

Village of Martin's Additions
 Council Meeting
 7013 B Brookville Road, Chevy Chase, MD 20815
 Minutes for Meeting on June 18, 2015

Council Members Present: Arthur Alexander; Tiffany Cissna; Jon Fleming; Josh Bowers.

Village Manager: Jean Sperling; **Village Attorney:** Ron Bolt

Residents in Attendance: Keith Allen, Ted Stoddard, Richard Krajeck, Naomi Naierman, Steve Schmal, Mark Weiner, Alex Weiner, Katya Hill and Janine Trudeau.

7:30 PM CALL TO ORDER; WELCOME AND INTRODUCTIONS: Alexander, Council Chair.

Thanked Jean for her service as Village Manager.

Thanked Jon and Josh for service on the Village Council.

RESIDENT COMMENTS

Allen (resident of Turner Lane): commented that Jean did a great job.

Naierman (resident of Quincy Street): commented on 30 years of good service; courteous and prompt staff; start thinking about a way to use best practices for governance. Discussed a memo that was written to start identifying governance issues and use it as a road map.

VILLAGE BUSINESS:

7:45pm Financial Matters: Fleming

(a) Financial Report for May 2015:

 Village of Martin's Additions
 Financial Report for May 2015

	Actual	Budget	July-May	Budget-to-Date	Annual Budget
Revenues	\$147,221.52	53,916.00	887,213.22	783,676.00	839,700.00
Expense	53,799.01	53,309.00	479,774.89	631,647.00	685,500.00
Prior Years Surplus				1,910,049.00	1,910,049.00
Annual Income	88,422,51.00	607.00	407,438.33		
Designated Street/sidewalk				500,000.00	500,000.00
Designated Street Lighting				500,000.00	500,000.00
Undesignated Fund				<u>1,064,249.00</u>	<u>1,064,249.00</u>
				2,693,925.00	2,749,749.00

Fleming: The Village's finances continue on course. Expenditures are within budget limits.

ACTION ON FINANCIAL REPORT:

Motion: Fleming
2nd: Alexander
Vote: All in favor.

(b) End of Year Budget Amendments

Enter report: \$109,183 additional in revenue
Expenditures - Largest: Legal fees (\$20,000) and snow plowing (\$10,000)
Total Expenditures: \$42,020
Net surplus of \$67,163

ACTION ON BUDGET AMENDMENTS:

Motion: Fleming
2nd: Bowers
Vote: All in favor.

(c) Update on 'Wynne Case' --

Fleming explained the Supreme Court case, *Maryland v. Wynne*, provides that the State's practice of not allowing a tax credit for income earned outside the State for county and local taxes is unconstitutional. As a result, taxpayers may submit amended returns and apply for a credit. The State will pay the refunds owed based on application of the credit and then seek recovery from VMA. VMA will have to stay on top of the issue.

7:55 pm ACTION ON MINUTES:

Minutes for March 19, 2015
Motion: Bowers
2nd: Fleming
Vote: All in favor.

Minutes for May 14, 2015 – Annual Meeting
Motion: Cissna
2nd: Alexander
Vote: All in favor.

Note: Executive Session Minutes must be prepared.

8:00 pm BUILDING ADMINISTRATOR'S REPORT:

New Permit Requests/Information requests/Acknowledgement

- 7315 Delfield – sports court/fire pit area – on hold. Plan has been reviewed by Beal and concern related to front yard non-vegetative coverage identified. No further action on part of resident.
 - 3514 Bradley – Inquiry about altering front loaded garage to create more living space. Okayed by Beal.
- Permitting Process Underway:
- 3511 Turner – Fence. Will likely need right-of-way (ROW) license. Needs Neighbor Notice.
- Permits Ready/ Issued:
- 3516 Bradley – Front porch alterations and face lift. Permit ready to be issued.

- 3507 Raymond – Cleared by Beal. Notice Prepared. Waiting on Action from Resident.
 - 3414 Cummings – Plans received for garage, swimming pool, pool house and more. Cleared by Beal. Just cleared by County. Sediment control is a major issue since more than 15,000 sq. feet is expected to be disturbed. No further action on part of resident.
 - 3405 Shepherd – Pool Construction and landscaping. "By right permit" Bond taken heavy equipment
- Construction Underway
- 3519 Turner – Rear Deck. Cleared by Beal. Village permit issues.

- 3506 Taylor – Village permit issues. Porch extension.
- 3513 Raymond – Approaching completion .
- 3521 Raymond – Exterior roof lift and new porch appears complete. Additional permit will be needed for driveway.
- 7309 Delfield – Construction continues. Problems with utility installations and ROW disturbances.
- 7218 Chestnut – Coming to conclusion. Utility connections almost complete tree; fence still needed.

On Hold

- 3505 Raymond – Rear addition. Plans seen but not confirmed. No further action.

Completed

- 207 Oxford – Connection to County Storm drain system. Permit to work in the ROW okay

Other Municipal Support:

- Street light review
- Extensive parking controls for move-in/out and utility installations
- Ongoing supervision and progress reporting of construction projections
- Records of compliance with VMA requirements (e.g. tree protection) County follow up
- Responses to resident issues
- Traffic management- move in/out, heavy equipment and construction supplies
- Field Observations
- Monitoring of MC DPS reports

- 3509 Shepherd – Retaining wall built, ready for bond return
 - 3518 Bradley – Bond still held. Possible additional work
 - 3529 Raymond – Completion needs to be confirmed. Bond to be returned if complete
- Project Closed
- 3511 Raymond – Completed. Bond returned.
 - 7200 Chestnut – Fence at ROW; License still needs signatures.
 - 3219 Thornapple - Bond returned.
 - 3514 Bradley - Completed. Bond returned.
 - 3510 Bradley – Completed. Bond returned.
- Problems:
- 101 Quincy – Unpermitted driveway work.

8:10PM Public Hearing/Action: Ordinance 4-15-3; Introduced April 23, 2015.

“An ordinance to amend the Martin’s Additions Code to provide flexibility in determining the size of the elections and ethics committee, as provided in the Village Charter”

Ordinance No.: 04-15-3

Introduced: April 23, 2015

Adopted: June 18, 2015

Effective Date: July 3, 2015

THE VILLAGE OF MARTIN'S ADDITIONS

SUBJECT: AN ORDINANCE TO AMEND THE MARTIN'S ADDITIONS CODE TO PROVIDE FLEXIBILITY IN DETERMINING THE SIZE OF THE ELECTIONS AND ETHICS COMMITTEE, AS PROVIDED IN THE VILLAGE CHARTER.

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 property, rights and privileges of the Village and its residents;

WHEREAS, Section 602 of the Charter provides that all elections shall be managed by a committee that shall consist of a minimum of three people appointed by the Council;

WHEREAS, Section 2-101 of the Martin’s Additions Code provides that the Village Elections and Ethics Committee shall be composed of only three members;

WHEREAS, the Village Council finds that the Martin's Additions Code should be amended to provided more flexibility, as provided in the Charter, to allow a larger number to be appointed if deemed appropriate by the Village Council;

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, conform and convenience of the citizen of the citizen of the Village;

WHEREAS, the Village Council introduced the following Ordinance in public session assembled on the 23rd day of April, 2015;

WHEREAS, the Village Council, after proper notice to the public considered the following Ordinance at the public hearing held on the 18th day of June, 2015;

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

BE IT ORDAINED AND ORDERED, this 18th day of June, 2015, thy 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 Code of Ordinances is hereby amended as follows:

CHAPTER 2 GOVERNMENT ADMINISTRATION

Section 2-101: Village Elections and Ethics Committee

There should be a Village Election and Ethics Committee which shall be composed of a minimum of three (3) members appointed by the Village Council. Members of the Committee shall be qualified to vote in Village elections and shall not be members of the Village Council. The Committee has the following responsibilities:

- (a) To manage all Village elections as provided in Section 602 of the Charter of Incorporation of the Village of Martin's Additions.
- (b) To provide advisory opinions to persons subject to provisions of Chapter 4 of this Code as to its applicability.
- (c) To make determinations as authorized by Chapter 4 of this Code

AND BE IT FURTHER ORDAINED AND ORDERED, by the Village Council acting under 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 3rd day of July, 2015.

Underlining indicates new material.

COMMENTS:

History (Cissna) – Charter requires an election committee, It was combined with the ethics committee when VMA adopted an ethics code. Advice is to sever the two committees.

Code would need to be changed to sever the two committees.

What is the mission of the Ethics Committee? (Bolt): Duties are to provide advice on financial interest conflicts.

Ethics provisions in our Code are brief. We are exempt from State ethics rules due to our size. Council said we needed our own Ethics rules.

Fleming: We need to make sure that the body has a direct mission. Bolt: Code is unclear. They are supposed to have rules and procedures when they are asked to provide an opinion. Other localities are required by the State to have a separate ethics committee.

Bowers: VMA had one ethics question, why are we creating a committee to deal with one issue.

Sperling: Asked what other towns are doing.

Bolt: Some other towns, because of their larger size, are obligated under State law to have an ethics committee. But even when not included in the Code, you have common law and fiduciary obligations to avoid conflicts of interest.

Having it in the Code embodies standards that apply in any case.

Alexander: This deserves greater consideration. Do we need a committee to oversee this?

Discussion was tabled for further discussion at July Council meeting. Bolt will provide a comparison table of other town.

Schmal (resident of Summit Avenue): Why are we bothering with this? Never had a problem in the past. The larger committee will be more difficult to manage.

Alexander: Charter and Code need to be made consistent. Bolt: Your Charter gives you discretion about committee size, which allows flexibility. Your Code currently limits that discretion and keeps the size to three, but Code could be changed to allow for more flexibility.

Weiner (resident of Thornapple St): We should encourage people to participate.

Motion to adopt: Alexander

2nd: Fleming.

Vote: All in favor

Effective July 3, 2015

8:25pm Discussion/Action/Update Items:

(a) Comcast Agreement - Bolt

Reported on negotiations.

Krajeck (resident of Bradley Lane): Are we still getting revenues? Bolt: Yes, expired contract continues.

Franchise fee will stay at 5% of profit from subscribers in our jurisdiction, with county taking 3% of that.

(b) FY 2016 Insurance-

Sperling: filed for all additional coverage for no extra charge. Insurance related to Tort Claims Act will increase slightly. Current coverage is the same, with a few additions for cyber coverage.

(c) Garbage Contract-

Sperling: Recommended staying with Waste Management. No reason to change. No price change. Price locked in for three years. Unity Disposal will subcontract out the services. Nowhere near as good as Waste Management.

Motion: Fleming

2nd: Alexander

Vote: All in favor

(d) Legal Agreement-

Bolt proposal: rate has remained unchanged for 2.5 years. Proposing \$15 per hour increase, which is still lower than rate charged while associated with prior firm.

Motion: Alexander

2nd: Bowers

Vote: All in favor

(e) Accountant Agreement-

Dan Baden is currently providing accounting services for the Village. Contract is designed to roll over each year. The Scope of Services provides that unless VMA fires him, the contract stays in effect. In an effort to be more forthcoming, we have just changed the date of the contract validity.

Reports are built on records provided from the bank. Baden will need to clarify the dates on the reports provided. There is no issue now but if the Village had a tighter budget (w/o current surplus) we would need to have more up-to-date information. Baden keeps a ledger and provides any information needed.

Motion: Fleming
2nd: Bowers
Vote: All in favor

(f) Municipal Operation Support-

Wayne Fowler is currently providing code enforcement and municipal operation support for the Village. Agreement with him is signed by Fowler and Sperling. A list of services is provided. Will be a good base to refer to for new building administrator.

(g) Street Lighting Update-

Scott Watson currently provides advice to Village on street lighting. Watson's findings conclude that he is still not convinced that LED lights are the way to go as compared to induction bulb. He is going to bring an expert in to test the LED lights.

Alexander: would have thought that cities that have installed LED lights would have gotten it right.

Sperling: induction lights are still giving us the type of lighting that we need for a residential area.

Cissna: Chevy Chase Village did mockups. Five Council members all had different opinions of how much and what type of light we needed. Council needs to get input from residents in a systematic way.

Sperling: Contractor agrees but needs to finish his work before going to residents. When reaching out to residents Council should have guidelines to give to residents, so we get good educated information. So much contention in Chevy Chase Village that they gave up on relamping: Now, if someone complains about a street light, they will replace it on a one-for-one basis. Somerset would like to work with us and get a copy of VMA findings.

Cissna: Technical piece will continue to be provided but Council needs to get information on personal preference and aesthetics.

(h) Village Manager Search-

Received 25 applications and have scheduled interviews.

(i) Building Administrator-

Alan Beal has moved on from supporting municipalities. Will be done on June 30th.

9:00pm Manager's Report: Sperling

MANAGER'S REPORT: JUNE 2015

Sanitation Services: No major issues. Bids processed for services to be provided beginning 7/1/15.

Snow Plowing Services & Sidewalk Shoveling: Additional Salt bill received from County

Utility Services:

WSSC-WATER- Issues related to brown water. Had to ask WSSC to flush the lines; Usually occurs with line disruptions and fire hydrant checks.

SEWER: Recurring problem at 3402 Thornapple. WSSC has taken care of the problem (backup into basement). Paid to have house cleaned. Tree roots in line. Line will be repaired.

WASHINGTON GAS: No issues.

PEPCO: New poles attempted on Delfield but thwarted by lack of planning by Pepco.

PERMITTING ISSUANCES: Utility permit requests processed for new construction. Very slow and problematic-requires support for no parking restrictions.

UTILITY ROAD REPAIRS: Array of repairs in different stages in the Village

Trees Service:

- Tree pruning continued during may and early June. Dead tree on Melville removed. Will be replanted in the fall.
- Watering bags placed on new trees. Water truck used to file as needed.

Streets Road repairs/ traffic issues:

- Street sign repair and improvements performed by Joe Cutro, PE (as per contract).
- Sidewalk Repairs: No progress on the Concrete Cutting repairs for sidewalks. Additional research will be needed to find providers.

Street light update:

- Round 3 of street light evaluation conducted. Scott Watson reporting on his evaluation.

Community Events and Wellbeing:

Celebration on the Sidewalk was a success.

Administrative Matters

- Shred-it event Saturday June 20th 10-1
- Development of link from website to Facebook and Twitter has made no progress. Concerned about upkeep and administration of the effort.
- Insurance for FY 2016 applied for. Preliminary policy included in meeting packet.
- Newsletter prepared
- Building permits processed
- Anti-Semitic literature scattered throughout Village. Police and press involved. Police promised to pursue person they believe to be the culprit.

9:10PM Opportunity for Residents' Closing Remarks

Schmal: Street Lighting. Danger in over-advertising how the lights are going to be. If there is a consensus then that should be listened to. Council needs to set a deadline. If LED is the future, can we retrofit current lights. Six years – not good enough.

Allen: Thanked Josh and Jon for their time and commitment to VMA.

Bowers: Honor to have served.

Motion to enter closed session – At 8:56 pm, the Council entertained a motion to enter closed session pursuant to the Open Meetings Act, General Provisions Article, Section 3-305(b)(1), to discuss the potential employment of an employee over whom it would have jurisdiction, including reviewing the applications submitted for the position of Village Manager, and other personnel matters. Mr. Bowers made the motion. Chair Alexander seconded the motion, and all Council members present voted in favor (4-0). The Council discussed the following topics: (1) the applications received for the position of Village Manager; (2) the interviews that have been conducted; and (3) the Chair's inquiry to the Village Management Assistant as to the status of her employment. The Council took the following actions at the session: (1) the Council decided to offer the position of Village Manager to one of the applicants; (2) the Council directed counsel to prepare an offer; and (3) the Council authorized the Chair to follow up with the Village Management Assistant. The following persons were present: Council members Arthur

Alexander (Chair), Tiffany Cissna, Josh Bowers, and Jon Fleming; Council members-elect Richard Krajeck and Katya Hill; and Village Attorney, Ron Bolt.

Village of Martin's Additions
7013 B Brookville Road, Chevy Chase, MD 20815
Minutes: Interim Closed Council Meeting Summary (6/10/2015)

The Village Council met in open session on June 10, 2015, at 7:30 pm, at the Village Office, for the purpose of entertaining a motion to enter closed session pursuant to the Open Meetings Act, General Provisions Article, Section 3-305(b)(1), to discuss the potential employment of an employee over whom it would have jurisdiction, including reviewing the applications submitted for the position of Village Manager, and other personnel matters. Lebovich made the motion. Fleming seconded the motion, and all Council members present voted in favor (4-0). The Council discussed the applications received for the position of Village Manager and conducted an interview. After completion of the interview, the Council concurred on conducting further interviews. The following persons were present: Council members Arthur Alexander (Chair), Josh Bowers, Bill Lebovich, and Jon Fleming and Council member-elect Richard Krajeck.

Village of Martin's Additions
7013 B Brookville Road, Chevy Chase, MD 20815
Minutes: Interim Closed Council Meeting Summary (6/16/2015)

The Village Council met in open session on June 16, 2015, at 6:00 pm, at the Village Office, for the purpose of entertaining a motion to enter closed session pursuant to the Open Meetings Act, General Provisions Article, Section 3-305(b)(1), to discuss the potential employment of an employee over whom it would have jurisdiction, including reviewing the applications submitted for the position of Village Manager, and other personnel matters. Cissna made the motion. Bowers seconded the motion, and all Council members present voted in favor (4-0). The Council discussed the following topics: (1) the applications received for the position of Village Manager; (2) conducted interviews; and (3) the Chair's inquiry to the Village Management Assistant as to the status of her employment. After completion of the interviews, the Council decided to conduct an additional interview. The following persons were present: Council members Arthur Alexander (Chair), Tiffany Cissna, Josh Bowers, and Jon Fleming; and Council members-elect Richard Krajeck and Katya Hill.