

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

COUNCIL MEMBERS AND VILLAGE REPRESENTATIVES PRESENT: Council Members: Richard Krajeck, Arthur Alexander, Jill Filipczyk, Chris Mueller, And Mike Zielinski. Village Manager: Jean Sperling, Assistant Manager Deb Schmal. Mid-Atlantic Inspections: Alan Beal; Wayne Fowler. Attorney: Ron Bolt.

RESIDENTS PRESENT: Steve Schmal, Bill Catherwood, Keith Allen, Riley Markham, Anita Difanis, Ilene Shaw, John Grasser, Susan Fattig, Rick Michel, Steve Schultz, Holly Worthington, Alice Consolvo, Laura Thornton (Chevy Chase Catch), Tiffany Cissna, Karan Capoor.

7:30 PM CALL TO ORDER: Chairman Richard Krajeck

OFFICIAL BUSINESS- OATH OF OFFICE

As a Notary Public, Village manager Sperling performed the Oath of Office, swearing in Christoph Mueller and Michael E. Zielinski to their terms on the Village Council, effective July 1, 2011 through June 30, 2013.

OFFICER SELECTION- COUNCIL MEMBERS

Motion for Richard Krajeck to serve as Chairman: Jill Filipczyk. 2nd: Arthur Alexander. Vote: All in favor.

Motion for Chris Mueller to serve as Vice Chairman: Arthur Alexander. 2nd: Jill Filipczyk. Vote: All in favor.

Motion for Arthur Alexander to serve as Treasurer: Michael Zielinski. 2nd: Chris Mueller. Vote: All in favor.

Motion for Jill Filipczyk to serve as Secretary: Arthur Alexander. 2nd: Michael Zielinski. Vote: All in favor.

REQUEST FOR EXEMPTION FROM STATE ETHICS REPORTING: Village Attorney Ron Bolt

The Maryland State Ethics Law imposes certain lobbying, conflict of interest, and financial disclosure requirements on elected officials which was recently amended. Small municipal governments are eligible for exemption if it can be demonstrated that the requirements would impose undue invasions of privacy and/or have a negative effect on obtaining volunteers for office. Candidates and council members must file financial disclosure statements and the process and procedures would be dictated by the State Ethics Commission. The financial disclosure requirements could dissuade candidates from running for office in a small community such as the Village, if they don't wish to make their personal finances public. Because the Village had its own ethics laws on the books at the time the Village obtained its exemption in 1989, only a partial exemption was granted. Jurisdictions that have been granted only partial exemptions must either adopt laws that are consistent with the State Law or request a full exemption. Thus, if the Village wants to avoid having to comply with the new financial disclosure requirements, a full exemption must be sought. A draft exemption letter requesting a full exemption was included in the Council packets.

The Council agreed that a full exemption should be requested; the following motion was made:

Councilmember Alexander moved that the Village Attorney be authorized to apply for a full exemption from the State Ethics Law, (SB315). 2nd: Filipczyk. Vote: All in favor.

RESIDENTS' CONCERNS AND CONTRIBUTIONS

Village residents Keith Allen and Holly Worthington (Turner Lane) were recognized and thanked by the Council for all their work and their many contributions to the July 4th Celebration in the Village. The Council noted that the amusements were recognized far and wide and the word on the street was that it was a great party.

REQUEST FROM CHEVY CHASE @ HOME: Alice Consolvo, Resident Quincy Street

Ms. Consolvo thanked the Martin's Additions Village Council for their support of Chevy Chase@Home (CC@H), an all-volunteer organization dedicated to helping residents 65 years of age and older remain in their homes as they age. Ms. Consolvo noted that 13-14% of the residents of the area are over 65. For many residents their house is their only asset. CC@H is trying to keep residents in their homes, to keep them safe, secure and comfortable. She urged Council members to join, especially as volunteers, because people are needed to help deliver the services that members need.

Like any new start up operation, CC@H needs financial support. They have a volunteer executive director, and volunteers providing services. They are turning to the municipalities whose residents are being served by CC@H and asking each town to participate financially. To date, all towns who have been asked have agreed to a contribution. A starting request of \$10 per household was made to each jurisdiction. Only Chevy Chase Village and Martin's Additions' have not been asked yet. Martin's Additions' contribution would be \$3,250. The Town of Chevy Chase has given \$9,000.

Council Discussion: Chairman Krajeck asked if the donation is for equipment or operating expenses. Ms. Consolvo explained that it could be for either. The Council referred to Article 4, Section 2-401 of the Village Code on Expenditures. Zielinski believes the code refers to contributions to public institutions only, and he asked whether CC@H is considered a “public institution”. They are a 501(C) 3 but that does not make them a public institution. Councilmember Mueller doesn’t interpret the code to limit the contribution to public institution. It reads “donations or contribution to support public institutions, (emphasis on comma) programs, (emphasis on comma) or facilities”. Councilmember Alexander expressed the concern that there are many other institutions that could come to the Village for support. Council member Filipczyk felt that this is unique because it is focused on our immediate Chevy Chase community. Mueller expressed further concern about how the Council would balance doing the right thing for CC@H and then doing the right thing for the next organization that would put in such a request.

Zielinski was surprised to see the regulations in the code referring to expenditures. His recollection was that two prior attempts to make such contributions were defeated—one for a contribution to Shepherd Park and another to Chevy Chase Elementary. He wondered if there was any legislative history on this. Zielinski also noted that the code limits the Village’s contributions—if it even could be made--- to interest earned in a year. The Village would have to allocate above our current year’s interest balance to reach the requested level of \$3,250. Krajeck suggested that the Council take the time to get legal clarification on the issue and then return for further discussion of the matter. Ms. Consolvo thanked the Council for its considerations and urged everyone to join the organization as volunteers.

Residents Contributions: *Steve Schmal* (Summit) remarked that he had opposed the donation for Chevy Chase Elementary and he didn’t regret that decision. He felt that the CC@H request is quite different because this group is not supported by government funds. He didn’t believe that impediment exists with CC@H, not speaking to the budget issue or what is in the Code. *Tiffany Cissna* (Bradley) urged the Council to look closely at how this program would be distinguished from others, noting that there is a difference between lending support and making a donation.

BUILDING ADMINISTRATOR’S REPORT: Alan Beal, Mid-Atlantic Inspections

Bond Return

- Shepherd Street, 3421 (Browder) for an addition and interior renovations.

Construction Completed

- Quincy and Oxford Street Sump Pump Connection Completed: Documentation completed for recording connection with the deeds -125 Quincy -118 Quincy-203 Oxford-County Permit fees to be reimbursed by the Village.
- 7315 Delfield. Final Row clearance needs to be given. Tree issues will result in bond withholding of \$1,100 if payment is not made. Debris remains.

New Construction Permits Issued/ In Process:

- 3503 Bradley Lane. Tear down and all new construction. All fees received. Demolition and Building Permits received from the County. VMA demo permit issued; it is awaiting VMA Building permit. Martin’s Additions pre-construction meeting held June 23, 2011 for residents to meet the builder and ask questions; builder was present at that meeting. Main issues discussed include difference between new structure and current house, rodent abatement, and parking of contractor vehicles. Contractor agreed to keep on-street parking to a minimum.
- Thornapple Street, 3401 (Legarreta): remodeling, rear addition, interior remodeling. Plans have been approved for rear breakfast room and lifting of the roof. Problem with side lot lines on Summit Avenue. That portion of the project was denied. Construction has begun. Variance application request will be received soon. The residents would like to have the matter heard in August.
- 3421 Shepherd Street-Fence permit

Permit Requests Denied-

- Cummings Lane, 3506 Gillespie; the existing rear deck is a non-conforming structure and any changes to it will not be allowed under the Village code.

Stop Work

- 3515 Taylor street-un-permitted deck. We are working with the homeowner to resolve the situation.

Project Ongoing:

- Brookville Rd, 6807: Addition. Should be ready for final clearance soon.
- Chestnut Street, 7216: New Home.
- Delfield Street 7315 (Kirsch). Super-silt fence still up. Debris still needs to be removed. Tree issue
- Other projects receiving supervision:-3502 Cummings La (Patterson), -7404 Summit Ave. (Brotman)

Other projects supported by Mid-Atlantic:

- Assistance and reporting on Asplundh work (PEPCO)
- Raymond Street restoration (WSSC)

- Brookville Road oversight and status reporting for notice to residents; assistance with complaints and general supervision.(SHA)
- Weekly oversight and documentation of in-village projects; daily oversight of newly activated projects.
- No Parking posted as needed for tree work, paving work and sewer emergencies.
- Response to residents complaints (e.g. stone cutting debris)

BUILDING PERMIT FOR 3503 BRADLEY LANE: Alan Beal, Building Administrator

The Building Permit for a new home at 3503 Bradley Lane was placed on the agenda as a courtesy to provide an opportunity for discussion at the request of residents of Bradley Lane. The Village staff is prepared to issue the building permit. A request has been made to restrict the parking available for the builder to one parking space on the street. Chairman Krajeck asked Vice-Chairman Mueller to direct the discussion since Mr. Krajeck lives on Bradley Lane, directly across from the project.

Comments from the Residents in Attendance:

A group of residents from of Melville Place and Bradley Lane expressed their concern that the construction of a home on Bradley Lane will cause severe parking problems for the residents. The group proposed that parking be limited to one space for the construction site. They are also concerned about children in neighborhood, and the possible hazards resulting from trucks making three-point turns at the intersection of Bradley and Melville. The true extent of the problem cannot be realized right now because many residents are on vacation. Residents feared that the disruption is going to be constant for months.

Discussion:

The Council discussed the proposal with the residents. Councilmember Alexander, Mueller and Zielinski had checked out Bradley a number of times and found many parking spaces available near the construction sight. There has been no evidence of construction vehicles lined up. The Council members also expressed concerns about how the Village might implement and enforce such parking restrictions. Attorney Bolt noted that the permit could not be retroactively amended. Steve Schultz, the owner of 3503 Bradley and Spring Valley Builders, noted that the worst part of this project is over—the demolition. Pouring of the concrete is the next worst, followed by backfilling. Once that is done the tradesmen come in; the last major disruption is pouring the drive at the end of the project. The driveway and front yard will be graveled to get as many cars as possible on the site. He doesn't foresee any problems,

Manager Sperling has not experienced problems with other construction projects that have been on streets much narrower than Bradley. In conjunction with the building administration assistance of Mid-Atlantic Inspection the Village has developed relationships with the builders that have worked. Sperling's concerns about placing such a restriction on the parking are how it would be enforced. She also worried about the precedent this might set. It is the staff's recommendation that no restrictions be placed on parking associated with this project. The supervision of Mid-Atlantic Inspections, the Village Manager and communication with residents on email should suffice to keep the project under control.

Motion Offered: Mueller indicated that if the Council believes it would like to issue a permit with conditions on it he would entertain a motion. Councilmember Zielinski moved that a condition be placed on the permit that there be three spaces allowed within one hundred yards of the property. There was no second so the motion died. Attorney Bolt noted that since no conditions are being imposed the Manager can issue the permit.

DISCUSSION OF RIGHT OF WAY ACCESS/OBSTACLES-Sperling

Manager Sperling noted that at a recent meeting with the Risk Assessment specialist from the Local Government Insurance Trust (LGIT) highlighted a concern regarding obstructions and possible lack of clearance in the Right of Way. Sperling's plan is to conduct an on-site inspection in cooler weather. She suggested that we could begin to understand any risks by rating access to the right of way. Councilmember Alexander noted that there is a whole range of issues associated with access to the ROW, including utility work. The Council will defer further discussion until the next meeting, but Sperling will develop a plan for review.

CUMMINGS AND SHEPHERD STREET TRAFFIC STUDY FURTHER DISCUSSION

Sperling drew the Council's attention to the information about speed trailers that was included in the packet. Chevy Chase Village has offered to let us borrow their speed sign trailer at no cost. The council agreed that she should pursue that opportunity. Councilmember Alexander noted that the only effective recommendation was limiting access to both streets during a certain time of day and he felt that the Village was certainly not ready to recommend something as serious as that. Mueller added that this is a complex proposition which would involve other communities. It is a large undertaking to restrict access; he likes manageable solutions with low cost and high impact—he keeps coming back to portable speed humps.

FINANCIAL REPORT FOR JUNE 2011: Arthur Alexander, Treasurer

	<u>Actual</u>	<u>Budgeted</u>
Revenues	\$557,806	499,600
Expenses	406,066	466,200
Net Income	151,740	33,400

Reserve account: \$1,066,167

The Village's accounts as of June 30, the end of the fiscal year, show revenues around \$60,000 more than projected and costs \$60,000 under budget. However, roughly \$30,000 in accounts payable and \$7,000 of receipts do not yet appear on the June books; when these and other items are included, the Village will likely run a surplus of approximately \$75,000 for the fiscal year.

Through assiduous attention to costs, the Village manager was able to reduce office and operational expenses, for example, by finding lower-cost storage and insurance providers; professional fees and street maintenance account for the much of the remaining savings. Tree replacement and maintenance expenses required more than originally budgeted.

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.

Motion to Approve the Financial Report and all Supporting documents: Mueller; 2nd Filipczyk; Vote: All on favor

An error was made in the amendment to the tree budget for FY 2011 that was passed at the June meeting. An addition \$60 needs to be added to the tree planting budget for a total amendment of \$2,060 to bring the budget into balance. The Council agreed to the adjustment via email.

ACTION ON MINUTES OF JUNE 16, 2011

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

MANAGER'S REPORT-JUNE/JULY 2011- Sperling

Street And/Or Utility Services:

WSSC Street Restorations Scheduled: Raymond and Delfield. Apron repairs this week at 3411 Raymond St.

Water lines on Oxford to be replaced beginning this August. This project has been in the works for more than 1 ½ years

PEPCO:

- Call in conference with Thomas Graham of PEPCO. PEPCO agreed that we can provide pictures of our concerns about they will address them.
- Last Storm. No outages were reported in the north end of Martin's Additions, setting a record for no outages. There was however an outage in the mid-section of the Village that resulted from equipment failure.
- New poles continue to be installed. Cummings lane is complete; Brookville Road pole replacement is underway.
- North end equipment upgrade discussed in a meeting with a PEPCO engineer here in the office. PEPCO has agreed to accept and review pictures of any equipment we have concerns about.
- Tree Pruning: Mid-Section Completed. Miss Utility has been notified and will be in to mark for stump grinding which will be done soon.
- Permit Approved for 3502 Cummings Lane electrical upgrade to 400 amps.

Traffic:

- **Taylor Street:** In response to resident concern with the approval of Cutro, a larger Stop sign has been installed. The stop bar will be moved at Chestnut. Joe plans on monitoring traffic there and at the Thornapple Street and Summit Avenue stop sign, in the near future.

Sidewalk: End of Bradley Lane.

Once the stump is removed at the corner of Bradley and Melville Sperling would like to extend the sidewalk to the corner. Perhaps that can be coordinated with the repair of the sidewalk at 3503.

Maintenance and Services:

Street Sign Repairs made in various locations in the Village

Parking issue on dead end Quincy Street: Cutro has recommended restricting parking on the South side.

Trees:

- Pruning in selected locations, Bradley, Melville. Stumps to be removed.
- Tree Watering –Paul determines when. Losing a lot of gator bags to weed whackers.
- Tree replacement at the construction site of 7315 Delfield is estimated at \$1,100. The builder has been informed of this obligation.

Leaf Bags ordered: Modest increase in cost. Total will be less than \$4,000.

Street cleaning will occur next week.

Administrative Work/ Other Issues

New Printer: Spectrum Printing has been selected to print the newsletter. The Village can expect a considerable monthly savings.

New conference chairs would run about \$3,000. The Village will look into the possibility of acquiring government surplus before any purchase is made.

Verizon FIOS under consideration for Village Office. Possible money saving opportunity.

Waste Management Contract signed sealed and delivered

Insurance Matters:

- LGIT is all set as our insurance provider. Tidewater Associates is managing our worker's compensation. We still need to address the Surety bond issue either by changing the charter or changing our practice. Montgomery County Self-Insurance Program was kind enough to release us from membership.
- LGIT's Risk Management /Loss Control representative met with Sperling. He will be providing information about what things we need to do/add to our repertoire such as a personnel manual and the like. He confirmed that our insurance certificates are up to date.

MML Convention was interesting. Always nice to met other municipal officials. The Class in Conducting Effective Meetings was particularly enjoyable.

Customer Relationship Management System to be put in place: We are going to try out a system that costs \$9.95 per month computer, as a way of keeping track of service requests and complaints. It is called AsystOL. We can withdraw at any time.

9:45 PM Adjournment: Motion: Mueller; 2nd Krajeck All in favor.