

**Village of Martin's Additions**  
**7013 Brookville Road, Suite B, Chevy Chase, MD 20815**  
**Minutes for Council Meeting on**  
**February 21, 2019**

**Council Members Present:** Richard Krajeck; Arthur Alexander; Susan Fattig; Katya Hill; Tiffany Cissna; **Village Manager:** Matthew Trollinger; **Assistant Village Manager:** Tina Lurie; **Attorney:** Ron Bolt; **Building Administrator :** Doug Lohmeyer; **Residents and other attendees:** Keith Allen (Turner Ln); David Bjorklund (Turner Ln); Elissa Bean (Turner Ln); Lynn & Natalie Welle (Oxford St); Susan & Peter Kahn (Bradley Ln); Bernice Duvall (Taylor St); Paula Desio (Quincy St); Frank Correl (Turner Ln); Brian Hunter (Turner Ln); Sally Maran (Turner Ln); Susan Post (Turner Ln), Marty Langelan (Chestnut St); Ilene Shaw (Bradley Ln); Howard Stanislawski (Quincy St); Bill Schulz (Quincy St); Klaus Lorch (Brookville Rd); Matt Schneider (Quincy St); Debbie Berlyn (Summit Ave); Anne Lieberman (Quincy St); Andrew Kauders (Turner Ln); Glenn Reynolds (Raymond St); Nick Picerno (Montgomery County Police)

7:30PM Call to Order: Krajeck

Council member Krajeck moved the Building Administrator report further up the agenda so that Mr. Lohmeyer can be released after his report. He then called on Officer Nick Picerno to speak.

7:31PM Officer Picerno reported that there is an overall lack of crime in the Village, and that there is thankfully no violent crime. He said Village residents are doing well to keep their car doors locked. When compared to neighboring municipalities, the crime reports show the Martin's Additions has fewer crimes.

Andrew Kauders (Turner Ln) responded to Officer Picerno's report by asking what happens after he sends the police videos taken from his security door bell. He also asked what the Village can do to deter people from casing the neighborhood. Officer Picerno said that he is able to forward along the videos, but that it is still important that residents call into the police department and file a police report. Officer Picerno also suggested that security cameras can be helpful for personal security, and that he uses them himself.

Marty Langelan (Chestnut St) suggested the Village look into posting surveillance signs. Officer Picerno responded that he did not have any data to suggest whether or not such signs by themselves would deter crime.

Council member Krajeck asked Officer Picerno about truck traffic from Oxford onto Quincy, and whether it can be restricted or ticketed. Natalie Straus Welle (Oxford St) said that trucks are usually there for a reason, such as deliveries or moves, rather than through traffic.

Frank Correl (Turner Ln) thanked Andrew Kauders for using his security door bell system to help deter possible crime. He asked if the Village should organize a modest system of cameras. Office Picerno responded that the Ring video cameras can be useful in tracking

down petty thieves, but that it is hard to make a positive identification from the cameras, and that in most cases it is not necessarily the same people showing up. He also suggested that residents keep their homes well lit and keep porch lights on as a deterrent. He also said the Village's new streetlights have also helped keep the streets well-lit, which helps, though some criminals are more brazen than others.

Andrew Kauders asked where the police patrol in the Village. Office Picerno responded that he and Officer Pratt are typically in unmarked cars, often on Brookville Rd, but noted that police are only in the Village five hours per week each, for a total coverage of about 7% of the time. Council member Krajeck explained that Officers Picerno and Pratt are contract employees, but that when needed, the Village has hired other officers. Council member Cissna added that the Village has also contacted Montgomery County Parks, and asked them to help get additional patrols in and around Shepherd Park.

Bernice Duvall (Taylor St) said that it seems as though crime is increasing in Martin's Additions. Officer Picerno pointed out that there is in fact less crime, and fewer reported crimes than in previous years, and less crime than in neighboring municipalities.

Council member Alexander shared that his daughter in California put up a camera which took pictures of the thieves on her front porch. She printed off and posted the pictures on her porch to deter intruders, which was effective.

8:01PM Council member Krajeck asked Keith Allen (Turner Ln) to give the weather report). Mr. Allen stated that there will be an early spring.

8:01PM Building Administrator's report: Doug Loughmeyer

TO: The Council at the Village of Martin's Additions  
FROM: Doug Lohmeyer  
DATE OF MEMO: February 18, 2019  
SUBJECT: Building Administrator's Report

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**3520 Bradley La.**

The applicant has submitted a building permit to the County and the Village. The neighborhood information meeting has been held and the County and Village building permits have been issued. The handicapped ramp on the west side of the house was not included in the Village permit. A variance for the ramp may be applied for later.

**7204 Chestnut St.**

The applicant has submitted a building permit package to the County and the Village. The application is undergoing the initial Village review. The Village is waiting for more information from the applicant's engineer. The applicant has applied for a variance, which was held on Thursday, Dec. 20, 2018. A second variance hearing was held on Jan. 30, 2019. The applicant has re-submitted their plans to MCDPS, which incorporated the revision for the Village waiver.

**7210 Chestnut St.**

The Village has received an application for a new house to be built on the vacant lot. The information meeting with the residents was held on Monday Sept. 17<sup>th</sup>. The County issued their building permit on Oct. 1, 2018 and the Village issued their building permit on Oct. 11, 2018. Work begun at the site on Oct. 11<sup>th</sup>.

**3421 Cummings La.**

The applicant has submitted a building permit to the County and the Village. The staff has completed the initial review. The applicant has applied for a variance for the EBL setback along Cummings La. for the house addition and the detached garage. They also applied for a variance of the 30% non-vegetative surface, so they can install a circular driveway. A variance hearing was held on Feb. 6, 2019. They have not submitted for MCDPS approval.

**7208 Delfield St.**

A dumpster permit has been issued for interior kitchen improvements in the ex. house. A performance bond has been posted to cover any damage to the Village right of way. The applicant recently amended the MCDPS permit for additional interior improvements. A Village building permit has been issued for the enclosing of the existing screened porch.

**7213 Delfield St.**

The property owners have submitted a permit to replace with ex. driveway. The existing concrete driveway apron will remain. The Village permit is being processed.

**207 Oxford St.**

The applicant has submitted an application to construct a deck at the rear of the house. The plans are currently under review. The County has issued their building permit.

**107 Quincy St.**

The applicant has filed an application to construct a screened porch at the rear of the house. The staff is reviewing the plans. The applicant filed for a MCDPS on Feb. 13, 2019.

**116 Quincy St.**

The applicant has submitted a plan to replace the ex. driveway with a new driveway. The staff is reviewing the plans.

**3404 Shepherd St.**

The proposed improvements were not completed prior to the original building permit expiration date. The Village has extended the applicant's building permit until May 16, 2019. According to the MCDPS web-site, the County closed their building permit on Nov. 30, 2018. The staff will make a final site visits, prior to the Village releasing the building permit and returning the performance bond.

**3501 Shepherd St.**

The applicant has submitted a building permit application to make several improvements to the existing house. The County and Village has issued building permits and the work is proceeding.

**3508 Shepherd St.**

The applicants have submitted at building permit package to the County and the Village. The neighborhood information meeting was held on Nov. 7<sup>th</sup> and the Village permit has been issued. The applicant is preparing the documents abandoning the existing shared driveway and creating an easement for the neighbor. The documents need to be reviewed by the Village attorney before they are recorded.

### **7209 Summit Ave.**

The applicant has submitted a plan to add an addition at the rear of the ex. house. The County and Village permits have been issued.

### **3412 Taylor St.**

An application for a County and Village building permit has been submitted. A resident's information meeting was held on Tuesday, June 19<sup>th</sup>. A Village right of way permit will required for this connect, since the proposed 6" pipe will pass through the Village right of way. The Village building permit has been issued. Tree clearing has begun.

### **3512 Taylor Street**

The staff noticed that when the retaining wall was re-built, the contractor left a 2-inch-wide depressed area between the existing Village sidewalk and the base of the new wall, which may cause a pedestrian to trip and fall. The staff is attempting to contact the homeowner to correct the situation.

### **3405 Thornapple St.**

The house construction is completed. However, several sections of ex. curb in front of the house have chips and cracks and I recommend they be replaced. MCDPS has release their building permit and the staff recommends releasing the Village's building permit.

MCDPS will not release the sediment control permit until the applicant removes the excess dirt that was placed on the lot at 3407. The additional grading was not approved by MCDPS. The owner has removed the stockpiled material at the rear of the lot but has not re-graded to the lot to comply with the County approved sediment control plans. I recommend the Village retain the performance bond until the grading has been completed, the MCDPS has released their sediment control permit, the old driveway apron has been removed, and the damaged section of curb are replaced.

### **3407 Thornapple St.**

The applicant has submitted a building permit application to the County and the Village. The plans need to be revised to comply with the Village's "secondary setback" requirement. The plans have received the initial Village review and a neighborhood information meeting was held on Monday, Jan. 14, 2019. They have filed for a building permit and a sediment control permit but the County has not issued their permits.

### **Miscellaneous Items**

The staff is presently working with the following properties:  
MSHA Brookville Rd. and Quincy intersection ponding rainwater

8:04PM Council member Krajeck mentioned the proposed Quincy Oxford intersection work that would allow trucks to maneuver better, and that the discussion will be held until later, as per the agenda.

8:05PM Committee Updates:

Election Committee: Marty Langelan (Chestnut St) stated that Sunday, April 28 will be the Community Forum for the upcoming election. It will be from 4:00pm – 6:00pm in the Village office.

Frank Correl (Turner Ln) asked about the nomination period and scheduling for Election Committee meetings. He had concerns about the information provided, and asked why more was not included. He also noted there was an election committee meeting on Super Bowl Sunday in a private house. Council member Krajeck responded that Committee members had to find a time that worked for Committee members. He thanked the Committee for its commitment to openness, as they have advertised their meetings and inviting all residents, and giving up their Super Bowl Sunday afternoon to conduct Village business. Elissa Bean (Turner Ln.) also pointed out that Committee members are volunteers who have given up their personal and family time to help serve the Village, and that finding a time that works for all members is not always easy.

8:12PM Community Engagement Committee: Elissa Bean reported that there will be an “Adults Only” event at the home of Sallie Van Tassel on Saturday, April 27 from around 8:00pm – 11:00pm. The next meeting of the committee will be Monday, March 11.

Frank Correl asked what the Committee means by “Adults Only.” Elissa Bean suggested adults should be 21 or older due to alcohol being served. Mr. Correl stated that he did not believe that was fair for Martin’s Additions residents that are over 18 but not yet 21. Ms. Bean noted that the majority of Village events are family-friendly, with all residents welcome, but the Committee specifically chose an adult event with alcohol in response to resident comments and suggestions.

8:18PM Public Hearing & Vote on Adoption on Resolution # 1-19-1: Ordinance to Regulate Small Wireless Telecommunications Facilities in the Right-of-Way. Council member Krajeck stated that he will limit the comments on small cell towers to 3 minutes per person.

Paula Desio (Quincy St) would like some tweaking to the draft ordinance, and gave her time to Peter and Susan Kahn to discuss in more detail.

Peter Kahn (Bradley Ln) stated that there is a need to make more changes to the ordinance, citing health concerns and a health study done in Germany. He said that he believes the FCC order allows some protections for health concerns. He mentioned that the Town of Chevy Chase Council, after passing their own ordinance suggested that they would make amendments down the line. Council member Alexander asked Mr. Kahn to send a copy of the health studies that he was referencing.

Susan Kahn (Bradley Ln) asked the Council to consider what effect the ordinance will have on children’s health. She suggested that the applicants should be required to consider existing antenna coverage within one mile of Martin’s Additions. She also gave three recommendations: (1) Require undergrounding of equipment so it does not take away green space; (2) Lower the number of allowable antennae per pole from five to one; (3) Consider

further limiting how far apart poles can be from one another, and consider those outside the Village.

Frank Correl said he is grateful to the Kahns for working on the small cell tower issue. He suggested Martin's Additions should get together with other communities for a joint ordinance.

Ron Bolt noted that he is the attorney for eight other municipalities aside from Martin's Additions, and that they are all adopting essentially the same ordinance based on meetings with telecommunications experts, residents, Council and staff input, the Maryland Municipal League's insight, and draft legislation prepared by the National League of Cities. He noted that the proposed ordinance is admittedly imperfect, in part because the technology is not fully developed, but that it was important to get legislation in that establishes a permitting process and certain aesthetic standards before the FCC's April 15 deadline.

Council member Krajeck also thanked Susan and Peter Kahn for all their work and research into this issue.

Bernice Duval (Taylor St) asked who will pay for the installation and maintenance. Mr. Bolt responded that the applicants (i.e., wireless companies) would be responsible.

Council member Alexander asked about a severability clause. Mr. Bolt stated that indemnification and bond are included in any right-of-way access agreement, but it is not needed in the ordinance. Council member Alexander also asked about setbacks, and suggest we use the word "horizontal" setback, and that the ordinance should include the word "horizontal."

Council member Cissna suggested that rather than putting up one antenna at a time, the Village should be sure to work with the wireless companies to understand a holistic plan for the entire neighborhood.

Andrew Kauders (Turner Ln) asked about the health of the community. Mr. Bolt noted that the FCC ruling does not allow for municipalities to limit installations on that basis.

Council member Krajeck calls on Glenn Reynolds (Raymond St) to speak. He was Chief of Staff of the National Telecommunications Association. Mr. Reynolds suggested that the technology was likely very far away from being implemented in Martin's Additions. The technology itself is still being developed, and the Village is already mostly covered by high-speed internet in homes. He suggested that by the time the technology is ready to be installed in Martin's Additions, there could be an entirely new Administration and FCC, which could affect how it the technology is implemented. He said that in the meantime, the Council has put together a good ordinance that puts in good protections. We do not know exactly what the technology looks like now, or what it will look like in the future, so this gives the Village flexibility to make changes as that becomes more evident.

Debra Berlyn (Summit Ave) asked about the feasibility of undergrounding the equipment. She stated that she agreed with Mr. Reynolds assessment that the technology is far away,

and that Martin's Additions will likely not see it for some time. She also noted that the technology may bring some benefits to the community.

Mr. Bolt pointed out that there is a reserved section in the ordinance for burying equipment underground, but that the Council may not want to add any requirements at this point without knowing what the technology will look like. It may, for example, be more disruptive to the right-of-way, trees, sidewalks, etc. to bury machinery underground; he also noted that if any repairs are needed, the machinery would need to be dug back out, again disrupting the right-of-way.

Peter Kahn (Bradley Ln) agreed that 5G is not imminent, but suggested that 4G equipment has been applied for at the County levels, and 5G standards have been applied. Susan Kahn added that she understood there to be 109 permit applications in Montgomery County. She suggested the Village add a provision that wireless companies must prove that there is a need for additional coverage.

Council member Krajeck asked the Council whether any changes should be made to the ordinance. Council member Fattig suggests changing the number of antennas that can be installed from five to three. The Council discussed lowering to one, but determined that at this time it may be too limiting. There may be benefits to allowing wireless companies to "bundle" antennas onto one pole.

9:25PM Council member Alexander motioned to adopt Resolution # 1-19-1: Ordinance to Regulate Small Wireless Telecommunications Facilities in the Right-of-Way with the amendment recommended by Council member Fattig. Council member Fattig seconded, all in favor.

Ann Lieberman (Quincy St) advised that if residents want to contact the Council, they should do so directly, and not through the listserv.

Susan Post (Turner Ln) asked about the listserv vs. the official Constant Contact messages from the office and Council. Village Manager Trollinger replied that he would check to make sure Ms. Post is included in the Village's Constant Contact to receive Village notices.

9:36PM Discussion Quincy/Oxford Intersection

Village Manager Trollinger explained that large trucks have been hopping the curb at the Quincy/Oxford intersection, and the Village had worked with AB Veirs and its two engineers, Joseph Cutro and Doug Lohmeyer, to develop a plan to widen the turn radius. The Village would also put up bollards near the corner as well. Ann Lieberman (Quincy St) suggested the Village put up a stop sign. There used to be a stop sign for east-bound traffic on Quincy years ago and it was taken away. The Council agreed to put the stop sign back and to consider installing bollards to help prevent trucks from running over the grassy areas of the right of way, noting that it may take away some parking.

10:01PM Council member Cissna introduced a resolution on an emergency basis to place a stop sign on the south west corner of Oxford and Quincy for eastbound Quincy Street traffic. Council member Alexander seconded, all in favor.

10:02PM Action on Meeting minutes of January 17

Council member Alexander moved to accept the draft minutes from the January 17, 2019 Village Council meeting. Council member Hill seconded. All in favor.

10:04PM Financial Matters: Council member Alexander gives his report.

10:06PM Council member Cissna made a motion to add a line item for \$1,000,000 in reserve funds, which is what was recommended by the Village's auditors. Council member Fattig seconded, all in favor. Council member Hill motioned to approve the financial report, Council member Fattig seconded, all in favor.

10:08PM Manager's Report: Village Manager Trollinger discussed his report.

### **Manager's Report February 21, 2019**

#### Administrative Matters:

- **Accounting:** The Village is currently in discussions with its accountant to set up a new access to Quickbooks software so Village staff will be able to create reports and more closely handle day-to-day bookkeeping records, with the goal of taking on in-house book-keeping by the start of the next fiscal year. The Village's accountant long-term role and oversight is still being considered. The Village will continue these discussions as part of budget discussions for FY2020; a meeting will take place in the Village office the first week of March for potential introduction at the March Council meeting.
- **Tree City USA:** Village staff finalized the Village's Tree City application in December so that the Village is re-certified for 2018. In addition to Tree City, the Village has applied for, and is expected to receive the State of Maryland's equivalent Plant Award for 2018. The Village is still awaiting word from Tree City, but anticipate receiving the award in March or April.
- **Small Cells:** The Village has received feedback from various residents regarding the proposed small cell legislation, and has incorporated some of the comments into the ordinance. Village staff. Council members Krajeck and Alexander, and Village Attorney Ron Bolt attended a meeting hosted by a Village resident at the Lawton Center in the Town of Chevy Chase on January 29 to discuss particulars of the ordinance.
- **Office Redesign:** The Village has ordered replacement bookshelves and has received quotes for replacing the window shades.
- **Community Events:**
  - **Playground Equipment:** Village staff and Council member Cissna, along with staff of Chevy Chase Section 3 and Chevy Chase Village and the Rollingwood Citizens Association met with representatives from the Montgomery County Parks and Planning Department. The Chevy Chase Local Park (a.k.a. Shepherd Park) is not due for renovation of equipment, but Parks and Planning staff are looking into at least re-painting the equipment

and/or giving it a "spit shine." They also were going to look into some of the safety concerns that we brought to their attention, such as addressing accessibility from the playground up the hill to the playing field; trimming back some of the brush that overgrows onto the basketball court; and increasing visibility to try and cut down on beer cans littering the park, to name a few. The Village may consider writing a letter to Montgomery County in regards to their budget, asking for additional funds be put into the parks department.

- *Volunteer Reception:* The Village will host a volunteer reception brunch at La Ferme for committee members and those who have made significant volunteer contributions to the Village in the past year. The event will take place in May.
- *Adult Event:* The Village is organizing an adults-only event on April 27<sup>th</sup>. The event will be a post-dinner community get-together for adults. Snacks and drinks will be provided.
- ***Contractors and Contracts:***
  - *GIS:* Online software is up and running. The Village has scheduled E.N.E. to do a new survey of homes with changed fronts, new streetlights, and other changes which can then be incorporated onto the new GIS system in early March.
  - *Landscaping/Lawn Service/Leaf Vacuuming:* Village staff put out a Request for Proposals ("RFP") combining lawncare/landscaping and fall leaf vacuuming. The Village met with various contractors over the last month, and ultimately received eight bids before the Friday February 15 deadline. Staff is currently reviewing proposals. The selected contractor will begin in March.
  - *Walkability Study:* The Village has developed an RFP for a firm or company to lead a working group made of VMA residents to complete a walkability assessment of the Village and any accompanying recommendations. The Village will place the RFP on the Village website, as well as the Maryland Municipal League website next week, and the State of Maryland e-Procurement website.

#### Utilities: WSSC

- WSSC has finished sewer repairs on Quincy and Raymond Streets, and Thornapple Street, and are now underway on Chestnut. They expect work to continue into March, depending on weather. All the streets should be completed by mid-May 2019, and we will finish with repaving at that point as well.

#### Utilities: Road Repairs

- The Village is still waiting for asphalt plants to re-open in the spring. We want to make sure that the weather gets a bit more stable before we start pouring concrete or asphalt so that it lasts as long as possible. By the time we are ready – at this point, it is looking like late March – Chestnut Street and Thornapple Street should be finished by WSSC, and the entirety of Martin's Additions will (finally) be repaved.
- Several residents on Quincy Street have emailed to ask the Village to reconsider the redesign of the Quincy/Oxford corner and intersection.

Utilities: Washington Gas

- Several residents on Taylor Street and near the Taylor/Summit intersection have had issues with their gas recently. Washington Gas is looking into this issue, though they suspect it is related to a low-pressure system in the gas main because it is a low point for Summit, Taylor, and Delfield Streets. This wet season, it has caused some water to leak into the pipes, and when the temperatures have gotten cold, that water has frozen, which has led to gas pressure being low or not working altogether. Several residents were having difficulty getting Washington Gas to respond quickly, but the issue has been flagged by the office, and another POC at Washington Gas identified to help residents.

Sanitation:

- The last bulk pickup occurred on January 12. The next pickup will be on March 9, with a Wider Circle pickup on Friday March 8.

Building Administration:

- Please see report from Doug Lohmeyer, attached.

10:14PM Opportunity for council to hear residents' comments: Krajeck

Frank Correl (Turner Ln) thanked the Village for replacing the Centennial Plaque with a new plaque. He also asked about 3512 Taylor- he did not believe that the indentation in front of the retaining wall was a safety risk. Manager Trollinger says there are legal issues involved. Mr. Correl also asked what the Village is doing about complying with ADA (Americans with Disabilities Act) requirements. Council member Krajeck responded that when the new sidewalks are installed, they will be ADA compliant. Mr. Correl also asked that the Village look into installing a chair lift for access to the Village office.

10:24PM Council member Alexander moved for the public portion of the meeting to end, and that the rest of the meeting go into closed session to discuss personnel matters, per Section 3-305(b) of the Open Meetings Act. Council member Cissna seconded, all in favor.

10:55PM The Council voted to adjourn the meeting. Council member Alexander so moved, Council member Cissna seconded, all in favor. The meeting adjourned.