

## **Council Meeting Agenda – June 20, 2024 at 7:30 PM**

VIA ZOOM CONFERENCE CALL AND IN-PERSON

*The Council may entertain a motion in open session to enter into a closed session, in accordance with Section 3-305(b) of the Open Meetings Act (Maryland Code, General Provisions Article).*

- Call to Order: Alexander
- Weather Report: Keith Allen
- Opportunity for Council to Hear Residents' Comments: TBD
- Approve April 18 Council Meeting Minutes (Page 2)
- Committee Final Reports (Page 4)
- Water Task Force Engineering Study Funding Request (Page 17)
- Discussion of FY25 Committees and Task Forces
- FY24 Budget Adjustments (Page 32)
- Discussion of Recommended Safety Improvements to the Entrance and Exit of the Brookville Shops Parking Lot (Page 33)
- Treasurer's Report: Blander (Page 37)
- Manager's Report: Silliman (Page 40)
- Opportunity for Council to Hear Residents' Comments: TBD
- Adjournment: Alexander

Join Zoom Meeting

<https://us02web.zoom.us/j/88331175094?pwd=OFNvZkFzbnA4coovdWI4KzA1Q2JjUT09>

Meeting ID: 883 3117 5094

Passcode: 525784 One tap mobile: (301) 715-8592

## **Council Meeting Minutes – May 9, 2024**

VIA ZOOM CONFERENCE CALL AND IN-PERSON

The audio recording for this meeting is available on the [Village website](#).

**Council Members Present:** Andrew Kauders; Jeff Blander; Susan Fattig; Arthur Alexander; Katie Howard

**Other Attendees Include:** Village Manager: Michael Silliman; Village Attorney: Ron Bolt, and residents Keith Allen, Steve Howard, Susan Post.

### **7:31 PM Call to Order: Alexander**

This is the annual meeting happening before May 15<sup>th</sup> as is according to the Village Charter.

### **7:32 PM Weather Report: Keith Allen**

Keith Allen reported Mother's Day should have nice weather. It looks like cool weather in the 70s for the foreseeable future.

### **7:33 PM Opportunity for Council to Hear Residents' Comments:**

There were no resident comments at this time.

### **7:33 PM Approve April 18 Council Meeting Minutes**

Arthur moved and Susan seconded. Katie Howard was not at this meeting, so abstained from voting on the minutes. The minutes passed 4-0.

### **7:34 PM Public Hearing and Possible Adoption of Fiscal Year 2025 Budget Ordinance (No.: 2024-1) and Tax Rate Resolution (No.: 2024-2)**

Treasurer Jeff Blander made a presentation of the budget development process and comments received to date.

Susan Fattig raised questions regarding the funding for aging in place as to if this is considered a contribution to a charitable organization. Ron Bolt clarified that this would be permissible if the program was structured as an application-based grant program. It was agreed that we would extend the program on a trial basis and that we would evaluate the program over the next year.

Arthur moved to adopt budget ordinance No. 2024-1. Jeff seconded. The budget was passed unanimously.

Arthur moved to adopt tax rate resolution No. 2024-2. Susan seconded. This passed unanimously.

### **8:16 PM Committee Reports**

**Community Engagement Committee:** Keith Allen reported the Celebration on the Sidewalk was well attended. The next event will be the 4<sup>th</sup> of July Party on June 30<sup>th</sup>.

**Election Committee:** Katie Howard read the Election Committee's report. The written report is in the packet for today's meeting.

**Water:** Arthur Alexander reported that the Water Task Force is preparing a water survey which will go out soon.

**8:28 PM Treasurer's Report: Blander**

Jeff Blander delivered a verbal financial report. A full written report and a budget adjustment will happen at the June 20 Council Meeting.

**8:30 PM Manager's Report: Silliman**

Michael Silliman delivered his report.

**8:38 PM Opportunity for Council to Hear Residents' Comments**

Keith Allen thanked his godson Andrew for helping during the last two community events.

**8:40 PM Adjournment: Alexander**

Susan moved to adjourn, and Katie seconded. Adjournment was unanimous.

## **FY2024 Report: VMA Election Committee**

**June 20, 2024**

**Committee Members:** Marty Langelan (Chair), Paul Weller (Vice-Chair), Jen Bergeron (Secretary), Naomi Naierman, and John Sharrow. **Council Liaison:** Katie Howard.

This report summarizes the 2024 Election Committee's work and presents our recommendations for the next steps. For more detailed information, see the Committee's monthly written reports to the Council, posted in the Council meeting packets.

### **SUMMARY:**

The Council and the Election Committee standardized the Village election process in 2024. The FY2024 Committee consolidated the existing election regulations, provided a thorough independent audit to verify the voter roll, and conducted a fair, open Council election. Each element of the 2024 election was successfully completed on time. There were no logistical problems. No eligible voters were disqualified. Every ballot received was counted.

The voter turn-out rate was 33% this year (213 of VMA's 638 qualified voters), which is substantial for an uncontested Village election. The three incumbents were re-elected. The Village residents also cast 67 write-in votes, naming 22 different people. The election results are posted on the VMA website.

### **Principal election components:**

**ELECTION PROCEDURES:** Per the Council's instructions, the 2024 Committee used the election rules the Council approved in 2023 as the basis for the 2024 regulations, and updated the VMA election provisions to apply the new definition of "qualified voters" that the Council adopted last summer. There were five different sets of Council-approved procedures in 2023, which the 2024 Committee organized into a single clear, efficient document for Council approval this year. The 2024 regulations worked well and can now be used as the basis for conducting the annual elections, going forward.

**TRANSPARENCY AND COMMUNITY INPUT:** The 2024 Committee made all of the VMA election procedures public, held 14 open public meetings, and re-established the traditional practice of providing written public Election Committee Reports for each monthly Council meeting. To produce the consolidated election rules, the Committee posted detailed meeting packets and minutes, provided multiple public drafts and red-line mark-ups, welcomed residents' comments on each of the provisions, invited input from the Council and Village Manager, and obtained two rounds of legal review by the Village attorney before presenting the 2024 document to the Council in December.

**PUBLIC VOTING INFORMATION:** In addition to the official election notices, the Committee published more than 25 short announcements, articles, and community updates in the VMA newsletters and weekly wrap-ups. The official VMA Election Information Packet was accurate and complete, and was mailed to all the VMA households on schedule; copies were available in the Village Office and online as well. The Election Forum was fair and impartial, went smoothly, and the recording was posted on the Village website to provide easy community access.

**VOTER ROLL VERIFICATION:** The verification contractor, Julian Lamphear, did a thorough job of auditing the Village voter list. VMA had 638 qualified voters as of Election Day 2024. The Committee wrote the RFP for the project, supervised the verification process, sent out the voter notifications, and established useful procedures to update the Village voter roll in the future. Working from the 2023 VMA voter list as the

starting point, and cross-checking against other data sources, the contractor's audit showed that VMA should remove the names of 122 people who had died or moved away. The contractor also confirmed more than a dozen new voters. The Committee reviewed the data, revised the list of qualified voters per the VMA regulations, and directed VMA's mail-vote contractor, Electec, to issue the ballots. Significant improvement: As a result of the verification and the 2024 election procedures, the Committee received no reports that any eligible voter failed to receive a ballot, and no complaints or concerns about ballots being sent to people who were not eligible to vote. The verification project put VMA's elections on a sound, reliable footing, and will also assist the County Board of Elections to update the state and county voter registration list.

**BALLOT HANDLING:** The Committee clarified the ballot format and the voting instructions this year. Electec improved the materials as directed and mailed the ballot packets to the Village voters on time. There were no ballot security issues or voting problems.

- Ballot return envelopes: Electec complied with the VMA regulations to provide both the postage-paid envelopes and the postal tracking on the return envelopes this year.
- Voter services: On the Committee's written instructions, Electec mailed early ballots to the voters who requested them, and sent timely replacement ballots to the voters who needed those.
- Election drop-box: One-third of the residents who voted (72 of the 213 voters) used the secure drop-box on May 7; the Committee supervised the drop-box and safely delivered those sealed ballot envelopes to Electec the same evening. The VMA staff and Community Engagement Committee did an excellent job of organizing the Election Day Sidewalk Celebration.
- Ballot curing: The ballot curing provision the Council approved in the 2024 Regulations worked efficiently. There was only one ballot return envelope that lacked a signature this year. Electec held the envelope, unopened, while the Committee contacted the voter. The resident corrected the problem by signing an affidavit within five days; the Committee then duly instructed Electec to open that voter's sealed envelope and add those votes to the final count, so no voters or ballots were disqualified.
- Vote counting: The vote counting session on May 21 was public and straightforward; there were no problems or objections. There were no late or excluded ballots; all the ballots were received in time to be counted and were included in the count this year. The Committee promptly posted the election results.

#### **ELECTION COMMITTEE RECOMMENDATIONS:**

1. The Committee unanimously approved the consolidated 2024 election procedures in December 2023. We continue to recommend that the Council adopt these election regulations as a long-term standard ordinance. See the December 2023 and January 2024 Committee Reports to the Council.
2. In February 2024, in response to a request from the Council Chair, the Committee compiled a list of nine specific items for future Council action, to address some issues that arose during the Council's review of the 2024 regulations. That list is included here as Attachment A.
3. In light of the contractor's findings this year, it may also be important to consider an independent audit of the voter roll on a regular basis, every few years, to assure accuracy and election integrity.

We appreciate the work the Council did in 2023 and 2024 to improve the Village elections. In response to VMA citizens' concerns, the Council took action to affirm the three core election principles that VMA was

traditionally known for: fair, independent election management; transparency and open public input; and diligent respect for voting rights to make sure that no VMA voters will be needlessly disenfranchised.

To safeguard this progress and maintain fair and open elections in 2025 and beyond, we recommend that the Council use the Committee's 2024 regulations as the template for future elections. It would be helpful to try to provide some continuity on the Election Committee as well. A mix of new volunteers and experienced election officials who share a commitment to these core principles would help to build electoral expertise and sustain the work the Council has done.

The 2024 Committee extends its thanks to the VMA voters and the candidates; to the Council for its support for the 2024 voter roll verification project, the postal tracking, and the other improved election procedures the Committee implemented this year; to the Council Vice-Chair, Katie Howard, for her outstanding support as the 2024 Committee liaison; and to Michael Silliman, the Village Manager, for his first-rate technical assistance.

*Respectfully submitted for inclusion in the June 20 meeting packet and attachment to the Council meeting minutes, by the 2024 VMA Election Committee: Marty Langelan (Chair), Paul Weller (Vice-chair), Jen Bergeron (Secretary), Naomi Naierman, and John Sharrow.*

## APPENDIX A: ITEMS FOR FUTURE COUNCIL CONSIDERATION

February 2024

In response to the request from the Council Chair, the 2024 Election Committee approved the following list of recommendations for Council consideration:

1. Include a reasonable procedure for recounts in the Election Regulations. Recounts are a normal election function. Without a pre-approved procedure, any VMA decision to either accept or reject a recount request could be seen as arbitrary and/or biased, which could create election turmoil and present a potential risk of litigation. See the Committee's 12/18/2023 document for the proposed language on recounts.
2. Include a reasonable procedure for referendums in the Election Regulations. Referendums are a standard component of local elections (e.g., in Rockville, Greenbelt, and other towns this past fall). See the Committee's 12/18/2023 document for a simple referendum procedure.
3. Update Section 602 of the Charter to provide a workable 4-week timeframe for run-off elections. It is not operationally possible to hold run-off elections by mail within two weeks, as the Charter currently requires.
4. Update Section 602 of the Charter to provide for a minimum of five members on the Election Committee. The Open Meetings Act now limits 3-person committees in such a way as to prevent any two members from communicating without a public meeting. VMA needs a minimum of five members on the Election Committee to stabilize the election process and enable the group to function.
5. Update Section 602 of the Charter to provide for the VMA election cycle to begin at least 75 days, not 60 days, before Election Day. The 60-day language dates back to the previous system of holding in-person elections; it's too short for mail-vote elections. That 60-day time period was sometimes difficult to manage even for in-person elections.
6. Update Section 602 of the Charter to remove the phrase that authorizes canceling some elections. The Council added that provision to the Charter under the Governor's temporary emergency COVID waiver in April 2020, without a hearing or public comment period. Canceling an election infringes on VMA residents' voting rights. There is no need to cancel elections when the elections can be held by mail.
7. Per the VMA Charter, clarify the separation of the election management process in the Election Regulations. The Charter assigns that management function to the Election Committee, to separate the Council members and VMA staff from operating the elections. The Council strictly enforced that separation for 35 years, from 1985 until 2020. A clear operational boundary is standard for most elections – e.g., the County government has a separate County Board of Elections for the same reasons. The Board of Elections, not the County Council staff, operates the Montgomery County elections.
8. Update the Election Regulations to reinstate the mandatory drop-box on Election Day, which the Council had previously approved. A drop-box for completed envelopes is a standard component of mail elections and makes it easier for VMA residents to vote.
9. Update the Election Regulations to reinstate the mandatory Election Forum. The Forum is an important source of information for VMA residents, and strengthens election fairness by providing an equal opportunity for all the candidates to present their views and answer the residents' questions. Requiring the Committee to hold the Forum benefits VMA voters.

*Approved by unanimous Committee vote  
at the public Election Committee meeting on February 1, 2024.*

## **FY24 Report: VMA Antisemitism Awareness and Education Task Force**

**June 13, 2024**

**Task Force Members:** Naomi Naierman (Chair), Leah Craft, Jessica Carbino, Nathaniel Edelstein, Dara Freling, and Marty Langelan (Secretary).

**Council Liaisons:** Jeff Blander and Andrew Kauders

This report summarizes the VMA Task Force's accomplishments and presents recommendations for next steps, including an extension of the Task Force into FY2025 in light of its successful outcomes this year and the continuing community need.

### **A. Mission**

On March 16, 2023, in open meeting, the VMA Council voted unanimously to sign onto a resolution prepared by the Town of Chevy Chase to condemn antisemitic acts and follow up on a Montgomery County Council resolution to create an Antisemitism Awareness and Education Task Force [*Developing an "Antisemitism Awareness" Public Education Program: An Initiative of Montgomery County Municipalities*]. A number of other nearby town governments adopted similar resolutions. Both the County and the municipal governments were responding to a sharp increase in antisemitic incidents in local schools, neighborhoods, and universities.

In accordance with the resolution, the VMA Council established a temporary Antisemitism Awareness and Education Task Force (TF), issued a call for volunteers, and appointed five resident-volunteers (a sixth member was added later). This TF was charged with implementing a community awareness and education campaign in support of the resolution.

The Task Force held its first meeting on September 27, 2023. The TF developed its **Scope of Work**, which the VMA Council approved, and then began to plan and implement ways to build resources and programs for VMA community members. The Scope of Work is on the Task Force page of the VMA website.

The TF held nine open public meetings in FY2024, by Zoom. A number of other VMA residents also attended some of the meetings, and the TF welcomed their input. The meeting minutes are posted for review on the TF page of the website.

### **B. Accomplishments - based on the goals identified in the Task Force's Scope of Work.**

**Goal #1:** Host at least one event to provide educational opportunities for concerned and interested residents about the definitions and prevalence of antisemitism, and effective coping responses in various settings.

*Accomplishment:* A zoom webinar was conducted by professionals from the American Jewish Committee (AJC), an organization that helped to develop the National Strategy to Combat Antisemitism launched by the Biden Administration in May 2023. (<https://www.ajc.org/call-to-action/local-state-government>). The webinar was attended by about 120 people on about 100 screens. VMA residents comprised 25 % of the total, with the rest coming from a variety of neighboring municipalities (see below, under in Goal #3).



**Goal #2:** Conduct an assessment to determine what residents want to learn about antisemitism.

*Accomplishments:* Before its webinar, the AJC conducted a survey to assess what registrants wanted to learn and then shaped the webinar accordingly. A survey conducted after the webinar revealed that the participants still wanted information regarding how to talk about antisemitism with children and teens. To meet this need, the Task Force is planning a zoom webinar in mid-July, after the school year ends.

Please note that within the recommendations section below, the TF strongly encourages that the TF be allowed to contribute several assessment questions to the FY2025 VMA resident survey to help with future programming based upon resident preferences.

**Goal #3:** Conduct outreach to neighborhood municipalities to invite them to VMA events and identify their resources and programs.

*Accomplishments:* The Task Force and Council Liaisons contacted leaders in neighboring communities to learn about their own activities and identify resources to share with VMA residents. From this outreach, Council Liaison, Andrew Kauders, and Task Force Chair, Naomi Naierman, learned that VMA is a leader on these efforts. While other municipalities signed the resolution condemning antisemitism, at the time of this report they have not implemented community education activities within their own municipalities or set up stand-alone resource pages on their municipal websites.

These municipal leaders have continued to say that they are interested in learning more about our webinars, resources, and would support distributing publicity through their listservs and other channels. VMA has played a valuable role as a thought-leader among other nearby municipalities, and has had an important impact in addressing antisemitism.

As an example of the impact of our programming and coordination with other municipalities, the January VMA webinar was attended by residents from the Town of CC, Sections 3, Section 5, Somerset, Gaithersburg, Potomac, CC Village, North CC, Kensington, Friendship Heights, Rockville, and Rollingwood.

**Goal #4:** Offer relevant resources to VMA residents.

*Accomplishments:* Throughout its tenure, the Task Force has been posting updates and resources on the [Antisemitism Awareness and Education Task Force page](#) of the VMA website.

Planning toward Jewish American Heritage Month (JAHM) in May, the TF Chair worked with AJC, organizing leaders from neighboring communities to lobby nearby public libraries to exhibit books celebrating the contributions of Jewish Americans to science, literature, the arts and US history as well as sharing resources and other publications addressing the history of antisemitism and written testimonials from Holocaust survivors. As a result, books commemorating JAHM were exhibited by libraries throughout our area, including close-by CC Library, Connie Morella in Bethesda, Kensington, Chevy Chase DC, Georgetown, Little Falls, Milton Jewish Day, and West End.

**Goal #5:** Assess the feasibility of hosting a keynote speaker event to feature renowned luminaries and other persons of interest.

*Accomplishments:* The TF did not host a large keynote event in FY2024. However, there is potential to schedule one in coordination with other nearby municipalities. Some suggestions for keynote speakers include holocaust survivors living within Montgomery County, speakers available through The U.S. Holocaust Museum, and notable luminaries and elected officials from Chevy Chase.

**Goal #6:** Invite non-Jewish neighbors to Friday night Sabbath dinners, Jewish holidays, and/or tours of the Jewish Museum in DC.

*Accomplishment:* These invitations were posted in the VMA newsletter. However, these invitations did not have RSVPs. The TF should review ways of offering these options to determine whether this is something our VMA neighbors want to see as part of the antisemitism awareness training and education mission, as well as explore other possible communication channels to publicize these types of opportunities.

### C. Recommendations

The purpose of the Task Force has been to help our community residents address and reduce antisemitism, not just when they are within VMA, but to support them at work, at school locally, and when in college and first "leaving the nest." To continue to provide that support, ***the Task Force recommends that the Council approve a 1-year extension for FY2025*** for the following reasons:

- Antisemitic incidents are still rising in Montgomery county, in local Chevy Chase catchment-area schools, and across the country. See: <https://www.adl.org/resources/press-release/us-antisemitic-incidents-skyrocketed-360-aftermath-attack-israel-according>
- As referenced above, the County's school system and nearby private alternative schools are being challenged to address this problem more effectively: <https://www.msn.com/en-us/news/us/jewish-students-say-they-wanted-more-from-mcps-at-antisemitism-hearing/ar-BB1m7IjD>
- Given the turbulence and antisemitic incidents on nearby college campuses, including GW, AU, UofM, there is an increasing need for readily available information and resources for all of those affected to be able to counter antisemitism and cope with feelings of stress, anxiety, and depression.

***The Task Force also recommends:***

- Council approval and funding for the planned July 2024 webinar about how to talk with children and teens about antisemitism.
- Inclusion of several TF questions in the upcoming FY2025 VMA Resident Survey to determine the extent that antisemitism is an issue for them as well as which specific types of programming or educational resources are most useful to provide.
- Continuing coordination with nearby municipalities, to share information and encourage joint programs.

*Respectfully submitted by Naomi Naierman, Chair,  
VMA Antisemitism Awareness and Education Task Force, FY2024*

## **Ethics Committee 2023/2024 Annual Report**

### **Overview**

The Ethics Committee convened twice during the 2023/2024 term. All meetings complied with the MD Open Meeting Act, with agendas published before each meeting in the Village Weekly Wrap-up and posted on the Village calendar. Detailed minutes for each meeting are available for review on the Ethics page of the VMA website.

This report is organized into four categories, reflecting the Committee's fundamental responsibilities:

### **Ethics Complaints**

- The Committee did not receive any ethics complaints.

### **Review of Conflict Interest Questionnaires and Oaths of Office**

- Consistent with the Village Ethics Code, the Committee reviewed COI questionnaires and Oath of Office forms from all members of the Council, Election Committee, Ethics Committee, the Village Tree Supervisor, and all Village employees.
- During the review process, the Committee identified several oaths that had not been properly administered. Village policy requires a Council member, the Village manager, or the Village attorney to administer the oaths. The Village manager was informed of the discrepancy and consulted with the Village attorney to address the issue. Based on the attorney's advice, the Village manager told the Committee that the non-conforming forms could be accepted as legally binding due to the lack of clarity on the form. The Committee voted to accept the forms. The Village manager agreed to work with the Village attorney to revise the form.
- One potential conflict of interest was self-reported by a Village Official. The Committee reported the potential conflict to the Council chair.

### **Advisory Opinions**

- The Committee issued one advisory opinion in response to a request from a Village Official.

### **Review the Existing Ethics Ordinance and Committee Policies and Make Recommendations to the Village Council to Ensure Adherence to Best Practices.**

- In line with a recommendation from the 2022/2023 Ethics Committee, the Council voted to reintroduce an amendment to expand the definition of a Village Official. The amendment was subsequently adopted at the February 2024 Council meeting, by a majority vote.

### **Conclusion**

This year-end summary of Committee actions aims to reinforce public confidence in the unbiased execution of official duties by Village Officials and Village staff, thereby maintaining transparency, impartiality, and the absence of conflicts of interest.

VMA

Stormwater and Groundwater Task Force

Status Report and Request for Extension of Existing Member Terms and Appointment of VMA Council Meeting, June 20, 2024

The VMA Council created the “Stormwater and Ground Water Task Force” (hereinafter, “Stormwater Task Force” or “Water Task Force”) and appointed its members in the fall of 2023. Members include Camile Wahl, Joel Kliksberg, Phillip Hurst, Jean Sperling as Vice Chair and Mark Shaffer as Chair.

### **Education and Research**

The Task Force spend a few months studying stormwater concepts, issues, and methodology. We collected VMA related information and documents. We spoke with other local villages and towns working on the same issues to determine what they were doing, how they were doing it, and what they intended to or have accomplished. We requested and received their principal documents, surveys, and reports.

The Stormwater Task Force Members needed training to understand the work required of us. We requested, and the VMA Council authorized the Stormwater Task Force to secure a stormwater engineer to present and discuss the basic principles terms, and methods of stormwater management and investigation. The presentation was made by Jason Azar, an engineer experienced in stormwater management, employed by 8 or 9 local villages and towns to do stormwater management investigation and analysis work, and also retained by VMA to supervise construction related to failed stormwater drains and sewers on Thornapple and Quincy.

The presentation was very helpful. Mr. Azar explained concepts, defined terms, and guided us and participating Council members towards an understanding of stormwater problems that occur, why they occur, how they can be remediated; who generally undertakes the remediation effort; remediation options, costs, and funding resources; and the need for collaboration. The presentation was recorded. We are told that the recording is accessible for download and streaming on the Water Task Force website. Anyone who has trouble accessing it, should call the VMA management team.

The Stormwater Task Force reviewed the VMA 2010 Stormwater Task Force Report and the VMA Council's conclusion that it did not provide a significant need for remedial action. We analyzed why the 2010 Task Force identified the clearly growing stormwater problem but did not provide the VMA Council with sufficient proof of widespread harm justifying remediation intervention.

The Stormwater Task Force Chair served on the 2008-9 VMA Building Code Task Force which revised the Code to, among other things, limit impermeable surface area to reduce water discharge onto residential and public land. Our Stormwater Task Force has started and continues to identify and assess shortcomings in the VMA Building

Code and VMA and County enforcement that have failed to mitigate construction, lot clearing, and mature tree clear cutting which tend to increase stormwater discharges onto both public and private property. We expect that upon evaluation by the proposed engineer, our continued work, survey, and investigation may lead to recommendation for specific Code and enforcement changes

One natural cause for increases stormwater management problems is that the climate has changed since 2009. The Stormwater Task Force has been advised by engineer Jason Azar that in recent years, rain patterns have changed in our region from steady showers over time to more frequent downpours releasing much greater volumes of water over a much shorter period of time, i.e., 10 minutes. These downpours can overwhelm public and private stormwater management infrastructures. Our investigation will study and document the facts about regional rainfall.

The Stormwater Task Force has acquired the MCDOT StormNet Map, which shows that VMA does not have many stormwater drains and sewers and none on most streets. We have been told that the current area stormwater sewer system was designed and installed around 1940 when VMA neighborhoods consisted of a smaller population, smaller residences, and more trees and open green space facilitating natural stormwater absorption into the water table and underground springs. The 2020 US Census found that VMA now consists of 946 residents, 342 households, 202 families, and has a population density of 6,757.1 people per square mile. Our investigation must study and document the facts about current stormwater management system capability and the role of the VMA more crowded and somewhat hilly topography.

In recent years, VMA small farmhouses and mid-century homes have been either expanded with additions or demolished and replaced by substantially larger houses. This has decreased percolating surfaces to absorb stormwater and water and thereby increased stormwater discharge onto public and private land.

The Montgomery County Code prohibits construction which increases water discharges. The County Permit Office enforces this code. The public data shows that the Permit Office has granted every one of the 4,000 plus builder requests for exemption from the discharge prohibition. This leaves the problem of prohibiting construction increases in water discharges to the cities, to VMA.

We expect that with the guidance of an engineer, the Stormwater Task Force report will recommend VMA building code and enforcement changes. To do this, our investigation must study the record of VMA construction permitting to identify factors which may have increased water discharge onto private and public land, and any efforts by builders to control stormwater discharges, and identify building code ordinance provisions which can prevent construction increases in stormwater discharges. .

The Stormwater Task Force also has been learning about investigation and remediation funding options. Our first major task was to prepare a proposal for MDNR – federal funding for an engineer. We learned a lot about the funding and grant process and what

is important to the funding sources. MDNR did not fund our project. It suggested that we place more emphasis on securing County and State support. We will do this. At the invitation of Council Chair Alexander, we have submitted to proposal to the Council for VMA funding of the cost of a supporting engineer.

### **The Work Completed and Work Remaining to Be Done**

Based upon lessons learned from the 2010 VMA Stormwater Task Force, training by a stormwater management engineer, and review of the work of other local towns and villages, the Stormwater Task Force begun its investigation by collecting information which we believe it would need to review with the support of an experienced engineer.

We have collected and read stormwater management reports produced by other local jurisdictions related VMA governmental and historical documents; maps of the VMA topography, area sewers and drains, and known areas of flooding; Montgomery County codes pertaining to stormwater management and residential construction water discharge limits, and County Permitting Office's public acknowledgement of its intentional circumvention of code enforcement by granting waivers of non-compliance for over 4,000 home constructions.

The Stormwater Task Force has studied the stormwater management related activities of other local towns and villages and is collecting information about their current status, successes, and challenges. We have been advised by local villages and engineer Azar that the next step in Water Task Force work is to draft and transmit a survey of VMA residents which seeks information necessary to focus and prioritize our investigation to identify and document the flooding and water discharge facts, causations, stakeholders, and remediation options.

The Stormwater Task Force survey was transmitted to VMA residents on June 5. It was created with after studying the surveys issued by the other villages and towns. It was reviewed and edited by Mr. Azar. We expect data shortly and will share it with the retained engineer.

We are told that, assuming qualified bidders, the process to issue and RFP, hire an engineer, and execute a contract can take two months. During this time, the Stormwater Task Force will communicate with the other local villages and towns to learn about the status of their studies, planning, and remediation implementation. We will try to determine challenges, successes, failures, and how to do better.

During this time the Stormwater Task Force also will start to sort and mine its survey data to identify actual problems, locations, and knowledge and experienced residents. Our plan is work with the engineer to interview these people, inspect the homes and residential and public land where problems have been reported and/or remediation attempted.

During this time, the Stormwater Task Force also will explore VMA records and data and County records and data for use full information. The Task Force also will explore County and Federal funding opportunities for remediation projects.

Once the interviews and inspections are complete, the Stormwater Task Force will work with the engineer to determine what, if any, additional work must be done, do that work, and prepare our final report for presentation to the VMA Council and residents.



## **VMA Stormwater and Ground Water Task Force FY 2024-25 Project Budget Proposal**

June 13, 2024,

The VMA Stormwater and Ground Water Task Force (hereinafter, “Water Task Force”) submits its proposals for: (1) The extension of the terms of the four current members for 12 months, the filling of a member vacancy, and the addition of a new and sixth member; and (2) Village funding in the amount of \$80,000 NTE (not to exceed) to support its performance of its October 2023 Mission Statement.

### **Extension of Terms and Member Appointments**

The extension of terms for the four current Stormwater Task Force Members, Mark Shaffer, Phillip Hurst, Joel Kliksberg, and Camille Wahl is justified by this report. The proposed one year term extensions is justified by this report. There is a tremendous amount of work to be done. Other villages and towns have been doing the same work for 2-3 years. The need for a sixth member is also justified by this report and our experience thus far which shows that the work to be done is simply too much for five people. The need to fill the vacancy is self-evident.

### **Project Budget Proposal**

The Stormwater Task Force shall use the proposed funding solely for VMA employment and retention of a supporting engineer with expertise in civil engineering, hydrology, stormwater management, green infrastructure,<sup>1</sup> and grey infrastructure.<sup>2</sup> The engineer is essential for the Task Force performance of its Mission Statement. Put differently, we cannot do the work without one. The engineer will provide the necessary knowledge, experience, and analytic skills which the Task Force members do not possess. One Task Force Member identified twelve local towns and villages working on the same stormwater issues. The Member surveyed these towns and villages and was told that ten were employing an engineer to support their work.<sup>3</sup> The twelfth has not responded<sup>4</sup>.

### **Historical Context**

The Village first created a stormwater task force in 2010 in response to resident expressions of concern about stormwater. The Council reviewed the 2010 task force’s report. The report identified increased stormwater. However, the Council determined that the report did not support a “significant need for remedial action.” We believe that the Council may have made this decision in part because the 2010 task force did not employ an engineer to direct, support, or conduct the investigation, identify and confirm

<sup>1</sup> Natural systems such as woods, wetlands, rain gardens, and soil which provide flood protection, water retention and controlled disbursement, and climate regulation.

<sup>2</sup> Structures such as stormwater sewers (distinguished here sanitation sewers), drains, pipes, dams, water, and catchments which control the direction of stormwater to rivers and outlets to oceans.

<sup>3</sup> Chevy Chase View, Chevy Chase Village, The Town of Chevy Chase, Chevy Chase Sections 3 and 5, Chevy Chase View, Somerset, Garret Park, Kensington, and Somerset.

<sup>4</sup> The Town of Chevy Chase.

significant facts and problems, and show that the task force factual findings compelled specific remedial action.

In October 2023 the Council created the current Stormwater Task Force to study and report on stormwater, ground water, and surface water (hereinafter jointly, “stormwater”) problems and make remediation recommendations. The Counsel again acted in response to new resident complaints and concerns about stormwater problems, stormwater sewer and drain failures causing instances of residential property flooding, and discussions with other local towns and villages experiencing and acting upon similar concerns. The Village sought and appointed five resident volunteers to serve as members of the Water Task Force with the guidance of Council Chair and liaison member Arthur Alexander.

### **The Problem: Confirming and Documenting the Facts and Professionally Assessing Remediation Need, Options, and Priorities**

Water Task Force members informally have heard resident expressions of concern or complaint about the reduction of the tree canopy, new construction clear-cutting of lots (large trees are a major green infrastructure tool for stormwater management); increased stormwater flooding of basements and flooding and ponding on land; new construction noticeably increasing discharges of water and silt onto both private and public property; surface water flowing from other towns and villages along Brookville Road and apparently coursing through VMA backyards; and stormwater drain failures causing flooding of residential property and basements.

However, concerns and complaints do not by themselves justify remedial action. A helpful report must be grounded in investigated and proven facts assessed based upon appropriate engineering and stormwater management principles. Recommended remedial action also must be based upon appropriate engineering and stormwater management principles. The Water Task Force cannot effectively perform its duties and deliver a helpful report without support from and work by a qualified engineer. The required knowledge, skills, and ability are not learned by common experience. Appropriate methodologies are not known and understood based upon common experience.

### **The Solution**

VMA would not be the first local village or town to hire an engineer to assist with addressing stormwater concern. VMA only one of twelve local villages and towns which have initiated a factual investigation, problem assessment, and are developing a remediation plan in response to resident concerns about stormwater problems. At least ten of these villages and towns have employed engineers to guide and perform the work. The stormwater Task Force’ review of published reports and plans has convinced the Members that we do not have the knowledge, skills, or ability, to produce a helpful report without qualified engineering support.

The Water Task Force proposes that the engineer support the Water Task Force by providing the deliverables set forth in the attached draft RFP Scope of Work.

**(Attachment No, 1)** The Draft RFP Scope of Work is based upon the Water Task Force's understanding of its VMA Mission, review of how the other towns have used and benefited from engineering support, and conversations with Mr. Azar.

### **THE DRAFT RFP ENGINEER SCOPE OF WORK DELIVERABLES**

1. The Engineer shall employ his or her expertise as professionally appropriate to either assist the Water Task Force to produce these deliverables or to himself or herself to produce these deliverables
2. Collaboration and Communication.
  - a. Perform work requiring applicable degrees, certificates, training, and related experience such as, civil engineering, hydrology, stormwater management, and grey and green infrastructure (jointly, "qualifications").
  - b. Meet, work, and consult with Water Task Force members as requested or required to implement all scope of work deliverables.
  - c. Meet with and make presentations to the VMA Council members and Village Manager as requested, keep them fully apprised, secure approvals and support, and control and manage budget expenditures.
  - d. Meet with and make presentations to the VMA residents as requested provide education, work transparency, and obtain information, opinions, and observations and to secure engagement and support.
3. Research and investigation.
  - a. All research and investigation work should be documented.
  - b. VMA
    - i. Review and document the VMA regional climate history, particularly rainfall and snow.
    - ii. Review VMA stormwater management investigations, reports, plans, building code ordinance(s), and construction permitting, and remediation activities related to stormwater management.
    - iii. Review VMA documents and interview staff and Council members to identify historic information relevant to the RFP Purpose.
    - iv. Review and analyze the results of the Water Task Force Survey and use it as a foundation for resident interviews and further research.
    - v. Work with Water Task Force members to interview residents to identify stormwater problems and explore effective remediation actions. Draft charts showing and explaining remediation analysis.
  - c. Local Villages and Towns
    - i. Review local Village and Town stormwater management investigations, reports, plans, building code ordinance(s), and construction permitting related to stormwater management.

- ii. Review local village and town documents and interview staff and council members to identify historic information relevant to the RFP Purpose including, but not limited to stormwater management investigations, plans, reports, practices adopted, and results.
  - d. Montgomery County
    - i. Secure records and maps of sewers and drains both within VMA and impacting VMA.
    - ii. Secure regulations and ordinances, statements, records, and information related to residential stormwater concerns and management.
    - iii. Identify guidance and resources for stormwater management investigation, remediation, and expertise and funding support.
    - iv. Identification, description, current performance capacity and effectiveness, and anticipated work on grey infrastructure such as sewers and drains in or effecting VMA.
  - e. Stakeholders,
    - i. Identify the stakeholders for remediation options and recommendations, e.g., persons or entities who would be required to act to implement remediation or benefit from remediation.
  - f. General.
    - i. Review applicable industry best practices generally and related to the specific circumstances identified in VMA.
    - ii. Identify sources of support, guidance, resources, for stormwater management investigation, remediation, and expertise and funding.
4. Report.
- a. The Water Task Force Report shall include a table of contents, introduction, executive summary, narrative discussion of each of the Report Elements, footnoted by references to supporting data, charts, photos, documents, and information.
  - b. The supporting engineer and Water Task Force members shall jointly draft or draft, footnote, and revise the Report introduction, background, statement of purpose, organization, and index.
  - c. The supporting engineer shall draft the narrative and footnote each of the Report Elements. The Water Task Force shall provide suggested revisions and methods to make the Report Elements accessible to the VMA residents and Council.
5. Record keeping.
- i. All work and related information should be recorded in real time or copied and organized in a manner enabling the Water Task Force and VMA staff to track deliverable work; support analysis,

assessments, recommendations, and presentations; write the Water Task Force Report; and discussions of the report with the VMA Council, staff, and residents.

- ii. On a platform readily accessible by the Water Task Force members and VMA, maintain an indexed and timely record of all work, documents, information, interviews, charts, maps, interviews, photographs, notes, memos, reports, and draft writings. The VMA Water Task Force platform folder, jointly organized and allowing contract access, may be used for this purpose.
- iii. The platform folder shall be organized and cross-indexed by Report Element, data type, and data source.
- iv. Folder entries shall be posted timely to enable the Water Task Force to be kept up to date.

### **Proposed Funding, Controls, and Term**

Consistent with the draft Engineer RFP, the Water Task Force requests funding in the amount of \$80,000 NTE (not to exceed). The amount is based upon Chevy Chase View's 2022 application for Maryland DNR grant funding for its stormwater management needs investigation submitted in 2022, which budgeted \$72,000. DNR awarded the grant and accepted the budgeted price for the supporting engineering work.

The Storm Water Task Force has marked up 2022 Chevy Chase View grant budget by ten percent (10%) to allow for inflation. While the terms for payment must be set by VMA, the Water Task Force suggests that when negotiating the engineering support contract, the total price be \$80,000 NTE. However, while the Chevy Chase View and the Water Task Force proposed tasks are similar, the Stormwater Task Force cannot ensure that VMA will not experience additional engineering costs. The Stormwater Task Force therefore recommends that VMA set aside a reserve deemed appropriate based upon VMA's experience.

In February we were advised by Mr. Azar that with our prior information gathering and completed survey, the entire engineer SOW could be completed and accepted no later than December 31, 2024. However, survey development has taken longer than anticipated and was only published on June 5, 2024. Further, we are told that the Engineer RFP process will take at least two months. The Water Task Force now suggests that the RFP provide for receipt of the deliverables, including the final Report draft, at least 8 to 10 months after the later of receipt of the survey results received or execution of the engineer's contract.

Thank-you,

Mark Shaffer, Chair  
Phillip Hurst

Joel Kliksberg  
Camille Wahl

**Request for Proposal  
Stormwater and Surface Water Task Force  
Engineer Support**

**INTRODUCTION**

The Village of Martin's Additions (VMA) hereby solicits proposals from individuals or firms to support the Stormwater and Ground Water Task Force (hereinafter, "Stormwater Task Force") investigation, identification, and analysis of stormwater and surface water problems, and assess and recommend remedial actions involving both grey and green infrastructure. The successful bidder (hereinafter, "project engineer") should be prepared to meet and work with the VMA Council, staff, and Stormwater Task Force. VMA expects that the project engineer to begin work immediately following execution of a negotiated contract.

**BACKGROUND**

VMA is a small Montgomery County Maryland municipality with approximately 89 acres of land, 2.5 miles of roads, 325 homes, and 946 residents. VMA was founded as a self-governing Special Taxing District in 1916 and incorporated as a Maryland city in 1985. Several of its streets are narrow (18 feet wide). Most of its streets have curbs one or both sides.

VMA's topography consists of largely sloping hills. Some hills slope to the East from Brookville Road and three other Chevy Chase towns, Village of Chevy Chase, Chevy Chase Section 3, and Chevy Chase Section 5. Some hills slope to the west. Some VMA streets slope North or South. Some streets rise and dip. The sloping and dipping can cause water to flow from uphill residential lots or streets to downhill residential lots and streets.

VMA's existing sewer and drain system was designed and installed in approximately 1940. The system was designed to serve substantially less developed and populated undeveloped land. Some streets have no sewer drains to capture and direct surface water flow. (

In recent decades many residences in VMA have been constructed to be substantially larger and those built in prior years. This change began with additions to existing residences. The process then evolved to include demolishing existing residences and structures, clear-cutting mature and water absorbing trees, regrading to increase buildable space, constructing substantially larger structures, and reducing percolating surfaces.

The County code prohibits new residential construction which increases stormwater discharge onto other private and public lands. However, it appears that the County Permit Office data and public statements show that it has intentionally granted all of the 4,000 builder exemption requests submitted.

VMA's has not previously undertaken to engage in stormwater management. In the 2009 building code Ordinance, VMA did limit impermeable surfaces. It is unclear whether and how this effort impacted stormwater.

VMA has collaborative relationships with adjacent and other nearby Chevy Chase towns. It has learned that a dozen are adopting or seeking to adopt plans addressing increased stormwater and ground water flow and discharges and foreseeable future challenges.

VMA residents have increasingly expressed concern about problems caused by intense rainfall, stormwater, groundwater, residential lot run-off, and sewer and drain capacity. Residents have reported increased water discharges and sewer failures impacting sidewalks, streets, and resident property, property damage, sewer inadequacies, and safety concerns (jointly hereafter, "water impact").

VMA has begun charting claims of excess water discharges onto public and private property, sewer failures, and flowing surface water.

VMA appointed the Stormwater and Groundwater Task Force (hereinafter, "Stormwater Task Force") in response to the residents' expressions of concern and similar action by twelve other local villages and towns. VMA has tasked the investigate, analysis, identify VMA shortfalls, and issue a Report (hereinafter, the "Report"). The Report elements include identification and analysis of: (1) events of water impact; (2) causation factors; (3) stakeholders, i.e., residents, neighbors, VMA, and Montgomery County; (4) future risk of increasing water impact; (5) potential remediations, costs, and implementation factors; (7) technical factors and concerns; and (8) remediation priorities based upon both short and long-term impact risks, and cost-effectiveness.

The Stormwater Task Force has engaged in substantial study, and securing neighboring village and town information, documentation, and experience. It has collected information, documents and maps from VMA files and Montgomery County.

## **PURPOSE**

The purpose of this RFP is to obtain high quality and professional stormwater management engineering support to work with the VMA Stormwater Task Force to produce and deliver the Report and elements after investigating and analysis, identifying stormwater problems, assessing of remediation options for identified problem, and prioritizing recommendations.



## **PRICE AND TERM**

The price for completion and acceptance of the entire scope of work shall be \$80,000 NTE (not to exceed). VMA will set aside and \$10,000.00 reserve. The scope of work should be completed and accepted no later than April 1, 2025.

## **SCOPE OF WORK**

VMA is soliciting proposals from qualified and experienced bidders to perform this scope of work and produce the deliverable in a manner that effectively responds to the RFP Background, Purpose, and Report Elements set forth herein. Effective development of the scope of work deliverables shall result in a high quality Report authored and presented jointly by the Stormwater Task Force and project engineer to the VMA residents for consideration and comment the VMA Council for consideration and action. The Report shall be professional, effective, and enable VMA to decide whether and how to implement a stormwater management plan and program.

The project engineer shall support the Stormwater Task Force by working closely with its members to implement the eight Report Elements. As appropriate, this support work will include guiding the Task Force to perform the Report Elements and create the deliverable; guide the Stormwater Task Force to making accurate and useful remediation recommendations; assist the Stormwater Task Force to make presentations to the VMA residents and Council to inform them and receive and assess their input; draft the Report; present the Report to the VMA Council at a public meeting; and respond to post presentation Council and Stormwater Task Force requests.

The project engineer's contract shall require it to deliver a high quality product compliant with the professional standards applicable to engineers with the experience and skill identified below in the Submittal Requirements. The negotiated contract shall break down the contract total NTE price into budgeted NTE deliverable prices. As the scope of work progresses, the parties may reallocate the contract budget funds between deliverables as needed and available.

## **SCOPE OF WORK DELIVERABLES**

Overview. The deliverables shall be performed in a high-quality and professional manner, compliant with the applicable standard of care to achieve the RFP statement of Purpose; address the RFP statement of Background; and comply with the RFP Scope of Work and professionally and effectively address the Report Elements.

1. Collaboration and Communication.
  - a. Perform work requiring applicable degrees, certificates, training, and related experience for staff proposed to perform the scope of work, such

as, civil engineering, hydrology, stormwater management, and grey and green infrastructure (jointly, “qualifications”).

- b. Meet, work, and consult with Water Task Force members as requested or required to implement all scope of work deliverables.
- c. Meet with and make presentations to the VMA Council members and Village Manager as requested or required keep them fully apprised, secure approvals and support, and to control and manage budget expenditures.
- d. Meet with and make presentations to the VMA residents as requested or required provide education, work transparency, and obtain information, opinions, and observations and to secure engagement and support.

## 2. Research and investigation.

### a. VMA

- i. Review and document the VMA regional climate history, particularly rainfall. Identify information obtained and relied upon.
- ii. Review VMA stormwater management investigations, reports, plans, building code ordinance(s), and construction permitting, and remediation activities.
- iii. Review VMA documents and interview staff and Council members to identify historical information relevant to the RFP Purpose.
- iv. Review and analyze the results of the Stormwater Task Force Survey and use it as a foundation for resident interviews and further investigation.
- v. Work with the Stormwater Task Force members to interview residents to identify stormwater problems and explore effective remediation actions. Create charts showing and explaining the location and status of stormwater problems and support remediation analysis and recommendation.

### b. Adjacent and local Communities

- i. Review local village and town stormwater management investigations, reports, plans, building code ordinance(s), and construction permitting related to stormwater management.
- ii. Review local village and town documents and interview staff and council members to identify historic information relevant to the RFP Purpose including, but not limited to stormwater management investigations, plans, reports, practices adopted, and results.

### c. Montgomery County

- i. Secure records and maps of sewers and drains both within VMA and impacting VMA.
- ii. Secure regulations and ordinances, statements, records, and information related to residential stormwater concerns and management.

- iii. Identify guidance and resources for stormwater management investigation, remediation, and expertise and funding support.
    - iv. Identification, description, current performance capacity and effectiveness, and anticipated work on grey infrastructure such as sewers and drains in or effecting VMA.
  - d. Stakeholders,
    - i. Identify the stakeholders for remediation options and recommendations, e.g., persons or entities who would be required to act or benefit from action taken by others.
  - e. General.
    - i. Review industry best practices generally and related to the VMA's specific conditions and needs.
    - ii. Identify sources of support, guidance, resources, for stormwater management investigation, remediation, and expertise and funding.
- 3. Report.
  - a. The Report shall include a table of contents, introduction, executive summary, narrative discussion of each of the Report Elements, footnoted by references to supporting data, charts, photos, documents, and information.
  - b. The supporting engineer and Stormwater Task Force members shall jointly draft and revise the Report introduction, background, statement of purpose, organization, and index.
  - c. The supporting engineer shall draft the narrative and footnote each of the Report Elements. The Stormwater Task Force shall provide suggested revisions and methods to make the Report Elements accessible to the VMA residents and Council.
- 4. Record keeping.
  - i. All work and related information should be recorded in real time or copied and organized in a manner enabling the Water Task Force and VMA staff to track deliverable work; support analysis, assessments, recommendations, and presentations; write the Stormwater Task Force Report; and discussions of the report with the VMA Council, staff, and residents.
  - ii. On a platform readily accessible by the Stormwater Task Force members and VMA, maintain an indexed and timely record of all work, documents, information, interviews, charts, maps, interviews, photographs, notes, memos, reports, and draft writings. The VMA Water Task Force platform folder, jointly organized and allowing contract access, may be used for this purpose.
  - iii. The platform folder shall be organized and cross-indexed by Report Element, data type, and data source.

- iv. Folder entries shall be posted timely to enable the Water Task Force to be kept up to date.

## **SUBMITTAL REQUIREMENTS**

Proposals must include the following:

- A demonstrable showing that the project engineer's performance of the Scope of Work and Deliverables has been done in a manner that addresses the facts set forth in the Introduction and Background, the intention set forth in the statement of Purpose, and the Report Elements.
- A brief transmittal letter introducing the bidding person and/or firm and a summary narrative of their vision and approach to this work, discussion of work and tasks required to complete the Scope of Work and produce the deliverables. The transmittal letter also include current contact information, including a primary point of contact's email address and phone number(s).
- A statement of qualifications of the bidder to perform the scope of work and produce the deliverables, including any equipment, tools, software, and etc. that would be used.
- A statement of the applicable degrees, certificates, training, and related experience for staff proposed to perform the scope of work, such as, civil engineering, hydrology, stormwater management, and grey and green infrastructure, and etc. (jointly, "qualifications").
  - The name(s) and qualifications of the designated project manager(s).
  - The name(s) and qualifications of any licensed engineers who will be ensuring strict adherence to industry standards and all applicable codes.
- Proof of registration to do business in Maryland (Md. Code, Corps. Art. Sec. 7-201).
- Submission of Non-Collusion, Non-Conviction, and Non-Suspension/Disbarment affidavits (Md. Code, State Finance and Procurement Art. Sec. 16-311(a) and (b)).
- A current certificate of insurance, including at least:
  - Comprehensive General Liability Insurance:
    - Personal injury liability insurance with a limit of \$2,000,000 each occurrence/aggregate;
    - Property damage liability insurance with limits of \$2,000,000 each occurrence/aggregate
  - Automobile Liability Coverage:
    - Automobile fleet insurance - \$1,000,000 for each occurrence/aggregate
    - Property damage - \$500,000 for each occurrence/aggregate
  - Workers' Compensation Insurance.
- Bidders who intend to subcontract any portion of the work will submit with their bid:
  - A description of the items to be subcontracted.
  - All subcontractors' names, addresses, and telephone numbers.

- The qualifications of the subcontractor(s).
- Two references with contact information related to projects similar that described in this RFP.

Proposals also shall address the following questions and statements, including any additional information that may assist VMA in its decision-making process.

- Provide detailed product, warranty, and intellectual property ownership or license information on all materials that will be used. Please also specify who will be doing the labor, the prime or a subcontractor.
- Cost and payment
  - Relevant cost information, including materials, labor, warranties, and any additional expenses for undertaking this work, including but not limited to products, materials, equipment, and tools.
  - What are your preferred payment terms.
- Proposed structure
  - A proposed timeline. How soon could you start and approximately how long do you expect this project to take.
  - How much and what type of equipment is required? Note we have very limited street parking available for contractors and preference may be given to those who have traffic control measures in place, parking plans, and equipment storage off site.

### **SUBMITTING PROPOSALS**

If you wish to submit a proposal, the required information should be submitted to:

Village of Martin's Additions  
 Attn: Widening Dead-end Quincy St.  
 7013-B Brookville Road  
 Chevy Chase, MD 20815

Or

[Manager@martinsadditions.org](mailto:Manager@martinsadditions.org)

The successful proposer will be required to execute a written contract in a form approved by the Village.

The successful proposer must be an equal opportunity employer and all qualified applicants for employment with the proposer must receive consideration for employment without regard to race, color, religion, sex, national origin, disability status, protected veteran status, or any other characteristic protected by law.

Proposals must be received no later than **(Time and date)**. Proposals received after the deadline will not be considered. Proposals sent via mail should be submitted with one

original and one copy. VMA reserves the right to reject any and all proposals in part or in full and to waive formalities as may best serve the interests of VMA. VMA is not required to accept the lowest bid.

Should you have any relevant questions about this RFP, they must be submitted in writing to [manager@martinsadditions.org](mailto:manager@martinsadditions.org) and may be responded to in writing on the VMA website. All questions responded to will be responded to on the website for all potential bidders to see the questions and their answers. It will be the responsibility of bidders to check the website for responses to their questions.

*The Village of Martin's Additions is a municipality of approximately 325 houses in the Chevy Chase area of Maryland's Montgomery County. A five-person elected Council governs the Village and it hires a Village Manager to which it delegates duties consistent with the Village Charter and ordinances.*

Appendix A

Appendix B

Appendix C

## VMA FY24 Budget Adjustments

June, 2024

In some categories we over budgeted and in other categories we under budgeted. The Council makes budget adjustments like this most years, and we have already passed the budget for next year with many of these adjustments in mind. Each overage can be explained and has been recorded by the accountant.

The overages are:

- 5521 Community Events (Elections) – Over by \$10,000
- 5520 Community Events – Over by \$10,000
- 5516 Tree Planting Initiatives Prog. – Over by \$14,000
- 5324 Street Maintenance – Over by \$6,000
- 5322 Street Cleaning - Fall/Spring – Over by \$13,000
- 5230 Legal – Over by \$20,000

These budget adjustments will correct each overage:

- Move \$10,000 from #5352 Sidewalk Snow Shoveling to #5521 Community Events (Elections).
- Move \$10,000 from #5351 Snow Removal – Plowing to #5520 Community Events
- Move \$14,000 from #5110 Managerial and Office Salaries to #5516 Tree Planting Initiatives Prog.
- Move \$6,000 from #5110 Managerial and Office Salaries to #5324 Street Maintenance – Other
- Move \$13,000 from #5110 Managerial and Office Salaries to #5322 Street Cleaning – Fall/Spring
- Move \$20,000 from #5220 Building and Permitting to #5230 Legal



May 14, 2024

TO: Michael Silliman, Manager, Village of Martinø Additions

FROM: Joseph Cutro, P.E., Traffic Engineering Consultant

SUBJECT: Safety Improvements for Parking Lot Entry and Exit -  
7013-7027 Brookville Road Shops

At your request, Iøve put together a plan of safety improvements for the entrance and exit of the parking lot for the shops and offices at 7013-7027 Brookville Road.

The parking lot in question is of single-aisle configuration, with that aisle directed to flow one-way in the southbound direction. Entry on the north is from Taylor Street and at the south end, egress is onto Turner Lane. Given the recent incident at the Turner Lane exit involving a Council member, Iøve placed particular emphasis in my recommendations upon pedestrian safety.

Generally, traffic flow *onto* a private driveway from a public street is normally under the control of the public agency maintaining the street. Conversely, control of traffic flow *from* a private driveway is the province of the proprietor, subject to conditions (e.g., right turn out only) that might be contained in the driveway permit or by mutual agreement with the affected public agency.

In this particular case, control of the north end on Taylor Street follows that pattern. All sign and marking control is authorized by the Village. On the south end, however, the Village has customarily taken more of a proactive role in controlling egress from the parking lot in the absence of proprietor initiative. Itø not likely that the proprietor would object to anything òpassiveö traffic signs and markings ó that the Village might install. But the idea of an òactiveö device, like an actuated gate, would likely not be received well.

As it is, an actuated gate would be an unusual treatment for the parking lot of a small shopping center. More importantly, however, questions would arise of who owns it, who pays for it, who maintains it, how reliable the system is, and how much business it might discourage. Cost for such a one-gate system would be about \$40,000, not including maintenance and repairs. Without a condition in a pre-existing permit or other agreement, the Village cannot force such a device onto the property egress.

A more prudent approach would be for the Village to provide additional passive devices and improve/augment those existing. My key recommendation would the introduction of a new signage restating the legal requirement to yield to pedestrians in crosswalks. The new signs would serve either as stand-alone devices or be supplemental to STOP signs.

### Entry from Taylor Street to Existing Conditions

The Taylor Street driveway is of street-type design with asphaltic pavement continuous between street and parking lot. A ladder crosswalk, 8' wide, is marked in 12" thermoplastic lines across the driveway. About 1/3 of the crosswalk is missing due to a recent utility pavement patch. The patch is composed of a rough base-type asphalt that will not sustain a thermoplastic overlay well. The crosswalk is served by sidewalk curb ramps at both ends, but neither ramp has an ADA-compliant warning surface.

A small STOP sign has been placed adjacent to the west side (only) ramp, facing pedestrians crossing the driveway eastward. This sign is contrary to normal crosswalk control, which requires vehicles to stop and yield for pedestrians, not the other way around.

As for other signage affecting driveway movement, a flag-type (36" x 12") ONE WAY sign on the southeast corner indicates the southbound direction of the parking lot drive aisle. While technically unnecessary, this sign is usefully informative but due to its shape and exposed location, it sustains occasional damage from turning vehicles. Atop the ONE WAY sign on the same post is a symbol-type No Right Turn sign facing the driveway. The latter sign ostensibly prohibits wrong-way parking lot traffic from committing a second violation -- turning the wrong way onto the one-way westbound segment of Taylor Street east of the driveway. (DO NOT ENTER signs are prominently posted just to the east of the driveway).

### Exit to Turner Lane to Existing Conditions

In contrast to the Taylor Street end of the parking lot, the exit onto Turner Lane has been constructed with a concrete apron. The apron is shaped to encourage right turns (towards Brookville Road) only, although left turns onto eastbound Turner Lane are not technically prohibited. Incorporated within the apron is a 4' wide concrete sidewalk. An attempt to outline this sidewalk with 12" thermoplastic markings has been unsuccessful. About half of the crosswalk is missing due to another pavement patch, this one in concrete. The remaining white markings are hard to see, having poor visual contrast against the off-white concrete. Due to the fact that thermoplastic adheres poorly to concrete, such markings are bound to prematurely disintegrate.

Outbound traffic movement is controlled primarily by a 24" STOP sign, placed unconventionally on the left (east) side of the driveway. The driveway apron's rightward orientation allows the STOP sign to be effective in that location. The right side of the driveway, now occupied by a sidewalk leading to nothing more than a few trash receptacles, is currently devoid of signing and provides an opportunity to reinforce STOP control on this approach. The existing STOP sign is supplemented by a thermoplastic stop bar that spans the driveway on asphalt pavement at the very edge of the concrete apron. Although the thermoplastic adheres well to the asphalt surface, the visual contrast of the stop bar is poor due to its placement directly next to the concrete apron.

Other pertinent signs at the intersection of the driveway with Turner Lane include an advisory CROSS TRAFFIC DOES NOT STOP beneath the STOP sign on the same post. Given that driveway traffic would normally be expected to yield to traffic on a public street (the Boulevard Rule) such a sign should be regarded as extraneous. The intersection is also posted with signs to prohibit entry into the driveway. These include symbol-type No Left Turn and No Right Turn signs placed back-to-back, directed respectively at eastbound and westbound Turner Lane traffic. There is also a DO NOT ENTER sign on the northeast corner very close to the outbound STOP sign. It cannot be placed back-to-back with the STOP sign due to its angle of orientation, facing traffic approaching from Brookville Road.

A final factor at this location is the placement of four steel tube/concrete bollards, all 40 high, circumscribing the apron and framing the sidewalk where it crosses the driveway. The apparent purposes of the bollards are to discourage curbing jumping and inappropriate turning movements, and to make the sidewalk crossing of the driveway more evident.

#### Entry from Taylor Street Recommended Actions

1. Reconstruct the west side (Supermarket) curb ramp to ADA standards, including a detectable warning surface.
2. Replace two sidewalk panels of the existing (otherwise ADA-compliant) east side curb ramp to include a detectable warning surface.
3. Resurface the pavement around the driveway to allow application of thermoplastic crosswalk markings.
4. Recap/extend the existing thermoplastic ladder crosswalk.
5. On the west side of the crosswalk, remove the small STOP sign facing pedestrian traffic. Replace with a custom STOP FOR PEDESTRIANS (R1-5b) sign facing Taylor Street vehicular traffic approaching from Brookville Road.
6. On the east side of the crosswalk, install a STOP FOR PEDESTRIANS (R1-5b) sign back-to-back with the existing No Right Turn (symbol) sign that faces the parking lot. In addition, replace the existing flag-type ONE WAY (R6-1) sign with a more compact (and less damage-prone) R6-2 design.

#### Exit to Turner Lane Recommended Actions

1. In the brick sidewalk area on the west side of the driveway, install a (second) right-side STOP sign on a new post. The ground beneath the brick area should be probed/test-pitted to determine if there are any subsurface obstructions (e.g., foundations, utilities) that might prevent or otherwise affect post installation.
2. Beneath that new STOP sign, install a custom YIELD TO PEDESTRIANS (R1-5) sign. Also, install a (second) 24" DO NOT ENTER sign back-to-back with the STOP sign.

Exit to Turner Lane ó Recommended Actions (continued)

3. On the east side of the driveway, replace the post supporting the existing STOP sign with a new, longer post. Remove the existing CROSS TRAFFIC DOES NOT STOP sign and replace with a YIELD TO PEDESTRIANS (R1-5) sign.
4. Recap the stop bar and any directional arrows on the parking lot pavement. As an option, supplement the stop bar with an 8øthermoplastic STOP legend on the pavement surface. (This might require directional arrows to be relocated.)
5. Wrap the top 1øof each of the (4) bollards with reflectorized white safety tape.
6. As an option, replace the existing sidewalk panels within the driveway with those of a contrasting color (brick red?) of concrete, or, treat the surface of the existing panels with a slip-resistant colored epoxy coating. Do not attempt to recap the existing thermoplastic crosswalk lines on the concrete apron.

**Village of Martins Additions  
Financial Report for June 2024  
Jeffrey Blander Treasurer  
Thursday June 20th, 2024**

	May 2024 (Actual)	May 2024 (Budgeted)	Under/Over Budget	YTD (Actual)	YTD (Budgeted)	Under/Over Budget	Annual Planned
Total Income	\$257,782.00	\$80,533.00	\$177,249.00	\$1,589,616.55	\$885,866.67	\$703,749.88	\$966,400.00
Total Expenses	\$64,702.01	\$75,433.00	\$10,730.99	\$820,670.26	\$829,766.67	(\$9,096.41)	\$905,200.00
Net Income	\$193,079.99	\$5,100.00	\$187,979.99	\$768,946.29	\$56,100.00	\$712,846.29	\$61,200.00

**Assumptions:**

- Income includes revenue from permit fees, country revenue sharing, income tax, property tax, and interest.
- Expenses include those from general government (printing, insurance, office lease, telephones, etc.), salaries and benefits, professional fees (accounting, legal, permitting, etc.), streets (lighting and maintenance), waste and recycling, other (tree maintenance, community events, etc.)

Total current assets	\$5,833,234.73
Investment reserves (Walkability, streets, other)	\$1,500,000.00
Emergency reserves	\$1,000,000.00
Current assets less reserves shown above	\$3,333,234.73

Of note, VMA year-to-date (YTD) budgeted (\$885,866.67) versus actual \$1,589,616.55) total income is \$703,749.88 greater than planned for. This is primarily due to \$629,291.06 in ARPA funds (\$375,351.02) and interest (\$253,940.58).

There are several larger capital projects in-progress and additional budget categories being paid for with ARPA funds. A detailed end of year summary of spending to date will be provided in the July 2024 report:

**Near-term follow-up activities**

- It will be critical that VMA plans for and outlays any remaining ARPA funds by Dec. of 2024.
- Introduce and adopt VMA FY24 Budget Adjustments
- Consider other spending proposals by VMA committees at end of year out briefs.

<b>Village of Martin's Additions.</b>	
<b>Balance Sheet</b>	
<b>As of May 31, 2024</b>	
	<b>Total</b>
<b>ASSETS</b>	
<b>Current Assets</b>	
<b>Bank Accounts</b>	
1000 United Bank	0.00
1001 Suntrust Bank	115,394.04
1005 Congressional Bank	257,384.26
1020 MLGIP	5,324,386.78
1021 MLGIP - Infrastructure	118,432.96
<b>Total 1020 MLGIP</b>	<b>\$ 5,442,819.74</b>
1072 Bill.com Money Out Clearing	15,769.69
<b>Total Bank Accounts</b>	<b>\$ 5,831,367.73</b>
<b>Accounts Receivable</b>	
1100 Accounts Receivable	0.00
<b>Total Accounts Receivable</b>	<b>\$ 0.00</b>
<b>Other Current Assets</b>	
1010 Petty Cash	100.00
1120 Security Deposit - Office	1,767.00
1130 Taxes Receivable	0.00
1140 Accrued Interest Income	0.00
<b>Total Other Current Assets</b>	<b>\$ 1,867.00</b>
<b>Total Current Assets</b>	<b>\$ 5,833,234.73</b>
<b>Fixed Assets</b>	
1205 Other Assets	2,450.00
1210 Office Equipment	24,944.00
1215 Leasehold Improvements	1,381.00
1220 Capital Fund Infrastructure	1,191,352.15
<b>Total Fixed Assets</b>	<b>\$ 1,220,127.15</b>
<b>Other Assets</b>	
1110 Accounts Receivable Accrual	0.00
1150 Prepaid Expenses	0.00
1160 Real Property Tax Receivable	0.00
1170 Personal Property Tax Receivabl	0.00
<b>Total Other Assets</b>	<b>\$ 0.00</b>
<b>TOTAL ASSETS</b>	<b>\$ 7,053,361.88</b>

<b>LIABILITIES AND EQUITY</b>	
<b>Liabilities</b>	
<b>Current Liabilities</b>	
<b>Accounts Payable</b>	
2000 Accounts Payable	46,842.87
2030 Accrued Vacation	0.00
<b>Total Accounts Payable</b>	<b>\$ 46,842.87</b>
<b>Credit Cards</b>	
Master Card 3331 - 1	192.00
Master Card 3570 - 1	291.13
Master Card 5567 - 1	-362.08
Master Card 5568 - 1	1,815.75
<b>Total Credit Cards</b>	<b>\$ 1,936.80</b>
<b>Other Current Liabilities</b>	
2010 Accounts Payable - Accrual	-58.00
2020 Accrued Salaries Payable	0.00
2200 Refundable Deposits	18,730.00
2300 Deferred Property Taxes	0.00
2400 Deferred Revenue	0.00
2401 Deferred Revenue - ARPA	585,877.77
<b>Total Other Current Liabilities</b>	<b>\$ 604,549.77</b>
<b>Total Current Liabilities</b>	<b>\$ 653,329.44</b>
<b>Total Liabilities</b>	<b>\$ 653,329.44</b>
<b>Equity</b>	
3000 Fund Balance	429,466.74
3010 Fund Balance - Infrastructure	600,000.00
3100 Investments in GFA	1,220,127.15
3900 Retained Earnings	3,381,492.26
Net Income	768,946.29
<b>Total Equity</b>	<b>\$ 6,400,032.44</b>
<b>TOTAL LIABILITIES AND EQUITY</b>	<b>\$ 7,053,361.88</b>

Wednesday, Jun 12, 2024 12:06:58 PM GMT-7 - Accrual Basis

From: Michael Silliman, Village Manager  
To: Village Council  
Subject: Village Manager's Report  
Date: 6-20-24

**Administration:**

- We will schedule a CPR and First Aid class to be held in the Village Office. We will have limited spots available and still need to select a date.
- As you might remember, the oath of office form for committee volunteers was unclear as to who should administer the oath of office. With Ron's help, I have administratively updated the form to clarify that only a Councilmember, the Village Manager, or the Village Attorney can administer the oath.
- I am compiling all the Committees', Task Forces', and Village Office's year-end reports into one FY24 Annual Report. I will present this Annual Report in several formats, including in the July *Martin's Edition* newsletter.
- A volunteer appreciation event will be held on June 22<sup>nd</sup> for all committee and task force members and street captains who served the Village in FY24.
- I will be attending the Maryland Municipal League's Summer Conference next week.
- All vendors are confirmed for the 4<sup>th</sup> of July Celebration on June 30<sup>th</sup>.
- The Council will hold a closed meeting early in the new fiscal year to be sworn in to office, to determine Council positions, and to plan administrative matters for FY25. I will be scheduling this with all five Council members over the next few days.
- The July Council meeting is scheduled for July 18<sup>th</sup>. As a reminder, we do not have a monthly meeting in August. I would like to skip the August newsletter as well.

**Maintenance:**

- Parking Enforcement: I am in contact with the Montgomery County Department of Transportation's Parking Enforcement Division. They have confirmed that the VMA can train parking enforcement agents to issue tickets on their behalf. The County would collect the parking ticket revenue, but a VMA contractor or I could serve as the enforcement agent and issue tickets. The Village's parking enforcement agent would be the witness that would need to attend traffic court if a parking ticket was protested, but we would not need to send an attorney. I have requested more information.
- In the coming weeks, I will be reaching out to residents that have overgrown vegetation in the public right-of-way, sidewalks, and sight lines.

**Project Updates:**

- The Brookville Road sidewalk: We are working to hire yet another surveyor to provide additional information on six property lines along Brookville Road. I have been in contact with the State Highway Administration regarding the location of the repaved and repainted lines. Also, the Village Manager of Section 3 has requested an additional stop sign at Bradley Lane from the State Highway Administration. We are planning to request a crosswalk across Brookville at that location.
- We will be updating the Village Resident Directory this fall.



- I will be working to make some improvements and technical fixes to the Village website this fall. I'm in contact with our web hosting company and we will be meeting soon.

**Buildings:**

- I have attached the Building Administrator, Doug Lohmeyer's, monthly report.
- A driveway permit was issued to 6701 Brookville Road.
- 7306 Delfield Street has applied for the building permit to construct a new shed. I will be issuing this permit shortly.
- We have received an application for a new house at 204 Oxford. The application is not yet complete, but we have reviewed several versions of the plans. We are waiting for the County-approved plans before proceeding.

TO: The Council at the Village of Martin's Additions

FROM: Doug Lohmeyer

DATE OF MEMO: June 15, 2024

SUBJECT: Building Administrator's Report

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**6701 Brookville Rd.**

The property owner submitted an application to construct a circular driveway with a second driveway apron on Brookville Rd. The staff has reviewed the plan. The applicant has obtained a MSHA driveway access permit. MCDPS is reviewing the retaining wall permit. VMA issued the driveway permit.

**3415 Cummings La.**

The property owner submitted an application to remove the existing house and to construct a new house. The MCDPS issued their building permit on Mar. 14, 2024. The resident's information meeting was held on April 4, 2024. The Village permits were issued on April 9, 2024. The pre-construction meeting took place on Monday, April 15<sup>th</sup>. The old house has been removed and work is progressing.

**3417 Cummings La.**

The owner submitted an application to demolish the existing house and to construct a new home on Nov. 22, 2022. The resident's information meeting was held on Tuesday, Mar. 14, 2023. The Village permit has been extended to June 30, 2024. The work on ongoing.

**3419 Cummings La.**

The owner submitted an application to demolish the existing house and to construct a new home on Nov. 22, 2022. The resident's information meeting was held on Tuesday, Mar. 14, 2023. The Village permit has been extended to June 30, 2024. The work is ongoing.

**7306 Delfield St.**

The property owner submitted an application to remove and replace the shed at the left rear of the backyard. The Village is issuing the building permit soon.

### **7309 Delfield St.**

The staff has discussed with the architect the proposed additions to the existing house, including VMA Code requirements and the permitting process.

### **204 Oxford St.**

The property owner submitted an application to remove the existing house and construct a new home. The MCDPS and the Village staff are reviewing the plans. A resident's information meeting will be scheduled soon.

### **3518 Shepherd St.**

A plan to add a 2 story addition on the southern end of the existing house and for improvements to the existing house has been submitted to the Village. The EBL analysis indicated that a variance is required to construct the addition. The Council approved the variance on May 2<sup>nd</sup>. The Village issued the building permit on May 20, 2024. Work is ongoing.