

**Village of Martin's Additions
Council Meeting
7013 B Brookville Road, Chevy Chase, MD 20815
Minutes of Meeting December 17, 2009**

COUNCIL MEMBERS AND VILLAGE REPRESENTATIVES PRESENT: Council Members: Richard Krajeck, Noell Sottile (late), Chris Mueller, Mike Zielinski. **Village Manager:** Jean Sperling; **Attorney:** Ron Bolt; **Residents:** Keith Allen, Bill Catherwood, Steve Schmal, Deb Schmal, Joe McCathran, Dan Baden, Frank Correl

7:30PM CALL TO ORDER: Chairman Richard Krajeck.

POLICE REPORT: Sgt. Dasilva, Chevy Chase Village Police.

There were no incidents in Martin's Additions during the prior month other than numerous traffic violations.

Action on Minutes of November 19, 2009 Meeting

There were no changes to the minutes.

Motion made to adopt minutes: Councilman Chris Mueller; **2nd:** Councilmember Zielinski; **Vote:** All in favor.

PRESENTATION OF THE FY 2009 AUDIT REPORT

Joseph McCathran, Managing Partner, Linton, Shafer, Warfield & Garrett

Mr. McCathran reported on his firm's audit of the financial statement of the Village of Martin's Additions for the fiscal year 2009. It is summarized here:

Responsibilities under Generally Accepted Auditing Standards: LSWG's responsibility is to assure that the financial statements are free of material misstatements and are fairly presented in accordance with US generally accepted accounting principles. The internal control of the Village financial matters is also considered. LSWG conducted the audit according to these standards and found that the financial statement fairly presents the financial position and results of operation for the FY 2009.

Significant Accounting Policies. No new accounting policies were adopted and the application of existing policies was not changed during the year. There were no transactions entered into by the Village during the year that were significant and unusual, or transactions for which there was a lack of authoritative guidance.

Accounting Estimates. Budget estimates can have a significant impact on financial statements because future events affecting them may differ significantly from those expected. The positive revenue budget for FY2009 to actual variance is \$2,987; a positive expenditure budget to actual variance is \$106,006. These variances could be attributable to estimates used in preparation of the budget.

Audit Adjustments. No significant audit adjustments were proposed by LSWG in connection with the audit. The effect of the audit adjustments had no significant impact on revenues or expenditures resulting in revenue increased of \$76 and decreasing expenditures by \$622. None of the adjustments indicate matters that could have significant effect on the VMA financial reporting process.

Disagreement with Management; Consultation with Other Independent Accountants and Difficulties Encountered in Performing the Audit. There were no disagreements with management during the course of the audit, there were no consultations with other auditors to obtain a second opinion. LSWG experienced no significant difficulties in dealing with managements in performing the audit.

Summary of Financial Condition. VMA was found to be in good financial condition. Net assets represent approximately 240% of annual expenditures at June 2009 (up from 160%). Total general fund assets are \$1,458,480 generally consisting of cash and conservative investments. Village staff was very cooperative.

Discussion: In response to a question from Councilman Krajeck, Mr. McCathran stated that Village reserves can be placed in the mid-range of the asset positions of eight municipalities of similar size.

Motion to Accept the FY 2009 Audit was made by Councilmember Mueller; **2nd** Councilmember Zielinski. **Vote:** All in favor.

FINANCIAL REPORT: MONTH OF NOVEMBER, 2009-Christoph Mueller, Treasurer

Income for the month of November was \$79,238. Of that, approximately \$2,000 was from property tax, \$75 from permit fees, \$76,900 in income tax and about \$180 in interest income.

Expenses for the month totaled \$48,980, generally reflecting typical expenses for the month of November. Exceptions are \$4,500 in budgeted fees for our street lighting advisor and about \$2,400 in building and permitting activity, which ran about \$1,100 over budget.

Expenses were \$30,260 less than income in the month of November. For the fiscal year, July through November, expenses are about \$105,000 more than income. This imbalance is anticipated and typical, given our annual revenue and expense cycle.

A review of year to date budget and expenses shows a growing variance in several categories of recurring monthly expenses: lower legal fees by about \$7,200; lower police patrol fees of about \$7,000, largely resulting from scheduling constraints by the Village of Chevy Chase Police Force; reduced salaries and benefits of about \$6,200. Year to date, we are exceeding waste collection fees by almost \$3,000, largely a result of fuel surcharges and we are exceeding third party building and permitting expense by about \$7,600. Our total fiscal year budget for building and permitting is \$15,000; during the first five months of the fiscal year we have spent \$13,900. The Village will need to appropriate more funds for building and permitting.

Discussion: Councilmember Krajeck noted that permit fees are not keeping pace with costs and that Village general revenues are supporting building activities. Manager Sperling explained that there are several big projects underway that have required intensive attention by Mid-Atlantic Inspections. Mid-Atlantic staff are be used to monitor and oversee projects in the Village.

Motion to Accept the Financial Report was made by Councilmember Zielinski.; 2nd

Councilmember Mueller **Vote:** All in favor.

FURTHER DISCUSSION ON RIGHT OF WAY ORDINANCE

Council Chairman Krajeck noted that when the ordinance related to the maintenance of the right of way was adopted last month Councilman Zielinski agreed to explore possible options and expanded definitions that might provide more flexibility. Councilman Zielinski prepared notes to be considered by the Council. In the discussion that followed, the Council focused on the height and definition of plantings that could be allowed in the right-of-way that were contained in Councilman Zielinski's considerations.

Councilman Mueller noted that among the purposes of the ordinance is to give residents the ability to walk off of the street without having to compete with traffic, and to give residents the opportunity to get out of their car without feeling that they're destroying someone's ornamental plantings in order to safely exit their vehicles. Plantings of 24" in height would deny the Villagers the opportunity to have safe passage or get in or out of a car. Chairman Krajeck reminded Council members that the impetus of this Ordinance was for the Village to clarify its authority to ask residents to maintain the right of way. After some discussion, Attorney Bolt noted that the ordinance provides that if there is to be anything in the right-of-way, except for low growing plantings, it is either going to have been grandfathered according to the ordinance or rendered permissible through a license to use the right of way.

Chairman Krajeck suggested that the ordinance be left as it was adopted and see if any difficulties arise with its administration. If the Village finds that further definition is needed, the Council can reopen the discussion. The license that is required is a revocable license in a form approved by the Council. A shorter form could be approved for plantings and, as a matter of policy, the Village could decide if they were to be recorded in land records to run with the land or just kept in the files. Councilman Mueller suggested that a simple license be developed that is straight forward and administrative in nature. The Council agreed with this suggestion.

REVIEW OF PROPOSED DUMPSTER AND POD ORDINANCE

Chairman Krajeck explained that the time period needed to adopt the ordinance was not sufficient and the Council must wait until the next meeting to take action. This is an opportunity for the Council to examine the ordinance more closely.

Discussion: Krajeck wondered if a bond requirement is necessary for permitting portable storage units. Manager Sperling explained that no other jurisdiction requires a bond for portable storage units. Building Administrator Alan Beal explained that portable storage units are placed with a boom lift rather than rolling them off special truck beds as is done with dumpsters, thereby reducing the likelihood of street damage. He recommended that the Council remove the requirement that a bond be secured for a portable storage unit permit. Councilman Zielinski recommended that the order of Section (c) and (a) be reversed, placing the restriction of dumpsters in the street first. The Council also discussed the liability for repairs to the right-of-way in excess of the amount of the bond. Attorney Bolt explained that the Village is not limited to the amount of the bond—it can seek additional remedy. To avoid any misunderstanding, the Council decided to remove any reference to interest being paid on a bond. The Council also discussed clarifying where the portable storage units can be placed in the right of way since it is clear that it can't be placed in the street but not always clear where the public property ends and private property begins. The phrase "unimproved portion of the right of way" was suggested.

Councilman Zielinski motioned to re-introduce the ordinance with an amendment to adopt permit requirements for dumpsters and portable storage units to reflect the changes discussed including not to require a bond for the portable storage units, to remove any reference to paying interest and to allow for the portable units to be placed on the unimproved portion of the right of way so long as it does not obstruct passage, 2nd: Mueller. **Vote:** All in favor.

MANAGER'S REPORT

Infrastructure:

-Street Lighting Design and Specification work to begin week after holidays. Report should be ready within approximately a month by end of January or early February. Street lighting contract was amended to add this phase to the contract issued earlier.

-Snow shoveling and plowing contracts signed and sealed accompanied a new base contract provided by Ron.

-Newly redesigned and installed sidewalk at corner of Turner and Brookville, compliments of WSSC. The bollard will be at the cost of the Village.

-Survey Update will need to be done over the winter. New trees, road changes, house changes need to be incorporated.

-WSSC permission was issued to replace the water lines on Oxford Street. We will be working with Chevy Chase Village on this project.

Administrative Work/Issues:

-We've changed payroll processing companies-From PayChex to ADP—Costs went from \$1,710 per year to \$984 for the first year (special discount) to rise to \$1,384 in year 2 but no change from there.

-Office reconfiguration complete- new phone lines installed and operational. Monthly charges will actually be less because of a cost savings that Verizon was able to identify for us.

-New computer and software has been purchased for about \$1,500. Hardware and software has all been installed. Email and printer have been linked. IT support provided by Betsy Berlin. We are fully operational. We are using a "cloud" for file sharing called DropBox that allows us to share files without using a server. Currently it is free and anticipated monthly charge is under \$10.

-Holiday Fund underway. Checks will be delivered on Monday 12/21. To date we have received 102 contributions and \$4,203 (\$42.20 per donation) compared to 125 contributions the same time last year for \$5,510 or \$44.08 per contribution.

-Directory has been completed and will be included in next newsletter.

-Anniversary of incorporation is Sunday, February 14, 2010. With the Council's approval we will use the annual Winter Gathering at La Ferme to celebrate.

-We will be attending a seminar on Records Retention and Destruction January 22.

Tree Report

-Three trees to be removed. 114 Quincy, 3411 Turner, 107 Quincy. All necessary review has been done (Village Tree Supervisor has reviewed the request; professional independent arborist has provided an evaluation and State permission to remove the trees has been filed. All granted; two yet to be received. Tree at 114 Quincy to come down tomorrow 12/18/09. Road to be closed, parking restrictions in place. Wood will be available to the community.

Services:

-Trash Collection: We are owed an adjustment to our WM bill for the missed pick up after Thanksgiving.

-Street cleanings: Three (as of 12-4-09); one more before end of December for final clean up.

-Toter samples of recycling bins are here. We will place on order form in newsletter. Paul Wolfe has agreed to assist with distribution-he has warehouse space, a pick up truck and can assemble a team of assistants. Jean will investigate the possibility of adding a space for an address strip and whether the even larger bins can be ordered once we meet our minimum order of 100. Based on the experience of Chevy Chase View the bins will cost in the \$50-\$55 range.

BUILDING ADMINISTRATOR'S REPORT

- **Action in VMA**

7316 Delfield-Groeschel-Addition

7320 Delfield-Hanlon: Rear Porch

7400 Summit-Lazare-Rear Addition

3506 Taylor: Nucci-Rear addition and dormer.

160 Quincy- Godding-Underway

3418 Turner-Zielinski-Underway

- **Permits issued:**

Fence-3521 Cummings (Washburn)

Fence-3509 Bradley (hand)

Fence- 3515 Bradley (Butler)

Accessory Structure-7003 (Michel) soon.

- **Completed:**

3513 Bradley (MacCartee)-Sold. Ready for clearance 124 Quincy-Sold

- **Pending/Potential:**

3502 Turner Lane (Post) -Driveway apron,
Front Porch may be added

7203 Summit- (Crahan) Side addition.

3515 Bradley (Butler)-rear addition

Construction challenge at 7203 Summit Avenue:

Mr. Beal explained that residents at this address are interested in possibly building an addition to their home but find a complication because the 18' side setback requirement cannot be met. A variance would have to be granted. A rendering will have to be developed and there is no way for the Council to determine if the variance would be granted, until the Council is formally asked to review an application according to the Village Code and procedures. The owners will need to decide if they wish to proceed.

9:20 PM Adjournment Motion: Zielinski, 2nd Sottile, Vote: All in favor.