

**Village of Martin's Additions
Council Meeting
7013 B Brookville Road, Chevy Chase, MD 20815
Minutes of Meeting
June 17, 2010**

COUNCIL MEMBERS AND VILLAGE REPRESENTATIVES PRESENT: Council Members Present: Richard Krajeck, Chairman; Noell Sottile, Vice-Chairman; Chris Mueller; Treasurer, Larry Wasson, Secretary. **Absent:** Michael Zielinski. **Village Manager:** Jean Sperling; **Attorney:** Ron Bolt. **Building Permit Administrator:** Alan Beal. **Residents:** Bill Catherwood, Ted Stoddard, Hanne Correl, Frank Correl, Keith Allen, John MacDonald, Dan Gardner, Steve Schmal, Rick Michel, Arthur Alexander, Susan Fattig, John Grasser, Jill Filipczyk.

CALL TO ORDER 7:30PM by Chairman Richard Krajeck. He noted that the Village is recording the meeting for the purposes of preparing the minutes.

POLICE REPORT, Sgt. Dasilva, Chevy Chase Police

Police service the past month included a response to a traffic hazard at Turner Lane in Martin's Additions and two calls in neighboring Section 3. Numerous traffic violations occurred in Martin's Additions over the month. The Montgomery County Police reported a suspect trying to enter a home at 6800 Connecticut Ave and the arrest of armed robbery suspects in DC. Sgt. Dasilva again urged residents to lock their cars and remove any valuables since car break-ins continue in our neighborhood.

RESIDENTS' CONCERNS, COMMENTS AND CONTRIBUTIONS

- **John MacDonald** (Summit Ave) expressed concern about the continued car vandalism and theft of objects from vehicle. He personally has had his car "keyed" and a car ornament torn off. He wondered if there were any ideas about how to stop this; it affects the quality of life and value of our property.
- **Rick Michel** (Brookville Rd) asked if there had been any resolution to the car vandalism that was reported on Turner. There had not been a resolution.

PUBLIC COMMENT ON ORDINANCE NO. 4-10-1:

Amendment to Building Regulation Ordinance Section 7-402(e)(ii) and (ii)(2): Setbacks—Additional Side Setbacks

Chairman Krajeck explained that the purpose of this amendment was to clarify the explanation of the required side setback standards described in the building regulations for the Village of Martin's Additions. As required, a copy of the Ordinance was transmitted to the Montgomery County Council for comment and no comments were received. In sum, the word "each" was inserted to make it clear that a minimum standard of 2 feet applied to each side of a secondary side setback. Krajeck asked for comments.

- **John MacDonald**, (Summit Avenue) suggested that a summary paragraph describing the change would help to further explain the requested change. It might be nice if residents could talk to Alan when they have questions.

There were no further comments. Krajeck called for a motion to approve Ordinance 4-10-1.

Motion: Mueller; 2nd Sottile; Vote: 3-0 (Wasson was absent for the discussion)

PUBLIC COMMENT ON RESOLUTION NO. 4-10-1:

To Adopt Policy Regarding Sump-Pump Discharges In The Public Right-Of-Way.

Krajeck explained that the Village has found that sump-pump discharges into the public right of way cause a public nuisance, including erosion, icing during winter weather and the growth of algae in the summer. The Council introduced a policy to make clear its position on this matter—that it will generally prohibit sump-pump discharges onto a street and that unless there are extraordinary circumstances the Village will not grant a license to use the right of way for sump-pump discharge into the street. Chairman Krajeck asked for comments.

- **Steve Schmal**, (Summit Ave) stated that he found the Council action laudable and was pleased that the Council took the issue of storm water management seriously. While sump pump discharge is only a small aspect of the storm water issue, it is nice that the Council is taking action where it can.

There were no further comments. Krajeck called for a motion to approve Resolution and Policy No. 4-10-1. Motion: Sottile; 2nd Mueller; Vote: All in favor (4-0)

PUBLIC COMMENT ON RESOLUTION NO. 4-10-2:

To Adopt A Policy Regarding The Installation And Placement Of Objects In The Public Rights-Of-Way.

Chairman Krajeck explained that the Council is concerned that structures, plantings and other objects, particularly basketball hoops that are placed in the right-of-way can be a safety hazard and a public nuisance. Thus the Council wishes to make clear that the Village Code prohibits the placement of any structure or objects in the right of way by adopting Resolution and Policy No 4-10-2.

Letters from residents commenting on this issue were included in the Council's Meeting Packets. Letters were received from Nina Stark-Slapnik (Chestnut Street), and Keiko Inoue (Melville Place) and the Sprang family (Melville Place) opposing the adoption of this policy. Letters were received from Eric and Ilene Shaw (Bradley Lane), Mila Chernick (Melville), Millie Shott (Melville) and John Grasser and Susan Fattig (Melville) who endorsed this resolution. Krajeck called for public comment and questions on the matter.

- **Arthur Alexander**, (Raymond Street) wondered about the temporary nature versus permanent structure; does the concept of “portable” rise to the same level of concern as “permanent”? What is the difference between people playing in the street with roller skates and a basketball hoop?

Attorney Bolt explained that there are two separate issues to consider. The first issue, placing a structure in the right of way, is already a violation of the Code because it can be an obstruction to use or maintenance of the right-of-way. The second issue the Village is trying to address relates to children playing in the street in general. Because the Village holds the public rights-of-way in trust for the benefit of its residents, it strives to maintain the streets in a safe manner. If the Council has been notified that there is a dangerous condition on one of the Village streets, the Council is going to consider whether it needs to be addressed regardless of whether it is a permanent structure or not in the street. If there is temporary ice on the street, that is something the Village is going to look at; if there are children playing in the street and they are at risk of being hit by a cars, that’s something that the Village is going to look at, because if a child is hit by a car and the parents are looking to sue, the parents may try to sue the Village (regardless of whether the Village is liable), because the Village maintains the streets.

- **John Grasser**, (Melville Place) remarked that he has several concerns. His first concern is safety. The hoop on Melville Place has been there for three years and he has raised his concern with the residents who own it. There has already been a serious accident in that location. He is further concerned that vehicles race down Bradley Lane thinking it is a through-street. He is concerned about the Village’s liability, since the streets are not made to be basketball courts and the council could be considered giving its tacit endorsement to playing in the street. It opens the Village up to potential liability. Additionally, the hoop on Melville Place has become an attractive nuisance. The kids climb on the cars, there can be car damage and damage to gardens.
- **Frank Correl** (Turner Lane) commented that this is anything but a new issue. When he was on the Council in 1994-1998 the question of people appropriating the right of way for their own particular purposes was an issue, whether it was to build some kind of garden or have play equipment on it. I cannot endorse the remarks of Mr. Grasser enough—he is absolutely right as far as the kind of liability that would be looming over the Village.
- **Carol Sprang** (Melville Place) said she lives at the house where the basketball hoop is placed. They had no idea that there was a policy that prohibited the placement of basketball hoops in the street. It has been there for over three years and has never been an issue. It has not been brought to her attention that there was an issue. Some residents like to have their kids play at their basketball hoop. There are always kids in the street playing soccer and football. It is nice for the kids to be able to gather there. It is one of the safest streets around. There is no place to put a basketball hoop on her private property.

Krajeck asked for any further discussion. Manager Sperling noted that all residents with basketball hoops in the right of way received a letter explaining the policy and asking them to move the hoops onto private property. No one complied with this request. There were no further questions from the Council.

Krajeck called for a motion to approve Resolution and Policy No. 4-10-2. Motion: Mueller; 2nd Sottile; Vote: All in favor (4-0)

CONFIRMATION OF ADOPTION OF MINUTES OF MAY 13, 2010 Meeting via Email.

The Council confirmed that the minutes of the Annual Meeting on May 13, 2010 were adopted unanimously via email earlier in the month so that the information from the budget meeting could be included in the June newsletter and posted promptly on the website.

FINANCIAL REPORT Month of May: Christoph Mueller, Treasurer

Income for the month of May was \$ 82,123. (\$4,650 in permit fees, \$320 Cable franchise fees, \$76,900 in income tax and \$145 in interest income).

Expenses for the month totaled \$ 66,600. Non-recurring expense included \$ 16,000 for the manufacture and delivery of single stream recycling bins. Year to date expenses are running about \$270,000 greater than income. We will receive one more income tax payment this month for about \$76,893.

Krajeck called for a motion to approve the Financial Report. Motion: Sottile; 2nd Wasson; Vote: All in favor (4-0)

BUILDING ADMINISTRATOR REPORT: Alan Beal

Two construction projects are in the permitting stages:

- **7404 Summit Ave (Brotman)** will have a demolition permit and dumpster permit issued 6/18/10. We will not issue a building permit until we receive the County permit.
- **3502 Cummings Lane (Patterson)** will have a building permit and dumpster permit issued. 6/18/10. Montgomery County has issued the necessary permit. Notice has been provided to the neighbors.

STORM WATER TASK FORCE REPORT

In the absence of Councilmember Zielinski, who is chairman of the Storm Water Task Force, Manager Sperling presented an update of the Task Force’s progress. The survey to residents asking about storm water problems was completed and mailed to all residents. The analysis of the almost 90 responses is currently underway by the members of the Task Force with the hope that the information can be presented at the next Meeting on June 24th, 2010. Krajeck commented that this Committee is doing really great work.

WASTE MANAGEMENT CONTRACT ADJUSTMENTS

reported that she met with representatives of Waste Management, Jeff Buchanan and Kevin Young. Mr. Young is now the

Sperling

account representative for Martin's Additions. They discussed adjustments to the Waste Management contract to reduce waste collection expenses to meet the FY 2011 budget amount. The agreement is for 12 months beginning 7/1/10 and ending 6/30/11.

The proposal is as follows:

- Trash Service will remain the same as current service-2 times a week on Monday and Thursday
- Recycling services will remain the same as current service- 1 time per week on Tuesday
- Yard Waste service will be reduced to 9 months a year. The dates are negotiable but Waste Management recommends mid-February until Mid November.
- Two Christmas tree pick ups will be scheduled in early January, 2011.
- Bulk pick up service will be reduced to six times per year, and the months can be determined by Martin's Additions. This option is based on the recommendations of Waste Management Operations Division who felt that only 4 bulk pickups per year would not meet the needs of the community.

The monthly net change in the Waste Management costs is slightly more than \$500, and should be sufficient to bring these expenses in under budget for FY 2011.

Krajeck called for a motion to approve the New Waste Management Contract. Motion: Wasson; 2nd Sottile. Vote: All in favor (4-0)

LEAF BAGS ORDER AND DISTRIBUTION

Manager Sperling reported that she found that only Martin's Additions and Section 3 provide leaf bags for their residents; all other jurisdictions rely on leaf vacuuming and expect residents to provide their own paper bags. She is working with VMA's prior supplier of leaf bags to get a price for FY2011 distribution as well as working with Section 3 to see if a joint purchase can reduce yard bag costs. We are also looking for ways to reduce our distribution costs. Reduction in the number of bags will significantly reduce costs.

MANAGER'S REPORT FOR JUNE

Street and/or Utility Services:

- **Sidewalk repairs on Brookville and Taylor Street** have been completed. They include repairs to selected areas on Taylor Street, grinding of trip hazards on Brookville Road as well as selected replacement of sidewalk blocks that had completely deteriorated on Brookville Road. Sidewalk replacement and removal of trip hazards on Taylor Street amounted to \$6305. Sidewalk repair and replacement on Brookville Road amounted to \$9,975.
- **Sidewalk, curb and street gutter repair was needed at 114 Quincy Street** where very large tree was removed. We coordinated the job by Chamberlain Contractors, Inc. with work in Chevy Chase Village so VMA was able to enjoy a substantial savings. Total contract expenses were \$1,320, about \$800 less than we would have paid if the work stood alone.
- **A water leak at Brookville and Quincy** was reported to WSSC, thanks to attentive resident Craig Ferris. WSSC has found an additional leak at Bradley and Brookville that is all a part of the same pipe line. They have it on their repair list.
- **WSSC has repaired the street** at corner of Summit and Thornapple. Their weekly street repair alerts, a new system that they have introduced, has been most helpful in getting missed work repaired.

Service Delivery/ Maintenance

- **Recycling bins were unloaded, assembled and delivered at the end of May.** Kudos to Cliff Bressler, a serviceman recommended by Chevy Chase View, and his crew for awesome work. Since they had already done it for Chevy Chase View it took them far less time to do it for us. A 6 AM wake up call got the ball rolling. Special thanks to Deb Schmal who was a trooper and showed up at a moment's notice to help with the set up at 7AM. Her husband Steve Schmal also joined in the effort. The bins have been well-received. We actually have some residents asking for larger bins and second bins.
- **Streets were cleaned** early this week by Mark Peyton. The spring rain has thwarted us for many weeks. A tremendous amount of debris was removed from streets largely because of the amount of sand that was put down on the streets this winter.
- An **oil/ fuel spill** of some sort was reported on Raymond Street. It was cleaned up by Mark Peyton who was conveniently here for the street cleaning. We don't know who did it but we confirmed that it was not our trash trucks.

Tree Report

- Tree work has included the **final billing for tree clean up** after the winter storms of both town tree damage and the removal of debris on private property. There is a possibility that we can be reimbursed for this.
- **Additional spring work** has been required as trees have bloomed. For example a major limb came down on Thornapple Street that fortunately missed the resident's car; a tree that was more than 70% dead was removed at 7305 Summit; other tree pruning is going on throughout the community. The annual removal of the suckers on our cherry trees is being done now. There have been several requests for planting, but Paul Wolfe has advised that we wait until the fall.

Safety Improvements/Issues

- VMA is working with PEPCO's Reliability Office, as the article in the newsletter explained, who has agreed to try to get to the bottom of some of the power outage problems that have been reported in the north end of the Village. It is an exciting project because it can be the solution to a problem that many residents have experienced, but we have not had many responses yet. It may take a while to gather substantial data.

Administrative Work/Issues

- A public meeting was held for residents interested in reviewing the building plans for the Brotman property at 7404 Summit Ave. The demolition permit has been issued by the County and Martin's Additions is ready to issue its Demolition and Dumpster Permit.
- Building and Dumpster permits are ready to be issued at 3502 Cummings Lane for the construction of a "mud room". Most of the work at this location will be interior renovations which Martin's Additions does not regulate. The neighboring resident at 3418 has expressed a concern about the property line and the driveway they have shared for many years.
- Filing requirements to the county for tax rates and debt service report were filed with the County and state. Montgomery County's Department of Finance prepares the bills for us but they cannot bill commercial and supplementary utility rates this year, but they have assisted us in preparing our own bills. They can have the new rates and rate categories in place by next year.
- We have received a reimbursement notice from FEMA that our eligible costs for December storm were \$4,824.20 and our reimbursement will be \$3,618.15 (75%)
- We will be Meeting with FEMA/MEMA for February storms on June 21. We will file our application for the February storm at that time.

Up and Coming Work/Projects awaiting completion/Issues

- Next major step will be wrapping things up for the close out of the fiscal year
- Work on Code and files over the summer are planned, as well as records retention policy development.
- Would like to consider developing a User's Guide to Our Municipal Permitting Process like the one recently produced by Chevy Chase Village.
- Maura Gordy (Thornapple Street) and Keith Allen (Turner Lane) will be working together on the July 4th Community Picnic.
- A resident experienced a sewer back up in her home on Thornapple Street. A meeting has been scheduled for June 21st in the Village Office with a representative from WSSC, our arborist and interested neighbors to discuss the solution to this problem. It is possible that a Village tree may need to be removed.

Councilmember Wasson remarked that finding root lines within sewer lines suggests that the lines are not contained and that there is leakage that is attracting the tree roots.

ADDITIONAL COMMENTS

Wasson remarked that he recently attended a meeting related to ADA (American's With Disabilities Act) compliance where he learned about compliance requirements at the edge of sidewalks. Sperling agreed to look into the issue.

BANK RESOLUTION SIGNATURES: Changes in the Account Agreement the Village has with United Bank are required each year to register the new Council members as signatories on the checking account. The documents were executed and will be forwarded to United Bank.

ADJOURNMENT 8:45 PM: Motion: Sottile; 2nd Wasson, Vote: All in favor.