

**Village of Martin's Additions
Council Meeting
7013 B Brookville Road, Chevy Chase, MD 20815
Draft Minutes of November 17, 2011**

COUNCIL MEMBERS AND VILLAGE REPRESENTATIVES PRESENT: Council Members: Arthur Alexander, Jill Filipczyk, Mike Zielinski, and Chris Mueller. Village Manager: Jean Sperling. Assistant Manager: Deb Schmal. Village Attorney: Ron Bolt.

RESIDENTS PRESENT: Ted Stoddard, Ed Novak, Henry Metzger, Alex and Mark Weiner, Keith Allen, Riley Markham, David Bjorkland, Peggy Eastman, Steve Schmal, Lynn Welle, Bill Catherwood, Tiffany Cissna, Laura Thornton.

7:00 PM Welcome of Captain Dave Falcinelli, Montgomery County District 2 Police Station-Vice-Chairman Mueller

Presentation: Captain Falcinelli; Officer Steve Gaynor

Council member Mueller welcomed Captain Falcinelli to Martin's Additions and congratulated him on his appointment to Commander of the Bethesda 2nd District Station. Falcinelli reviewed the crime statistics for our area and was pleased to report that our district has experienced a major reduction in robbery—a 40% reduction and a reduction in assaults of 27%. Residential burglaries are up 5% and most notably, auto thefts are up 44%. Bethesda Police recently arrested professionals from New York City in Potomac and they hope this will make a major change in the crime statistics. The problem they have experienced is that the criminals keep coming back to this area. Captain Falcinelli also provided numerous tips about how residents can stay safe and protect their property. The biggest challenge the police department faces right now is the reduced staff levels. Several questions were taken from those in attendance.

7:45 PM Call to Order, GENERAL MEETING: Mueller

RESIDENTS' CONCERNS AND CONTRIBUTIONS

Lynne Welle (Quincy Street) expressed his concern that the right of way in front of his property at 209 Oxford Street has not been properly restored since the water main replacement project and the street patch is deteriorating rapidly. Manager Sperling said she would consult with WSSC to find out when additional restoration work is planned.

Ed Novak (Chestnut Street) asked if the Village felt there would be an opportunity to get the Chevy Chase Village Police to contract with us again for service. Sperling said that she has expressed the desire for that to the Manager and Board Members of Chevy Chase Village and police chief.

PUBLIC COMMENT: RESOLUTION 10-11-1: AMENDMENT TO SECTION 2-401 EXPENDITURES OF VILLAGE FUNDS

Councilman Mueller described the basis for the recommended amendment to Section 2-401 of the Village Code that evolved from a request to the Village Council for a donation to Chevy Chase at Home. In considering this request, it became clear that the present code prohibits such a contribution but permits contributions to public institutions. Pursuant to previous Council discussions, the Council concluded that it is inappropriate to make any charitable contributions with tax dollars and this needed to be clear in the code.

Mueller asked for comment on the proposed change in the Code as this is a public hearing to consider this code amendment. The following comments were received:

Henry Metzger (Taylor Street) disagrees with the proposed changes, suggesting that the code amendment would tie the hands of future councils from making donations to organizations such as Chevy Chase at Home.

Steve Schmal (Summit Avenue) supports the amendment, and suggested that individuals who wish to make donations to private and/or public institutions may do so with their own money, not with the taxpayer's monies, that way the individual is able to take a tax deduction

There were no other comments. The Council cannot vote on this matter until the December meeting.

BUILDING ADMINISTRATOR'S REPORT-Sperling for Beal

Construction Update

Construction Completed:

7315 Delfield: Final ROW clearance can be given now that the trees have been planted.

7404 Summit Ave: Construction completed; awaiting final patch from Washington Gas;

7216 Chestnut Street: Construction completed; two new trees were planted and a maple tree donated to Turner Lane; bond returned.

New Permit Requests/ Pending:

3518 Bradley Lane: Garage demo and re-build; county permit received; VMA notice provided; Fees received VMA permit issued soon.

3412 Bradley Lane: rear deck; new fence all notice and fees processed. STOP WORK required. Construction now properly permitted and back underway.

7318 Delfield Street- (demo and new) architectural drawings received, site plan and application needed. Permits in process with the County. Martin's Additions is awaiting the plans so that local review can be completed.

Chevy Chase #5 Water Main Replacement Project: Permit Request is under review

Ongoing Projects:

3503 Bradley Lane: new home construction continues; no complaints.

3401 Thornapple Street: (Variance) Construction continues; no issues.

3502 Cummings Lane: continued interior construction; VMA fence permit, issued; County Permit issued. Construction of fence to begin end of November.

Other projects supported by Mid-Atlantic:

Continued Pepco work oversight and reporting.

Street sign repair and installation (Oxford and Quincy; Pedestrian Crossing signs at market)

Assistance with Oxford Street water main project; water shut off, running water, meeting with Project supervisor. Resident problems. Possible damage to sidewalk.

Monitoring of leaves in streets.

Parking restrictions for tree removal; moving vans.

Meeting with Michael Mitchell of County regarding the Dead end of Delfield.

Prepared an emergency kit for office.

DISCUSSION OF SECTION 6-310 OF VILLAGE CODE: Bolt

Manager Sperling asked the Village attorney to review and explain the utility of a provision in the code that provides a 30 day period during which issuance of a building permit can be appealed (Section 6-310 of the code). Bolt explained that once the Village makes its decision to issue a building permit, there is an appeal prospect. Someone unhappy with the permit, such as a neighbor, could appeal the issuance of that permit. This provision raises another question--does it mean that even though the Village has issued a permit the applicant has to wait 30 days before they can start their construction because there is this risk of appeal. The risk that any problem would arise after the issuance of a permit is probably quite small, because permits are being issued lawfully.

Bolt explained that such a right of appeal is very common. The County and many of the municipalities have similar provisions. Sperling asked what grounds would be used to appeal a permit and Bolt explained that the most common argument is that there has been an error in the interpretation of the code. That is typically where an appeal lies--e.g. how do you calculate the side set back. Council member Zielinski remarked that such an appeal provision is pretty common--people don't have to wait, they have to make decisions about proceeding. The biggest problem that can arise from this is the possibility that it can be abused. Someone can raise an appeal without merit since there is no screening for what constitutes a valid appeal. However, there is always some way to challenge a permit regardless of whether we have such a provision in our code. Even after this appeal provision of time passes there are other opportunities for appeal in the Circuit Court.

**FINANCIAL MATTERS- Councilmember Arthur Alexander, Treasurer
Report for the Month of October, 2011**

July 2011-Oct 2011

	<u>Actual</u>	<u>Budgeted</u>
Revenues	\$108,880	213,277
Expenses	139,212	153,689
Net Income	-30,332	59,588

Reserve account: \$1,032,865

Budgeted Expenses and Budgeted Net Income do not include \$100,000 in planned capital improvements for Street Lighting. The listed items include only current, actual and budgeted amounts. The Village has not yet received one of our major tax revenue items based on the Village's allocation from the state income tax. Consequently, the revenue situation for the rest of the year is not yet clear. The next few weeks should reveal more information on this revenue stream. Property taxes are running about the same as last year. Expenses in the first four months of the fiscal year are running considerably below the pro-rated annual budget amounts. However, bills for tree purchase and planting have not yet been included in the expenses. 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.

ACTION ON FINANCIAL REPORTS

Motion to approve: Filipczyk; 2nd Zielinski; Vote: All in Favor

ACTION ON MINUTES OF OCTOBER 20, 2011

Motion to approve: Filipczyk 2nd: Alexander; Vote: All in favor

SNOW REMOVAL CONTRACT FOR WINTER 2011-2012

Manager Sperling referred Council members to the contract for snow plowing and shoveling for FY 2012 included in the meeting packet. Prices are unchanged from last year. The rates are \$180 per hour for plowing; \$40 per hour for shoveling (Brookville Road only). There was general approval for the snow removal contract

MANAGER'S REPORT- OCTOBER. Sperling

Street and/Or Utility Services:

- WSSC Oxford Street Waterline project: Completed but not restored completely. Complications continued during the month, including water shut off and gas line rupture. Steel plates are up for the winter so there should be no problem with snow removal/
- WSSC Engineering for Chevy Chase Phase #5 permit needed from us. Test boring and drilling completed.
- PEPCO Pole Replacement/ wiring Project-continues.

Trees:

- The planting plan developed by Dan Gardner and Paul Wolfe got underway this month. 23 new trees were scheduled to be planted. Two of the trees on Dead end Delfield are being paid for by the builder because the trees did not survive the transplanting during construction. Builder at 7215 put in two cherry trees and going to donated the maple that had been on the property to be planted elsewhere. Additional ongoing tree pruning is needed. Paul estimates that at least 35 trees need dead limbs removed.

Traffic:

- Speed trailer: Chevy Chase Village Police have been unable to get the speed trailer up and running for us due to technical difficulties. Not sure what else we might do at this point.
- New Pedestrian Crossing signs at the Market parking lot entrance. Tree pruned to open clearance; notice placed in Newsletter concerning Market are traffic.

Maintenance and Services

- Streets are scheduled to be cleaned 11/18. We have been trying to stay on top of reminding residents not to rake their leaving into the streets in order to minimize the load that Peyton have to take out of here.
- Leaf collection service will end December 19th and re-start in Mid March. Two Christmas tree pick ups 1/2 and 1/9—one we be used for “leftovers”.
- Another Rat problem reported again on Raymond Street- County Health department contacted as well as WSSC.
- Letter to go out about shoveling Brookville Road.
- Dead-end Delfield meeting with County—an easement is needed

Community Activities and Issue

- Village Office will again be drop off site for Toys for Tots.
- Operation Treat our Troops was a huge success.
- YourServiceList.Org is up and running. Encourage use! Nice community benefit.
- Holiday Fund Letter will go out soon.
- Paul Mackell agreed to serve on the Fire Board with the expiration of Ms. Reichert’s term. Mr. Mackell has many years experience as a firefighter and volunteer with the Bethesda Rescue squad.
- Hal Bruno, a long time resident of Martins’ Additions and Fire Board representative passed away recently. His place on the Fire Board will need to be filled.
- The Halloween party was a success.

Administrative Work/ Broader Issues

- Attended a meeting with the Maryland Emergency Management administration to hear a presentation on the County’s **Multi-Hazard Mitigation plan** update which is being worked on at this time. We can expect 2011 revision at the end of December and then will receive a resolution adopting that plan.
- The local managers met in Chevy Chase Village with representatives from the State Archives to discuss the **Records Retention** requirements for our Village records.
- Attended a **Crisis Leadership & Decision Making for Government Officials** at Frederick Community College sponsored by FEMA. It was and attended by several other municipalities. Chevy Chase View and Martin’s Additions are going to work together to develop a written plan.
- Agreed to the designation of VMA as a “**Maryland Sustainable Community**”-We have the resolution but will wait for more information. There is a concern that there could be more to it than meets the eye.

Resident Concerns:

Leaf vacuuming.

Rats again

Tree pruning—a lot of dead limbs.

Deer eating our new trees.

NOTICE OF HEARING DATE FROM STATE ETHICS COMMISSION

Attorney Bolt reported for the record that the Village’s request for full exemption is to be considered by the State Ethics commission on January 19, 2012. It will be considered at an open meeting and the Village has the option of appearing and providing testimony. Ms. Allgair at the Commission indicated that this is probably not necessary since our written submission demonstrates the Village’s size and entitlement to an exemption.

8:45 PM Adjournment: Motion: Zielinski, 2nd Filipczyk; Vote: All in favor.