

**Village of Martin's Additions**  
**7013 Brookville Road, Suite B, Chevy Chase, MD 20815**  
**Minutes for Council Meeting on**  
**August 18, 2016**

**Council Members Present:** Richard Krajeck (Chair), Arthur Alexander, Tiffany Cissna, Susan Fattig; Katya Hill **Village Manager:** Matt Trollinger; **Assistant Village Manager:** Beth Boa; **Building Administrator:** Doug Lohmeyer; **Residents and other attendees:** Naomi Naierman (Quincy St), Steve Schmal (Summit Ave).

7:30 PM Call to Order: Krajeck

7:30 PM Report from Police Officer Nick Picerno: Krajeck

Officer Picerno reported that the Village did not suffer the “routine” summer crime problems this year. He attributed our quieter summer to the Second District surging to address the burglaries and car break-ins, resulting in a significantly lower amount of crime this summer throughout the district and increased resident awareness and vigilance. Officer Picerno urged Village residents to continue to secure residences, lock cars, and report suspicious activity to police.

7:40 PM Opportunity for Council to hear residents’ comments: Krajeck

Steve Schmal (Summit Ave) raised the issue of residents or outside organizations being able to publish information about their organizations and events in the Village newsletter, *Martin's Edition*, reporting that he had drafted proposed guidelines to cover inclusion of local non-profits’ announcements.

7:40 PM Ratification of Election of Officers: Krajeck

Council members had proposed their roles on the Council in July. Richard Krajeck: Chair; Tiffany Cissna: Vice Chair; Arthur Alexander: Treasurer; Susan Fattig: Secretary; Katya Hill: Member-At-Large.

Motion by Councilmember Krajeck to ratify the election of officers; seconded by Councilmember Hill. All in favor.

7:40PM Update on Committee Appointments: Krajeck

Volunteers for the Election Committee are: Marty Langelan; Naomi Naierman; Natalie Straus Welle; Steve Trowern.

The Council approved the members of the Election Committee.

Volunteers for the Ethics Committee are: Celeste Biagini; Mark Efron; Jimmy Joyce. The Council approved the members of the Ethics Committee.

Dan Gardner is retiring as Village Tree Supervisor. The Council will appoint a new Tree Supervisor, per the Code of Ordinances Section 9-103. Interested volunteers should contact the Village office by September 8.

7:45 PM Action on Council Meeting Minutes of June 16, 2016: Krajeck

Motion by Councilmember Alexander to approve the draft minutes for the Council meeting held on June 16, 2016; seconded by Councilmember Fattig. All in favor.

The minutes as approved are attached.

7:45 PM Public Hearing on Ordinance No. 6-16-1, renewal of RCN Cable TV Franchise: Krajeck

A public hearing was held on Ordinance No. 6-16-1. There were no comments presented.

Motion by Councilmember Fattig to adopt Ordinance No. 6-16-1, renewal of RCN Cable TV Franchise; seconded by Councilmember Alexander. All in favor.

Ordinance No. 6-16-1, renewal of RCN Cable TV Franchise attached.  
Memorandum of Understanding attached.

7:45PM *Martin's Edition* Newsletter Contents: Krajeck

Chairman Krajeck commented that Steve Schmal (Summit Ave) submitted draft guidelines for submission of content for the *Martin's Edition* newsletter by local non-profits.

First, the Council discussed whether appropriate to add such submissions to the monthly newsletter. Councilmember Cissna reiterated her position that only official Village business be included in the newsletter for a variety of reasons and that, if the Council decided to go forward with including such information, legal counsel should be consulted on how to appropriately implement such a decision. The rest of the Council voiced support for including local non-profit announcements in a separate section of the newsletter while agreeing to consult with legal counsel on how to implement. Discussion ensued as to which non-profits could be included and the length of submissions.

Although legal counsel will be consulted, next steps are for Assistant Village Manager Beth Boa to edit the draft guidelines pursuant to the Council discussion and send them to Attorney Ron Bolt and the Council for review. Katya Hill may add a question to this year's annual survey seeking resident opinions on inclusion of local non-profit

announcements. As discussed, such announcements would need to be 100 words or less and be submitted by a Village resident.

Draft Guidelines for What Non-Village Business Can and Cannot be Included in *Martin's Edition* from Steve Schmal Attached, noting the Council still plans to consult with its attorney.

8:00 PM Update from the Centennial Celebration Committee: Naierman

This will be the last update from the Committee.

The Committee has developed a video from the Centennial Celebration event. The Centennial Celebration Committee presented a DVD to each Council member. The remaining DVDs will be distributed to residents that requested a copy and the rest will be stored in the Village office. It is also posted on the Village website.

The video with snippets of interviews of residents of VMA is in production and will be posted on the Village website.

Thus far the budget estimate is \$20,250 at most, including expenses related to the program itself, such as children's entertainment, videography and AV equipment. The estimated expense of the development of the two videos is included and it may slightly exceed the \$20,000 event budget.

The Council thanked Naomi Naierman and the Committee members.

8:05PM Update on Streetlights: Trollinger

Village Manager Trollinger reported on his conversations with Pepco about replacing streetlights and adding seven new poles in the Village. Discussion ensued about the options presented and associated costs.

Due to some outstanding questions on the information presented by Pepco, the Council would like to meet with Mike Picucci, who is a Regional Manager at Pepco, to discuss options. Village Manager Matt Trollinger will arrange a meeting.

Pepco's induction versus LED Street Lights and Process memo attached.

8:30 PM Discussion on Established Building Line front setback: Krajeck

The Council discussed changes to the Code regarding the Established Building Line front setback based on recommendations from Doug Lohmeyer, Building Administrator. One option would be to adopt Montgomery County code that only applies to new construction.

The Council discussed Village Code requirements for projections such as front porches and how far they can project. Lohmeyer suggested the option of making the porch depth a percentage of the setback.

Chairman Krajeck will invite resident architect Lynn Iadarola (Shepherd St) to meet with the Council and Lohmeyer to give input on projections. Councilmember Cissna requested that any input be accompanied by data on homes that would be impacted as well as illustrations so that it would be easier for everyone to see the impact(s) of the changes being discussed.

8:45 PM Annual Survey: Hill

Councilmember Hill will prepare draft questions for Fiscal Year 2017's Annual Survey. It will be based on the survey from FY2016. Council members are invited to submit questions to Councilmember Hill who will present a draft survey to the Council at the next meeting (September 15, 2016).

8:45 PM Arborist Contract: Krajeck

Council Chairman Krajeck noted that while the Village is happy with the current Arborist (Integrated Plant Care), pursuant to the Village Charter and Policy, the job needs to be bid out. The Council discussed whether to split the arborist contract into two parts: (1) a consulting job and (2) a separate firm to do the work of trimming and removing trees in the Right-of-Way in order to avoid the appearance of a conflict of interest.

The Ethics Committee members' opinion was two-to-one for maintaining the current practice of having one firm do all of the work. The Council's opinion was four to one in favor of having one entity do the work.

Village Manager Trollinger will prepare a request for proposals for the Village arborist position. He will inform the new Tree Supervisor about this discussion.

8:50 PM Financial matters, including Treasurer's Report: Alexander

	Actual	Budgeted
Revenues	\$2,891	1,891
Expenses	27,830	49,453
Net Income	-24,940	49,453
	27,830	-47,562.00

Reserve account (current assets less designated allocations): \$1,588,216

For the first month of the fiscal year, the Villages accounts are not very informative. Both revenues and income get off to a slow start.

However, there is close to a final reckoning of the effects of the U.S. Supreme Court's *Wynne* decision as it affects Martin's Additions. The State of Maryland had allowed taxpayers with income from other states to claim a credit on their state taxes for taxes paid elsewhere, but a credit was not allowed for county taxes. The Court held that credits should have been allowed for all levels of government. Martin's Additions is required to refund revenues inappropriately received from income taxes to the extent that residents file for their previously disallowed credits. The latest and near final estimate from the State Comptroller is that we will owe \$150,000, subject to minor change. The State will recover these funds in 20 quarterly installments, beginning in May 2019, by deducting the funds from the regular disbursements we receive from the Village share of State income taxes.

Due to years of careful budgeting, the Village reserve account (current assets minus funds set aside for designated capital expenditures) is roughly double the Village's budgeted annual expenditures, which provides a planned cushion against unexpected occurrences. As a result, the Council discussed paying the *Wynne* funds back as a lump sum. Village Manager Trollinger will ask the Village Accountant Dan Baden and James Pasko, Manager, Revenue Accounting for the Comptroller of Maryland how to pay the funds as a lump sum. The Village Council agreed to create a designated fund balance in the FY 2017 budget to clearly show where the funds would come from and impact on the overall budget.

Motion by Councilmember Fattig to approve the Treasurer's Report; seconded by Councilmember Hill. All in favor.

Treasurer's Report attached.

8:55 PM      Manager's Report: Trollinger

Village Manager Matt Trollinger gave his report.

#### Administrative Matters:

- Community Events:
  - o Halloween Party: The Village will be hosting a Halloween celebration on October 30 at the end of Turner Lane. We will have pizza, ice cream, a DJ playing music, crafts, and pumpkins for carving. Special thanks to Paul Wolfe, who will be providing pumpkins, and Keith Allen, who is assisting in planning and storage, as well as providing electricity and restroom facilities. We are looking for volunteers to help set up, assist with crafts, and clean up for the event, and to help with any additional planning in the next couple of months.
- Website: Google Analytics reports that we had 1,724 page views from June 9 – July 9, and 989 views from July 10- August 9, which is down from the previous few months quite significantly, likely as the election ended and people head away on summer vacation.
- Contacting the Office: The VMA Office is staffed from at least 9:00 am – 5:00 pm Monday through Friday, although someone is often in the office earlier than that.

Outside of the regular office hours, the best way to get in contact with Village staff is via email at [martinsadditions@gmail.com](mailto:martinsadditions@gmail.com).

- Newsletter: continues to be published monthly online with the exception of July when there was no Council meeting.
- Directory: Staff has put together and sent out 2016 Village Directories to residents. There are extra copies in the office if residents need them.
- Contracts:
  - o Municipal Operations & Code Enforcement: Staff is working to put out a request for proposals for Municipal Operations & Code Enforcement work. Currently, work is done on an informal basis.
  - o Snow Plowing & Street Cleaning: The Village has triggered its option clause with Rolling Acres to continue to provide snow plowing & street cleaning to the Village this winter.
  - o Arborist: Village will put out a formal RFP for Village Arborist position, per the Council decision discussed earlier in the meeting.
  - o Website: Village's current website provider and host is generally unresponsive. At the summer MML Convention, Staff spoke with a number of representatives from other companies, one of which has submitted an offer that would require an upfront cost to migrate over, but would ultimately cost less on a per month basis. Village staff plans to put together a formal RFP coming weeks to receive proposals from various vendors. Staff will send a list of municipal website samples to the Council.

#### Safety and police:

- Our contract Police officers continue to contribute safety tips to newsletter on a semi-monthly basis to increase community awareness and help prevent crime.
- Reminder to always double-check to make sure your car doors are locked, and to not keep any valuables in your car if at all possible.
- Residents should also report any suspicious activity to police.
- Our Village's traffic engineer, Joe Cutro assessed the bent stop sign behind the Village marketplace. It is likely that it will have to be replaced.

#### Utilities: WSSC

- House Connections are almost finished on the South End. WSSC still has one service to fix on 111 Quincy. The service was put in incorrectly, and needs to be moved nine feet away from a tree.
- WSSC is finishing up final repairs of driveway aprons, curbs, and right-of-ways before the work is entirely complete.
- Village Staff did a walk-through with WSSC to complete a "punch list" of areas/items that are in disrepair due to WSSC's work in the South end. The Village has an additional year to identify any spots that need attention from WSSC.
- Once the final house connection has been fixed and the punch list has been completed, WSSC will sweep the streets and move all equipment out of the Village.

#### Streets Lighting:

- PEPCO sent one its engineers to VMA to observe the layout of the Village, and assess the locations of new poles, according to our design. Five of the seven proposed locations require trimming Village trees, which will be handled by PEPCO. PEPCO will send over a price on the seven new poles in the next two weeks.
- PEPCO prepared a memo for the Village comparing LED and Induction Lighting. The memo outlines performance and cost differences. The cost difference is not as prohibitive as originally thought, based on estimates from Scott Watson. The custom-built 55 watt LED fixture that is located on 3525 Bradley are essentially the same price as the 55 watt Induction light (in fact it is slightly cheaper).
  - o PEPCO has agreed to stock additional custom-made LED lights for the Village.
- In the last week the Village received a call from PEPCO saying that PEPCO's supplier, Holophane, was planning to cease and desist its line of QL Induction lights. This is in direct conflict with what the Village was told by Scott Watson, who assured that Induction would be available for at least 25 years.
- VMA still has the option to sign a master agreement with PEPCO, buying the light fixtures from them outright, and then installing new lights on its own. However, this would require the Village, not PEPCO, to maintain all street lights, including replacing any lights that go out in the future. According to PEPCO, no municipality in the area has ever signed its master agreement and taken over maintenance responsibilities.

#### Streets & Sidewalks:

- Street Repaving: Staff has sent out an RFP, with bids due by Friday September 2.
  - o After successful negotiation with the Village staff to increase their initially proposed reimbursement, Washington Gas has reimbursed the Village for paving repairs. Village staff is negotiating with WSSC to get its reimbursement check as well.
- Brookville Market Intersection: Staff has been working with Section 3 and local elected officials to push State Highway to a redesign of the dangerous intersection. On August 9th the Village received a letter from SHA stating that the project is funded for design, and that design planning is scheduled to start in November 2016.
- Oxford/Quincy Intersection: As a courtesy, WSSC agreed to move the boulders on the corner of Oxford and Quincy down to the dead end of Turner. We will use one of the boulders as a plaque for the Centennial Tree. See report from Doug Lohmeyer on plans for re-doing the storm drain.
- The Council recommends replacing the two wooden Village signs.

#### Leaf Bags:

- Have been ordered from Laniado Wholesale who will also provide delivery to individual homes. The Council has budgeted \$10,000 in FY17 so will need to have a budget amendment to cover the additional \$4,025 estimated cost. Discussion ensued about the possibility of leaf vacuuming versus leaf bag distributing in the Village.

#### Sanitation:

- Bulk Trash: Next pickup September 10, again coordinated with A Wider Circle pick up on Friday September 9.

9:05 PM Building Administrator's Report: Lohmeyer

Doug Lohmeyer, Village Building Administrator, gave his report.

7219 Chestnut St.

The homeowner placed stone tiles over the top of the existing concrete lead sidewalk. A right of way license agreement was prepared for that portion of the sidewalk in the Village right of way. We are waiting for the homeowner to return the executed and notarized agreement, which will be recorded in the land records at Montgomery County.

3414 Cummings Lane

The construction of the detached garage, pool, pool decking, and driveway is on-going. The Village recently extended the building permit.

7210 Delfield St.

The homeowner has planted rose bushes and other plants, outside the new fence at the front of the property and within the Village right of way. A right of way license agreement was prepared for the plantings in the Village right of way. We are waiting for the homeowner to return the executed and notarized agreement, which will be recorded in the land records at Montgomery County.

3505 Raymond Street

Work is continuing on the original house improvements and a new building permit has been issued for the front porch addition and the relocation of two A/C compressors at the rear of the house.

3507 Raymond St.

The homeowner has submitted plans and a building permit application to the Village make interior improvements and to add a deck to the rear of the house. The Village has issued a building permit, but the work has not begun.

3512 Taylor Street

The staff noticed that the existing retaining wall along the front property line was being totally removed and re-built. The Village no longer issues permits for retaining walls. A right of way license agreement was prepared for the wall in the Village right of way. We are waiting for the homeowner to return the executed and notarized agreement, which will be recorded in the land records at Montgomery County.

3504 Turner Lane

The staff observed the installation of a new landscape retaining wall in the front yard.

The Village no longer issues permits for retaining walls. A right of way license agreement was prepared for the wall in the Village right of way. We are waiting for the homeowner to return the executed and notarized agreement, which will be recorded in the land records at Montgomery County.

#### 3507 Turner Lane

The building permit has been issued. Work is wrapping up on the two story addition. Ms. Metwalli called and asked for a final review and the return of the performance bond.

When I visited the site, I measured the front porch roof, which was reduced from 36" to 30" during the Variance Hearing. The new porch roof extends 35.5" from the front wall of the house.

The contractor has removed the porch roof and re-built the roof. It now extends 30" from the front wall. In my opinion, the improvements, as revised, comply with the Village Code, the building permit should be closed, and the performance bond should be refunded.

#### MCDOT – Quincy and Oxford

Presently, large trucks are having difficulty making the turning movement at the intersection of Quincy and Oxford and the rear wheels are driving across the curb and sidewalk.

In April, we met with the MCDOT maintenance staff and discussed rebuilding the existing brick inlet to allow a larger turning radius at the western side of the intersection. In July, I again met with the staff at MCDOT. They have determined the cost of rebuilding the inlet was too expensive and set a bad precedent. We discussed enlarging the radius without changing the inlet. We will soon meet with Joe Cutro to discuss this option and cost.

#### MSHA – Brookville Road

When the WSSC contractor was flushing the fire hydrant on the east side of Brookville Road, the staff noticed that the existing MSHA storm drain inlet, just north of Shepherd St. was missing a grate and a large hole was located adjacent to the sidewalk and bike lane. The MSHA maintenance crew has rebuilt the inlet, but the opening, where the water enters the inlet, is restricted. I contacted MSHA and they agreed the opening is too small. They are scheduled to enlarge the opening in Sept.

#### AMT GIS Update

AMT last updated the Village GIS computer data in 2014. We are presently compiling the information for a new update. The update will include the new front yard construction projects since 2014, the WSSC water main replacement project from 2012 and 2016, and

any changes to trees within the Village right of way. We hope to submit this information to AMT in Sept.

Recently, residents have been questioning the location of their property lines. We are also compiling a folder of individual lot surveys, which may help clarify where the individual property lines are located. AMT provided a street right of way survey in 2007. We will ask AMT to review the individual property line surveys and compare that information to the survey the provided in 2007.

The Council asked whether AMT had become more responsive to staff needs in recent months and was told that that issue had not been resolved. Staff plans to write a formal letter to AMT in hopes of correcting the issue(s). The Council also suggested that staff become familiar with the ARC-GIS.

9:20 PM Opportunity for Council to hear residents' comments: Krajeck

9:20 PM Councilmember Alexander made a motion to enter closed session pursuant to Maryland Code, General Provisions Article, Section 3-305(b)(1) to discuss the appointment, assignment, and performance evaluation of an appointee (independent contractor) over whom the Village Council has jurisdiction; seconded by Councilmember Cissna. All in favor. Present were Doug Lohmeyer, Matt Trollinger and Beth Boa. Pending legal counsel, a lump sum payment may be made to Blue Crab Contracting (BCC) to compensate for invoices that have not been received by the Village for February through June 2016 (the last 5 months of the preceeding fiscal year). Also pending legal counsel is a path forward on how to compensate for work done in FY 2017 until an RFP is completed and a new contract is in place. Attorney Bolt will be consulted. An RFP will be developed and competed for the Code Enforcement/ Municipal Operations contractor position in the Village in the near future. The closed session adjourned at 10:05 pm.

10:05 PM Adjournment: Krajeck

**Village of Martin's Additions**  
**7013 Brookville Road, Suite B, Chevy Chase, MD 20815**  
**Minutes for Council Meeting on**  
**June 16, 2016**

**Council Members Present:** Richard Krajeck (Chair), Arthur Alexander, Tiffany Cissna, Susan Fattig; Katya Hill **Village Manager:** Matt Trollinger; **Assistant Village Manager:** Beth Boa; **Attorney:** Ron Bolt; **Building Administrator:** Doug Lohmeyer; **Residents and other attendees:** Anita Difanis (Bradley Ln), Marc Efron (Raymond St), Jon and Cris Fleming (Shepherd St), Dan and Kirsten Gardner (Delfield St), Marty Langelan (Chestnut St), Naomi Naierman (Quincy St), Steve Schmal (Summit Ave), Lynn Welle (Oxford St).

7:45 PM Call to Order: Krajeck

7:45 PM Opportunity for Council to hear residents' comments: Krajeck

Steve Schmal (Summit Ave) raised the issue of the Village newsletter, *Martin's Edition*, asking when the policy was enacted that restricted it to Village business. He feels that this policy is counter to the goal of encouraging residents' involvement in the community. He said that the google groups listserv is unofficial and it is not clear how many people are on that listserv. He asked that the Council reconsider this policy and stated he would help develop guidelines for not-for-profit organizations and governmental institutions to submit items.

Discussion ensued on the role of the newsletter. Chairman Krajeck said that the decision was made on the basis that non-Village business diluted the effectiveness of the newsletter. Councilmembers Alexander and Fattig enjoyed the previous format with local and community news items. Councilmember Cissna stressed that the newsletter is the voice of Village government and that many Village residents have expressed appreciation for the current format. Steve Schmal said the current format of the newsletter is dull.

Naomi Naierman (Quincy St) recommended that the communication needs of the Village be examined so that staff can be contacted in emergencies and there is a method of back and forth electronic communication between staff, the Council, and residents. Councilmember Cissna reminded those in attendance that the staff regularly monitors their email outside of "office hours" and responds to inquiries/issues as needed.

8:00 PM Update from the Centennial Celebration Committee: Naierman

The video from the Celebration has been posted on the Village website and the second video of interviews will be posted as well. Staff will make DVDs of the first video for

those residents that have requested them (so far only four have been requested.) The Centennial Celebration expenses are below the \$20,000 budget.

Centennial Celebration Committee update attached.

8:00 PM Update from the Election Committee: Naierman

The 2016 Election Committee is pleased to present our final, year-end report to the Council members and residents of Martin's Additions. Following is a summary of the Committee's actions:

- o Held an open community solicitation and successfully recruited six candidates for the Council's consideration to fill the vacant seat on the Council in August 2015.
- o Analyzed the electoral process in VMA, in order to improve the process and address residents' concerns about previous elections.
- o Conducted the first-ever village-wide survey about VMA elections, to obtain residents' comments and suggestions.
- o Created and publicized a Committee email address, held open meetings, posted dozens of Committee notices and articles in the VMA newsletter, and listed the names of all the Committee members to make it easy for people to reach us.
- o Developed and recommended an official set of Election Rules and Procedures for VMA, which the Council adopted in February 2016.
- o Designed and implemented new procedures to enable residents to request and receive absentee ballots by email.
- o Improved the security and privacy of the absentee voting process, by assigning randomized control numbers for absentee ballots and providing a new secure P.O. Box address for ballots to be returned by mail.
- o Extended the voting hours at the polling table to 8 p.m. to make voting more accessible for residents.
- o Solicited nominations for the 2016 election, standardized the guidelines for candidates' statements, obtained the new conflict-of-interest disclosure forms from the candidates, designed the ballots, prepared the election materials, and met all electoral deadlines.
- o Wrote and mailed the official election information packet to all VMA households, posted the information on Constant Contact, and held the public Candidates Forum on April 28.
- o Updated the official list of eligible voters.
- o Responded to all requests for absentee ballots.
- o Staffed the polling table on May 12, conducted the election, counted the 228 ballots cast, and announced the voting results at the Council Meeting on May 12.
- o Provided a prompt written report on the election results to the Council, and posted the report on Constant Contact and in the VMA newsletter.

- o Held a final open Committee meeting on May 31 to review the election process and welcome residents' comments.

To complete our service, the Committee will draft a memo outlining the details of the electoral operating procedures, time-lines, and logistics, for the benefit of the new 2017 Election Committee.

It has been a pleasure to serve on the 2016 Committee. We believe the new written Election Rules and Procedures ensure fair and efficient elections and we were pleased to implement them this year. We thank the Council and the VMA staff for the consistent support they provided to assist us in carrying out our tasks. We are especially pleased that this Committee was able to help to set a new tone of open, accessible, and responsive local government by warmly inviting community participation throughout the past year.

8:05 PM Update from the Ethics Committee: Marc Efron

The Ethics Committee developed an Ethics Questionnaire for staff and Council members in FY2016. The Committee will consider whether to redo the entire code of ethics based on the Maryland Model Code of Ethics. The Maryland Model Code is much more detailed than Village Code of Ethics. Ron Bolt (Attorney) noted that the Village is exempted from adopting the Maryland Model Code.

8:10PM Review the Taylor-Brookville Intersection and Proposed State Highway Plans: Krajeck.

The Council reviewed the two State Highway (SHA) options for fixing the Taylor-Brookville intersection due to the limited sight of pedestrians and cars at the intersection. The Council agreed that option 1 is preferable; which is also preferred by Section 3 and the Maryland state delegates. Matt Trollinger, (Village Manager) will contact SHA about the Council's preference and ask for a timeline on the project. He will copy the congressional and state lawmakers for Martin's Additions.

Proposed State Highway Plans attached.

8:20 PM Action on Annual Meeting Minutes of May 12, 2016: Krajeck

Motion by Councilmember Fattig to approve the draft minutes for the Annual meeting held on May 12, 2016; seconded by Councilmember Alexander. All in favor.

The minutes as approved are attached.

8:20 PM Introduction of Ordinance No. 6-16-1, renewal of RCN Cable TV Franchise: Bolt

Motion by Councilmember Alexander to introduce Ordinance No. 6-16-1, renewal of RCN Cable TV Franchise; seconded by Councilmember Hill. All in favor.

There will be a public hearing on the ordinance at the July 21, 2016 Council meeting.

Ordinance No. 6-16-1, renewal of RCN Cable TV Franchise attached.

8:25 PM Financial matters, including Treasurer's Report: Hill

Councilmember Hill reported that in the month of May Village revenues were greater than expenses. The Village's financial status is in great shape.

Motion by Councilmember Alexander to approve the Treasurer's Report; seconded by Councilmember Fattig. All in favor.

Motion by Councilmember Hill to approve budget amendments for Legal expenses and Building Administrator expenses; seconded by Councilmember Fattig. All in favor.

Treasurer's Report attached.

8:30 PM Public Hearing on Ordinance 4-16-1 to amend Chapter 7 of the Village Code and adding a Counsel for Ethics Committee Reference in Code: Krajeck

Changes to the Established Building Line (EBL), legal counsel for Ethics Committee, and other edits were proposed.

Discussion ensued on proposed Section 7-402 which would limit application of the EBL front setback to new construction. Discussion was held on whether the existing front setback for front porches should be modified, because the proposal may result in porches being located much closer to front property lines. The Council agreed to revisit the porch/setback issue at a later time and to not edit the EBL application at this time.

Motion by Councilmember Cissna to approve Ordinance 4-16-1, as amended; seconded by Councilmember Krajeck. All in favor.

Ordinance 4-16-1, as adopted, is attached.

8:45 PM Manager's Report: Trollinger

Village Manager Matt Trollinger gave his report.

Administrative Matters:

- Community Events:
  - o Celebration on the Sidewalk/Election: The Village celebrated its annual Celebration on the Sidewalk on May 12. Thanks to all who showed up and voted, and to the volunteers, artists, and businesses who gave their time and donated. Special thanks to the Election Committee (Lee Ann Anderson, Chair; Natalie Welle, Steve Trowern, Marty

Langelan, and Naomi Naierman), and Beth Boa, the Assistant Village Manager, all of whom put in a great deal of time and effort to make the Celebration a success.

- Website: Google Analytics reports that we had 2,796 page views from April 9 – May 8, and 2,189 views from May 9- June 8, which is a bump up from previous months, likely due to the election.

- Contacting the Office: The VMA Office is staffed from at least 9:00 am – 5:00 pm Monday through Friday, although someone is often in the office earlier than that. Outside of the regular office hours, the best way to get in contact with Village staff is via email at [martinsadditions@gmail.com](mailto:martinsadditions@gmail.com).

- Annual MML Convention: From June 26-29, Village Staff will be attending the Maryland Municipal League Annual Convention. Staff will be accessible via email, and will be checking the office voicemail periodically. We are also working out ways to potentially staff the office for parts of the day, and will notify residents via Constant Contact. Councilmembers Cissna and Fattig can cover the office part of the time.

- Newsletter: continues to be published monthly online.

- Directory: Staff has put together and sent out 2016 Village Directories to residents. There are extra copies in the office if residents need them.

- FEMA reimbursement for snow plowing: FEMA reviewed and approved of VMA's worksheet for reimbursement costs resulting from the 2016 snowstorm. VMA will be receiving a reimbursement check of \$17,184.03 within the next four weeks.

- Contracts:

- o Municipal Code Enforcement: Staff is working to finalize an RFP for Code Enforcement and Municipal Operations. Currently, work is done on an informal basis.

- o Lease: The Village has signed its lease option, and will remain at its Brookville Market location. Trollinger will write up a background on the lease explaining its origin and amendments, as well as the handwritten notes on the original lease.

Safety and police:

- Police continue to contribute safety tips to newsletter on a semi-monthly basis to increase community awareness and help prevent crime.

Utilities: WSSC

- Staff met with Dwayne Green, Construction Inspector for WSSC, Greg Staley of Rustler Construction (WSSC's contractor for the Village), and Michael Alves of Power Enterprises Construction (sub-Contractor for Quincy Street) to go over any issues that have arisen over the past month, progress on the project, and expectations moving forward. Trollinger will update Quincy and Oxford residents about this meeting.

- Bradley Lane is almost entirely complete, with the exception of the tie-in at the dead end.

- Work continues on Quincy. New expectations are for the project to be finished in mid-July. Individual house connections will begin in about two weeks. Staff will notify residents ahead of time when their house's connection is being done.

- Work is expected to be completed by approximately Friday July 15, weather permitting.

- Last week the Village received a letter from WSSC about sewer main replacements that will be affecting VMA. WSSC is planning to replace the sewer mains

at the intersection of Quincy and Oxford, on about half of Raymond Street, and part of Thornapple between Delfield and Summit. The project is still in the planning stage. WSSC has not selected a contractor for the work yet, so does not have a specific timetable, but are tentatively hoping to complete all work in the Fall of 2016 and Fall of 2017.

#### Streets Lighting:

- PEPCO sent one its engineers to VMA to observe the layout of the Village, and assess the locations of new poles, according to our design. Staff expects PEPCO to send a price for the 8 new poles within the next two weeks.
- Staff has been in discussions with PEPCO about reducing the cost of new installations. VMA's current mercury vapor lights are out-dated, and have been largely phased out by PEPCO.
- VMA also has the option to sign a master agreement with PEPCO, buying the light fixtures from them outright, and then installing new lights on its own. However, this would require the Village, not PEPCO, to maintain all street lights, including replacing any lights that go out in the future. According to PEPCO, no municipality in the area has ever signed its master agreement and taken over maintenance responsibilities. Trollinger will write an update for residents on the status of the streetlights.

#### Streets & Sidewalks:

- Street Repaving: Staff is finalizing an RFP to be sent out to potential bidders. All bids would be due by mid-August, when a contractor would be selected. Trollinger will send out RFP next week.
  - o Washington Gas sent over reimbursement agreements for paving repairs. Trollinger will ask Joe Cutro (Engineer) to examine agreement to determine if it covers needed repairs. Doug Lohmeyer (Building Administrator) advised trying to negotiate with WGL on needed repairs.
- Corner of Quincy and Oxford: Montgomery County is unlikely to agree to moving the storm drain. Staff is considering other options, including adding bollards at the corner, and designating a No Parking area directly across from the corner. Lohmeyer estimates that it would cost \$15,000-\$20,000 to change the storm drain; he will check the pricing.

#### Sanitation:

- Bulk Trash: Next pickup July 9, again coordinated with A Wider Circle pick up on Friday July 8.

#### Building Administration:

- Please see report from Doug Lohmeyer, our Building Administrator, attached.

9:25 PM Building Administrator's Report: Lohmeyer

Doug Lohmeyer, Village Building Administrator, gave his report.

7210 / 7212 Chestnut St.

Both lots are owned by the people who live at 7212. Recently, a neighbor contacted the Village office about the trash, debris, and rodents at 7210. The County has been contacted and they have instructed the owners to clean up the lot. The clean-up is on-going and we are monitoring it with the staff at the County.

It appears that the owners are preparing to demolish the existing house at 7210, but no demolition or building permits have been applied for at the County or the Village. The homeowner has been advised of the Village requirements and we are monitoring the situation.

7219 Chestnut St.

The homeowner is having stones tiles placed over top of the existing concrete lead sidewalk. Since the existing sidewalk runs from the front porch to the curb, some of the work is occurring in the Village right of way. The work should be completed in the next few days. A right of way license agreement is required for that portion of the sidewalk in the Village right of way. We are preparing that agreement for the homeowner's signature and recordation.

3414 Cummings Lane

The construction of the detached garage, pool, pool decking, and driveway is on-going.

7210 Delfield St.

The homeowner has planted 4 rose bushes, outside the new fence at the front of the property. They are within the Village right of way and a right of way license agreement is required. We are preparing the agreement for the homeowner's signature and recordation.

3505 Raymond Street

Work is continuing on the original house improvements and a new building permit was issued for the front porch addition, which has not begun.

3507 Raymond St.

The homeowner has submitted plans and a building permit application to the Village make interior improvements and to add a deck to the rear of the house. The initial Village review has been completed and we are waiting for the County building permit approval, before the Village permit is issued.

3512 Taylor Street

The staff noticed that the existing retaining wall along the front property line was being totally removed and is being re-built. I visited the site and determined that the old and

new retaining walls are anywhere from 3' for 4' inside the Village right of way. The work should be finished by the end of this week.

The homeowner has been contacted. The Village no longer issues permits for retaining walls. We are in the process of preparing a right of way license agreement and a performance bond has been requested.

#### 3506 Turner Lane

The staff observed the installation of a new landscape retaining wall in the front yard. The right of way license agreement has been prepared, but the homeowner has not returned the signed and executed copy.

#### 3507 Turner Lane

The building permit has been issued. Work is wrapping up on the two story addition. Ms. Metwalli called and asked for a final review and the return of the performance bond.

After visiting the site, I observed two issues with the new construction. The steps at the rear of the house were originally proposed to project north off the rear of the house. They were constructed projecting to the west. The new location does not extend beyond the side of the house, so no setback issues were created by the change. The second issue relates to the covered front porch, which was revised from 36" to 30" during the Variance Hearing. The new porch extends 35.5" from the front wall of the house. I spoke to Ms. Metwalli and she said her contractor carefully constructed the porch 29.5" from the existing house soffit. I explained that the Village Code states the "Front wall plane means the horizontal surface along the face of the exterior wall facing the front yard" and that measurements are made from the front wall of the house and not the soffit.

If the Council decides to amend the Code to agree with the County EBL section, the front porch depth will not be an issue, because improvements to existing house will be excluded from the EBL calculations. I recommend The Council and Ron discuss the front porch issue.

#### MCDOT – Quincy and Oxford

Presently, large trucks are having difficulty making the turning movement at the intersection of Quincy and Oxford and the rear wheels are driving across the curb and sidewalk. We met at the site and discussed several options to improve the turning movement. One option would be to post "No Parking" signs on the north side of Quincy. Another option would be to place bollards at the southwest corner. The third option is for MCDOT to replace or modify their storm drain inlet and for the Village to rebuild the curb fillet at the southwest corner of the intersection.

In April, we met with the MCDOT maintenance staff and discussed rebuilding the existing brick inlet to allow a larger turning radius at the western side of the intersection.

The MCDOT staff said they would consider possible modifications and get back to us. The staff has since decided that if they make this change, other tight intersections will also need to be modified. But, they said they would discuss our request with their managers. We are still waiting for that decision.

#### MSHA – Brookville Road

When the WSSC contractor was flushing the fire hydrant on the east side of Brookville Road, the staff noticed that the existing MSHA storm drain inlet, just north of Shepherd St. was missing a grate and a large hole was located adjacent to the sidewalk and bike lane. The MSHA maintenance crew has rebuilt the inlet, but the opening, where the water enters the inlet, is restricted. I contacted MSHA and they agreed the opening is too small. They are scheduled to enlarge the opening in September.

Lohmeyer has been contacting AMT about updating the survey to resolve boundary survey discrepancies on Village lots. The Office will update AMT with any changes building lines in the front.

9:35 PM Opportunity for Council to hear residents' comments: Krajeck

Lynn Welle (Oxford St) asked to be part of a meeting with WSSC, Lohmeyer, and Trollinger to look at the possible realignment at the corner of Quincy and Oxford Streets. He asked that the boulders be removed from that corner.

9:45 PM Councilmember Fattig made a motion to enter closed session pursuant to Maryland Code, General Provisions Article, Section 3-305(b)(1) to discuss the appointment, assignment, and compensation of a specific appointee over whom it has jurisdiction, and Section 3-305(b)(7) to consult with counsel to obtain legal advice on a legal matter, concerning an existing contract; seconded by Councilmember Cissna. All in favor. Present were Doug Lohmeyer, Ron Bolt, Matt Trollinger and Beth Boa. An RFP will be developed for the Code Enforcement/ Municipal Operations contractor position in the Village. The closed session adjourned at 10:15 pm.

10:15 PM Adjournment: Krajeck

**The Village of Martin's Additions  
Ordinance Granting Non-Exclusive Franchise for the  
Operation of a Cable Television System**

Resolution No.: 6-16-1  
Introduced: May 19, 2016  
Adopted: August 18, 2016  
Effective Date: September 7, 2016

WHEREAS, Maryland Code, Local Government Article, Section 5-202, as amended, 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 the public general law, as deemed 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, Maryland Code, Local Government Article, Section 5-204(d) and Section 1-708(c), as amended, authorize the legislative body of each municipal corporation in the State of Maryland to grant a franchise for a cable television system;

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 of Martin's Additions (the "Village") and its residents;

WHEREAS, Starpower Communications, L.L.C. has applied for renewal of its non-exclusive franchise for the operation of a cable television system within Montgomery County, Maryland, including within the corporate limits of the Village;

WHEREAS, on behalf of the Village and other participating municipalities, Montgomery County, Maryland negotiated a franchise agreement renewal with Starpower Communications, L.L.C., upon the terms and conditions set forth in that certain Cable Franchise Agreement by and between Montgomery County, Maryland and Starpower Communications, L.L.C., and conducted a public hearing on said Franchise Agreement on May 3, 2016 (the "Franchise Agreement");

WHEREAS, the Franchise Agreement was approved by the Montgomery County Council on May 3, 2016;

WHEREAS, the Franchise Agreement is to be administered by Montgomery County, Maryland within the Village, according to Montgomery County Chapter 8A;

WHEREAS, the Village Council introduced the following Ordinance in public session assembled on the 19<sup>th</sup> day of May, 2016;

WHEREAS, the Village Council, after proper notice to the public, considered the following Ordinance at a public hearing held on the 18th day of August, 2016; and

WHEREAS, the Village Council finds that the foregoing Ordinance would assure the good government of the municipality, protect and preserve the municipality's rights, property, and privileges, preserve peace and good order, secure persons and property from danger and destruction, and protect the health, comfort and convenience of the citizens of the Village of Martin's Additions, and is necessary for the preservation of the property, rights, and privileges of the Village and its residents.

NOW, THEREFORE, the Village Council does hereby adopt the foregoing uncodified Ordinance.

BE IT ORDAINED AND ORDERED, this 18th day of August, 2016, by the Village Council, acting under and by virtue of the authority given it by the Maryland Code and the Village Charter that a non-exclusive franchise for the operation of a cable communications system be and the same is hereby granted upon the following conditions:

1. Starpower Communications, L.L.C. shall enter into an agreement with the Village upon the same terms and conditions as are set forth in the Franchise Agreement; and
2. The franchise within the Village shall be effective from the effective date of the Franchise Agreement until the end of the term of the Franchise Agreement in the unincorporated areas of Montgomery County.

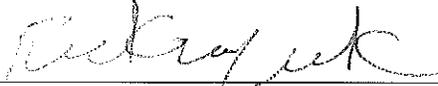
AND BE IT FURTHER ORDAINED AND ORDERED, by the Village Council, acting under and by virtue of the authority granted to it by the Maryland Code and the Village Charter, that:

1. The Chair of the Village Council be and is hereby authorized to execute any and all documents necessary to effectuate the intent and purpose of this Ordinance;
2. 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
3. This Ordinance shall take effect on the 7th day of September, 2016.

ATTEST:

THE VILLAGE OF MARTIN'S ADDITIONS

  
\_\_\_\_\_  
Susan Fattig, Secretary

  
\_\_\_\_\_  
Richard Krajeck, Chair  
Village Council

**AGREEMENT TO IMPLEMENT THE STARPOWER CABLE FRANCHISE BETWEEN  
MONTGOMERY COUNTY, MARYLAND**

**and**

**PARTICIPATING MUNICIPALITIES (Town of Chevy Chase/ Section 5 of the Village of Chevy Chase/Village of Martin's Additions/Village of North Chevy Chase/Takoma Park)**

THIS AGREEMENT is entered into as of the \_\_\_\_\_ day of July, 2016, by and between Montgomery County, Maryland, a body corporate and politic (hereinafter referred to as the "County"), and \_\_\_\_\_, a municipal corporation organized pursuant to Article XI-E of the Maryland Constitution (hereinafter referred to as "the Municipality") (collectively referred to as "the Parties").

**WITNESSETH:**

WHEREAS, the County enacted Chapter 8A of the Montgomery County Code (2014), as amended, titled "Cable Communications," which allows for the grant of one or more franchises for the construction and operation of a cable communications system in the County, and for the administration and regulation of the cable communications system by the County during the franchise term; and

WHEREAS, the County awarded a cable franchise to Starpower Communications, LLC (hereinafter referred to as "Starpower") and approved Starpower's cable franchise agreement, pursuant to the provisions of Chapter 8A; and

WHEREAS, the Municipality has the express authority to grant one or more exclusive or nonexclusive franchises for a cable television system within its corporate boundaries, pursuant to Section 1-708 of the Local Government Article; and

WHEREAS, the Municipality finds that it is in the best interest of its residents for cable systems to be constructed and operated within its corporate limits; and

WHEREAS, the Municipality finds that it is in the best interest of its residents that the awarding or renewing a cable communications franchise and administration and regulation of the Starpower cable system, within the boundaries of the Municipality, be undertaken by the County and to this end has either (i) enacted an Ordinance, which adopts, with certain amendments, Chapter 8A so that its provisions shall be effective within the Municipality, or (ii) not exempted itself by ordinance from Chapter 8A and therefore Chapter 8A applies in the Municipality pursuant to Section 4-111 of the Local Government Article; and

WHEREAS, the Municipality's Cable Communications Ordinance, if any, provides that the County is requested and authorized to administer and enforce said Ordinance within the Municipality; and

WHEREAS, by this Agreement, the Parties have set forth the terms and conditions upon which the County will administer and enforce the Municipality's Cable Communications Ordinance, if any, and implement Chapter 8A and the Starpower cable franchise.

NOW THEREFORE, in consideration of the mutual promises and covenants contained herein, the County and the Municipality agree as follows:

1. The Municipality requests that the County administer and enforce Chapter 8A within the corporate limits of the Municipality, and authorizes the County to act as the agent of the Municipality in connection with the negotiation, administration and enforcement of the approved cable franchise agreement to be effective within the corporate limits of the

Municipality. The County agrees to administer such franchise within the Municipality's corporate boundaries as an agent of the Municipality.

2. To the extent permitted by law and by the franchise agreement, the following obligations shall be enforced by the County and enforceable by the Municipality:

(a) The cable communications system shall be constructed to serve the entire Municipality.

(b) The Municipality shall not be discriminated against in the array of channels and services offered by the franchisee, or in the rates charged to customers in the Municipality. This provision applies only insofar as the County is authorized to regulate the franchisee's channels, services, and rates.

(c) Pursuant to § 7(a) of the franchise agreement, the following channel capacity shall be available for programming by the Municipality:

(i) One full-time standard definition digital video channel for governmental use by the City of Takoma Park;

(ii) One full-time standard definition digital video channel for governmental use by the Montgomery County Chapter of the Maryland Municipal League.

(d) Pursuant to § 7(b) of the franchise agreement, once Starpower activates high-definition video channels, one full-time high-definition digital video channel for governmental use will be shared by the City of Takoma Park, the Town of Chevy Chase, Section 5 of the Village of Chevy Chase, the Village of Martin's Additions, the Village of North Chevy Chase, and the City of Rockville.

(e) All waivers and indemnifications obtained by the County from the franchisee shall inure to the benefit of the Municipality.

3. Franchise fees shall be distributed to the Municipality in accordance with Section 8A-29 of the Montgomery County Code. If Section 8A-29 is amended to allow the County to retain more than thirty (30) percent of the Municipality's franchise fees as compensation for the administration of the franchise within the Municipality, the Municipality may terminate this agreement upon thirty (30) days written notice to the County. The distribution shall be made within thirty (30) days after receipt by the County of the franchise fees from the franchisee.

4. Upon the terms and conditions set forth in the franchise agreement and the settlement agreement attached as Exhibit F to the franchise agreement, the County shall distribute one-ninth (1/9th) of the 3% PEG and I-Net Grant ("grant") from the franchisee to Takoma Park and one-ninth (1/9th) of the grant to Town of Chevy Chase/ Section 5 of the Village of Chevy Chase/Village of Martin's Additions/Village of North Chevy Chase, care of the Montgomery County Chapter of the Maryland Municipal League, or its successor in interest. Pursuant to the settlement agreement and the franchise agreement, the funds distributed by the County pursuant to this paragraph may be used for capital, non-capital, and institutional network support for PEG purposes. The distribution of each installment shall be made by the County within thirty (30) days after the County receives the grant from Starpower. The County's obligation to distribute the funds as described above shall not be extinguished as to the signatory of this Agreement if any of the other Participating Municipalities terminates this Agreement in accordance with its terms. Any portion of the grant that is not distributed by the County will be retained by the County for its use.

5. Because the franchisee's failure to comply with the provisions of the franchise agreement will result in injury to the Municipality, the extent of which will be difficult to determine, and because the franchise agreement provides for liquidated damages for certain breaches of the franchise agreement, the County will collect, on behalf of the affected Participating Municipality, liquidated damages in accordance with Section 14 of the franchise agreement and shall distribute the Municipality's proportionate share to the Municipality as permitted by law, Council appropriation, and the franchise agreement. The foregoing shall apply to liquidated damages payable pursuant to Section 14 if the breach directly harms the Municipality.

6. With the exception of paragraph 8, this Agreement shall expire and be of no further force and effect upon revocation of the franchise by the County or the Municipality, or expiration of the franchise effective within the Municipality, subject to any extension of, or continued performance under, the said franchise; provided, however, that either party shall continue to have the right to assert any claims with respect to any obligation or arising out of any breach of this Agreement occurring prior to the revocation or expiration hereof. The franchise within the Municipality shall not be renewed or extended by the County without the approval of the Municipality.

7. In the event of a material breach of this Agreement by either party, the party not in default shall give the defaulting party notice of such breach and an opportunity to cure the same for a period of thirty (30) days following the giving of such notice. If the defaulting party does not cure the material breach within thirty (30) days of the date of such notice, this Agreement may be terminated by the non-defaulting party upon ten (10) days' written notice to the party committing a material breach hereof. Any notice pursuant to this paragraph of the Agreement

shall be hand delivered, with receipt acknowledged, or mailed by certified mail, restricted delivery, addressed in the case of the County, to: Isiah Leggett, County Executive (or successor), Executive Office Building, 101 Monroe Street, Maryland 20850, in the case of the Municipality, to: \_\_\_\_\_ . Termination of this Agreement shall not result in the termination of the franchise agreement. If this Agreement is terminated, the Municipality shall become responsible for the administration and enforcement of the franchise agreement within its corporate limits and shall be entitled to collect and retain the franchise fee and PEG Capital Grant on all revenues derived from subscribers within the Municipality.

8. The County agrees to indemnify, defend, and hold the Municipality harmless from the County's actions in connection with the County's award of the franchise, and the County's administration and enforcement of Chapter 8A of the County Code, and the franchise agreement. Any obligation or liability of the County arising in any way from this Agreement is subject to, limited by and contingent upon the appropriation and availability of funds, as well as the types of liabilities, damage caps and notice requirements stated in the Maryland Local Government Tort Claims Act, currently found at Maryland Code Annotated, Courts & Judicial Proceedings, Section 5-301, *et seq.* Any indemnification given by the County in this Agreement is not intended to create any rights in any third parties. The County shall neither be responsible, nor required to indemnify the Municipality, for the negligence, misconduct or inaction of third parties or the Municipality, its employees, or agents regarding any matter covered by this Agreement.

9. This Agreement supersedes and replaces all prior agreements between the Parties related to the enforcement of the Ordinance and the implementation of the Starpower franchise.

IN WITNESS WHEREOF, the County and the Municipality have executed this Agreement as of the day and year first written above.

WITNESS:  
MARYLAND

\_\_\_\_\_

MONTGOMERY COUNTY,

By: \_\_\_\_\_  
Isiah Leggett  
County Executive

Date: \_\_\_\_\_

WITNESS:

Elyse Smith Bone

Municipality

By *[Signature]*

Date: 8/30/16

APPROVED AS TO FORM AND LEGALITY  
OFFICE OF THE COUNTY ATTORNEY

BY \_\_\_\_\_

DATE: \_\_\_\_\_

August 18, 2016

DRAFT GUIDELINES FOR WHAT NON-VILLAGE BUSINESS  
CAN AND CANNOT BE INCLUDED IN MARTIN'S EDITION

(Submitted by Steve Schmal, Summit Ave.)

(1) Information must be submitted by a Martin's Additions resident, is due by the 15<sup>th</sup> of the month, is limited to written text and cannot exceed 100 words. Publication is based on space constraints.

(2) Representatives of the organizations allowed to have information placed in Martin's Edition, not Martin's Additions staff, will be responsible for preparing material for inclusion. However, Martin's Additions staff will have the right to edit the information.

(34) Inclusion of information from for-profit organizations that promotes them and/or their activities will remain prohibited.

(24) Information about activities of the following Montgomery County government entities will be allowed, subject to space constraints, as they affect the Martin's Additions community

- Activities at close-by schools (e.g., Chevy Chase Elementary, Rosemary Hills Elementary School, Westland Middle School and B-CC High School);
- Activities at close-by libraries (e.g., Chevy Chase and Bethesda);
- Activities at close-by county recreation centers (e.g., the Jane E. Lawton Community Recreation Center, located in the Town of Chevy Chase); and
- Activities at the closest county senior center (the Margaret Schweinhaut Senior Center, located in Silver Spring).

(35) Information about activities of non-profit organizations that operate substantially in Martin's Additions and whose activities affect the Martin's Additions community will also be allowed, again subject to space constraints (e.g., Chevy Chase At Home, Chevy Chase Historical Society and Manna).

(6) Private schools and churches attended by Martin's Additions residents will also be allowed to submit activities subject to space constraints.

~~(4) Representatives of the organizations allowed to have information placed in Martin's Edition, not Martin's Additions staff, will be responsible for preparing material for inclusion. However, Martin's Additions staff will have the right to edit the information.~~

DRAFT

## Martin's Additions

### Induction versus LED Street Lights and Process

#### Comparison of Technology (supplied by one of our key vendors/manufacturers)

R&D over the past 5+ years has been directed towards improving LED technology and continues on that course today. All indications point towards LED technology being the future of utility roadway lighting - at least for the foreseeable future. The industry trend is to improve the efficiency (lumens per watt) and drive costs downward and both are occurring.

Induction lighting in the utility market appears to have been simply a short-lived stopgap trend between the transition from HID lighting (HPS, MV, and MH) to LED. At this point, I am not aware of any utilities who are still ordering induction fixtures. They don't provide any lasting benefits that cannot be achieved or improved by LED technology. And because of all of the R&D is going into LEDs, improvements are being introduced continuously while induction lighting is fully matured without any improvements coming. In fact, the concern is induction lighting components will become obsolete soon.

Below is a chart found on Premier Lighting website.

	<u>Induction</u>	<u>LED</u>
<b>Energy Efficiency</b>	Up to 90 Lumens/Watt	Up to 130 Lumens/Watt and improving
<b>Durability</b>	Heavy-duty – has no electrode or filament, shock & vibration resistant	Heavy-duty – has no electrode or filament, shock & vibration resistant
<b>Lifetime</b>	100,000 hours at R50	at least 100,000 hours at L70 and improving
<b>Lumen Depreciation</b>	35% by rated life	30% loss at rated life and improving
<b>Cold Tolerant</b>	– 40 F (may require warm up time at low temperatures)	-30 F (instant on)
<b>Performance</b>	Turns on instantly, no flickering or glare	Turns on instantly, no flickering
<b>Color Temperatures</b>	Multiple Options (2700 to 6500 Kelvin)	Multiple Options (2700 to 6500 Kelvin)
<b>Color Rendering</b>	Average 80 CRI	70 to 90 CRI
<b>Dimmable?</b>	No- unless special ballast	Yes- most
<b>Warranty</b>	3 to 5 years	at least 5 years
<b>Cost</b>	Moderate upfront cost	Moderate upfront cost and improving

## Comparison of Installation Costs (Induction from Pepco Tariff & LED Custom)

### Assumptions:

- The estimates are high level and costs would be finalized upon a formal request for proposal by Martin's Additions identifying specific street lights, Pepco field visit, Pepco design and Pepco formal cost proposal based on existing field conditions.
- The estimates are based on conversion of existing street lights not new installations.
- The estimates do not include traffic control plans/permits, any secondary, or any other unforeseen cost which would be determined in Pepco field visit as identified above.
- The estimates include fixture, long life photocell, labor to remove exiting fixture, labor to install new fixture and associated overhead/gross-up.
- The estimates for the Teardrops include the ornamental brackets and associated labor/overhead/gross.

### Costs (per unit for existing street light conversions)

- Option 1a (standard offering) - 70W HPS Cobra Head utilizing existing bracket - \$915 (flat fee from tariff)
- Option 1b (standard offering) - 70W HPS LED Equivalent Cobra Head utilizing existing bracket - \$851 (custom estimate)
- Option 2 (standard offering) - 55W Induction Teardrop utilizing ornamental bracket - \$3,242 (flat fee from tariff)
- Option 3 (standard offering) - 100W HPS LED Equivalent Teardrop utilizing ornamental bracket - \$3194 (custom estimate)
- Option 4 (custom offering) - Based on 55W LED Teardrop utilizing ornamental bracket - \$3194 (custom estimate)

*The cost of the 55W Induction and 55W LED are relatively the same (\$3,200) regardless if 3000K or 4000K though our "standard offerings" is 4000K. However, as previously agreed, 3000k is available and we would stock a few spares.*

## Comparison of SSL-MD-OH Monthly Rate (Cost from Pepco Tariff)

	<u>FIXED CHARGES</u>	<u>O&amp;M CHARGES</u>
Induction 55 Watt	\$ 0.06	\$ 4.35
Induction 85 Watt	\$ 0.06	\$ 4.35
LED HPS Equivalent (Any Wattage)	\$ 0.38	\$ 0.78

## Existing Fixtures

### Replacement

If your existing fixtures can no longer be maintained, as they fail, they would be replaced with our standard HPS Cobra Heads.

### Purchase

Our process is for Martin's Additions to first agree on the terms of the Master Sales Agreement and then we will discuss price. Even if Martin's Additions purchases and maintains the street lights, they still pay a monthly fixed and O&M charge for the distribution system feeding the street lights (O&M charge for either Induction or LED would be the same \$0.78)



Master Sales Agreement 09-25-09.pdf

### Conversion Process

- Decide on exact fixture that you want (ie. Induction 55W at 3000K or LED 55W at 3000K) and if LED, supply the cut-sheet/specifications for the sample fixtures installed.
- Decide on particulars for our manufacturer since custom fixture (could marginally effect the price). They will then create the part #, drawing and formal quote. Since custom fixture, this could take up to three months lead time for delivery (versus normal 6 weeks).
  - Black or Green (current standard)?
  - With short skirt at bottom of fixture?
  - With internal 120 degree house side shield?
  -
- Send request with above specifics to Amy Ramirez who will prepare formal proposal (keep in mind that it will take longer than usual since custom non-stock fixture and above manufacture requirements).

Note: It is not standard practice for Pepco to install custom street lights but we are honoring a previous agreement between Pepco and Martin's Additions.

**Village of Martin's Additions  
Treasurer's Report  
July 2016**

	<u>Jul 16</u>	<u>Budget</u>	<u>Jul 16</u>	<u>YTD Budget</u>	<u>Annual Budget</u>
<b>Income</b>					
<b>4000 - Revenue</b>					
4010 - Permit Fees	1,308.00	1,666.00	1,308.00	1,666.00	20,000.00
4020 - Cable TV Franchise Fees	0.00		0.00		8,000.00
4040 - County Revenue Sharing	0.00		0.00		26,800.00
4050 - Highway Users Fees	0.00		0.00		23,000.00
4060 - Income Tax	0.00	0.00	0.00	0.00	600,000.00
4080 - Personal Property Tax	7.70		7.70		6,000.00
4090 - Real Property Tax	829.85	100.00	829.85	100.00	150,000.00
4095 - Utility Property Tax	0.00		0.00		12,300.00
4100 - Holiday Fund	0.00		0.00		6,500.00
4110 - Interest	745.31	125.00	745.31	125.00	4,000.00
<b>Total 4000 - Revenue</b>	<b>2,890.86</b>	<b>1,891.00</b>	<b>2,890.86</b>	<b>1,891.00</b>	<b>856,600.00</b>
4200 - Prior Years Surplus	0.00	2,562,376.00	0.00	2,562,376.00	2,562,376.00
<b>Total Income</b>	<b>2,890.86</b>	<b>2,564,267.00</b>	<b>2,890.86</b>	<b>2,564,267.00</b>	<b>3,418,976.00</b>
<b>Expense</b>					
<b>5000 - General Government</b>					
5010 - Office Expenses	1,474.41	1,500.00	1,474.41	1,500.00	18,000.00
5025 - Office Furniture & Equipment	0.00		0.00		12,000.00
5030 - Insurance	1,802.00	4,830.00	1,802.00	4,830.00	5,000.00
5040 - Printing & Mailing	0.00		0.00		5,000.00
5050 - Dues & Subscriptions/Conference	3,707.54	3,500.00	3,707.54	3,500.00	10,000.00
5055 - Storage Rental	0.00	268.00	0.00	268.00	3,200.00
5060 - Office Lease	0.00	2,191.00	0.00	2,191.00	30,000.00
5065 - Telephone	0.00	250.00	0.00	250.00	3,000.00
5080 - Holiday Fund	0.00		0.00		6,500.00
<b>Total 5000 - General Government</b>	<b>6,983.95</b>	<b>12,539.00</b>	<b>6,983.95</b>	<b>12,539.00</b>	<b>92,700.00</b>

**Village of Martin's Additions  
Treasurer's Report  
July 2016**

	<u>Jul 16</u>	<u>Budget</u>	<u>Jul 16</u>	<u>YTD Budget</u>	<u>Annual Budget</u>
<b>5100 - Salaries &amp; Benefits</b>					
5110 - Managerial & Office Salaries	7,784.62	11,000.00	7,784.62	11,000.00	132,000.00
5120 - Payroll Taxes & Benefits	649.36	1,916.00	649.36	1,916.00	23,000.00
<b>Total 5100 - Salaries &amp; Benefits</b>	<u>8,433.98</u>	<u>12,916.00</u>	<u>8,433.98</u>	<u>12,916.00</u>	<u>155,000.00</u>
<b>5200 - Professional Fees</b>					
5210 - Accounting & Auditing	3,000.00	3,000.00	3,000.00	3,000.00	42,000.00
5220 - Building & Permitting					
5222 - Building Review & Permits	0.00	1,667.00	0.00	1,667.00	20,000.00
5224 - Enforcement & Oversight	0.00	1,000.00	0.00	1,000.00	12,000.00
5226 - Municipal Operations	0.00	1,500.00	0.00	1,500.00	18,000.00
<b>Total 5220 - Building &amp; Permitting</b>	<u>0.00</u>	<u>4,167.00</u>	<u>0.00</u>	<u>4,167.00</u>	<u>50,000.00</u>
5230 - Legal	0.00	4,166.00	0.00	4,166.00	50,000.00
5240 - Police	2,374.90	2,500.00	2,374.90	2,500.00	30,000.00
5242 - Lighting Consultant	0.00		0.00		5,000.00
5244 - Traffic Engineering	0.00		0.00		3,000.00
<b>Total 5200 - Professional Fees</b>	<u>5,374.90</u>	<u>13,833.00</u>	<u>5,374.90</u>	<u>13,833.00</u>	<u>180,000.00</u>
<b>5300 - Streets</b>					
5305 - Streets - General					
5310 - Street Lighting - PEPCO	0.00	1,300.00	0.00	1,300.00	16,000.00
5322 - Street Cleaning - Fall/Spring	0.00		0.00		28,000.00
5324 - Street Maintenance - Other	0.00	1,250.00	0.00	1,250.00	15,000.00
<b>Total 5305 - Streets - General</b>	<u>0.00</u>	<u>2,550.00</u>	<u>0.00</u>	<u>2,550.00</u>	<u>59,000.00</u>
5349 - Snow Removal Services					
5350 - Snow Removal - Shovel Bvl. Rd.	0.00		0.00		5,000.00
5351 - Snow Removal - Plowing	0.00		0.00		20,000.00
<b>Total 5349 - Snow Removal Services</b>	<u>0.00</u>	<u></u>	<u>0.00</u>	<u></u>	<u>25,000.00</u>
<b>Total 5300 - Streets</b>	<u>0.00</u>	<u>2,550.00</u>	<u>0.00</u>	<u>2,550.00</u>	<u>84,000.00</u>

**Village of Martin's Additions  
Treasurer's Report  
July 2016**

	<u>Jul 16</u>	<u>Budget</u>	<u>Jul 16</u>	<u>YTD Budget</u>	<u>Annual Budget</u>
<b>5400 - Waste &amp; Recycling</b>					
5410 - Waste Collection & Recycling	6,922.76	7,000.00	6,922.76	7,000.00	85,000.00
5420 - Leaf Bags	0.00		0.00		10,000.00
5425 - Recycling Bins	0.00		0.00		1,000.00
<b>Total 5400 - Waste &amp; Recycling</b>	<u>6,922.76</u>	<u>7,000.00</u>	<u>6,922.76</u>	<u>7,000.00</u>	<u>96,000.00</u>
<b>5500 - Other</b>					
5510 - Tree Maintenance	0.00	0.00	0.00	0.00	35,000.00
5515 - Tree Replacement	0.00		0.00		4,000.00
5518 - Right-of-Way Landscaping	0.00	500.00	0.00	500.00	6,000.00
5520 - Community Events	0.00		0.00		10,000.00
5530 - Website	114.90	115.00	114.90	115.00	1,500.00
<b>Total 5500 - Other</b>	<u>114.90</u>	<u>615.00</u>	<u>114.90</u>	<u>615.00</u>	<u>56,500.00</u>
<b>5600 - Initiatives</b>					
5630 - Tree Planting Initiatives Prog.	0.00		0.00		4,000.00
<b>Total 5600 - Initiatives</b>	<u>0.00</u>		<u>0.00</u>		<u>4,000.00</u>
<b>5800 - Designated Funds</b>					
5810 - Designated - Street	0.00	500,000.00	0.00	500,000.00	500,000.00
5811 - Designated Street Lighting	0.00	500,000.00	0.00	500,000.00	500,000.00
5812 - Designated - Sidewalk	0.00	250,000.00	0.00	250,000.00	250,000.00
<b>Total 5800 - Designated Funds</b>	<u>0.00</u>	<u>1,250,000.00</u>	<u>0.00</u>	<u>1,250,000.00</u>	<u>1,250,000.00</u>
<b>5900 - Undesignated Fund Balance</b>	<u>0.00</u>	<u>1,500,776.00</u>	<u>0.00</u>	<u>1,500,776.00</u>	<u>1,500,776.00</u>
<b>Total Expense</b>	<u>27,830.49</u>	<u>2,800,229.00</u>	<u>27,830.49</u>	<u>2,800,229.00</u>	<u>3,418,976.00</u>
<b>Net Income</b>	<u><u>-24,939.63</u></u>	<u><u>-235,962.00</u></u>	<u><u>-24,939.63</u></u>	<u><u>-235,962.00</u></u>	<u><u>0.00</u></u>