

VILLAGE OF MARTIN'S ADDITIONS
Council Meeting Minutes
7013 B Brookville Road, Chevy Chase, MD 20815
January 20, 2011

COUNCIL MEMBERS AND VILLAGE REPRESENTATIVES PRESENT: Council Members Present: Chris Mueller, Arthur Alexander, Jill Filipczyk, Mike Zielinski. Village Manager: Jean Sperling. Attorney: Ron Bolt. Building Administrator: Alan Beal.

RESIDENTS PRESENT: Ted Stoddard, Bill Catherwood, Frank & Hanne Correl, Keith Allen, Rick Michel, Noel Sottile.

7:30 PM CALL TO ORDER: Chris Mueller, Vice Chairman

ELECTIONS AND ETHICS COMMITTEE APPOINTMENTS: COUNCIL VICE-CHAIRMAN

The following appointments/re-appointments were made to the Elections Committee for January 2011 to January 2012: Frank Correl of Turner Lane, Ted Stoddard of Turner Lane, Noell Sottile of Cummings Lane; ***Motion to Appoint Committee Members as described: Zielinski; Second: Filipczyk ; Vote: All in favor***

ELECTION SCHEDULE FOR 2011: FRANK CORREL

Two Council seats are up for re-election this spring: Chris Mueller and Mike Zielinski.

The committee has taken into account various factors affecting scheduling of election cycle, such as charter requirements, this year's pattern of religious holidays, spring breaks, and similar and suggest the following schedule:

- a.) **Election to take place on Thursday, May 12**, second Thursday in May, in connection with annual meeting as in past years.
- b.) **Nominations open on Monday, Feb. 28**. This is 75 days prior to suggested election date to allow maximum time for nominations and some actions to encourage village residents to participate.
- c.) **Nomination period closes** at close of business on **Friday, April 8** -- nominations must be received in writing no later than that date.
- d.) **Candidate statements are due in the VMA office** no later than **Thursday, April 14**, to be available for reproduction and dissemination to residents.
- e.) **Candidates' statements** in the hands of residents no later than **Tuesday, April 26** at the latest.
- f.) **Statements** will also be available at the council meeting on **April 21**, at which time candidates will be introduced and invited to give a short presentation and at the **Candidates' Forum on Saturday, April 30**. The recommendation for this date is made in consideration of the holidays and spring break which this year fall in the period April 15 - April 24.

Last year, in addition to the Candidates' Forum the Village held an earlier forum related to the election. The members of the Elections Committee enthusiastically endorse the idea that a similar forum be held during the 2011 election cycle. The Committee tentatively suggests **Saturday, March 12**.

The first Election Committee meeting now scheduled for Saturday morning, February 12.

Council Discussion of Election Schedule: Councilman Mueller thanked Mr. Correl for all the work he has done to put this schedule together.

Motion to accept the proposed schedule was made by Filipczyk; 2nd: Alexander: Vote: All in favor

RESIDENTS' COMMENTS AND CONTRIBUTIONS

Noell Sottile (Cummings Lane) thanked Manager Sperling for making all the arrangements to get Asplundh in the community to clear out the dead Village trees that were in the PEPCO wires.

BUILDING ADMINISTRATOR'S REPORT: Beal

Construction Project Status Report:

New :

- Cummings Lane, 3505 (McManus) Dumpster for driveway rebuild.

Ongoing:

- Chestnut Street, 7216. This all new construction is awaiting County Permit. Construction permit fee has not been paid to Martin's Additions.

- Delfield Street 7315. (Kirsch). Work is progressing on this major addition and interior renovations. Including close supervision and inspection to assure compliance.
- Other projects receiving continuing supervision in the Village are:
-3502 Cummings Lane (Patterson)-7215 Delfield Street (Bhargava)-112 Quincy Street. (Consolvo)
-3508 Taylor Street (Nucci)-7404 Summit Ave. (Brotman)-3517 Turner Lane (Acharya)
- Awaiting confirmation of construction completion and request for bond return.
-7300 Summit Ave. (Lazare)
- Clearance given and Bond returned
-7316 Delfield Street. (Groeschel)

Other projects supported by Mid-Atlantic:

- **WSSC construction** and rebuild of **Sanitary Sewer** on Delfield and Thornapple; Raymond Street. Parking Signage and supervision, photo documentation.
- **PEPCO tree pruning** parking restrictions
- **Water line break on Quincy Street; Bradley Lane.**
- **Icing problems in several locations: Summit Ave, Quincy.**
- Connection of **storm water system on Quincy**-still acquiring bids.

Questions and Discussion:

An additional bid for Quincy Street sump pump connections had been received from one of the subcontractors working on the sanitary sewer project on Delfield Street at the request of the Village Manager. The bid is considerably lower than the previous ones we have received. Mueller confirmed that the Village is not actually recommending this contractor, just that we have obtained a bid from them for the work. It was felt since they were experts in water and sewer connections in the street that they would be prime candidates to provide the connections that the residents need. Attorney Bolt agreed to review the offer and make any comments he felt necessary. Bolt made it clear that the Village is not recommending a contractor. The individual homeowner will be responsible for selecting a contractor and entering into a contract.

REPORT ON ANALYSIS OF CONSTRUCTION PROJECTS IN MARTIN’S ADDITIONS:

Beal reported that he and Manager Sperling examined several of the construction projects on file in the Village as directed at the last meeting. A copy of the review was included in the meeting packet. Beal reiterated that the purpose of the construction fees was to try to offset the Village’s costs of project review and supervision, not to generate income for the Village. The question under investigation is whether the use of a per square foot fee that includes renovated space as well as new space might be a better fit for setting fees.

Mueller asked Beal to describe the kinds of problems he comes up against when reviewing and supervising construction projects. Beal explained the kinds of things that need to be done from a project review and confirmation standpoint prior to the approval of the project for permitting purposes and then the ongoing supervision that is needed to assure that the “site contains the work”—Beal’s standard for proper management. Communication tools for projection oversight include emails, phone calls, on site presence and often requests for assistance from the County.

Small project that are time consuming were also discussed such as fence permits, which are set at \$75. It was agreed that although such permits are often very time consuming, it is the bigger projects that the Council wants to address possible fee changes in. Beal recommended that these lower level permits should be left alone.

After the review his recommendation is to tier the cost structure or set it on a per square foot basis. The Council agreed that they were open to a tiered permit system that might include all changed square foot area, not just the addition of new space. One of the ways to identify this is by looking at the permits issued by the county for renovated interior space for which the Village does not currently require a permit.

Beal and Sperling agreed to continue to examine the issue and report back to the Council at the next meeting.

ACTION ON MINUTES OF DECEMBER 16, 2010 MEETING

Motion to Accept the Minutes: Alexander; 2nd Filipczyk; Vote : All in favor

FINANCIAL MATTERS: Treasurer Alexander Report for the Month of December

	July-December 2010		
	<u>Actual</u>	<u>Budgeted</u>	Reserve account: \$988,942
Revenues	\$242,454	286,027	
Expenses	193,675	235,602	
Net Income	48,779	50,425	

As of the end of the first half of the fiscal year, the Village is close to its budget projections, with a tight rein on spending. For the last six months, revenues are somewhat below expectations. However, tax revenues vary significantly from month

to month; so far, we have not been hit by major surprises. Expenditures are running below budget by about 18%, or \$42,000. Lower office expenses and professional fees are the sources of much of the savings; additionally, we have deliberately restrained capital improvements and major maintenance until later in the year when we can assess the final budget situation more accurately. The reserve account is roughly 140% of the average annual expenditures over the past three years. **Discussion:** Treasurer Alexander added that he felt the Village's financial outlook was looking a bit better than had been expected.

Action on the Financial Report and Supporting Documents prepared by the Village Accountant Dan Baden: Motion to adopt: Filipczyk; 2nd: Zielinski; Vote: All in favor

PRESENTATION OF STORM WATER REPORT: Zielinski

Councilman Mueller, serving as Chair of the meeting, commended Councilmember Zielinski and the committee members for the completion of the Storm Water report on the Village of Martin's Additions. He commended and thanked the residents who worked on the committee: Boucie Addison (Summit Avenue), Barbara Bares (Raymond Street), Lynne Iadarola (Shepherd Street) Michael Krackov (Taylor Street) and Anne Lieberman (Quincy Street). Mueller asked Zielinski to present the background on the report and summarize the major components of the work of the Task Force

Zielinski explained that in spring of 2007, when the Village began considering the modification of the building codes, residents raised issues about storm water run off from new construction. At that time the decision was made to put aside this issue while the Village considered new building codes. In the interim, the County passed legislation entitled "Control of Water Run Off on Small Lots," which became effective on March 1, 2007 for all building permit applications submitted after that date. Before that legislation there wasn't much regulation of storm water run off by the County. Under the provisions of this act, the addition of 400 sq feet or more of building structure, measured by roof coverage, requires a drainage plan that has to handle 1.5 inches of rainfall during a 24 hour period. Any water must be retained on the site using assorted mechanisms for absorption and collection—rain barrels, cisterns, slow release devices and the like, or safely conveyed off the site by a drainage line or other engineered feature.

The VMA Storm Water Task Force started with a survey of the community in order to gather a sense of the community and magnitude of water run off problems. There were 87 responses to the survey out of 325 households. The Task Force found there were complaints about storm water runoff, some of which were related to construction on adjacent property. A lot of people said they didn't have problems. The Task Force examined the project plans for construction projects that were subject to the new County regulations, and found that there were no survey responses suggesting any run off problems from those projects.

The Task Force also reviewed the ordinances in adjoining jurisdictions—most of which require compliance with the County ordinance; the major exception is the Town of Chevy Chase. The town took on the topic of storm water management before the County ordinance was passed and came up with a statute that addresses not just roof coverage but increases in impervious surface coverage of 700 square feet or more. The ordinances of Section 5 and Section 3 were also reviewed. Those ordinances require that residents must demonstrate that the resulting run off does not adversely affect adjacent public or private property. Chevy Chase Village can add a condition to a building permit that addresses water run off issues if attention is necessary.

The Task Force looked at the Village storm drainage system and confirmed that the County is responsible for the system, and believes it can handle a 10 year storm—the standard of adequacy. The County doesn't have an inspection or maintenance program but they do respond to issues as they occur. Zielinski observed the storm drains in very heavy storms and even in a 5" rain storm no problems were found with the storm drains. One exception was the private drain at the end of dead end Delfield—the drain can back the water up into the basement of the neighboring resident because the drain is easily clogged. Michael Mitchell, a Senior Engineer with Montgomery County's Department of Public Works and Transportation said that the Village could request that the County study the problem and develop a plan to fix it.

The Task force made several suggestions for consideration by the Council.

Establish a different threshold for storm water plan requirement. The Council could consider further reducing the square foot trigger that would require storm water control. The County ordinance takes care of projects adding more than 400 sq. feet. The topography of Martin's Additions is such that smaller projects, including impervious surfaces that are not counted toward lot coverage, could create run off problems for adjacent properties. Permit requirements could include an explanation of how water runoff is going to be minimized. In response to a question about what is covered in the County regulations Zielinski confirmed that County measurement is of roof surfaces—not impervious surfaces like driveways. The Town of Chevy Chase includes all impervious surfaces. General review of the data suggests that since the County zoning law has taken effect there have been no significant problems reported.

Develop an Educational Program. The Task Force suggested that an educational program be developed for the residents that includes information on good storm water management practices; a list of storm water management ideas could be added to the building permit information.

Require Cleanable and Maintainable Devices. An additional suggestion was to assure that storm water control devices built or installed as a part of the building project are cleanable and maintained in good working order. Beal noted that the County has no provision on how to deal with cleanouts. The Town of Chevy Chase requires that the device be inspectable and cleanable. Attorney Bolt explained that a document is prepared and recorded in land records that bind the applicant and successors in title to maintain that system. Under a maintenance agreement the Village could compel the owner to maintain the system. If they don't we can correct it and bill them for it. We wouldn't need an active monitoring and enforcement program –it could just be complaint driven.

Investigate Improvement of Delfield Storm Drain. The last recommendation was that the Village request that the County investigate the backup problems at dead end Delfield and get the County to design a solution with the assistance of private property owners if necessary.

The Task Force did not take on the matter of the private drain in the back yard of 205 Oxford Street. Beal said believed that whoever developed Quincy Street put in a storm water system in the back yard. Mitchell, representing the County, said that if it is not hooked up to the storm water system it could be, but that would be the owner's responsibility. It doesn't appear to be connected with the storm drain and it is not on the County's map. It may connect to the county system but no one knows.

The Council accepted the report and will schedule a work session for further discussions. In the meantime the report will be made available on the Website and a summary published in newsletter.

MANAGER'S REPORT JANUARY 2011

Street and/or Utility Services: A lot of problems.

- **Water leaks:** We experienced major breaks at Bradley Lane and Melville, and 157 Quincy Street. Summit Ave water meter connection is freezing the street; Brookville at Quincy, Bradley, Raymond are all experiencing leaks. WSSC is supposed to be on the case
- **Sanitary Sewer Repairs** on Delfield Street have caused major disruptions. Residents have been patient. Raymond Street is also scheduled for sanitary sewer work; Oxford Street in the spring. Trees have been a big issue on Delfield as well as joined lateral sewer lines. Two trees had to come down and lines moved to avoid a huge tree at 7214. Observing this renovation of the sewer lines highlights the consideration of sewer and water lines when planting trees. WSSC has agreed to work with us to provide us with water and sewer information. The trees will be replaced by WSSC.
- **Utility Street Repairs and driveway restoration** will be performed by WSSC at break locations and installation locations of lateral sewer connections.
- **PEPCO** has not had any outage problems this month that I am aware of. We participated in the PEPCO Work Study Group that the County is sponsoring through the city of Rockville.

Maintenance and Services

- **Tree Report:** PEPCO started work on 9 trees that need to be removed. Residents have been notified of this work via email and the list of locations has been posted on the website. No parking signs have been posted. Clean up work by Integrated Plant Care will be as soon as possible.
- **Yard waste changes** seem to have settled in. Some Christmas Trees remain on the ROW.
- **Snow removal** services have been good as evidenced by no complaints. Sidewalks were shoveled last week as a part of the storm on 1/11. Peyton is keeping careful records on shoveling so that we will have some data on manpower and time required for a certain type of storm. Tuesday's work took 2 men 3 hours. The sidewalks were not cleared in the ice storm this week but in reflection I would have liked to have them sanded and salted.
- **Insurance payment** has been received in the amount of \$2,720 from the Harford Insurance Company for the damage to the sidewalk on Bradley Lane.

9:00 PM Adjournment