

**VILLAGE OF MARTIN'S ADDITIONS
COUNCIL ELECTION AND ANNUAL MEETING
THURSDAY, MAY 12, 2011
MEETING MINUTES**

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.

RESIDENTS PRESENT: John MacDonald, Jon Fleming, Cris Fleming, Deborah Metzger, Steve Schmal. Rhonda Migdail, Evan Migdail, Henry Metzger, Hanna Correl, Dan Gardner, Bill Catherwood, Keith Allen. Members of Election & Ethics Committee: Frank Correl, Noell Sottile, Ted Stoddard.

**8:00 CALL TO ORDER: Welcome and Introductions-Chairman Krajeck
TREASURER'S REPORT For April: Arthur Alexander**

July 2010-April 2011

	<u>Actual</u>	<u>Budgeted</u>
Revenues	\$401,472	442,678
Expenses	338,961	399,384
Net Income	62,511	43,295

Reserve account: \$998,869

As of the end of April, ten months into the fiscal year, the Village's revenues are somewhat behind budget projections. However, income tax revenues typically are low in March and April, with larger receipts from the state in May and June. According to projections, we should end the year at or above our budgeted revenues.

Expenditures are running below budget by about 15%. Lower office expenses, professional fees, and street maintenance account for much of the lower expenditures. However, tree replacement expenses have been incurred but not yet recorded, and additional tree removals and replacements are planned in coming weeks.

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 Accept: Filipczyk; 2nd Mueller; Vote: All in Favor

ACTION ON MINUTES

The minutes of the April 21st meeting were approved by email and confirmed with a motion after Zielinski noted a needed spelling correction.

Motion to Accept: Alexander; 2nd Mueller; Vote: All in favor.

VILLAGE PROGRESS AND PROJECTS REVIEW: Chairman Krajeck

Krajeck's remarks reflected on the past year of Village operations during a difficult budget period. He noted that as we look toward FY 2012 the monies are still tight, although there are some signs that the economy, and thus our income picture is improving. Repairs to the Village's infrastructure such as street repair and street lights will continue to put pressure on our resources.

Tree Care and replacement is putting an unexpected pressure on our budget; winter storms wreaked havoc on our trees and PEPCO's tree removal will add to our expenses because the Village is responsible for the stump removal and right of way restoration.

Krajeck reflected on the impact of the Village's building codes and noted that several builders have been sent back to the drawing board to accommodate the more stringent code adopted by Martin's Additions. Building permit fees are currently under review to determine if the balance between general tax dollar support and permit fees for building permit processing and monitoring are reasonable. He also remarked on the ongoing examination of storm water concerns related to construction in the Village and how the Village might protect itself from construction projects that add significant amount of impervious surface.

Krajeck recognized the many residents who contributed to the well-being of Martin's Additions over the course of the year. **Dan Gardner**, the Village Tree supervisor, was the first to be recognized.

Dan has been an integral part of the supervision of PEPCO's plans to prune and remove trees in the Village to accommodate the needs of the reliability improvement project.

John MacDonald has provided an invaluable service to the Village by attending the monthly meetings of the Montgomery County Chapter of the Maryland Municipal League. John's contribution to the well being of the Village with his monthly reports of the MML Meetings has been considerable.

Other volunteers continue to make a major contribution to the well-being of the Village-**Hanne Correl** takes care of the needs of our dogs, by assuring that their "bag-needs" are met. The volunteer Fire Board representatives for Martin's Additions included **Iris Reichert, Natalie Strauss and Hal Bruno**. They gather monthly to discuss the safety of the community and the coordination of fire protection services.

Krajeck also recognized the many wonderful contractors who deliver service to our Village, beginning with **Alan Beal** and **Wayne Fowler** of Mid-Atlantic Inspections, who handle building and construction matters. **Dan Baden**, our accountant, handles the Village's financial business and pre-audit work. **Mark Peyton and his crews** plow and clean our streets and pick up our leaves. Peyton is always willing to pitch in whenever we need him. **Paul Wolfe** of Integrated Plant Care serves as our arborist and director of tree care. He has been invaluable this year between the normal required maintenance, winter storms, PEPCO removals and pruning and yet-to-occur stump removals. **Verges Construction** serves many of the Village maintenance needs, from street signs to potholes to emergency repairs. **Waste Management**, while a very large company, is willing to work with us as though we were their only client.

Thanks must also go to the wonderful employees of WSSC, Washington Gas, PEPCO, Montgomery County Government, the Governor's Office, the offices of our County Council representatives and our state representatives who assist us on so many occasions.

Final Thanks to the Village office staff, **Jean Sperling** and **Deb Schmal** who put in many more hours serving this community than they are paid for. Krajeck extended special thanks to Manager Sperling who seems to always be on duty and is always there whenever there is any crisis.

PRESENTATION OF THE FY 2012 BUDGET

Chairman Krajeck asked for comments on the proposed budget for the coming fiscal year. No comments were made by those present. Consequently Krajeck called for action by the Council to adopt the budget as described in Resolution 5-11-1, introduced April 21, 2011.

ACTION ON THE FY 2012 BUDGET

Resolution No.: 5-11-1 Introduced: April 21, 2011 Adopted: May 12, 2011

A RESOLUTION TO APPROVE THE BUDGET FOR FISCAL YEAR 2011-2012

WHEREAS, after due notice and advertisement pursuant to Section 502 of the Village Charter, although notice and advertisement is not required by the Maryland Constant Yield Tax Rate Law because the proposed tax rate would not exceed the constant yield rate, a public hearing was held by the Village Council on May 12, 2011, to consider a proposed budget and tax rate; and

WHEREAS, at the aforesaid hearing the Village Council considered a proposed budget based upon a tax rate of four and sixth tenths of a cent (\$.046) per One Hundred Dollars of assessable value (fair market value) on real property subject to taxation by the Village; fifty cents (\$.50) per One Hundred Dollars of assessed value of assessable personal property subject to taxation by the Village; one dollar and forty-five cents (\$1.45) per One Hundred Dollars of assessed value of assessable utility property subject to taxation by the Village; and ten cents (\$.10) per One Hundred Dollars of assessed value of assessable commercial property subject to taxation by the Village;

WHEREAS, after introducing the proposed budget at its meeting on April 21, 2011, the Village Council has given notice to Village residents that the proposed budget would be considered at the Council meeting on May 12, 2011; and

WHEREAS, after due deliberation and consideration of all information and testimony presented to the Village Council, the Village Council finds that the budget attached hereto and incorporated herein will serve the best interests of the Village.

NOW, THEREFORE, it is, this 12th day of May, 2011, by the Village Council of the Village of Martin's Additions, resolved as follows:

RESOLVED: That the budget for the year July 1, 2011 - June 30, 2012, attached hereto and incorporated herein, be and the same hereby is adopted.

Motion to Adopt FY 2012 Budget Resolution: Filipczyk; 2nd Zielinski; Vote: All in favor.

FY 2012 TAX RATES: Resolution 5-11-2 Introduced: April 21, 2011 Adopted: May 12, 2011

Discussion:

Krajeck noted that the Village is adopting the constant yield tax rate for the FY 2012 budget which sets the property tax rate at 4.6¢ per \$100 of assessed value. The reduction in the assessments in Martin's Additions amounted to about 20%, accounting for the need to increase the tax rate to produce the same amount of money—or a constant yield—as in the current fiscal year. The State of Maryland prepares the constant yield calculations for the taxing authorities in the state.

Krajeck asked for comments on the proposed rates.

Cris Fleming (Shepherd Street) asked about the other rates—the personal property and commercial tax rate. Krajeck explained that the personal property rates apply only to people who operate businesses out of their homes and thus have personal property that is subject to taxes in the state of Maryland. The commercial tax rate applies only to the market area.

The resolution 5-11-2 was read into the record:

A RESOLUTION TO APPROVE LEVYING A TAX ON CERTAIN REAL AND PERSONAL PROPERTY UNDER THE PROVISIONS OF SECTION 6-203 OF THE TAX-PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AS AMENDED

RESOLVED: That the Village Council of the Village of Martin's Additions, pursuant to the authority granted by the Village Charter and Section 6-203 of the Tax-Property Article of the Annotated Code of Maryland, hereby levies a tax at the rate of four and sixth tenths of a cent (\$.046) per One Hundred Dollars of assessable value (fair market value) on real property subject to taxation by the Village; fifty cents (\$.50) per One Hundred Dollars of assessed value of assessable personal property subject to taxation by the Village; one dollar and forty-five cents (\$1.45) per One Hundred Dollars of assessed value of assessable utility property subject to taxation by the Village; and ten cents (\$.10) per One Hundred Dollars of assessed value of assessable commercial property subject to taxation, in the Village of Martin's Additions;

Motion to Adopt FY 2012 Tax rates: Alexander; 2nd: Zielinski; Vote: All in favor

RESIDENTS COMMENTS

John MacDonald (Summit Ave) asked how the repairs to the Norbeck feeder line were coming along. Manager Sperling reported that the schedule was for completion by spring of 2011. The Norbeck line was designated a *priority feeder repair*; that label set in motion a system of close monitoring by the PSC. There are much more stringent requirements for feeder lines that have been designated priorities. They have to demonstrate certain performance results. PEPCO seems to be on top of them. We have had no outages in the north end in the past four storms. Upgrades are made not just through tree trimming but also new poles, which are being installed on Connecticut Avenue and will be installed all along Brookville Road and Cummings Lane.

Sperling expressed a concern that Section 5 has brought a complaint to the Public Service Commission that they do not approve of the way the trees are being trimmed or removed so all trimming and removal work in Section 5 has stopped until this dispute can be resolved. Unfortunately this affects us too; not only does our problem feeder line run through Section 5, but one of our major trunk lines comes down Williams Lane in Section 5. Sperling expressed the opinion that it is important that we all work together and remember that we have to make sacrifices sometimes to benefit the greater community. Councilman Alexander noted that he joined the team walking through the Village and he

felt that PEPCO was really making an effort to consider a more gentle approach to the trimming and removal program.

Krajeck opened the floor to general questions from those in attendance.

Steve Schmal (Summit Ave) asked what other than the tree trimming is the scheduled for the line repairs. Sperling said that she was told the Norbeck line is supposed to be done at the end of this spring. Cummings Lane poles will be replaced, they are now planning out the tree timing and removal for the south end feeder line and the mid section feeder line.

Krajeck asked Alan Beal to make an observation about the new building codes and the effect they are having. Beal said he felt the zoning ordinances are having an effect because some people have to go back to the drawing board with their plans because the majority of people just haven't looked at the zoning ordinance. Beal expects that the Village will have to issue some variances from the code. The Council might also want to consider issuing an interpretation of the zoning codes to provide clarity or to provide specifically some built-in relief. Often the builders and architects don't consult our codes before they draw up their plans, despite our efforts to provide the information to the building community.

Rhonda Migdail (Delfield Street) said she has heard that people who are doing the projects are not aware of the rules. She wondered if there is a better way for us to publicize them. Beal explained that the County already makes sure that the applicant has been to the town by requiring that the builders bring a clearance letter from the town. The problem is that by that point in the development process so many people have already drawn up their plans. Beal said that surprises about building regulations just reflect the lack of due diligence on the part of the builder to review and consider our codes. Martin's Additions is not alone in this regard. Attorney Bolt noted that he has seen the same problem in all the jurisdictions he works with. It is usually the fault of the architect rather than the general contractor who has overlooked the regulations. The County backs up the municipal authority by making sure that municipal approval has been received prior to County review of building plans.

Steve Schmal asked if Beal thought the Village Code should be redone, because people were seeking exceptions. Attorney suggested that the Council can adopt interpretations about what the existing code states that will assist in future decision making. For an example Beal explained that the code is written for a rectangular lot in the middle of a block. If your lot isn't rectangular or if it is on a corner, the code doesn't provide for any relief. Ultimately variance requests and interpretation will be done by the Council.

ANNOUNCEMENT OF ELECTION RESULTS

Frank Correl, Chairman of the Village Elections and Ethics Committee announced that the election ballot count for two council seats had been processed and he was prepared to announced the results.

Those results are as follows:

160 ballots were cast

138 Ballots were cast for **Michael Zielinski**

125 Ballots were cast for **Chris Mueller**

36 Ballots were cast for **Rhonda Migdail**

1 Blank ballot

1 Ballot was disqualified

Based on the votes cast Mr. Zielinski and Mr. Mueller were returned to office.

ADJOURNMENT 9:00 PM

A motion to adjourn was made by Michael Zielinski; Seconded by Mueller; all in favor.