

**Village of Martin's Additions
Council Meeting
7013 B Brookville Road, Chevy Chase, MD 20815
Minutes of Meeting April 15, 2010**

COUNCIL MEMBERS AND VILLAGE REPRESENTATIVES PRESENT: Council Members: Richard Krajeck, Noell Sottile, Mike Zielinski, Chris Mueller, and Larry Wasson. Village Manager: Jean Sperling; Attorney: Ron Bolt. Building Permit Administrator: Alan Beal.

Residents: Keith Allen, Ted Stoddard, John Grasser, Susan Fattig, Sharon Coyle, March Dodge, John Sharrow, Jill Filipczyk, Hanne Correl, Bill Catherwood, Rick Michel, Lynn & Natalie Welle, and Bert Leibman.

CALL TO ORDER 7:30PM by Chairman Richard Krajeck

POLICE REPORT: Sgt. Dasilva was not available to deliver the police report.

RESIDENTS' CONCERNS, COMMENTS AND CONTRIBUTIONS

Basketball hoop on Melville Place

Manager Sperling brought to the attention of the Council an email received from a resident who was concerned about a basketball hoop that is placed on the street and thus encourages children to play in the street. It was estimated that about 4 or 5 hoops can be found in the Village, on the public right-of-way. A discussion followed about how best to address this matter. The residents who were concerned have discussed the matter with the neighbors to no avail. They are now asking the Village to consider a way to have these structures placed on private property.

The Village Code prohibits structures from being placed in the right-of-way without a license. Attorney Bolt suggested that additional language could be adopted in a policy statement to set forth the Village's position on the placement of play equipment in the right of way.

The following policy No. 4-10-2 was drafted and introduced:

Policy No. 4-10-2

Policy on the Installation and Placement of Objects in the Public Rights-of-Way

The Village of Martin's Additions maintains the public rights-of-way within its boundaries. The Village Council finds that structures, plantings, and other objects installed or placed in the public rights-of-way must be regulated to protect the public safety and welfare, and to prevent the creation of obstructions, safety hazards, and public nuisances.

For this reason, it is the policy of the Village to prohibit the placement of any structure or object, including but not limited to, play equipment, permanent or portable basketball, hockey, soccer, and lacrosse goals, in the public rights-of-way until a license to use the public right-of-way has been executed in a form approved by the Village.

Motion to Introduce this policy on objects in the right-of-way: Sottile; 2nd:Zielinski.

Discussion: The Council discussed the wording and was concerned that it might suggest that the Council intends to issue licenses for play equipment in the right-of-way, which is not the intent. It was agreed that stylistic word changes could be made after the public hearing in June.

Vote: All in favor.

Offer to Sponsor a Community-Wide Picnic

Resident Keith Allen of Turner Lane stated that he understood that the Village has been forced to reduce the community events budget that will prevent the Village from sponsoring a July 4th Party but he feels such a community event is very important, particularly since it has been a regular event for many years. He offered to throw the event himself for the community. The Council thanked him for his gracious offer.

Comments on the Proposed FY 2011 Budget

Snow Shoveling: Resident suggested that the historical pattern of expenditures for snow shoveling be examined rather than just this past year's expenses.

Knowledge of Revenue Losses: Resident asked when the Council knew of the revenue loss. Chairman Krajeck explained that the Village had been made aware of the reduction in income tax of about \$150,000 in February on top of a loss of about \$30,000 in Highway User Revenues. The Council has delayed any major capital projects that had been planned for the current budget year but will still need to draw down reserves in the amount of almost \$290,000. It was suggested that the Village confirm, if possible, that all of Martin's Additions residents are properly registered as such with the State of Maryland.

Non-Recurring Costs: The three expenditure categories shown in the budget—recycling bins, street light study and funds for a planning consultant—are non-recurring in nature for the next budget year and thus are shown in only one budget year.

Function of Building and Permitting Services: The \$25,000 budget for this category covers the responsibilities for permitting and plan review, code enforcement and clearing of construction projects, as well as professional advice to the Storm Water Task Force and prior consulting to the Building Code Development Task Force, assistance with residents' complaints, project management and issuance of Stop Work Orders. It was explained that while the County will assist with code enforcement they will not enforce our own ordinances and are not as readily available to assist with residents' concerns.

Other Comments

Construction on Summit Avenue: A resident remarked that they understood that the Village would notify residents of a construction project in the immediate vicinity of their home. They have been told that a project was to begin immediately on Summit Avenue and had received no notice. Manager Sperling indicated that the Village has not received a request for a project but will of course inform residents when an application is filed. The residence in question is believed to be 7404 Summit Avenue.

BUILDING ADMINISTRATOR'S REPORT: Alan Beal

• Introduction of Ordinance No. 4-10-1: Amendment to Building Regulation Ordinance Section 7-402(e)(3)(iii) and (2), Setbacks

Alan Beal noted that in a recent review of a building application for a rear addition the regulation related to the secondary side setback applied to the plans. While the intent of this setback provision had been that an additional setback of a minimum of two feet on both sides of the structure would apply in certain circumstances, the language of the ordinance could be made clearer—it can be interpreted in such a way that if one side is setback more than two feet, the minimum for both sides has been met. A clarification can be made by the simple addition of the word "each" in two places in the ordinance. Attorney Bolt drafted an ordinance to make this amendment to the ordinance.

With the introduction of this ordinance (Ordinance 4-10-1) the County Council is allowed 30 days for any comment. Notice was sent to the County Council on April 19, 2010. Public comment is required for Village residents on the Ordinance which can be taken at the June meeting, fulfilling the 30 day requirement of the Village Charter. The ordinance could be adopted at the June meeting, at the conclusion of the public comment period.

Motion To Introduce an Amendment to the Village's Building ordinance Section 7-402(e) (3) (iii) and (2) by adding the word "each" in two locations: Zielinski; 2nd: Sottile; Vote: All present in Favor.

• Permit Requests:

- 114 Quincy Street-Addition
- 3517 Turner Lane-Addition
- New builder at 7300 Summit; Wittington Bond returned

ELECTIONS AND ETHICS COMMITTEE UPDATE

Committee member Sharon Hadary announced that there are three candidates for the upcoming election for three seats on the Council. The candidates are: Jill Filipczyk of Taylor Street, Arthur Alexander of Raymond Street and Richard Krajeck of Bradley Lane. The Candidates Forum will be held on Saturday April 24th at a Community Roundtable in the Village Office. Candidates' statements will be published in the newsletter.

ACTION ON MINUTES

(a) Minutes of March 18, 2010 Meeting

Mike Zielinski and Larry Wasson were not present.

Motion to Approve: Mueller; 2nd: Noell; Vote: In favor: Mueller, Krajeck, Sottile.

(b) Minutes of Executive Session 3/18/2010

Mike Zielinski and Larry Wasson were not present.

Motion to Approve: Sottile; 2nd: Mueller; Vote: In favor: Mueller, Krajeck, Sottile.

(c) Notes on Working Session 3/30/2010

Larry Wasson was not present.

Motion to Approve: Mueller 2nd: Sottile; Vote: in favor: Mueller, Krajeck, Sottile, and Zielinski

(d) Minutes of April 8th Budget Hearing

All Council Members present.

Motion to Approve: Mueller 2nd: Sottile; Vote: In favor: All

FINANCIAL MATTERS

(a) Report for the Month of March: Chris Mueller

Income for the month of March was \$ 1,566. Expenses for the month totaled \$ 104,829. Unusual expenses included \$55,257 in snow removal and shoveling. March also saw invoicing for the fall and spring street cleaning of \$ 8,400; \$13,258 in waste collection; and \$4,760 for a portion of the street lighting study.

Year to date expenses are running about \$246,000 greater than income. The Council has prepared a budget amendment for the remainder of FY 2010 which closes this gap through a combination of expense cuts and draw-down on reserves.

Motion to approve the Treasurer's report: Zielinski; 2nd: Sottile; Vote: All in favor.

(b)Amendment of current budget:

Budget Amendment for FY 2010 Budget April 15th meeting:

- *Recycling Bins:* Now that final numbers are available an additional \$3,000 is needed for recycling bins to bring total available appropriations to \$19,000.

Motion to increase the budget for the recycling bins by \$3,000 bringing the total to \$19,000: Zielinski; 2nd: Sottile; Vote: All in Favor.

- *Additional \$6,500 for salaries.*

The decision was made to separate the two components of this item as follows:

Motion to fund an additional 9 hours of staff time for the assistant manager position: Mueller: 2nd: None. The motion died for lack of a 2nd.

Motion to add \$3,000 to fund the cost-of-living increase and bonus for the Village Manager: Wasson; 2nd: Sottile. Vote: All in favor.

(c) Action on Resolution to Establish 457 Deferred Compensation Plan

Motion to adopt a 457 retirement plan for the Village Manager contingent on the absence of any significant fees: Mueller; 2nd: Sottile; Vote: All in favor.

POLICY ON SUMP PUMPS

Policy No 4-10-2

Policy on Sump-Pump Discharges in the Public Rights-of-Way

Pursuant to Section 6-302 of the Code of Ordinances of the Village of Martin's Additions, a permit is required for the placement of any structure or object in a public right-of-way. Pursuant to Section 6-302 and 7-209, no permit shall be issued until a license to use the right-of-way has been executed in a form approved by the Village.

The Village Council finds that sump-pump discharges into public rights-of-way must be regulated to protect public safety and prevent the creation of public nuisances, including but not limited to erosion, standing water, and icing problems. For this reason, it is the policy of the Village of Martin's Addition to generally prohibit sump-pump discharges onto a street. Absent extraordinary circumstances, the Village of Martin's Additions will not grant a license to use the right-of-way to discharge a sump-pump onto a street.

Motion to introduce a policy on Sump Pump discharge into the right-of-way: Mueller; 2nd Sottile.

Discussion: Krajeck explained that the purpose of this policy statement was to make it clear that the Village does not want sump pumps to discharge into the street because of the hazard the water discharge presents. Wasson expressed the concern that people are being forced to do things they have no choice on. Chairman Krajeck called for a vote.

Vote on Sump Pump Policy: 4 in favor (Krajeck, Sottile, Mueller, and Zielinski); 1 Opposed (Wasson)

FY 2011 BUDGET AND TAX RATE INTRODUCTION & DISCUSSION

Operating Budget: The Council discussed additional areas for budget reductions. The following reductions were proposed:

- ***Managerial & Office Salaries*** reduce by \$10,000 to \$87,000 to reflect the decision not to fund additional hours for the Assistant Village Manager.
- ***Waste Collection & Recycling:*** Reduce by \$2,500 by changing heavy trash pick up to every other month and eliminating yard waste collections during the winter months.
- ***Leaf Bags:*** reduce the number of bags that are distributed by half for an additional savings of \$2,500 to a budget of \$6,000.
- ***Tree Replacement:*** reduce funds for new tree planting by an \$500 for a total budget allocation of \$2,000.
- ***Funding of Storm Water Task Force:*** The Council discussed how much additional funding to apply to the Urban Planning Consultant to assist the Task Force. Wasson felt no additional funds should be allocated. **Motion to reduce the funding for the Urban Planning consultant by \$5,000 to a level of \$10,000 was made by Zielinski; 2nd Mueller. Vote: 4 in favor (Krajeck, Sottile, Mueller, Zielinski); 1 Opposed (Wasson).**

Motion to introduce the budget for FY 2011 with the above proposed changes as made by Chairman Krajeck; 2nd: Zielinski. Vote: 4 in favor (Krajeck, Sottile, Mueller, Zielinski); 1 Opposed (Wasson).

FY 2011 Real Property Tax Rate Setting

Motion: Chairman Krajeck motioned that the real property tax rate be set at 4¢ per \$100 of assessed valuation; 2nd: Sottile. **Discussion:** Wasson proposed an amendment that the property tax rate be set at 2.5¢. The amendment died for a lack of a 2nd.

Krajeck called for a Vote on the motion to set the real property tax rate at 4¢: 4 in favor (Krajeck, Sottile, Mueller, Zielinski); 1 Opposed (Wasson).

FY 2011 Utility Tax Rates

Motion: Chairman Krajeck motioned that the tax rate on utilities be set at \$1.45¢ per \$100 of assessed valuation; 2nd: Zielinski; **Vote: All in favor.**

FY 2011 Personal Tax Rates

Motion: Chairman Krajeck motioned that the personal property tax rate remain at 50¢ tax rate on per \$100 of assessed personal property; 2nd: Zielinski; Vote: All in favor.

FY 2011 Commercial Tax Rates

Motion: Chairman Krajeck motioned that the commercial property tax rate be set at 10¢ per \$100 of assessed commercial property; 2nd: Wasson; Vote: All in favor.

STORM WATER COMMITTEE REPORT

Councilmember Zielinski reported that the Storm Water Task Force had its first meeting where responsibilities for document review were assigned. Urban Planner Chris Jakubiak is working on getting information from the County about the storm drain system. The Task Force will use the VMA Website to keep the residents informed. The Village Office will manage that set up and information presentation.

MANAGER'S REPORT

Meeting with FEMA/EMMA for December storms in Gaithersburg. The application with FEMA related to those storms has been completed and total service costs of \$4,824.20 were accepted. The final reimbursement amount has not been determined. No reimbursement is allowed for sidewalk shoveling.

President declared the February storm a Federal Emergency. The process of filing the necessary papers with FEMA will begin all over again.

Recycling bins can be ordered now that the budget costs have been refined.

Shred It Event planned for this spring is on-hold due to budget constraints.

Budget development has been the major task this month-work session, public hearing, and narrative development.

The Incorporation Celebration at La Ferme was quite successful.

Code Review project is being worked on by the Office.

Election Event Preparation is well underway and all shop keepers have agreed to participate this year.

Up-Coming Projects

Street Repairs: Taylor Street Sidewalk repairs, approximately \$5,000 include removal of possible tripping hazards and minor repairs. This was to be a major replacement project of some \$72,000 that has been reduced to safety repairs only.

Brookville Road Sidewalks repairs contract approves approximately \$9,800 to removal possible tripping hazards and replace completely deteriorated sections that may present a hazard.

GARBAGE CONTRACT RENEWAL

The terms of the Village's current contract with Waste Management allows the extension of the contract for another year beginning July 1, 2010. In order to determine whether we might realize significant savings or perhaps just the opposite--put ourselves at risk of incurring higher costs than we currently pay--the Manager compared the costs of surrounding jurisdictions to see where our current contract stands. The comparison of per household collection rates for surrounding jurisdictions showed that Martin's Additions' rate was the lowest of all towns. While not all towns provide the exact same level of service or financing arrangements, adjustments were made to try to account for those differences in the comparisons. It was the recommendation of the Manager to extend the contract for another year.

Motion to extend the FY 2011 contract with Waste Management for waste collection and recycling, subject to further negotiations to reduce costs as proposed in the introduced FY 2011 Budget: Zielinski; 2nd: Sottile; Vote: All in favor.

ADJOURNMENT: 10:20 PM Motion made by Krajeck; 2nd Zielinski; Vote: All in favor

