

**VILLAGE OF MARTIN'S ADDITIONS  
COUNCIL MEETING MINUTES  
7013 B Brookville Road, Chevy Chase, MD 20815  
OCTOBER 21, 2010**

**COUNCIL MEMBERS AND VILLAGE REPRESENTATIVES PRESENT:** Council Members Present: Richard Krajeck, Chris Mueller, Jill Filipczyk, Mike Zielinski. Village Manager: Jean Sperling. Asst. Manager: Deb Schmal. Attorney: Ron Bolt. Council member Alexander - Absent; Building Administrator Beal-Absent.

**7:00 PM EXECUTIVE SESSION:** In accordance with the requirements of the Open Meetings Act, Chairman Krajeck asked for a motion to close the meeting to the public according to Section 10-508(a)(7) of the Act for the Village Council to consult with Counsel to obtain legal advice on a legal matter. Chris Mueller made a motion to close the meeting; 2nd: Mike Zielinski; Vote: All in favor.

**7:24 PM MOTION TO ADJOURN EXECUTIVE SESSION:** Chris Mueller; 2<sup>nd</sup> Jill Filipczyk; Vote: All in favor.

**7:30 PM CALL TO ORDER:** Chairman Krajeck

**RESIDENTS PRESENT:** Keith Allen, Henry Metzger, Natalie Neumann (Patch.com) Steve Schmal, Lynn & Natalie Welle, Bert Liebman.

**RESIDENTS COMMENTS, CONCERNS & CONTRIBUTIONS**

Lynn Welle, Oxford Street, asked that a request be made to Waste Management to return the recycling bins to the right of way rather than leaving them in the street gutters. Manager Sperling said she would remind the men to do so.

**BUILDING ADMINISTRATOR'S REPORT: MANAGER SPERLING**

**Construction Project Status Update: presented by Manager Sperling**

- Chestnut Street, 7216. Tear down and all new construction. Village Demolition Permit Issued. County Demo Permit Issued. Final demo notice sent to Council and neighbor notice. Delay due to sediment control Permit. Plan review meeting will be held for this project when building plans are completed
- Cummings Lane, 3502. Mud room addition, interior renovation. Construction work continues; mostly interior. Fence permit/ property line issue still outstanding.
- Cummings Lane, 3410. Dumpster did not know they needed a permit. Application and fee has been received.
- Delfield Street, 7215. New interior work contemplated. Fence permit soon; retaining walls to be installed to remedy water problems. A lot of soil to be removed. Earlier expansion plans turned down because of Village building regulations. Neighbors concerned about fence.
- Delfield Street 7315. (Kirsch) Work has begun on this major addition and interior renovations. All fees and bond paid. All Permits are in place. Sediment Control Plan clearance has been given by the County.
- Delfield Street, 7316. (Groeschel) Resident has moved back in. Awaiting request for bond return.
- Summit Ave., 7300. Major addition close to completion. Resident has moved back in.
- Summit Ave., 7404. Tear down and all new construction continues.
- Taylor Street, 3508. Completed. Right of way has not been repaired. Two emails have been sent reminding them that we still hold their bond. No response.
- Turner Lane, 3517. Construction continues. No more problems reported with run-off into fishpond on property to rear. Builder had put in silt fence and hay bales.
- Quincy Street 112. Garage/shed demolition and re-build. All permit fees received. Notice provided. VMA issued permits this week and work to begin soon.

Discussion: Council member Zielinski asked if anything was known about the storm drain at the end of Delfield Street; based on the concerns raised by resident Meg Hanlon, Zielinski examined the drain after a large storm and it seemed to be able to handle the rain; the second storm found a family member cleaning out the drain to assure that it did not back up into the basement. Zielinski wondered if the drain needed to be restructured. He recommended that a solution be sought with the efforts of Sperling, Beal and himself.

## **SUMP PUMP CONNECTIONS-QUINCY/OXFORD STREET**

Councilman Mueller explained that the Village Council held an Executive Session prior to this open meeting to obtain legal advice on enforcement options to remediate the public nuisance being created by sump pump discharges into Quincy and Oxford Streets. As a result of this earlier discussion, the Council developed a plan to remedy the situation. The plan reflects the spirit and intention of the Council to offer assistance to affected residents if they in turn will promptly cooperate with the proposed plan. The Council concluded that it is in the Village's interest to create an incentive for homeowners to remediate the problem promptly, hopefully without the need for enforcement action.

***Motion by Councilman Mueller:*** Provided that the affected homeowners promptly undertake the following actions, the Village will waive its permit fees and reimburse the homeowners for the County permit fees for the connection of the sump pump discharge pipes into the County auxiliary storm water system installed in the street. The Village will request, on behalf of the homeowners, that the County waive its construction bond requirement. The connection must be made by a private contractor to be retained by the homeowner at the homeowner's sole expense. Homeowners must enter into an agreement with a third-party contractor to perform the necessary work by a date certain (to be later determined by the Council). Homeowners must execute the necessary declaration of covenants required by the County, confirming that the homeowners are fully responsible for their connection to the County storm water system. The motion was seconded by Councilmember Zielinski. Discussion: Zielinski noted that this outcome has required a lot of work by the manager and building administrator Beal. This is a good opportunity for the homeowners because if they had to do this on their own they would have to go to substantially more expense and trouble. Krajeck added that it is the intention of the Council to do this as quickly as possible by offering incentives to homeowners. Chairman Krajeck called for a vote: Vote: All in favor.

## **INTRODUCTION OF ORDINANCE 10-10-1: SECTION 7-204 (A) AND (B) OF VILLAGE CODE: CHANGES TO SNOW SHOVELING REQUIREMENTS**

Chairman Krajeck noted that this proposed change in the Village code related to sidewalk clearance stems from the thought that the current requirement that sidewalks must be cleared within 12 hours of the end of a snowstorm is not a practical requirement. The general standard, and one that the County has in place, is that 24 hours is a reasonable amount of time after the cessation of a storm to require that sidewalks be cleared, and to increase the fine for infraction.

Motion to Introduce Resolution 10-10-1: Council member Filipczyk; 2nd: Zielinski; Vote: All in favor. A public hearing on this matter will take place at the November Council meeting.

### **ACTION ON MINUTES**

The minutes of the September 16th meeting had been preliminarily approved by email so they could be posted on the Website. Formal action was taken at the meeting to confirm the approval publicly.

Motion to Approve the Minutes: Councilmember Mueller; 2nd: Filipczyk; Vote: All in favor.

### **FINANCIAL REPORT FOR SEPTEMBER & ACTION: Krajeck**

In the absence of Treasurer Alexander, Chairman Krajeck summarized the financial report for the month of September. The income for the month of September was \$29,590. The bulk of the income was \$24,000 from County revenue sharing and \$5,400 from real property tax. There was nothing exceptional in the expense category--\$3,000 one-time charge for leaf bags. Expenses fall within our normal limits. Total expenses were \$ 26,640 and thus we had income exceeding expense by roughly \$3,000.

Motion to Approve the Financial Report: Zielinski; 2nd Mueller: Vote: All in favor.

### **STORM WATER TASK FORCE UPDATE: Zielinski**

As Chairman of the Storm Water Task Force, Councilman Zielinski reported that the Task Force is working to form a consensus and should be ready to report and make recommendations to the Council by the end of the calendar year.

When the initial complaints were voiced to the Council at the beginning of the building code revision process back in late 2006 and early 2007 there was no County ordinance that controlled storm water runoff from new construction projects. The Town of Chevy Chase enacted a comprehensive

ordinance that posed significant administrative costs—they hired a water engineer, set up a water board, and tacked about \$15,000 worth of costs onto large projects. They just came in about the same time the county ordinance came into effect. In 2007, everything was changed when the County enacted an ordinance called “Water Runoff on Small Lots” that requires a drainage plan when more than 400 sq. ft. of lot coverage are added. The plan must demonstrate that water runoff from the additional square footage will be retained on the property or safely conveyed or controlled off the property so as to avoid adverse impacts on adjoining or nearby properties. Most local jurisdictions do not require significant measures in addition to the County’s—the Town of Chevy Chase is out in front because it enacted its ordinance before the county ordinance went into effect. The Task Force is trying to assess whether there are continuing issues after the county ordinance went into effect and, if so, what measures might be appropriate to address them.

## **MANAGER’S REPORT**

### **Snow Plow Contract**

Sperling presented that contract with Peyton’s Tree services for winter 2010-2011 street snow plowing. The contract is unchanged from last year—there is no increase in fees. Insurance coverage documents were included. The Council approved of the contract.

### **Snow Shoveling**

Peyton is working up a proposal for us that would involve him taking on the task of clearing the Brookville Road sidewalks. The town of Chevy Chase went out to bid for sidewalk shoveling and got only two bids—one was Mulheron, the other was McDonnell Landscaping.

### **Resolution Related to Highway User Revenues**

Sperling presented a resolution that the Maryland Municipal League has requested that the Council passed petitioning the Administration and the Maryland General Assembly to reinstate state shared revenues diverted from municipal governments to fund operations of the state and to provide more diverse revenue raising authority to municipalities. We are looking for the reinstatement of our Highway User Revenues.

**Motion to Adopt the MML Resolution:** Zielinski; 2<sup>nd</sup> Mueller, Vote: All in favor.

## **MANAGER’S REPORT OCTOBER**

### ***Street and/or Utility Services:***

Brookville Road Sidewalk groundbreaking occurred on October 2. Manager Sperling represented Martin’s Additions.

### ***Service Deliver/ Maintenance:***

**Tree Report:** Between 2 and 4 trees will be planted this fall—possibly 5-which is all the budget of \$2,000 will allow. We are falling behind in tree replacement. We’ve lost two trees in the summer storms and have had to take down between 4 and 5 dead trees in the past year. An additional 3 to 4 trees are awaiting removal by PEPCO. It is important that we keep a record of what needs to be replaced. Paul Wolfe of Integrated Plant Care and Dan Gardiner, the Village Tree supervisor, are staying on top of this situation.

### ***Safety Improvements/Issues:***

**PEPCO:** has opened a case for one of our residents on Summit Avenue, in response to our request, after they reported numerous burned out appliances, damaged fixtures and the like. Charles Washington and Kim Watson have passed the request for evaluation to the power quality division who will be conducting a Transmission and Distribution test on the home beginning today.

**Meeting with PEPCO:** Jean reported that reps from PEPCO would be happy to come and talk to the Council and interested residents. The Council was in favor of this idea and suggested that we try to schedule a meeting prior to the next Council meeting (November) from 7-8 pm. Sperling said she would follow up.

### ***Resident Issues***

**Parking** and line of sight at Thornapple and Delfield . Traffic Engineer Joe Cutro will examine the situation and make recommendations if any action is needed. We will also discuss concerned expressed about Taylor Street traffic. A report will be made back to the Council.

Numerous tree- repair needs have been reported throughout the Village. A long list of pruning has been compiled and we are waiting for PEPCO to do its work first.

**Halloween Party 10/24 at 3 PM.** Hope everyone can be there.

*Administrative Work:*

**State Highway User revenue Report** must be filed by December 1, 2010. Sperling commented that it seems that the less money we get from the state the more paperwork we have to complete to comply with state reporting requirements.

**FY 2010 Audit:** All requests for information related to the Audit have been met.

**Regional Services Center**-presentation of “**Village Blueprint**” to encourage families to stay in their homes. Co. Exec. Leggett was there.

**LGIT 23<sup>rd</sup> Annual Meeting** (Local Government Insurance Trust) –free invite- attended classes on effective meetings, negotiation and local and state economy.

**Winter street maintenance class** in early November at **UMD**- Sperling plans to attend. **Chevy Chase @ Home** is going to use our space for a training session next week.

**List serv meeting** was held to discuss direction of the list serv. It was agreed that a survey would be sent out to gather the sense of the community.

**FINAL RESIDENT COMMENTS**

Verizon weatherman and Martin’s Additions resident Keith Allen provided a winter forecast that included the declaration that this winter would NOT be the same as last winter—it will be milder with less snow than last winter, temperatures will be slightly below average but we can still expect total accumulations of 20-22 inches.

**8:25 MOTION TO ADJOURN:** Zielinski; 2<sup>nd</sup> Filipczyk; Vote: All in favor.