

Village of Martin's Additions
7013-B Brookville Road, Chevy Chase, MD 20815
Minutes for Council Meeting on
September 17, 2015

Council Members Present: Richard Krajeck, Arthur Alexander, Katya Hill, Tiffany Cissna. **Village Manager:** Tori Hall; **Building Administrator:** Doug Lohmeyer; **Attorney:** Ron Bolt. **Residents and other attendees:** Josh Bowers (Summit Ave.), Bernice Duvall (Taylor St.), Dan Gardner (Delfield St.), Kirsten Gardner (Delfield St.), Dennis King (Summit Ave.), Judy King (Summit Ave.), Roberta Liebman (Thornapple St.), Adam R. Metwalli (Turner Ln.), Susan Post (Turner Ln.), Molly Ruhl (Delfield St.), Steve Schmal (Summit Ave.), Ted Stoddard (Turner Ln.), Lynn Welle (Oxford St.), Natalie Straus Welle (Oxford St.).

7:30 PM Call to Order; Welcome and Introductions: Chairman Krajeck

7:30 PM Opportunity for Council to hear residents' comments: Chairman Krajeck

7:40 PM Update from the Election and Ethics Committee

Natalie Straus Welle (Oxford St.) reported that the committee had six candidates express interest in the Council vacancy initially, but one has dropped out, so the current candidates are:

- Josh Bowers (Summit Ave.)
- Peggy Brown (Summit Ave.)
- Susan Fattig (Melville Pl.)
- Judy King (Summit Ave)
- Mark Shull (Oxford St.)

Chairman Krajeck thanked the committee for their work and explained that the next task of the committee is to develop election policy for the Council to adopt pursuant to the Charter.

7:50 PM Public Hearing and Action on the Ordinance to Separate the Elections and Ethics Committees: Krajeck

Attorney Bolt explained that the ordinance was introduced at the August 2015 meeting and is set for public hearing tonight to give opportunity for public comment. The Village Charter as originally written provided for an Elections Committee. Later, an ethics ordinance to the Code was produced, and the name of the Election Committee in the Code was expanded to include ethics. Attorney Bolt also clarified that this change does

not require any amendments to the Charter: Elections reverts back to the Charter and Ethics will stay in the Code.

Schmal (Summit Ave.) stated that he had originally commented against this but now supports it. He commented that he is not sure the ethics committee will have any work, and those who serve on it may be frustrated.

Motion by Councilman Alexander to approve the Ordinance to Separate the Elections and Ethics Committee as proposed; seconded by Councilmember Cissna. All in favor.

The text of Ordinance No. 08-15-01 as executed is attached.

8:00 PM Action on Council Meeting Minutes of August 20, 2015: Krajeck

Motion by Councilmember Cissna to approve the draft minutes for the Council meeting held on August 20, 2015; seconded by Councilmember Alexander. All in favor.

The minutes as approved are attached.

8:00 PM Introduction of various amendments to the Code of Ordinances collected over the years: Cissna

Councilmember Cissna introduced draft amendments to the Code of Ordinances, including written comments by Ron Bolt and Doug Lohmeyer. Councilmember Alexander commented that much is likely to be of a clerical nature, but other items related to the building code deserve discussion.

Alexander asked for clarification about adding "employee" to the ethics code; is someone like our Building Administrator an employee? Bolt confirmed that the Building Administrator, the Village Attorney, and Wayne who provides municipal support services, are independent contractors. Bolt said it is typical to exclude independent contractors from the ethics code provisions, but he includes in his standard contractual provisions a prohibition on conflicts of interest, so conflicts are covered.

Discussion ensued about draft provisions related to distinctions between public officials and employees, and whether public funds, outside of insurance coverage, can be used to defend employees charged with criminal actions.

Discussion further ensued about Sec. 3-201 related to what is commonly called the "self-help remedy" and municipal infractions. The administrative change Council already agreed to declares that certain misdemeanors may be prosecuted as civil infractions and fined \$100. Should the fines escalate? Can the Village's cost to remedy a municipal infraction be charged to the resident? Must the Village go to court to exercise the self-help remedy? Council members agreed to include language providing for authority for a

self-help remedy with the understanding that the Council must vote to impose the remedy.

Discussion covered conflicts of interest related to an attorney serving both an ethics committee and the Council after the determination that an ethics violation has occurred. Bolt noted that the entire ethics code may need to be revised during the legal compliance review, particularly in light of the State's model for how an attorney may serve during local government investigations of alleged ethics violations. Consensus emerged to continue discussion once the new ethics committee is formed.

Discussion covered a code provision requiring businesses to register with the Village. This code provision is currently not enforced. Bolt advised that if any code provision exists it should be enforced to avoid appearing arbitrary. Consensus emerged to keep the existing code. Bolt confirmed that the Village may always turn to the County if a business is having a high impact on the Village.

Discussion began on the building code provisions. One proposal is to require boundary surveys for all building permits. Doug Lohmeyer discussed the difference between: a house location survey; a wall check, which is accurate to +/-1 foot and is all that is required by the county; and a boundary survey, which is accurate to 1/10th of a foot and costs roughly \$2,500. Discussion covered the purpose of a fence permit in the Village, and whether it provides assurance to homeowners that fences are being placed inside a property line. Bolt interprets the current Code to give the Village authority to decide on a case-by-case basis whether a boundary survey is necessary. Cissna suggested that we no longer require fence permits if we're not able to verify that the fence is being built on the applicant's property, and that boundary surveys be required for all other construction. Bolt suggested that proposed change be set aside for a second draft.

Consensus emerged to continue the Council's discussion of amendments to the Code of Ordinances at the next Council meeting, and to task staff with continuing work on developing options and recommendations for building code amendments for Council consideration.

8:10 PM Introduction of Policy for Employing or Contracting: Cissna

Councilmember Cissna began by explaining that this policy was first discussed at the July 2015 Council meeting. Motion by Councilmember Cissna to introduce the Policy for Employing or Contracting; seconded by Hill. Opportunity for discussion followed. Motion by Councilmember Cissna to approve the Policy for Employing or Contracting; seconded by Councilmember Alexander. All in favor.

The text of Policy No. 08-15-01 as approved is attached.

8:15 PM Introduction of the Public Information Act Compliance Regulation:
Alexander

Alexander explained that the model regulation on this topic from the State has been personalized for the Village, as required by law. Discussion ensued about the difference, in general, between policies and regulations. Discussion followed about documents which may be excluded from inspection, and requests for corrections to public records. Consensus emerged to include an amendment to use the State's language related to the document exclusion. Motion by Councilmember Alexander to formally introduce the Public Information Act Compliance Regulation as amended; seconded by Councilmember Cissna. All in favor.

The text of Regulation No. 09-15-01 as approved is attached.

8:20 PM Reminder about the First Annual Village Survey: Opened on the 15th and closes on the 30th: Hill

Councilmember Hill reported that the survey was sent out on September 15th to 308 recipients in the Village homes. So far we have had about 60 complete responses. Tori sent a message to the neighborhood list serv in case residents who are not subscribed to Constant Contact are aware of the survey and that the Constant Contact distribution list is separate from the neighborhood list serv.

Councilmember Cissna suggested that office staff put up posters reminding residents to participate.

8:25 PM Financial matters: including Treasurer's Report and budget amendments - (1) striking records retention (5246) and (2) moving Traffic Engineering costs from 5324 to 5224: Hill

Councilmember Hill reported that in August expenses exceeded income by about \$14,000. Expenses included payment to Pepco for street light repair, professional fees as well as the usual monthly expenses: rent, salaries, office supplies, etc. Overall our expenses came in at or under budget at every category but one: professional fees. The temporary increase in professional fees was due to the work performed on cleaning up VMA code ordinances. Income totaled just over \$7,000 and consisted of real estate property tax revenue, permit fees and interest income. The disparity between expenses and income is standard for the month of August because it we did not receive major regular disbursements from the county or the state (portions of personal income tax, property tax, etc).

Our overall financial condition remains very healthy.

Alexander asked to be kept on the distribution list for Dan Baden's monthly financial matters. Krajeck added that all council members would like to be on Dan Baden's distribution list.

The Council decided as an administrative matter to amend the current FY16 budget by:

- striking records retention (5246), and
- moving Traffic Engineering costs from 5324 to 5224.

8:35 PM Village Centennial Celebration (tentatively scheduled for Sunday, April 10, 2016): follow-up with volunteers: Krajeck

The Centennial Celebration is currently on hold until we have volunteers to put it together. Councilmember Hill mentioned that some survey responders have expressed interest in helping; consensus emerged to wait to decide until the survey is complete on September 30th.

8:40 PM Discussion about social events preceding monthly Council meetings: Krajeck

Councilmember Krajeck proposed the idea of honoring volunteers in the Village perhaps by having Village socials being held before Council meetings. Councilmember Cissna commented that timing would not be ideal if it is held in the Village Office since office staff is typically getting ready for a Council meeting. Krajeck hoped that it would encourage participation in Council meetings. Discussion ensued about other opportunities throughout a month to have a social in the Village Office. Cissna suggested quarterly welcome events for new residents. Consensus emerged

8:45 PM Manager's Report: Hall

Hall shared Doug Lohmeyer's building administration status report:

- **3516 Bradley Lane** - A VMA Building Permit was issued on 6/19/15, but no work has begun.
- **3414 Cummings Lane** - The Building Permit Application for the detached garage and driveway was issued and construction is underway.
- **7218 Chestnut Street** - VMA has finalized the Building Permit. On 9/3/15, the staff requested that the accountant prepare a check to return the Performance Bond to the applicant.
- **7309 Delfield St.** - Work is wrapping up on the house construction. VMA has requested revised site and sediment control plans from the applicant. The recent changes to the site are not shown on the site plans, which are part of the VMA Building Permit Application.
- **120 Quincy St.** - VMA issued the Building Permit on 9/11/15. Work has begun on the deck.
- **3505 Raymond St.** - MCDPS has incorrectly issued a building permit. The applicant did not submit a Building Permit Application to the Village. VMA has notified the applicant, the architect, and the builder that an application is required before any work begins. No work has begun at the site. VMA will contact the staff at MCDPS to review the proper permitting procedure.
- **3513 Raymond St.** - The applicant has requested the Village release the applicant's performance bond. VMA is working with the applicant to determine if the existing steps, at the left rear of the house, are within the side yard setback. The applicant has installed a fence on the front lawn, which was not included on the Building Permit Application or on the applicant's Site Plan. This item will require a ROW License Agreement from the homeowner.

- **3525 Raymond St.** - The owner is making internal improvement and a VMA Building Permit is not required. However, a permit for a dumpster has been issued by VMA.
- **3513 Shepherd St.** - The owners are replacing an old wood retaining wall and replacing the old asphalt driveway.
- **3507 Turner Lane** - The applicant is providing VMA with a revised variance application and revised site and architectural plans. The variance process is on hold until the new information is provided.

Hall reviewed with Council members the shared spreadsheet which she, Doug, and Wayne are now using to keep track of building projects. The spreadsheet is laid out in order of the steps required between county and Village.

Hall discussed the planned water line replacements in the Village announced by WSSC for fall of 2015 and spring of 2016. A number of residents have expressed a desire to have their roads repaved sooner rather than later, but this would not make sense for roads scheduled for imminent roadwork by WSSC. Hall will be looking into the feasibility of doing the road work on phases, and whether this will increase overall costs as compared to doing the work in one chunk.

RFPs for snowplowing and lawn service are still open. Cissna reported that the RFP for legal compliance review is now closed with four entities responding; Krajeck confirmed that Cissna will take the lead on the legal compliance RFP.

Street lighting: Scott Watson is working with Pepco to get updated prices for lighting replacement options. Discussion ensued about the light replacement in neighboring municipalities. Krajeck confirmed that incandescent bulbs are no longer being offered, and new bulbs will not fit into the current fixtures, and Scott Watson has lots of ideas about different types of lights at different locations. Cissna reminded the Council that last year Council members took a field trip to see sample light fixtures. Hill suggested we use a survey to get residents' opinions on the lights. Discussion ensued about asking Village volunteers to serve on a lighting task force, while staff and council simultaneously moving forward with Pepco and Scott Watson. Krajeck suggested a Council member take the lead on street lighting; Arthur agreed to develop a plan by the next Council meeting about how to move forward.

Cissna asked about street repaving, and the feasibility of doing it in two phases so as to start without having to waiting for WSSC to be done. Alexander said he had taken a class a few years ago with a guy from the state who is available for free to walk our streets and advise us on the level of tearing up which is required; he will get this guy's name for the office staff.

8:50 PM Opportunity for Council to hear residents' comments: Krajeck

Schmal commented on the business registration provisions in the code and said there have been problems with certain businesses in the Village. Schmal encouraged moving forward now with new street lighting and not waiting for another survey. We have enough information now. Alexander followed up that light distribution with current

options has been a complicating factor that lead Scott Watson to research further before we make a final decision.

Adam Metwalli (Turner Lane) asked about the variance application process and how long it typically takes. Hall noted that variances are by their nature special and rare (perhaps one a year or less) and so it is hard to generalize about timing of that process, but that building permits without issues would be a couple of weeks. Cissna suggested that making the steps clearer in the documentation is always a good idea.

9:00 PM Closed Session:

Motion by Councilmember Krajeck to enter closed session under General Provisions Article Section 3-305(b)(1) to discuss the appointment of an appointee over whom the Council has jurisdiction, namely to discuss the list of candidates supplied by the Elections and Ethics Committee to fill the vacancy on the Village Council; seconded by Councilmember Cissna. All in favor.

10:00 PM Adjournment: Krajeck

Ordinance No.: 08-15-01
Introduced: August 13, 2015
Adopted: September 17, 2015
Effective Date: October 7, 2015

THE VILLAGE OF MARTIN'S ADDITIONS

SUBJECT: AN ORDINANCE TO AMEND THE MARTIN'S ADDITIONS CODE
TO SEVER THE ELECTIONS AND ETHICS COMMITTEE INTO
TWO SEPARATE COMMITTEES

WHEREAS, Local Government Article, Section 5-202 of the Maryland Code grants to the legislative body of every incorporated municipality in Maryland, including the Village of Martin's Additions, general power to pass such ordinances not contrary to the Constitution of Maryland, or public general law, as they may deem necessary in order to assure the good government of the municipality, to protect and preserve the municipality's rights, property, and privileges, to preserve peace and good order, to secure persons and property from danger and destruction, and to protect the health, comfort and convenience of the citizens of the municipality;

WHEREAS, Section 501 of the Charter of the Village of Martin's Additions authorizes the Village Council to pass such ordinances as it may deem necessary for the preservation of the property, rights, and privileges of the Village and its residents;

WHEREAS, Section 602 of the Charter provides that all elections shall be managed by an elections committee;

WHEREAS, Section 4-101, *et seq.*, of the Martin's Additions Code provides that conflicts of interest of Village officials shall be addressed by an ethics committee;

WHEREAS, Section 2-101 of the Martin's Additions Code provides that the Village Elections and Ethics Committee shall serve both of the aforesaid functions;

WHEREAS, the Village Council finds that the Martin's Additions Code should be amended to sever the Village Elections and Ethics Committee into two separate committees in order to improve committee functionality;

WHEREAS, the Village Council finds that adopting the following Ordinance is necessary to protect the public health, safety, and welfare; assure the good government of the Village; protect and preserve the Village's property, rights and privileges; and protect the health, comfort and convenience of the citizens of the Village;

WHEREAS, the Village Council introduced the following Ordinance in public session assembled on the 13th day of August, 2015;

WHEREAS, the Village Council, after proper notice to the public, considered the following Ordinance at a public hearing held on the 17th day of September, 2015;

NOW, THEREFORE, the Village Council of the Village of Martin's Additions does hereby adopt the following Ordinance.

BE IT ORDAINED AND ORDERED, this 17th day of September, 2015, by the Village Council, acting under and by virtue of the authority given it by the Maryland Code and the Charter of the Village of Martin's Additions, that the Code of Ordinances is hereby amended as follows:

**CHAPTER 2
GOVERNMENT ADMINISTRATION**

Section 2-101. Village Elections Committee and Ethics Committee

~~(a) There shall be a Village Elections and Ethics Committee, which shall be composed of a minimum of three (3) members appointed by the Village Council. Members of the Elections Committee shall be qualified to vote in Village elections and shall not be members of the Village Council. Members of the Elections Committee shall serve through the succeeding election of Council members. The Elections Committee have the following responsibilities: shall~~

~~(a) — To manage all Village elections as provided in Section 602 of the Charter of Incorporation of the Village of Martin's Additions.~~

(b) There shall be a Village Ethics Committee which shall be composed of a minimum of three (3) members appointed by the Village Council. Members of the Ethics Committee shall be qualified to vote in Village elections and shall not be members of the Village Council. Members of the Ethics Committee shall serve through the succeeding election of Council members. The Ethics Committee shall have the following responsibilities:

~~(b) (i) To provide advisory opinions to persons subject to the provisions of Chapter 4 of this Code as to its applicability; and~~

~~(e) (ii) To make determinations as authorized by Chapter 4 of this Code.~~

(Ord. No. 08-15-01, adopted 09/17/15, effective 10/7/15)

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**CHAPTER 4
CONFLICT OF INTEREST**

Section 4-101. Definitions

For purposes of this Chapter, the following words and phrases shall have the following meanings:

(a) The "Committee" means the "Village Elections and Ethics Committee" as constituted and described in Section 2-101.

* * *

(Ord. No. 08-15-01, adopted 09/17/15, effective 10/7/15)

Section 4-201. Duty to Disclose; Solicitation Prohibited; Ex-Parte Communications

- (a) Before participating, on behalf of the Village, in any debate or determination that may have a reasonable potential of thereafter affecting a public interest, and Official who is subject to this Chapter shall have an affirmative duty to disclose in writing to the Council and to the ~~Village Elections and Ethics~~ Committee the receipt of any gift and the existence of any private interest or relationship either having a reasonable potential of conflict with a public interest or having potential of giving the outward appearance of a conflict with a public interest.

* * *

(Ord. No. 08-15-01, adopted 09/17/15, effective 10/7/15)

AND BE IT FURTHER ORDAINED AND ORDERED, by the Village Council, acting under and by virtue of the authority granted to it by the Maryland Code, and the Charter of the Village of Martin's Additions, that:

(1) If any part or provision of this Ordinance is declared by a court of competent jurisdiction to be invalid, the part or provision held to be invalid shall not affect the validity of the Ordinance as a whole or any remaining part thereof; and

(2) This Ordinance shall take effect on the 7th day of October, 2015.

ATTEST:

THE VILLAGE OF MARTIN'S ADDITIONS

Tiffany Cissna
 Tiffany CISSNA, Secretary

Richard Krajeck
 Richard Krajeck, Chair
 Village Council

Bold Underline indicates new material
~~Strikethrough~~ indicates material deleted
 * * * indicates material unchanged

**Village of Martin's Additions
Council Meeting
Minutes August 20, 2015
7013 B Brookville Road,
Chevy Chase, MD 20815**

Council Members Present: Richard Krajeck, Arthur Alexander, Katya Hill, Tiffany Cissna.
Assistant Manager: Devon Gallagher; **Building Administrator:** Doug Lohmeyer; **Attorney:** Ron Bolt.
Residents and other attendees: Dejan Bujak, Beth Catherwood, Jon Fleming, Chris Kohl, Jodi Longo, Naomi Naierman, Ted Stoddard, Lynn & Natalie Welle.

7:30 PM WELCOME AND INTRODUCTIONS: Chairman Krajeck

Resident Comments

Naierman (Quincy St.) - Commend Council for putting house in order and getting through records. Asks Council to think about storing the information digitally. Offered to convene a committee for long term strategic planning and infrastructure planning.

Lynn Welle (Oxford St.) - Concerned about cars parking in a way that blocks sidewalks, particularly in winter time, and he sees it most frequently on Oxford & Quincy Streets. Dangerous situation with people having to step around cars. He spoke with police regarding this situation and nothing has been done. Council needs to speak out. Councilman Alexander that there was note in the newsletter and police have spoken to residents.

Naierman (Quincy St.) - Concerned about safety and abuse of public space. The Council should deal with this quickly before winter comes and there is an ice problem.

Councilwoman Hill asked if we can inquire on the number of calls we get regarding this issue.

BUILDING ADMINISTRATOR'S REPORT

Douglas Lohmeyer, the Village Building Administrator, presented his status report on permits and projects in the Village. Summary is as follows:

3414 Cummings Ln: A Building Permit for the detached garage and driveway has been approved.

7218 Chestnut St.: The Village has asked the applicant to submit a revised site plan showing the retaining wall and re-grading.

3513 Raymond St.: The applicant has installed a fence on the front lawn which was not included on the Building Permit Application or on the applicant's Site Plan. This item requires follow up.

3521 Raymond St.: The original permit fee was reviewed and confirmed to be correct.

3507 Turner Ln.: The applicant has submitted a variance request to construct an additional to a developmental nonconformity, among other items.

7209 Delfield St: Met with architect to discuss proposed new construction, setbacks, and options.

Resident Comments – Longo (Chestnut St.) commented that the county has approved and finalized out the sediment control permit, and since the Village defers to the county on sediment control she believes that issue to be closed. She believes the Village defers oversight of retaining walls to the county as well, and if the wall is under 30 inches the county does not need a revision to the site plan.

Chairman Krajeck commended Councilwoman Cissna and Asst. Manager Gallagher on the work they did on the Records Retention project and we are now submitting to the State our records retention policy.

Bujak (Chestnut St.) asked about the turn-around time on the return of the bond. Chairman Krajeck said it varies. Longo (Chestnut St.) questioned Village Council about the conditions that need to be met to return the

bond. Chairman Krajeck said the Council will be going into closed session to deal with that issue later in the evening.

INTRODUCTION OF NEW ELECTIONS COMMITTEE

Six residents applied to be on the Elections Committee to come up with a slate of at least three candidates for consideration by the Council for appointment to a vacant position. The six appointees are:

Lee Ann Anderson (Quincy St.)
Naomi Naierman (Quincy St.)
Chris Kohl (Shepherd St.) who is acting Chair.
Marty Langelan (Chestnut St.)
Steve Trowern (Raymond St.)
Natalie Strauss Welle (Oxford St.)

The first meeting will be held on the following Wednesday.

ACTION ON MINUTES:

Councilman Krajeck stated for the record that the memo by resident Steve Trowern (Raymond St.) has been made available in the Village Office if anyone wants to review it.

Councilman Arthur made a motion to approve the draft minutes for the Council meeting held on July 16, 2015; seconded by Councilman Cissna. All in favor.

Motion by Councilwoman Cissna to approve the draft minutes for the Council Work Session held on August 13, 2015, as amended; seconded by Mr. Alexander. All in favor.

DISCUSSION OF PROPOSED TECHNICAL AMENDMENTS TO THE CODE

Councilwoman Cissna began the discussion by explaining that Ron Bolt has been compiling a list of technical amendments to reorganize and clarify the Village Code. Bolt further clarified that these edits, which he is suggesting now, are edits he has been compiling since 2006, but that this is not intended to be a comprehensive review of the Village Code. Furthermore, he has not proofread the version of the Code which has been posted on the website and which has typos in it. Ron introduced the following proposed edits:

- Rules related to conduct at open meetings. Portions are duplicative.
- Rules related to prosecuting violations of the Code. Portions are possibly draconian. Portions are duplicative.
- Rules related to ethics ordinance. Certain items are confusing and misleading. Definition of public official could be clarified.
- Rules related to registering businesses in the Village. Some items may be impermissible or may only be regulated by the county. Making these changes would not preclude all regulations, however.
- Rules related to when a permit is required. What is a 'structure'? Are fences, outdoor kitchens, swing sets, trellises and arbors regulated? These issues could be clarified.
- Rules related to dumpsters and portable storage units could be moved into the permitting section of the Code (without changing it).
- Consider requiring a boundary survey when applying for a building permit. Consider establishing a standard and a margin of error and rather than determining whether a survey is necessary, on a case-by-case basis. Case studies may be in order for further discussion. House location surveys, which show the

location of a house within a lot, do not purport to show location of property lines. Boundary surveys are more precise and more expensive.

- Rules related to variance applications. Clarify that this section relates to comments made at third party hearings, not our own hearings.
- Consider amending the definitions to specifically include generators, air conditioners, and heat pumps which are all currently regulated in our Code, and another section to specifically exclude certain items.
- Established building line (EBL) rules in Village were modeled on county EBL rules, but county has since changed twice. We have not changed ours. One possible edit is to calculate the EBL without considering the subject lot or a corner lot because that can skew the calculation.
- Rules related to wall plane height for accessory structures could be moved to the accessory structure section of the code.
- Rules related to rear setback could be clarified by establishing a minimum.
- Rules related to maximum non-vegetative surface area currently applies to front yards. Should front porches be included in the area of the front yard covered by the surface area calculation?
- Driveway regulations currently restrict width to 10', and driveway apron can be up to 20' wide. Should we further define the apron?
- Permits are required for fences and retaining walls, but do we want to regulate them differently from the county? If we don't regulate them, do we need to permit them?
- Rules related to developmental nonconformities could be clarified to eliminate any ambiguity about replacement of such nonconforming structures.
- Rules related to variances could be codified to require boundary surveys to confirm exact extent of variance needed (as provided in the current variance processing policy).
- Current policy practice of 20-day notice for variance applications could be codified.

INTRODUCTION OF EMPLOYEE AND CONTRACTING POLICY

Attorney Bolt explained that policies do not require a public hearing of the draft; it is adopting administrative rules for the items already in the charter.

Discussion ensued about decisions related to employment and management of direct hires as well as contract positions, and the contracts related to those contract positions. Consensus emerged to table the current discussion.

SURVEY TO RESIDENTS

Councilwoman Hill introduced the changes to the resident survey since the original draft and work session. The survey could be sent via Survey Monkey or Constant Contact, and Hill will research comparative costs. The survey will be sent to residents on Sept. 15th.

ACTION ON FINANCIAL REPORT

Councilwoman Hill presented the Treasurer's Report:

Treasurer's Report

July is the beginning for the new fiscal year. In July expenses exceeded income by about \$30,000. Expenses included the annual payment of the Village insurance policies, Maryland Municipal League (MML) annual membership dues, and reimbursement of expenses for a Council member to attend the MML annual convention as well as the usual monthly expenses: rent, salaries, office supplies, etc. Income was limited to interest income of \$120. This is standard for the month of July because it is not one of the months when we receive regular disbursements from the county or the state (portions of personal income tax, property tax, etc).

Our overall financial condition remains very healthy.

Due to the non-responsiveness of our current bank, the Council will be moving our banking relationship from United Bank to SunTrust Bank. We will be meeting with officials from SunTrust at our Council Budget Work Session scheduled for Monday, August 24th.

* * *

Councilwoman Cissna expressed interest in ideas for the future about how to make the budget as accessible as possible to residents.

Councilman Alexander made a motion to approve the treasurer's report. Councilman Krajeck seconded the motion. The motion passed unanimously.

CENTENNIAL CELEBRATION

Councilman Krajeck began the discussion related to a possible celebration of 2016 marking 100 years since we became a special taxing district. Beth Catherwood (Shepherd St.) said that the historical research for the 30th anniversary of incorporation was actually very interesting. Jon Fleming (Shepherd St.) believes we should celebrate in a big way, and expressed surprise that anyone flinch from a big celebration. Councilman Krajeck expressed concern that people attending a La Ferme event do not listen carefully to the proceedings. Catherwood suggested a series of lectures. Krajeck asked for volunteers to pursue this idea.

MANAGER'S REPORT

Devon Gallagher presented the following Manager's report for August 2015.

MANAGER'S REPORT: August 2015

Sanitation Services: No major issues.

RFPs:

Out for Proposals - Compliance Review - Due Friday September 11th
Drafts - Lawn Services, Snow Plowing

Utility Services:

WSSC-WATER- no issues
SEWER: no issues
WASHINGTON GAS: No issues.

PEPCO: Short Power outage on Oxford on 8/13 No explanation. Fixed LED street light on Bradley (suspected wiring issue)

Trees Service:

- Routine pruning and watering. Mr. Wolfe is scheduling time for larger limb cut downs in near future.

Administrative Matters

- Website continues to be restored and updated on daily basis. Website firm has not been responsive on issue of lost files on website, which resulted in pages not working
- Records Retention - All records have been sorted by type of file. Forms for State Archivist have been filled out. Suggested Edits to retention schedule now that survey has been completed. Found 2003 contract with CCHS regarding archiving. Reached out to director to discuss, CCHS may have 1st right of refusal on VMA records.
- Constant Contact is proving to be a good tool for the village. Lists have been created to separate out residents, concerned neighbors, and businesses. More can be created to break down by street. Recent Open rates are over 50% (much better than average) and about 30% of the openers are clicking on agendas.
- Master resident list has been created by Council Member Cissna.
- Banking - All previous United Bank contacts from I (Eye St) branch quit at some point this summer resulting in breakdown of communication during transition period. All banking should go through Bethesda branch until decision is made on future.

* * *

RESIDENT COMMENTS

Steve Trowern (Raymond St.): Thanks to new manager and council for great work.

Steve Schmal (Summit Ave.):

Thinks proposal for Village subsidizes for new trees on personal property is great.

Street lighting project needs to move ahead.

Survey – Council needs to think about people that do not have computers/email. Survey will need to be published, potentially door to door

Councilmember Krajeck: Tiffany did a great job during transition.

Jodi Longo (Chestnut St.) presented her concerns about Village enforcement of her building project.

CLOSED SESSION

At 8:59 pm, in the Village Hall, the Village Council met in open session for the purpose of entertaining a motion to enter closed session pursuant to the Open Meetings Act, General Provisions Article, Section 3-305(b)(7), to consult with counsel to obtain legal advice on a legal matter, namely building code enforcement concerning two ongoing projects in the Village, and the requirements of the enforcement provisions of the Village Code. Motion by Ms. Cissna; seconded by Mr. Alexander. All in favor. Present were Council members Richard Krajeck (Chair); Arthur Alexander; Tiffany Cissna; and Katya Hill; Ron Bolt, Village Attorney; and Doug Lohmeyer, Building Code Administrator. Following discussions, the Council unanimously agreed to have staff instruct the applicants to amend their respective site plans and permit applications to conform to the as-built conditions. The session adjourned at 9:51 pm.



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7013 B Brookville Road
Chevy Chase, MD 20815
301-656-4112 (Phone)
301-656-0030 (Fax)

Policy No. 08-15-01

Policy for Employing or Contracting

The Village of Martin's Additions Council desires to be transparent in its employment and contracting policies and procedures, using "best practices" whenever possible to obtain the services required to administer the Village.

As a result, all (1) positions for employment with the Village and (2) contracts for materials, work or services "in a sum exceeding \$10,000"¹ annually or deemed otherwise significant by majority assent by the Council shall be:

- 1) Established by the Village Council;
- 2) Funded by the Village Council in its annual budget process or a duly enacted budget amendment;
- 3) Sought, managed, and terminated by either the Village Council or its designee as directed by the Village Council upon the decision to create or fill the position;
- 4) Openly and widely advertised, at a minimum,
 - a. On the Village website,
 - b. Via email to Village residents, and
 - c. On the Maryland Municipal League's Classifieds; and
- 5) Filled in compliance with all applicable laws, regulations, ordinances, and policies pertaining to employment and ethics.

The Council, in its sole discretion, may dispense with the above requirements in the rare case of an emergency in order to protect the health, safety, comfort, and welfare of the Village and its residents.²

Policy Number: 08-15-01
Action/Adoption: September 17, 2015
Effective Date: September 17, 2015

¹ See Village of Martin's Additions Charter Sec. 701

² Pursuant to State law and Village Code Sec. 2-401, if such emergency expenditures were unbudgeted, they would require the affirmative vote of a 2/3rds majority of the entire council, i.e., 67 percent, or four Council members.



Village of Martin's Additions
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Resolution No. 09-15-01

Village of Martin's Additions Regulations on the Maryland Public Information Act

Authority: General Provisions Article, §§ 4-101 to 4-601, Annotated Code of Maryland;
Village of Martin's Additions Charter, Section 501

Chapter 01 Public Information Act Requests

.01 Scope.

These regulations set out procedures under the Public Information Act for filing and processing requests to the Village of Martin's Additions (the Village) for the inspection and copying of public records and procedures under which a person in interest may request the correction or amendment of public records.

.02 Policy.

It is the policy of the Village to facilitate access to its public records, when access is allowed by law, by minimizing costs and time delays to applicants.

.03 Definitions.

- A. In these regulations, the following terms have the meanings indicated.
B. Terms Defined.

(1) "Act" means the Public Information Act, General Provisions Article, §§ 4-101 to 4-601, Annotated Code of Maryland.

(2) "Applicant" means a person or entity that asks to inspect a public record.

(3) "Custodian" means:

- (a) the official custodian; or
(b) any other authorized individual who has physical custody and control of a public record.

(4) "Indigent" means an individual's family household income is less than 50% of the median family income for the State as reported in the Federal Register.

(5) "Official custodian" means an officer or employee of the State or of a political subdivision who is responsible for keeping a public record, whether or not the officer or employee has physical custody and control of the public record.

(6) "Person in interest" means:

- (a) a person or governmental unit that is the subject of a public record or a designee of the person or governmental unit;

(b) if the person has a legal disability, the parent or legal representative of the person;
or

(c) as to requests for correction of certificates of death under § 5-310(d)(2) of the Health-General Article, the spouse, adult child, parent, adult sibling, grandparent, or guardian of the person of the deceased at the time of the deceased's death.

(7) Public Record

(a) "Public record" means the original or any copy of any documentary material that:

(i) is made by a unit or an instrumentality of the State or of a political subdivision or received by the unit or instrumentality in connection with the transaction of public business; and

(ii) is in any form, including:

1. a card;
2. a computerized record;
3. correspondence;
4. a drawing;
5. film or microfilm;
6. a form;
7. a map;
8. a photograph or photostat;
9. a recording; or
10. a tape.

(b) "Public record" includes a document that lists the salary of an employee of a unit or an instrumentality of the State or of a political subdivision.

(c) "Public record" does not include a digital photographic image or signature of an individual, or the actual stored data of the image or signature, recorded by the Motor Vehicle Administration.

(8) "Working day" means a day other than Saturday, Sunday, or a State holiday.

.04 Village Manager as Official Custodian.

Unless otherwise provided by law, the Village Manager is the official custodian of the public records of the Village and is designated as the Town's representative who a member of the public should contact, using the following contact information above, to request a public record from the Village.

.05 Who May Request Public Records; Immediately Available Records.

A. Any person may request to inspect or copy public records of the Village.

B. Except as otherwise provided in these regulations, the following records are designated to be made available to any applicant immediately on request:

- (1) Recent Council meeting agendas;
- (2) Recent Council meeting minutes;
- (3) Recent Village newsletters;
- (4) Most recent Treasurer's Report and Financial Statement;
- (5) Most recent Budget;
- (6) Most recent Annual Audit; and
- (7) Current Village Charter, Code, regulations, and policies

As used in this section, "recent" means within the last six (6) months.

.06 Necessity for Written Request.

A. Inspection.

(1) Except as otherwise provided in this chapter, the custodian shall make public records of the Village available for inspection by an applicant without demanding a written request.

(2) The custodian shall require a written request if the custodian reasonably believes that:

- (a) The Act or any other law may prevent the disclosure of the public record to the applicant; or
- (b) A written request will materially assist the Village in responding.

B. Copies.

If the applicant requests one or more copies of any public record from the Village, the custodian may require a written request.

.07 Contents of Written Request.

A written request shall:

- A. Contain the applicant's name and address;
- B. Be signed by the applicant; and
- C. Reasonably identify, by brief description, the public record sought.

.08 Addressee.

A request to inspect or copy a public record of the Village shall be addressed to the Village Manager.

.09 Response to Request.

A. If the custodian decides to grant a request for inspection, the custodian shall produce the public record for inspection:

- (1) Immediately; or
- (2) Within a reasonable time period, not to exceed 30 days after the date of the request, if that period is needed to retrieve the public record and conduct any necessary review.
- (3) If a record is found to be responsive to a request, but cannot be produced within 10 working days, the requestor must be notified in writing (or by e-mail) within 10 working days after the request, of the following:
 - (a) the amount of time it may take to produce the record;
 - (b) an estimate of the range of fees that may be charged, and;
 - (c) the reason for the delay.

B. Denial of Requests

- (1) If the custodian decides to deny a request for inspection:
 - (a) The custodian shall do so within 30 days after the request; and
 - (b) Immediately notify the applicant of the denial.
- (2) If a request is denied, the custodian shall provide the applicant, at the time of the denial or within 10 working days, a written statement that gives:
 - (a) The reasons for the denial;
 - (b) why the denial was necessary, with respect to any denial of a part of a record;
 - (c) The legal authority for the denial;
 - (d); without disclosing the protected information, a brief description of the undisclosed record that will enable the applicant to assess the applicability of the legal authority for the denial; and
 - (e) Notice of the remedies available for review of the denial.

C. If a requested public record is not in the custody or control of the person to whom application is made, that person shall, within 10 working days after receipt of the request, notify the applicant:

- (1) That the person does not have custody or control of the requested public record; and

(2) If the person knows:

- (a) The name of the custodian of the public record; and
- (b) The location or possible location of the public record.

D. With the consent of the applicant, any time limit imposed by paragraphs A through C of this regulation may be extended for an additional period of up to 30 days.

.10 Notice to and Consideration of Views of Person Potentially Affected By Disclosure.

A. Unless prohibited by law, the custodian may provide notice of a request for inspection or copying of any public record of the Village to any person who, in the judgment of the custodian, could be adversely affected by disclosure of that public record.

B. The custodian may consider the views of the potentially affected person before deciding whether to disclose the public record to an applicant.

.11 Public Record Temporarily Unavailable.

If a requested public record is in the custody and control of the Village but is not immediately available for inspection or copying, the custodian shall promptly:

- A. Notify the applicant that the public record is not immediately available; and
- B. Schedule a date within a reasonable time for inspection or copying.

.12 Public Record Destroyed or Lost.

If the custodian knows that a requested public record of the Village has been destroyed or lost, the custodian shall promptly:

- A. Notify the applicant that the public record is not available; and
- B. Explain the reasons why the public record cannot be produced.

.13 Review of Denial.

A. If the custodian denies a request to inspect or copy a public record of the Village, the applicant may, within 30 days after receipt of the notice of denial, request an administrative hearing.

B. If the applicant requests a hearing:

- (1) The hearing shall be governed by Title 10, Subtitle 2 of the State Government Article; and
- (2) The Village Manager shall issue the final decision of the Village unless the Village Manager delegates final decision authority.

C. If the hearing results in a total or partial denial of the request, the applicant may file an appropriate action in the circuit court under § 4-362 of the Act.

D. If the applicant does not request an administrative hearing, the applicant may file an action for judicial enforcement under § 4-362 of the Act without exhausting that administrative remedy.

.14 Disclosure Against Public Interest.

A. Denial Pending Court Order.

(1) If, in the opinion of the Village Manager, disclosure of a public record of the Village otherwise subject to disclosure under the Act would do substantial injury to the public interest, the Village Manager may temporarily deny the request to obtain a court order allowing nondisclosure.

(2) The temporary denial shall be in writing.

B. Circuit Court Review.

(1) Within 10 working days after the denial, the Village Manager shall apply to the appropriate circuit court for an order permitting continued denial or restriction of access.

(2) Notice of the Village Manager's complaint shall be served on the applicant in the manner provided for service of process by the Maryland Rules of Civil Procedure.

.15 Fees.

A. The fee schedule for copying and certifying copies of public records of the Village is as follows:

(1) Copies.

(a) The fee for each copy made by a photocopying or scanning machine within the Village is 25 cents per page.

(b) The fee for each copy made otherwise shall be based on the actual cost of reproduction.

(2) Certification of Copies. If a person requests that a copy of a public record be certified as a true copy, an additional fee of \$1 per page (or if appropriate, per item) shall be charged.

B. Notwithstanding paragraph A of this regulation, if the fee for copies or certified copies of any public record of the Village is specifically set by a law other than the Act or this regulation, the custodian shall charge the prescribed fee.

C. If the custodian cannot copy a public record within the Village, the custodian shall make arrangements for the prompt reproduction of the record at public or private facilities outside the Village. The custodian shall:

(1) Collect from the applicant a fee to cover the actual cost of reproduction; or

(2) Direct the applicant to pay the cost of reproduction directly to the facility making the copy.

D. Before copying a public record of the Village, the custodian shall estimate the cost of reproduction and either:

(1) Obtain the agreement of the applicant to pay the cost; or

(2) Demand prepayment of the cost.

E. (1) Except as provided in paragraph of this regulation, the custodian may charge a reasonable fee for time that an official or employee of the Village spends:

(a) To search for requested public records; or

(b) To prepare public records for inspection and copying.

(2) Employee and attorney review costs may be charged to the applicant, prorated for each individual's salary and actual time attributable to the search for and preparation of public records.

(3) Additional fees may apply for the production of a public record in a customized format prepared at the request of an applicant

F. The custodian may not charge a search or preparation fee for the first 2 hours that an official or employee of the Department spends to respond to a request for public records.

G. Waiver or Reduction of Fee.

The official custodian may waive or reduce any fee set under this regulation if:

(1) The applicant requests a waiver; and

(2) The applicant is indigent and files an affidavit of indigency; or after consideration of the ability of the applicant to pay the fee and other relevant factors, the custodian determines that the waiver or reduction is in the public interest.

H. If the applicant requests that copies of a public record be mailed or delivered to the applicant or to a third party, the custodian may charge the applicant for the cost of postage or delivery.

.16 Time and Place of Inspection.

A. An applicant may inspect any public record of the Village that the applicant is entitled to inspect during the normal working hours.

B. The inspection shall occur where the public record is located, unless the custodian, after taking into account the applicant's expressed wish, determines that another place is more suitable and convenient.

.17 Denials of Inspection.

Records, or parts of records, may be withheld from inspection according to the provisions of the Maryland Public Information Act, as amended.

Chapter 02 Correction or Amendment of Public Records

.01 [Intentionally omitted].

.02 [Intentionally omitted].

.03 Who May Request.

A person in interest may request that the Village correct or amend any public record that:

- A. The Village keeps; and
- B. The person in interest is authorized to inspect.

.04 Contents of Request.

A. A person in interest shall make a request to correct or amend a public record in writing.

B. The request shall:

- (1) Identify the public record to be corrected or amended;
- (2) State the precise correction or amendment requested;
- (3) State the reason for the correction or amendment; and
- (4) Include a statement that, to the best of the requester's belief, the public record is inaccurate or incomplete.

.05 Addressee.

A request to correct or amend a public record shall be addressed to the custodian of the record. If the custodian is unknown, the request may be addressed to the Village Manager.

.06 Return of Nonconforming Request.

A. The Village shall accept a request to correct or amend a public record when it is received if it reasonably complies with Regulations .04 and .05 of this chapter.

B. If the request does not reasonably comply with Regulations .04 and .05 of this chapter, the Village shall return the request to the requester with:

- (1) An explanation of the reason for the return; and
- (2) A statement that, on receipt of a request that reasonably complies with Regulations .04 and .05 of this chapter, the request will be accepted.

.07 Response to Request.

Within 30 days after the Village receives a request for correction or amendment that reasonably complies with Regulations .04 and .05 of this chapter, the custodian shall:

A. Make the requested correction or amendment, and inform the requester in writing of the action; or

B. Inform the requester in writing that the Village will not:

- (1) Make the requested correction or amendment, and the reason for the refusal; or
- (2) Act on the request because:
 - (a) The requester is not a "person in interest";
 - (b) The requestor is not authorized to inspect the record; or
 - (c) Of any other reason authorized by law.

.08 Refusal of Request.

If the Village refuses to make a requested correction or amendment, a person in interest may file with the Village a concise statement of the reasons for:

- A. The requested correction or amendment; and
- B. The person's disagreement with the refusal of the Village to make the correction or amendment.

.09 Requirements for Statement of Disagreement.

The statement submitted under Regulation .08 shall:

- A. Be on pages no larger than 8 x 11 inches in size; and
- B. Consist of no more than 5 pages.

.10 Providing Statement of Disagreement.

If a person in interest files a statement of disagreement concerning a public record under Regulations .08 and .09 of this chapter, the Village shall provide a copy of the statement whenever the Village discloses the public record to a third party.

.11 Administrative Review.

A. A person may request administrative review under this regulation if the Village:

(1) Has refused the person's request to correct or amend a public record under Regulation .07 of this chapter;

(2) Has rejected the person's statement of disagreement under Regulation .08 of this chapter;
or

(3) Has not provided a statement of disagreement to a third party under Regulation .10 of this chapter.

B. A request for review shall be filed with the Village Manager within 30 days after the requester is advised of the Village's action.

C. The review proceedings shall be conducted in accordance with State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland, and the administrative hearing regulations of the Village.

Resolution Number: 09-15-01

Action/Adoption: November 19, 2015

Effective Date: December 9, 2015