

Village of Martin's Additions Council Meeting
7013 B Brookville Road, Chevy Chase, MD 20815
Minutes, February 21, 2013

COUNCIL MEMBERS AND VILLAGE REPRESENTATIVES PRESENT: Council Members: Richard Krajeck, Michael Zielinski, Tiffany Cissna, Jill Filipczyk, Arthur Alexander. Village Manager: Jean Sperling. Village Attorney: Ron Bolt. Building Administrator: Alan Beal. Mid-Atlantic Inspection.

RESIDENTS PRESENT: Bill Catherwood, Ted Stoddard, Hanne and Frank Correl, Keith Allen, Riley Markum, Steve Schmal, Rick Michel.

7:30 PM: CALL TO ORDER: Krajeck

DESIGNATION OF RESIDENT AGENT:

Resolution (2-13-1) appointing the Village Attorney Ron Bolt as the Resident Agent for the Village was presented to the Council. It is needed because Mr. Bolt has changed law firms and thus has changed addresses. Council member Zielinski moved to adopt the resolution. 2nd Filipczyk; Vote: All in favor.

RESIDENTS' CONCERNS AND CONTRIBUTIONS

Keith Allen, Turner Lane, the VMA resident-Weatherman provided a snow storm update for this and the coming week. There should not be any problems on the roads. March 1 storm is possible but he stands by his earlier prediction that overall we will get less than 5 inches of snow this winter.

PRESENTATION OF ELECTIONS & ETHICS COMMITTEE REPORT TO THE COUNCIL-Stoddard

Elections Committee Member Ted Stoddard presented the committee report to the Council related to the upcoming elections. The report is summarized below:

Information Available: The Committee is ready for the start of this year's VMA election season. There is a lot of information in the Village newsletter which is already available on-line and will be in residents' mailboxes soon. The nomination period opens next Friday March 1 and the committee will be hosting a **Community Round Table on Saturday March 2**. The Committee hopes residents will join in conversations with a general list of issues around VMA followed by open question period.

Food and beverages will be served, and nomination forms will be available for Village Council candidates. The **nomination period will close on Monday, April 8th**. The Election and Annual Meeting is **Wednesday, May 15th**.

FY 2014 BUDGET DEVELOPMENT:

New service/program consideration for FY 2014 initiatives. Public input desired.

Steve Schmal, Summit Avenue, made several remarks:

- He commended the Council for its prudent stewardship of the Village through difficult financial times.
- He suggested that caution be observed with an increasing surplus and he urged the Council to consider a symbolic decrease in the property tax rate and to address infrastructure issues such as street lighting and technology issues.
- Add more social events into the budget, such as the event at LaFerme.
- Consider police support of some sort, but he was of mixed mind about patrols and how effective they are. Simple access to police support might be an improvement over what we currently have.

Frank Correl, Turner Lane, provided the following comments:

- He strongly urged the Council to pursue developing access to the Chevy Chase Village Police services. He supported service provision on an ad hoc basis.
- He directed a question to Councilmember Alexander regarding the end of the year surpluses. Alexander reported that Reserve Funds have been increasing by about \$100,000 per year. Our revenues have started to grow again, and spending has been held down. In 2008, during the very difficult financial period, we made radical cuts in expenditures and postponed capital improvement projects.
- He supports Schmal's remarks on the surplus and suggested that the Council look closely at the items that need attention in the Village and start the capital projects.
- He is concerned that the Village office does not have adequate staffing and suggested that the "work to be done" needs to be defined first, and the defining of "limits to support the work" should come second. This Village functions extraordinarily well and has for several years; he remembers when it didn't. He suggested that the Council define what the work is and what it needs rather than "we can afford so many hours" and "we can get away with this" and "we can avoid this".
- He recommended that the constant yield tax rate be adopted.

- He inquired about how the response has been to our search for an assistant. Jean explained that it is going slowly.
- He asked whether we are having problems with the garbage collection. Jean replied that service is adequate at this time.
- Can sidewalk repairs be accomplished while we are waiting for completion of the waterline projects? Jean explained that many of the water meters are in the sidewalks and it would be best to hold off.

Further discussion included the possibility of more reductions in Highway User Revenues, the precariousness of the County Municipal Tax duplication payment and other funds that are passed through to us from the County and State.

Comments from Sperling: More recycling bins: Jean noted that we are out of large recycling bins and should consider getting more or even bigger ones. Recycling day demonstrates the success of our single stream recycling program but many containers are at capacity and errant recycling bins are unsightly and often ineffective at holding the recycling materials.

BUILDING PERMIT CONSIDERATIONS: Beal and Bolt

Discussion related to: Permitting of Generators; Tree Removal Requiring Large Equipment; Landscaping Projects Requiring Large Equipment.

Generators: *Beal.* Since the last major power outage, the Village has received notice that a few generators have been installed in VMA; we've had many more inquiries. The Council adopted a policy in December of 2012 to clarify the interpretation of how the Village's side setbacks determine the placement of generators--while we regulate the generators from a zoning standpoint, we don't require a permit to install one. This becomes a challenge because the County Permit for the generator is required (while one for VMA is not) but VMA's zoning requirements are more stringent than the County's. A County-issued permit, while required for a generator to get a County permit, may result in non-conforming placement in VMA because VMA does not define allowable location in same way the county does. The staff has to "catch" the installation, forcing the Village into a reactive position rather than a proactive one. Requiring permits for generators in VMA help end this problem.

Front Yard Non-Vegetative Surfaces Coverage: *Beal* added that similar difficulties have arisen with the identification and calculation of front yard non-vegetative surface limitations. Typically these changes only get captured on larger projects like a new house, or a sizable renovation where the driveway or even the front yard is involved. It is often difficult to capture this kind of work and protect the ROW. The work in the front yard often involves heavy machinery, but since we don't require a permit we also don't collect a bond to protect the ROW.

Tree Removals and Large Landscaping Projects: Because the Village needs to protect the ROW when major landscaping projects occur on private property, the ability to request a bond should be available to the Village Office. Since the Village must issue a permit in order to request a bond—even if it is a "no-fee" permit-- it needs to be built into the permitting process. The challenge is how to regulate the activity—is it based on the size of the equipment that requires a permit or is it nature of the project? Should the permitting requirements be defined by the project-type? For example, the sidewalk is not designed to hold a crane. Do we permit the crane or permit the tree removal? *Beal* added that the permitting of heavy equipment would have to be related to the work that is being performed. It was noted that an additional advantage of permitting is that the Village office can collect pre- and post- photos of the ROW.

Consequence of non-compliance: *Krajeck* inquired about the outcome of non-compliance whether changes are permitted or not. *Alan* explained that the difficulty arises in the solution to the problem: residents have to be compelled to remove the violation. *Ron* added that we may not notice it immediately because there was no permit issued; and we lose the opportunity to protect the ROW during the work.

Complexity of ordinance construction: The discussion focused on the difficulty of designing the ordinance—do you design it to the project or to the equipment crossing the ROW? *Alan* explained that in Chevy Chase Village permits are based on specific projects: you need a permit for landscaping; if you want to put a lamppost in you need a permit; if you want to change the steps you need a permit; if you want to do a patio or barbeque pit you need a permit. CC Village handles generators and AC units by requiring permits for mechanical equipment.

Alexander suggested that it be designed as a permit for heavy equipment. *Zielinski* felt that to get at the issue we need to define the project that needs a permit. *Attorney Bolt* opined that it would be easier to write based on what project is involved, but he could try to write it based on what equipment is involved. Other questions that arose included whether a fee should be charged, if a bond can be treated like a deposit and

whether front yard vegetative surface remodeling should be a part of in this proposal. Cissna suggested that caution be observed that we are not creating new regulations or tree ordinances or landscaping ordinances via permit-- those are whole other discussions entirely.

**BUILDING ADMINISTRATOR’S REPORT- Alan Beal, Mid-Atlantic Inspections
Activity in January and first 3 weeks of February 2013.**

Construction Completed:

- 3404 Taylor Street – Pod Permit.
- 3516 Cummings Lane – Pod Permit and Fence Permit.

New Permits Issued:

- 7200 Summit Avenue-Dumpster Permit.

Ongoing Construction Projects:

- 124 Quincy Street – Framing and trim installation.
- 163 Quincy Street- Windows installed; Trim installation in progress. Interior work continues.
- 3502 Turner Lane – Stop Work Order issued for resuming work on already unpermitted project in ROW and front yard.
- 3502 Cummings Lane - Accessory structure (pool house), pool, retaining wall, landscaping
- 3410 Cummings Lane - Windows are installed.
- 3414 Cummings Lane - Windows are installed.

New Permit Requests/Pending or In-process:

- 3502 Turner Lane – Stop Work Order issue for resuming work on already unpermitted project in ROW and front yard. Permit request received 2/20. Will need to be denied because of location
- 3414 Cummings Lane – Swimming pool.

Construction Inquiries/ Pending Building Issue:

- More inquiries about installing generators.
- 3502 Cummings Lane- Litigation over property line between 3418 & 3502 settled in favor of 3418.

- 205 Oxford Street – Addition, renovation. Still no permit application or plan action.

Other Municipal Support Management:

- Assist with school bus rerouting for WSSC construction.
- Attend 7111 Brookville Road development meeting.
- 124 Quincy Street – Continued issues with neighbors.
- Resident concerns – e.g. car parking on ROW and in front yard, weather and WSSC project.
- Ongoing supervision and progress reporting of construction projects.
- Work with Verizon, Comcast and RCN on transferring telecom lines to new poles.
- Move in / out parking control.
- Respond to construction complaints.
- Oversee WSSC work on Turner, Taylor and Thornapple Streets.
- Assist with Market area traffic during WSSC construction.
- Boulder repositioning.

ROW Maintenance – General:

- Care of traffic control signs.
- Boulder repositioning.
- Icing identification, control and follow up.

Storm Prep

FINANCIAL MATTERS- Month of January, 2013: Treasurer Alexander

	July 2012-January 2013	
	Actual	Budgeted
Revenues	\$412,341	433,560
Expenses	234,373	323,251
Net Income	177,968	110,309

Reserve account (current assets less designated allocations): \$766,505

Revenues are running slightly above projected amounts for the first seven months of the fiscal year. Receipts from the Village’s share of state income taxes paid by residents will likely be slightly greater than last year’s amount, and perhaps one-third more than we conservatively planned to receive. Expenses remain considerably below budgeted amounts in almost every category.

The reserve account (current assets minus funds set aside for designated capital expenditures) is greater than the Village’s budgeted annual expenditures, which provides a planned cushion against unexpected occurrences.

Alexander’s projections of this years income tax receipts should be about \$530,000. We budgeted \$400,000 for this year, not expecting that the increase we saw last year would be sustained or even exceeded this year.

Action on Financial Reports:

Motion to accept the Treasurer’s Report: Zielinski, 2nd Cissna, Vote: All in favor.

Action on Minutes of January 2013 Approved by email; confirmed with this motion: Motion to accept the Minutes: Krajeck, 2nd Filipczyk; Vote: All.

MANAGER'S REPORT: SPERLING

Budget Development: FY 2014: Reminders

- Work with Dan Baden to set baseline for budget Monday February 25.
- Budget Working Session: March 7th; Working Session for Council. Public welcome to attend but to observe only.
- Further Public Budget Discussion: Thursday March 21th- Regular Monthly Council Meeting. Additional opportunity to share budget and program planning ideas for FY 2014.
- Candidates Introduction & Discussion: Thursday April 18th. Budget and Tax Rates could be formally introduced here with candidates. Additional opportunity to discuss budget.
- Annual Meeting (and Election): Wednesday May 15th, 5-8 and 8-9:30 PM. Action on Tax Resolution and Budget Approval.

UTILITY SERVICES:

WSSC Project:

- Turner Lane completed. A few restoration spots need attention; waiting for cement. Street is in really bad shape.
- Taylor Street well underway-Mains replaced, house connections still underway. More challenging than expected.
- Thornapple Street underway (lines have been saw cut) but awaiting completion of Taylor Street. Traffic direction management will likely be a challenge. Currently in discussion with the MCPS Transportation Office.
- Next Street is dead-end Delfield.

Pepco. We need to follow up with review of equipment in north end. Dual poles still a problem; MML is working with state legislators to seek a solution-coordination between cable companies and PEPCO is needed. We are participating by providing data. Tree removal agreement is in the works.

Washington Gas: Raymond Cummings/Melville gas line replacement project still unscheduled.

ROADS/SIDEWALKS/ROW

We are identifying egregious ROW problems and trying to deal with them as we go along. There were two on Turner –one at 3502 and 3408. A letter has been drafted by our attorney and comments have been made by the Council. (see notes below on further discussion of these issues).

TREES

Tree pruning continues—limbs lifted; tree at 7218 Delfield removed. Resident Ed Novak deserves thanks for splitting wood and therefore assisting in removals by residents!

- Pepco will begin tree removals on Monday, February 25th. The following trees have been approved by the DNR Arborist for removal: **3524 Raymond Street; 3525 Bradley Lane; 3503 Thornapple Street; across from 3414 Thornapple; 7400 Summit; 7203 Delfield; 3406 Shepherd.**

TRAFFIC/ROADWAY ISSUES:

- Brookville Taylor Street Intersection – stop sign and bus stopping are at issue. An evaluation and report has been developed by Joe Cutro. Next step: Contact State for meeting after internal review of report.
- Concern voiced about Cummings Lane traffic.

Council Discussion of Turner Lane ROW Issues:

3502 Turner. Zielinski expressed concern about whether there is enough space to put a driveway apron to the left of the walk at this residence because of the telephone pole. Staff felt that there might be a way to make it work if the path was moved, but that professional landscapers would have to make that determination.

3408 Turner. There was originally a circular driveway at this residence that just crept over the years to consume the whole front yard. The curbs were actually cut to allow the driveway to roll into the street. WSSC had to dig around to find the valve—it was buried under 4 inches of asphalt and the Verizon line was accidentally cut by WSSC because it was likewise buried under the asphalt. What's the solution? Restore to original plan? That's not consistent with our current code but would allow them to put two driveway aprons in and a reasonable circular driveway. In a sense we would be "grandfathering" it in based on the original design. Our code grandfathers driveways existing since 2009.

9:00PM Adjournment