and that no ATM cash privileges will be needed.

Vote: All Council members voted in favor.

- **Required Filing.** Application filed with Montgomery County Risk Management related to Excess Liability Coverage: February 3, 2009
- **Census** Boundary Report Completed and Submitted- Noell conducted the review, prepared and submitted the report.
- **The 2009 Election** Nomination Document has been completed and received by residents 2/18/09
- **Social Events.** LaFerme Winter Gathering was a big success. Attendance estimated at about 300. It was suggested that efforts be made at next year's event to enhance attention to those residents that were being recognized. The cost for the event was approximately \$12,000.
- **Community Event: Shred It, April 18th.** We are working with Section 3 to co-partner on a "Shred it" event. Location is to be determined.

- **Street Work.** Bid packages are being prepared for four firms. Village-wide crack sealing will not be an easy process; all cars need to be off the street in a rolling fashion and will require a good informational campaign—post cards, newsletter, and the list serv will be used to keep everyone informed.
- **Recycling Services.** Clarification of recycling services resulted from the recent ice storm: Our contract does not call for next day, or next day available pick up for recyclables after a storm. Services are cancelled for the week and items are picked up the following week.
- **Snow removal services.** The bill for sidewalk shoveling has been received and confirmation has been requested because the bill is almost \$13,000. No bill has been received for street plowing yet. Both contractors did an excellent job. Many compliments were received from residents.
- **Street Lighting.** Martin's Additions is hosting a Lighting Forum on 2/20/09 for all surrounding municipalities. This is an exciting new opportunity for us to work together.
- **Pedestrian Safety:** Our traffic engineer Joe Cutro has prepared a report on the possible installation of Pedestrian Paddles for Brookville Road to improve safety at the two major crosswalks. We are working with Section 3 on this project. A notice will be placed in the newsletter to solicit resident reaction to the idea.
- **Trees-** The balance of winter tree pruning should be completed within the next month on so. The Black walnut at 3511 Raymond Street has been removed, with the approval of our arborist Barb Neal as well as the State of Maryland. The Locust tree removal at corner of Brookville and Turner is complete.
- **WSSC.** There has been no further action on the fire hydrant at the corner of Brookville and Turner Lane.

CONSTRUCTION UPDATE: Alan Beal

- **Ice problem on Quincy Street.** Jean and Alan met with Bill Bissell, a water engineer to review and discuss the ongoing ice problem on Quincy Street. Several residents have either sump pump or storm water discharge problems that cause water to flow into the street. Possible solutions include helping the residents address the problem or address them in the right-of-way. Information provided by Mr. Bissell should help us move forward in finding a solution. Some residents may be able to address the problem themselves but some help may be needed from Martin's Additions
- **Ongoing Construction. No new permits were issued this month.** There are two active construction sites in VMA--3513 Bradley Lane which is fully underway, and 3516 Turner Lane, which is beginning to wrap up.
- **Administrative Changes for Construction Management.** Alan explained that he has been working with the Town of Chevy Chase to put a new construction management process in place for their construction. This model will be helpful for VMA should the Council decide to move forward with adopting new building ordinances.

8:40 PM Adjournment

Motion: Diane Everts

2nd Catherine Gwin

Vote: All in favor.

The Village recorder was turned off.

Attach Ordinance 2-09-1 for filing.