

**Village of Martin's Additions  
Minutes of Meeting  
Council Meeting on July 18, 2013  
7013-B Brookville Road, Chevy Chase, MD 20815**

**Council Members Present:** Arthur Alexander; Tiffany Cissna; Bill Lebovich; Josh Bowers.

**Village Staff Present:** Village Manager: Jean Sperling. Village Attorney: Ron Bolt. Building Administrator: Alan Beal.

**Residents Present:** Ted Stoddard, Frank and Hanne Correl, Bill Catherwood, Paula Goldberg, Molly Ruhl.

**Public Hearing Attendees:** George Legarreta, Amy Stacy

**6:30 PM CALL TO ORDER: Chairman Alexander**

**TRAINING SESSION FOR THE NEW COUNCIL MEMBERS: Attorney Bolt**

Village Attorney Ron Bolt provided a training session for new Council members that included the following topics: Municipal powers and relationship to the County, enforcement, taxation, the Open Meetings Act, Public Information Act, confidentiality, ethics, the ex parte rule on communications. More detailed notes on the content of this training session are available in the Village office for anyone who was unable to attend the meeting.

**ELECTIONS & ETHICS COMMITTEE: Frank Correl**

Frank Correl, representing the E&E committee, reviewed and circulated the Village's conflict of interest policy as part of orientation for council members, and circulated the policy among council members for their signatures. Chapter 4 of the Village Code of Ordinance covers the conflict of interest policy of the Village.

On Jan 13 2009 the E&E committee recommended that the conflict of interest policy be reviewed annually at the first council meeting following the election. He opined that Ron Bolt's review this evening accomplished that.

**VARIANCE HEARING: 3401 THORNAPPLE STREET**

A request for a variance for 3401 Thornapple Street was heard by the Council. The case was introduced by Chairman Alexander. The variance is needed to add a stoop and stairs to a previously-approved rear addition. Amy Stacy, architect for the residents at 3401 Thornapple St., presented the case for the variance request. Ron Bolt explained the procedural history and questions to be addressed by the Council. Ron read two supporting comments sent by email from confronting neighbors Carol Edelstein (3401 Thornapple) and Judith King (7315 Summit). Bolt also re-summarized the major considerations in this case.

**ACTION:** Motion to approve variance request: Bill Lebovich; 2nd: Josh Bowers; Vote: All in favor.

Further discussion: Ron noted a written decision is required in order for the decision to be final; that should take about a week. The variance fee was also discussed; the Council agreed that since the fee paid for this variance represented a second –or duplicate payment since it should have been a part of the original variance--that any portion of the fee not needed to cover expenses could be returned to the Legarretas. Ron noted that this variance hearing was expedited because it was so similar to prior findings about this same property and that future variance hearings are likely to require much more discussion.

**RESIDENTS' CONCERNS AND CONTRIBUTIONS**

George Legarreta reported that he testified at the County Town Hall Meeting in Silver Spring about the frequency of service for Ride-On buses.

**MARYLAND MUNICIPAL LEAGUE (MML) CONVENTION: Report by the Arthur Alexander**

Arthur reported that he attended the MML convention over the summer. The convention was an opportunity to meet other elected officials and get information at sessions about many topics, such as street lighting. He noted that many larger communities are concerned about the new state ethics ordinance, but that does not affect the Village of Martin's Additions. Another topic was dual utility poles, which restrict sight lines, and the length of time taken by utilities to remove them. At another session on how to conduct an effective meeting, it was pointed out that minutes need not be a transcript of a meeting. Arthur suggests that we adopt this as a policy for our own minutes of Village meetings. Jean said that the currently detailed minutes are prepared that way because that was the request of prior councils. If the current Council prefers more brevity, Jean is happy to comply.

At the convention, Arthur reported that he brought up the topic of tree ordinances in many contexts and he found that there was a wide variety of opinion. One piece of practical advice he received was that a permitting ordinance should focus on significant trees only. Another suggestion was that tree preservation be encouraged through the use of an arborist.

**BUILDING ADMINISTRATOR’S REPORT: Presented by Sperling**

**Construction Completed:**

- 163 Quincy Street – Possible 2nd layer on driveway, still holding bond.
- 3410 Cummings Lane- Final clearance almost ready. Bond to be returned shortly

**Ongoing Construction Projects:**

- 3408 Turner Lane. Front Yard Paving- letter sent; owner-cannot recall construction; pictures not adequate; follow up needed.
- 3414 Cummings Lane - All new home construction close to completion.
- 205 Oxford Street – Rear/side addition. Crane and tree removal.

**Permits Issued:**

- 3523 Raymond Street – Deck replacement.
- 3509 Shepherd Street – Demolition and Rear addition.
- 3410 Cummings Lane-Fence.
- 3410 Bradley- Dumpster.
- 3504 Cummings Driveway changes /rear deck.

**New Permit Requests/Pending or In-process:**

- 3502 Turner Lane - Parking pad area restored. No further response regarding the construction of apron. Estimate under development. Town agreed to install.
- 3504 Cummings: Driveway Resurfacing; deck extension; additional screening.
- 3517 Cummings Additional landscaping –possible license to use the ROW
- 3414 Shepherd-Rear addition. Cleared to proceed by Beal.
- 3401 Thornapple- Deck and Fence

**Construction Inquiries/ Pending Building Issue:**

- 3518 Bradley – Change to previous plans. Construction of a porch had morphed into a resurfacing; Beal has reviewed and cleared replacement of concrete surface. Front deck/Patio restoration issue. Unexpected re-construction likely.

- 7203 Summit Avenue – Side or rear addition. Setback issues expected; nothing further.

- 709 Delfield- Inquiry into possibility of modular home being erected at that sight.

**Other Municipal Support: General Management:**

- Oversight of WSSC Project; assist with ‘no parking’ restrictions. Assist with any traffic issues.
- Ongoing supervision and progress reporting of construction projects.
- Mark downed telecom wires.
- Clearance of projects; driveway apron check; tree protection check
- Move in / out parking control.
- Assist w/ resident concerns – Missed yard waste, recycling and trash pick up, WSSC project, WGL project, telecom line transfer and Pepco pole removal; illegally parked cars and trucks.
- Tree work-placement and removal of no parking restrictions. Both municipal and private work.
- Respond to construction complaints resulting from stormwater blowing out sediment control on construction sites. Due to significant rain, multiple follow-on meetings on site with affected residents, contractors, and MoCo Sediment Inspectors (Cummings Lane).
- Accompany builders into basements at 3415 and 3411 Raymond.
- Storage unit/equipment management/ Recycling bin swaps.
- Assisting Traffic Engineer-install new parking restrictions on Quincy.

**ROW Maintenance – General:**

- Complaint Management- incomplete WSSC restoration on Turner Lane and other streets.
- Assist WSSC in accessing water meter in ROW on Chestnut Street.
- Inventory/ report on utility restoration of ROW.

**FINANCIAL MATTERS: REPORT FOR JUNE 2013** Arthur Alexander, former Treasurer

July 2012-June 2013

	Actual	Budgeted
Revenues	\$711,869	620,000
Expenses	409,688	542,700
Net Income	302,181	77,300
Reserve account (current assets less designated allocations): \$897,686		

June 30 marks the end of the fiscal year. Although not all invoices for the period have been received, expenses are falling considerably behind projected outlays. Two items account for much of the lower spending: snow removal and street maintenance. The latter item reflects the utility work that has kept several streets in a state of continuous digging and patching; when this work is completed, we will have to consider the next steps in repaving.

In addition, almost every other category has fallen below spending projections made at the beginning of the year. Partly, this flows from deliberate attempts by the Council and manager to seek savings and pursue better ways of doing things. There is also some luck involved, as with the small amount of snow.

Revenues are near where we thought we would be at the beginning of the calendar year, but considerably greater than originally anticipated when compiling our annual budget. The main difference is the Village share of state income taxes, which has recovered from the plunge following the last recession and is now approximately one-third more than we conservatively planned to receive.

The reserve account (current assets minus funds set aside for designated capital expenditures) is roughly one-third greater than the Village's budgeted annual expenditures, which provides a planned cushion against unexpected occurrences. We do not yet know if we have any end-of-year budget amendments.

**ACTION:** Motion to accept the Treasurer's Report: Lebovich; 2nd: Bowers; Vote: All in favor

### **DISCUSSION OF PROPOSED COUNTY LEGISLATION AFFECTING TREES**

Two tree-related bills on the County tree canopy and roadside trees, now under consideration in Montgomery County, were discussed by Sperling. Issues raised included County fee collections, the potential conflict between rain-tank construction requirements and tree preservation requirements, and a lack of clarity about how the tree regulations would affect municipalities. The Legislative Aid to the County Council has insisted that the tree canopy bill does apply; Ron believes that the law does not apply to Martin's Additions

### **DISCUSSION OF COUNCIL MEMBER AREAS OF RESPONSIBILITY**

Chairman Alexander introduced the idea of each council member identifying particular areas of responsibility. Sperling said one typical model is that council members should be considered also as liaisons to specific committees. Cissna suggested an ad hoc approach so that as issues come up, members volunteer to cover that issue. Alexander asked council members review the list of potential areas of responsibility and consider what you would like to get more involved in.

Frank Correl said that from 1993-97, when he was on the council, assigning areas of responsibility was the norm. Frank added that a regular walkabout of the Village is extremely beneficial.

Arthur asked, must this be restricted to council members? Jean said she supports including as many residents as possible, taking advantage of residents' subject matter expertise. No action was taken.

### **MINUTES OF MEETING, JUNE 20, 2013**

**ACTION:** Approved by email. Motion: Alexander; 2nd: Cissna; Vote: Yes by 2

### **MANAGER'S REPORT: SPERLING: Sperling**

#### Garbage Services:

- Trash collection misses have diminished, but some remain; again, will re-evaluate at conclusion of all utility work. WM has made an effort to get in here early but it is not an easy task.
- Recycling can order will have to be done soon—we are out of large bins.
- Heavy trash pick-up uneventful.
- Awaiting confirmation of changes in contract price with the addition of year-round yard waste collection. No response to revised contract.

#### Utility Services:

##### •WSSC:

- Night time shut down water on Brookville and Shepherd was rough. Poured rain; lightning and thunder.
- Contractor hit a gas line—emergency equipment needed.
- Restoration locations remain. Will be addressed at conclusion of project.
- Chestnut Street completed.
- Shepherd Street anticipated completion mid August. Will conclude Phase V.
- Future WSSC work on Bradley, Melville Raymond and Quincy is to be determined but is mandatory for determining street restoration.
- Street renovations work to be planned.

- Sewer line restoration letter received. In process of confirming work in VMA, if any.
- Verizon: Still working on moving FIOS lines—3 utility poles remain with lines on them (2 of which have the communication boxes on them). Communications box on Cummings Lane a problem-right of way issues.
- Pepco: Brief outage in storm-tree down on East-West highway. Quickly restored, which is goal.
- Washington Gas: All planned Gas line replacements (Cummings, Raymond and Melville) are complete. Some restoration work remains. Future WGL work: to be determined. WGL management is checking for us but there are no guarantees. A lot of new state money has been identified for infrastructure work.

#### ROAD CONDITIONS:

Utility Work: street restoration WSSC/WWGL: investigate additional work planned by both utilities to determine how best to address street restoration. Engineering services of Joe Cutro can be used to assist. Also possible Ed Stellfox from UMD T2 Center may be able to help.

• Road Signs: Need to be reinstalled on utility poles (county)

- Parking restrictions re-configured for Quincy Street-new driveway apron.

#### R-O-W Problems And Restoration

- Flagrant violations of the R-O-W lines caused complications and complaints about restoration work of the utilities particularly on Chestnut Street.
- Areas where poles were removed may need us to restore—not sure.

#### PUBLIC SAFETY

- Working with CCVillage Manager to explore partnering with them for select police services, such as drive throughs and Manager driven incident responses has been delayed until September. Hope to put together a plan to.
- New MCPD Community Liaison Officer, Oliver Janney, helped out with license plate

identification, a function the CCVillage used to do for us, but has stopped doing.

#### TREES

- Tree removal: 3508 Shepherd Street. State permit received. Pepco took down the whole tree.
- Oak at 3416 Bradley reviewed again by Barb Neal and State Arborist. Pruning of top to be performed in the fall. Permission received from State Forester.
- Large oak at 3410 pruned—finally!
- Dead Cherry removed from Raymond Street. Other assorted pruning continues. Heavy rains have had an impact of many trees.
- Trees are being watered on an “as-needed basis” by Integrated Plant Care.
- Residents asked to help identify locations for fall tree planting (in newsletter).

#### ADMINISTRATIVE MATTERS:

- Represented VMA at Police Officer Gill’s retirement party—we were only municipality there.
- Communications with residents on streets under excavation.
- Insurance estimate received for FY 2014.
- Banking Procedures updated; All new signatory cards have been processed by the bank.
- Oath of Office July 1-Welcome event was a success.
- Move/tree work parking restrictions for utilities provided on an “as needed” basis.
- Major water run off problems from 3410 and 3414 Cummings Lane. Manager, MOPs and Bill Lebo there for evaluation and assistance;
- Legislative Action monitoring: County Council Hearings on Tree Canopy Bill, road-side Tree Law and MTD Report-meeting of Managers 7/25 to pursue MTD issue
- Documents for Variance Hearing.

Jean said the discussion of a potential cooperative agreement with Chevy Chase Village police is delayed until September.

**9:30 PM      ADJOURNMENT**