

**Village of Martin's Additions
Council Meeting
7013 B Brookville Road, Chevy Chase, MD 20815
Minutes for April 21, 2011**

COUNCIL MEMBERS AND VILLAGE REPRESENTATIVES PRESENT: Council Members Present: Richard Krajeck, Arthur Alexander, Jill Filipczyk, Chris Mueller, Mike Zielinski. Village Manager: Jean Sperling, Assistant Manager Deb Schmal. Building Administrator: Alan Beal. Attorney: Ron Bolt. Guest Experts: Bill Bissell, W.E., Paul Wolfe, Integrated Plant Care.

RESIDENTS PRESENT (At the regular session): Keith Allen, Ted Stoddard, Steve Schmal, Noell Sottile, Adeline, Owin, Emma, Aliane Vanderver, Hanne and Frank Correl, Joshua Snider (Patch.com) Dan Gardner, Ernie & Bert Liebman, Rick Michel.

7:00 PM DISCUSSION OF STORM WATER REGULATION WITH BILL BISSELL, WATER ENGINEER.

Chairman Krajeck called the session to order. He welcomed Bill Bissell, a water engineer with experience working with neighboring jurisdictions on storm water issue. Krajeck noted that the Council is concerned that storm water run off issues be addressed before they become a problem. The Council has been trying to determine the square foot coverage of impervious surface that should be used as a trigger for increased storm water control, what should be included in that definition and how standards that exceed County standards might be enforced.

Bissell explained that the county storm water regulations prescribe storm water management for any new impervious surfaces covering 400 sq feet or more. The County regulations do not specify any particular solution, e.g., dry well, only that the run-off must be managed. The main concern of the Village Council is whether the County requirements are sufficient for Martin's Additions or whether the Village should adopt more stringent requirements (reduce the limit of new impervious surface addition that would trigger a storm water management plan) given the smaller size of the typical lots in VMA.

Using his experience in the Town of Chevy Chase, Bissell explained how the Town attempted to address their water run off from construction projects prior to new building codes being in place, so in some ways their regulations were "over-engineered". Both the storm water management regulations and their new tree regulations were put in place to address some of the mansionization issues that the town was facing. The Town has an elaborate process which requires a perk test which runs about \$1,500 and requires the installation of dry wells that must be monitored every year.

The storm water management regulations for Section 3 and 5 are much simpler and state that construction "shall not negatively impact neighbors". The Council expressed the concern that the phrase "negatively impact" is a difficult one to quantify and leaves too much room for dispute. A suggestion was made that the Council explore a way to define the "no negative impact" concept that is used in neighboring Section 3 and 5.

7:45 PM GENERAL MEETING CALL TO ORDER: Chairman Richard Krajeck.

Chairman Krajeck alerted attendees that the meeting was being recorded. He asked that persons wishing to speak identify themselves and their address when called upon.

Council Storm Water Discussion: Next Steps.

Councilmember Mike Zielinski reflected on the information presented during this work session and stated that an answer is not readily apparent on how to proceed on this matter. The Council agreed that additional work needed to be done on this topic and added a discussion period to the May 19th, 2011 Council meeting/work session.

RESIDENTS' CONCERNS AND CONTRIBUTIONS

Chairman Krajeck noted many people in the community were concerned about the trees that were removed by PEPCO in the northern end of Martin's Additions as a part of the vegetation management portion of their enhanced service reliability project. The Council asked the Village's arborist Paul Wolfe of Integrated Plant Care, to attend the meeting and speak about the tree removals.

Paul Wolfe, Discussion with the Council re: PEPCO Tree Removal. Wolfe explained that while trees always evoke emotion on all sides, he tries to add science into the topic of trees. He explained the role he played in the evaluation of the tree removal and trimming plan in the northern end of Martin's Additions that was developed by a licensed tree expert and arborist, PEPCO's subcontractor, Utilimap's representative, Matt Young. Young identified 10-11 trees that needed to be removed in the northern end of Martin's Additions, the area which has experienced some of the worst power outage problems in the area. A village team made up of Manager Sperling, arborist Wolfe and VMA tree supervisor, Dan Gardner, walked through the northern end of the Village examining each tree recommended for removal. Paul stated that each tree had a defect—a cavity that was creating a weakness, some were dying on the installment plan; many of the trees had outlived their life—at 65 -75 years old, they were very old for street trees. Pepco's new policy to open up clear sky around the power lines does not bode well for older trees. Cuts do not close well; older trees don't have the growing or rejuvenation capacity of younger trees. Younger trees will respond to pruning with lots of additional growth. In the cases of the trees that were recommended for removal, there would have been nothing left of the trees had the "blue skies" pruning policy been applied.

Many of these big trees only had a few more years of life left —3 or 4 perhaps. They were all in decline. Often it is better to remove them and replant a new forest than to try to manage their demise. The Village is going

to replant, but in such a way that we will not need to do such radical removal as we have just seen. There is a big movement now, being supported by the National Arbor Day Foundation and by PEPCO called “right tree, right place”. This is the direction that Martin’s Additions must move in. Wolfe used the example of the very large white pine that was cut down at Thornapple and Delfield Street. He explained that a white pine is not appropriate in an urban setting. In the appropriate forest setting they grow tall and thin and drop all the lower limbs as the trees reach for the sun. In our environment they grow large and stocky and hold onto their boughs, making an ideal place for snow to gather and for branches to come down on power lines, a perfect example of the wrong tree in the wrong place.

Wolfe noted that over the years PEPCO has tolerated large trees under the wires, and they have gone back and forth on the rigor that they use in tree pruning. The Maryland State Forester has the ultimate authority over all street trees in the state and has to approve all removal. The Maryland State Forester also approves trees that are planted in the right of way. The State forester reviewed the PEPCO list and gave his clearance for the removals; in fact the forester urged the Village to cooperate with Pepco’s recommendations.

RESIDENTS COMMENTS:

Adeline Vanderver (Delfield Street) stated that she was devastated by the removals directly across from her home. The white pine had been a play land for her children. The removals have made a great change in the visual landscape. Ms. Vanderver’s son, Owin Vanderver, stated how sad he was to no longer have his play place under that pine tree. He described how the limbs acted as a great back stop when he played ball.

Ernie Leibman (Thornapple) remarked that he felt that communicating with PEPCO was a difficult exercise and he thanked Manager Sperling for being able to save the two white pine trees in the right of way by getting Pepco to just top them rather than cut them down. Liebman played a role in communicating that agreement to the Asplundh crews. He was most concerned about the fact that the crews pruned the elm tree on his property that Wolfe has taken care of for some time. He felt that the crews should have been better supervised.

Steve Schmal (Summit) asked Wolfe if he felt PEPCO was going overboard. Wolfe replied that he did think Pepco was being very aggressive. He explained that so much of this has to be coming from the Public Service Commission directives to Pepco. New legislation has been offered that requires that the trees be pruned away from the wires to allow for “blue sky” to be seen. This requires aggressive pruning.

Dan Gardner (Delfield), the Village Tree Supervisor, said that a detailed list of planting location for re-planting trees has been developed. Some new trees will be planted this spring in an effort to get a jump on our re-forestation program.

CANDIDATE’S INTRODUCTION

Chairman of the Elections and Ethics Committee Frank Correl reminded the Council and residents in attendance that this evening’s Council meeting is an opportunity for Candidates Introduction to the Community. There are three candidates for the two Council seats. Incumbents Michael Zielinski and Chris Mueller were present. Correl had hoped that he could introduce all three candidates so they could each make a brief statement and give a bit of a preview of what they are going to do and say at the candidates forum on April 30. That cannot be done for candidate Migdail who is not present at this meeting; Migdail informed the committee that she would not be present but that she has attended Council meetings in the past. Mr. Correl asked candidates Zielinski and Mueller to introduce themselves and give a little capsule of what they hope to accomplish if re-elected for the benefit of the residents present.

Candidate remarks:

Mike Zielinski stated that he has served on the Council twice now—there’s a blurb that is available that people can read at their leisure. He does not have a specific agenda although he likes the direction the Village is going in; he believes that the Council is dealing with tough issues in the way that they should be. He is interested in continuing to work on the matters that have been before the council such as storm water management, traffic issues and the like. While not a marshal for huge change there are some issues that need to be fine-tuned, including some of the items that are on this agenda this evening. He believes that the Village Council needs to keep pressure on PEPCO, for example. It is his inclination and desire is to serve another term.

Chris Mueller is completing his first term on the council and more details about his interests can be read in the candidate’s statement document. He urged residents to contact him by email or phone at home to discuss any matters of interest or concern. What matters to him is maintaining the historic look and feel of Martin’s Addition’s; while he doesn’t expect everyone to share my passion for 1930’s and 1940’s architecture he does want to do everything he can to manage growth because he don’t like what he sees going on in neighboring communities. He feels that a lot of the infill development in the area is bit a much. Directionally the Village is doing the right thing—our new building code and possibly stronger storm water management regulations are important. There is a lot of controversy in this Village over PEPCO and now the tree issues –things that we don’t have full control over. We need to be mindful of topics such as what is reasonable for us as a village to do in regard to these bigger issues; he feels that the staff and Council have done pretty well.

Correl reiterated that there are three candidates for two positions which mean we have a contested election which may provide incentive for people to come out and vote. Another "Celebration on the Sidewalk" is planned for the evening of the election, May 12th. Correl also urged residents to come to the Community Forum on April 30 where he hopes all candidates will be present for a lively give and take. Chairman Krajeck thanked the Elections Committee for their work.

BUILDING ADMINISTRATOR'S REPORT: ALAN BEAL

New Construction Permits In Process:

- 3503 Bradley Lane Tear down and all new construction. All fees received. The builder and architect on this project have had to go back to the drawing board several times to get the project in line with the Village building codes. A Pre-construction meeting will be scheduled for interested residents once the plans have been approved. Krajeck urged that all of Raymond St., Melville Place and Bradley La. be included in the notice, since they will likely be affected by construction traffic.

Permit Requests Under Consideration

- In both of the following project proposals the construction plans have not conformed to the Village Building codes as the residents has hoped. Alan is working with them to bring the projects into compliance.
-Patel, 6807 Brookville Rd; - Bishop, 3506 Turner Lane
- Thornapple Street, 3401 (Legarreta): remodeling, rear addition, interior remodeling. Plans have not yet been received.

Permit Issued: Shed demolition, Duvall, Turner Lane

Ongoing:

- Chestnut Street, 7216: New Home.
- Shepherd Street, 3421 (Browder): Rear addition and front alternations progressing nicely.
- Delfield Street 7315 (Kirsch). Work is progressing.
- Other projects receiving supervision in the Village are:
-3502 Cummings Lane (Patterson), 112 Quincy Street. (Consolvo)
-7404 Summit Ave. (Brotman)
- Clearance given and Bond return in-process to Lazare 7300Summit Ave.

Other projects supported by Mid-Atlantic:

- WSSC water main leaks on Summit Ave. Final patch has been completed.
- Raymond Street Sewer repair-restoration still needed
- Delfield Street repair and restoration. Documentation and follow up. Final patch still needed.
- Bradley Lane/Brookville Road WSSC repair documentation in preparation for repaving.
- Brookville Road and Quincy Street Water leak identification and repair.
- Follow up with in-home business complaint at 7200 Delfield Street
- Follow up and documentation of tree house construction complaint at 3410 Turner Lane
- Wall replacement on Melville Place,
- Documentation of tree removal in north end
- Weekly oversight and documentation of in-village projects.

Continued Examination of Construction Data for Building Fee Revision Considerations

Sperling and Beal were not able to schedule a meeting to discuss further action on building fees but hope to do so soon. They hope to present a proposal for Council consideration based on the results of that research. The Council urged Beal and Sperling to have information ready for review at the Council meeting/ work session on May 19th.

Quincy and Oxford Street Sump Pump Hook Up.

The Village Manager has asked Mid-Atlantic to assist with the resolution and hook up of the homes on Quincy Street and Oxford Street to the County installed system due to the lack of staff time capacity on the part of the Village office to complete this project. Mid-Atlantic has agreed to provide assistance in completing the permitting and hook up work. Costs associated with completing the connections will be billed through Mid-Atlantic to the individual homeowners. The Council agreed with this approach.

FINANCIAL MATTERS: REPORT FOR THE MONTH OF MARCH: Council Treasurer Alexander

July 2010-March 2011

	<u>Actual</u>	<u>Budgeted</u>	
Revenues	\$392,970	413,903	Reserve account: \$1,025,086
Expenses	300,997	361,351	
Net Income	91,973	52,552	

As of the end of March, the first nine months of the fiscal year, the Village's revenues are close to budget projections. Expenditures are running below budget by about 17%. Lower office expenses, professional fees, and street maintenance account for the much of the lower expenditures. However, tree removal and replacement expenses are foreseen. The reserve account is roughly 1.5 times the average annual expenditures over the past three years, giving us a

cushion against unexpected occurrences and a source for needed capital investments. Expenditures are running roughly \$60,000 under budget but end of the year expenses will easily change this situation.

Action: Motion to Accept Treasurer's Report and All Supporting Financial Documents: Zielinski; 2nd. Filipczyk;
Vote: All in favor.

FY 2012 BUDGET DISCUSSION

Chairman Krajeck noted that the FY 2012 budget is being formally introduced and reviewed at this meeting. It was published in a recent document sent to all residents and is available at tonight's meeting. It will be republished along with candidates' statements after action by the Council at tonight's meeting. Krajeck asked for comments from the residents.

Steve Schmal (Summit Avenue) stated that he was in complete agreement with the proposed budget that was supported by a constant yield property tax rate. He felt that was the right thing to do.

He supports capital expenditures and wondered why the Council did not just go ahead and install new street lights. After some discussion about the possible expenses associated with street light upgrades it was clear that the financing of such a huge project will not be a simple or inexpensive matter and will better left to a time when there is strong confidence in the Village's financial position.

Frank Correl (Turner Lane) remarked that the Village reserve appeared strong and that he felt improved lighting was more important than sidewalk repairs.

There were no further comments on the proposed budget from those in attendance.

CONSIDERATION OF FY 2012 TAX RATES SUPPORTING THE BUDGET:

Chairman Krajeck noted that the underlying tax rates that support the FY 2012 budget remain essentially unchanged from the current year's tax rates. Krajeck noted that the local property tax rate proposed for FY 2012 is the constant yield rate, which, while higher than the current rate by \$0.006 per \$100 of assessed valuation, should not impact homeowners because of reduced property assessments of about 20%. This slightly higher rate is expected to generate the same amount of property tax revenues for Martin's Additions as were received in the current fiscal year. The proposed rates are as follows:

Constant Yield Rate Real Property at \$0.0460 per \$100 of assessed value

Personal Property \$0.50 per \$100 of assessed value

Commercial Real Property at \$0.10 per \$100 of assessed value

Utility Personal Property at \$1.45 per \$100 of assessed value. It is anticipated that the County will be ready this year to separate this tax category and bill the utilities for the full tax rate levied by the Village. In prior years the County could only bill the utilities at the same rate that all personal property was billed. (\$0.50 billed by the County and \$0.95 billed by VMA). The Village requested that new tax categories be established last year.

A motion to approve the proposed tax rates supporting the FY 2012 budget was made by Council member Arthur Alexander; 2nd Zielinski; Vote: All in favor.

MOTION TO INTRODUCE FY 2012 BUDGET

With no further discussion Krajeck called for a motion to accept the FY 2012 Budget as introduced. **The motion to accept the budget as introduced was made by Councilmember Alexander; 2nd Filipczyk; Vote: All in favor.**

ACTION MINUTES OF MARCH 17, 2011 MEETING

Krajeck noted that the minutes of the March meeting were unanimously approved via e-mail to allow for publication in the newsletter. A formal motion was needed for the record.

Action: Motion to accept the minutes: Mueller; 2nd Alexander; Vote: All in favor.

MANAGER'S REPORT

Utility Services: WSSC:

Water leaks: Leak repair on Summit Ave. Restoration of street is complete. Work is good.

Leak at Quincy and Brookville Road started up again. WSSC will re-examine.

Leak at Bradley has been fixed. All this repair work is a part of the preparation for repaving Brookville Road.

Sanitary Sewer Repairs: Completed on Delfield and Raymond Street; street restoration on Delfield is not considered a final patch; awaiting information from WSSC Inspection supervisor if something can be done about the street repair. Raymond Street restoration is also not complete.

Utility Services: PEPCO:

North end service status report: During the last storm where tornadoes were threatening, we again recorded no outages in the north end of Martin's Additions, setting a record for no outages during all four wind storms.

Tree Pruning: North end. All trees in the north end are being pruned by Pepco to meet the PSC's new "blue sky" policy. Ten public trees have been removed; 2 private property trees have been removed; 2 public trees (pines) were topped rather than removed. Next action will be stump removal which is the Village's responsibility.

Cummings Lane power pole replacement project: The plans for this project is still under development; Pole replacement work is coming in from Conn. Avenue on Bradley Lane

Cummings Lane line drop. A major 13,000+ volt line dropped out of the sky on Cummings lane, prompting an emergency situation with fire trucks and rapid PEPCO response. Resident was trapped in her home. Power to the mid-section of VMA's mid-section feeder was shut down in order to repair the line.

Brookville Road Pole Replacement: Timing is currently unknown. Complicated by Brookville Road repaving.

Street Services: STATE HIGHWAY

Brookville Road Repaving appears to be getting closer to start up. Patching has been completed, Utility repairs are underway. The schedule has been estimated to be as follows: May be about a 3 week project. Crews will work from 9-3. **Milling** (starting at Western Ave) 4-6 days-1/2 the road is milled at a time; **Utility Adjustments** 2-3 Days; **Paving** 4-6 day, maybe as much as 10 more days; **Striping** 1-2 days; **Intersection** with our roads will be included in the repaving and striping.

Maintenance And Services: Traffic Volume, Speed, Compliance.

Traffic Volume and Speed Counts-Cummings and Shepherd: We contracted with Joe Cutro, our traffic engineer to conduct traffic studies on Cummings and Shepherd during the week of April 4th through April 16th. All data collection is complete and there were no complications. The cost of the data collection and data report and numerical summary is \$1,750 and should be ready soon. If the Council would like a complete report "What do these numbers mean", it will be an additional \$400. The traffic issues on Cummings Lane were also brought to the attention of the MCPD who promised more patrols as the time is available. A speed trailer has been found should we decide to use one—Chevy Chase Village has one we can borrow. We'll wait for Cutro's data and report before we move forward with that. The Council gave the go ahead for the report preparation and presentation at the work session planned for the Council on May 19th.

Traffic control compliance- Taylor Street. A resident of Taylor Street has asked that "something" be done about the lack of compliance with the Stop sign at Taylor and Chestnut Street. Sperling suggested that this be added to Cutro's list of observations of the Stop sign at Thornapple and Summit and get his recommendation for the next step. The Council agreed with this recommendation.

Street Cleaning has still not been done because of the intermittent rain, but Peyton has not forgotten us.

Sand cans were picked up by Peyton—this is a change—returned the sand to the County, cleaned the cans for us and is storing them.

New storage unit has been rented for a monthly savings of \$130 from Extra Space Storage in Kensington. Village staff is still working to clean it out and move the stuff. It was a mess. Paul Wolfe pitched in with the scrap metal and heavy lifting. A lot of the stuff has been there for the 21 years the Village has rented that unit.

Administrative Work/ Broader Issues

Debris Management Program Agreement. Manager Sperling met with other local manager's and representatives from the County about the Debris Management Program that the County is offering to municipalities; they are encouraging all municipalities to enter into the agreement. Sperling is working with other municipalities to share legal expenses for a review of the Memorandum of Understanding (MOU) with the County, hoping to formulate questions on issues that need more clarity, and draft a Resolution for Adoption. Sperling felt it was prudent to share the review of this proposal since all municipalities have the same MOU. Sperling suggested that the Council review the MOU and that a discussion be held at a work session to develop questions Council members might have about the MOU for legal review.

CACC meeting about Chevy Chase Lake Development on 4/14. There is another meeting on April 27 at the 4-H Center at 7 PM for the Land Company to make a presentation.

A new copier has been delivered to the Village Office and set up. We should see a substantial savings every month.

Election document and event preparation is well underway. We have added an Arbor Day Foundation table, and a resident sales table. Attractions will include the usual art show, Chevy Chase Historical Society, and a table for Manna.

Class in Road Surface Management at UMD attended by Council member Alexander and Manager Sperling.

The usual communication upkeep: Election Newsflash, Newsletter, minutes, email, phone, list serv and website; Call in conference with Thomas Graham of PEPCO

Up And Coming Work/Project Awaiting Completion

There is incidental road, sidewalk, curb and gutter work that needs to be done. Sperling suggested that the Village wait and see if there is any damage from the PEPCO work before curb and sidewalk work is scheduled

- The Local Government Insurance Trust (LGIT) estimates for Village insurance are still to be completed.
- Resident Issues/Concerns over the month include:
 - PEPCO tree removals were biggest issue this month; other concerns include
 - Water shut off issues because of water valve repairs
 - Restoration work following WSSC sewer repairs.

ADJOURNMENT 9:25 PM