

**Village of Martin's Additions
Council Meeting
7013 B Brookville Road, Chevy Chase, MD 20815
September 16, 2010
Draft Minutes of Meeting**

COUNCIL MEMBERS AND VILLAGE REPRESENTATIVES PRESENT: Council Members Present: Chris Mueller, Arthur Alexander, Jill Filipczyk. Village Manager: Jean Sperling. Assistant Manager: Deb Schmal. Attorney: Ron Bolt. Building Administrator: Alan Beal.

Residents: Keith Allen, Stuart Binstock, Michael Bloom, Bill Catherwood, Sharon Hadary Coyle, Craig Ferris, Dan Gardner, Marty Langelan, Rick Michel, Natalie Neumann, Ed Novak, Steve Schmal, Doug Snyder, Ted Stoddard, Lynn and Natalie Welle.

Call to Order 7: 30 PM by Vice Chairman Chris Mueller

BUILDING ADMINISTRATOR'S REPORT-(Alan Beal)

Sump Pump Connections to Auxiliary Storm Water System on Quincy Street.

Mr. Beal discussed the need to hook up residences outflow pipes to the Quincy Street auxiliary storm water system constructed by the county. Beal provided an illustration of the system and the four outflow pipes that need to be linked.

Downspouts cannot be attached to this system; the roof water must be dispersed onto the resident's property. Beal has received a bid for construction of the connection boxes, which he recommended be constructed of brick. The cost per residence is slightly less than \$1,000. Since only three Council members were present at this meeting it was agreed that the topic would be put on the October Agenda for further discussion and action. In the meantime, Attorney Bolt suggested that the Council explore the issues related to this matter by email and that an Executive Session could be scheduled if necessary. The Council agreed.

Construction Project Status Update:

Chestnut Street, 7216. Tear down and all new construction. County Electrical Permit issued. No Village application, permits or fees posted yet. Council and neighbor notice sent about expected action. Plan review meeting will be held for this project.

Cummings Lane, 3502. Mud room addition, interior renovation. Martin's Additions and County permits issued for construction. Fence permit/ property line issue outstanding.

Delfield Street, 7215. Unknown alterations as yet. Initial plans turned down because of Village building regulations.

Delfield Street 7315. Major addition and interior renovations. All fees and bond paid. County permit expected soon. Plan review meeting scheduled for Tuesday September 21, 6:30 PM

Delfield Street, 7316. Major addition. Construction almost complete. Resident has moved back in.

Summit Ave., 7300. Major additions. Construction almost complete. Resident has moved back in.

Summit Ave., 7308 Fence Permit. Project complete.

Summit Ave., 7404 Tear down and all new construction. Project continues.

Taylor Street, 3508 Major construction project. Completed. Right of way has not been repaired. Two emails have been sent reminding them that we still hold their bond. No response.

Turner Lane, 3517. Major Addition is underway. There has been a problem with run off into fish pond on property to rear. Builder has since put in silt fence and hay bales.

Other Issues:

Storm Water and Drain problems at 7320 Delfield Street.

Mr. Beal explained that there is no storm water system on dead-end Delfield Street. A private drain at the end of the street handles some of the water but it clearly is not able to handle any major storms. He will bring the issue to the Storm Water task force at their next meeting.

RESIDENTS COMMENTS, CONCERNS AND CONTRIBUTIONS

Resident Request for Discussion of Tree Limbs on Power lines: Resident Stuart Binstock

Mr. Binstock remarked that the power goes out frequently on Summit Avenue and he believes the trees play a big role in the problem. He had heard that other towns cleared the trees from their power lines and he wondered why Martin's Additions had not done so.

Manager Sperling explained that the law prohibits any municipality from pruning trees that are in the power lines; that must be done by PEPCO's tree contractor, Asplundh, who is certified to work around power lines. While the Village is prohibited from pruning trees around power lines it has always identified trees that need the pruning assistance of PEPCO. Paul Wolfe, the Village arborist and Dan Gardner, the Village tree supervisor have recently compiled and sent a list of trees needing PEPCO's care to their forester Dan Landry.

Residents' comments on this topic: Dan Gardiner noted that PEPCO can often be slow with their response to tree pruning. Natalie Welle of Quincy Street, a member of the Fire Board informed the Council that restrictions about who can deal with power lines extends to the Fire Department, which can do nothing more than rope off an area and call PEPCO if a power line is on fire. Steve Schmal of Summit Avenue thanked Stuart Binstock for his comments and added that trees on private property are also a threat to power lines.

Sperling suggested that the Village also ask residents to keep an eye out for trees that appear to be in the power lines and to alert the Office so that information can be passed along to PEPCO.

PEPCO IMPROVEMENT PLAN DISCUSSION

Council Member Mueller asked Manager Sperling to make a report about her efforts with PEPCO to remedy the problems in the northern end of Martin's Additions which has been experiencing so many power outages. Ms. Sperling presented the following summary of the action that was taken to remedy the power problems in the Village.

Sperling reported that at the end of the winter storms of 2009-2010, when there has been so much trouble with the northern end of Martin's Additions, she asked PEPCO's Vice President Kim Watson for guidance. Sperling was referred to the Pepco Reliability Office who agreed to assist in identifying problematic power outages. That information, and the request for assistance from the residents, was published in the Village newsletter in early spring 2010.

PEPCO's Reliability Office asked the Village for the addresses and duration of the outages. Residents responded to a Village request and we were able to provide meaningful outage data to PEPCO. This data collection effort allowed PEPCO to identify the faulty feeder-line into Martin's Additions. A letter to PEPCO by the Village Council on August 23, 2010 identified all the addresses in the northern end that had experienced the outages. We included a highlighted map of the area affected, 5 or 6 key emails from residents that spoke well to the situation and a hand written note to Kim Watson the VP for Maryland Affairs. The letter was also sent to Tom Graham, General Manager of PEPCO, our contacts in PEPCO's Reliability Office, Joseph Rigby, President of PEPCO Holding Company, Douglas Nazarian, Chairman, Public Service Commission, Ike Leggett, County Executive, Roger Berliner, County Council Representative, and Congressman Chris VanHollen. PEPCO produced a Comprehensive Reliability Plan for Montgomery County as a result of the damage done by those storms. This document was posted on the website as have all documents related to our work with PEPCO.

Subsequently, the PEPCO Reliability Enhancement Plan was released. This report identified the power feeder lines, their problems and proposed corrective measures. Sperling explained that the Village has three feeder lines that come into Martin's Additions—one comes in for our south end, one feeder comes in to serve the bulk of Martin's Additions mid-section and a third feeder serve a portion of the north end. The Village was contacted by Charles Washington, PEPCO's Public Affairs Manager, who identified the feeder line that serves the northern end of Martins Additions. It is referred to as the "Norbeck Line" and is one of 13 absolute top priorities for repair.

To explain the concept of top priority repair designation Sperling referred the Council to the Reliability Plan spread sheet where the Norbeck line is identified and also to the note that says "Major MC SAIFI contribution." (System Average Interruption Frequency Index). This index is used by utilities to measure how they are performing and is created from the total number of customer interruptions divided by the total number of customers served. That means that The Norbeck feeder line is a major contributor to an overall poor performance index. Once PEPCO has made this identification of a feeder line as a major contributor to the power problems they are bound by more stringent regulations to insure the correction of the feeder line problem.

Sperling reported that the work has already begun on power line repairs that serve Martin's Additions. PEPCO is restringing lines, putting in new telephone poles and pruning trees all around us. Councilman Alexander explained that the reason you get one house on and one off next to each other is the change in feeder line. PEPCO's response to Sperling's request to shift residents from the bad feeder line to a fully functional line was that such an action would overload the higher performance line. Councilman Mueller asked the Manager if it was her sense that once they've started they are going to finish and she expressed her full confidence that this will happen.

After the release of PEPCO's Comprehensive Report and Enhancement Plan the Village Council sent a follow up letter to all the same parties on September 7, 2010 confirming the identified feeder lines improvements and repeating all the addresses that had been provided in the first letter.

Council member Alexander pointed out that the Village operates on multiple fronts with PEPCO and the Manager has to maintain a good relationship with PEPCO to get things done, so the Villages' approach is a collaborative one. The Council agrees that that is how we get results. Sperling thanked the Council for its support for this approach because she believes it is the right one.

Residents Comments on this Topic: Marty Langelan, (Chestnut Street) reiterated the difficulties that she has experienced with the power outages. Ms. Langelan thanked the Village for their effort and suggested that the lack of testimony by the Village Council in front of the PSC suggested that the Council does not take the matter seriously. She provided the Council with a statement for the record.

Michael Bloom (Delfield Street) remarked that he appreciated the Council's openness to comments and the briefing. He confirmed his understanding of the action that is being taken by PEPCO.

Steve Schmal (Summit Ave.) approved of the Village approach to solving the problem--there are various ways to try to influence process--giving testimony is fine, but it is not the only approach. The approach Martin's Additions has taken is likely to be just as effective as giving public testimony.

Stuart Binstock (Summit Ave) suggested that the Village should respond to the accusations that have been launched at the Council on the list serv. He asked why the Council has not done that. Councilman Alexander said he has felt the same way but the list serv is not a function of the Village government. It is for communication among the residents--not a forum.

Keith Allen (Turner Lane) complimented the excellent job the Council has done from Manager on down in handling the storms and the clean up.

Council Discussion: Councilmember Filipczyk noted that the meeting this evening is the Village government's response. The Village also has a website and a newsletter for official communications. Councilmember Mueller agreed that the Council meetings are the forum for conducting Village business.

Councilmember Alexander asked Counsel Ron Bolt if Council members can post an answer on the list serv speaking as an individual. Attorney Bolt replied that this could be done so long as it is made clear that you are not speaking on behalf of the Council. Councilman Mueller was concerned that such comments will still be construed as an official response.

REPORT ON FY 2011 BUDGET ANALYSIS: Arthur Alexander

Vice Chairman Mueller explained that the Council had agreed at the May Annual meeting to re-examine the budget for the purposes of identifying potential additional savings and to review comparative information on where Martin's Additions stands vis-à-vis other jurisdictions. The Council initiated this examination with a meeting on July 20, 2010 with Dan Baden the Village accountant, to review the budget expense ledger and discuss revenue sources and to brief new council members on the finances of the Village. Arthur Alexander, the Village's Treasurer, took the next step and prepared a budget review presented for discussion this evening.

Alexander explained that one of the first questions he asked himself was "are we spendthrift or profligate; are we finding ways of cutting costs?" Alexander performed basic data analysis of all 157 municipalities in the state, summarized below and posted in full text on the Village website.

Population-wise, Martin's Additions is a member of the smaller third of municipalities. In terms of income per capita, Martin's Additions is the fifth wealthiest municipality of the 157 municipalities in the state of Maryland, and enjoys the 10th highest assessed property per capita of any municipality. Only properties in Chevy Chase Village, Somerset and Town of Chevy Chase were assessed higher. Chevy Chase is the wealthiest part of the State and the County. VMA is number 10 in terms of property value.

How much do we spend per capita? We are 85th out of the 157, so we are below the halfway point in terms of ranking the various municipalities on per capita expenditures. Being among the richest in income and the richest in property we are a medium ranking in spending per capita. Martin's Additions could be described as "frugal rich people".

Comparing expenditures among municipalities shows that towns have different preferences, and over the years they have all made different choices on how to do business. Alexander noted that past decisions have implications for the future; one of them was to be a municipality; another was to rent office space. Some of the overhead items were deliberate choices made in the past.

On the income side, Alexander noted that the bulk of our income is passed through by the state of Maryland; the Village has no control over that amount--it is set in the state constitution. The only incomes we do have control over are our building fees and local property taxes. Until this year Martin's Additions was consistently noted as having the lowest property tax rate in the state of Maryland. The drop in our income tax receipts for FY 2010 was so precipitous that combined with loss in Highways User Revenues, and high storm expenses, expenditures could not be cut fast enough to confront the declining revenues. However, in the budget development for FY 2011, many changes were made to accommodate lower revenues. Fees were reduced by restructuring council meetings to streamline the use of our legal advisor and building administrator. There are often one-time charges in certain budget areas--legal fees for the development of the building regulations, for example--that will not recur in future budgets, There were also cutbacks in service such as reduced heavy trash service, fewer leaf bags and ending the snow shoveling program.

Resident comments included a note of appreciation from Marty Langelan (Chestnut Street) on Councilman Alexander's work. Ed Novak of Chestnut Street shared his analysis of Village expenditures which presented them on a per capita basis. He felt it was prudent to look at the \$1,430 that is spent on a per household basis. The Council thanked Arthur for the excellent report.

ACTION ON MINUTES (JULY MEETING)

The Minutes of the July meeting had been approved preliminarily by email so they could be posted on the website and published in the Newsletter. They are formally approved here as follows:

Motion to Approve the Minutes of the July 15th meeting was made by Councilmember Alexander.

2nd Filipczyk; **Vote:** All in favor.

ACTION ON EXECUTIVE SESSION (August 10)

Motion to approve the minutes of the Executive Session on August 10th was made by Alexander,

2nd Filipczyk; **Vote:** All in favor.

FINANCIAL REPORTS July, August 2010; Arthur Alexander, Treasurer

Numbers are rounded. Income for the months July and August was \$ 5,500. (\$4,500 from property taxes). Expenses for the months totaled \$ 65,600. Net Income: -\$60,000. Reserve Account: \$873,000 (190% FY2011 budget). We are looking forward to September report because the Municipal Tax Duplication payment from Montgomery County of \$24,000 was \$3,000 more than budgeted. Winter storm reimbursements from FEMA of \$10,500 have been received. The July and August reports and the June Year end report are attached.

Motion to Accept the Treasurer's Reports: Filipczyk; 2nd Mueller; **Vote:** All in favor.

AUGUST/SEPTEMBER MANAGER'S REPORT

- ***Service Deliver/ Maintenance***

- Streets were cleaned** this week to get the sand, gravel, cement and dirt up before the leaves started falling. There was a lot of construction dirt and storm wash-out onto the streets.

- Wall along market area cleaned up.** The cleanliness of the Market area is a constant problem

- Tree Report**

- Two summer storms have racked up the tree damage and clean-up costs.

- Integrated Plant Care has recommended an assessment of our very large and old trees

- All trees needing Pepco's attention have been identified and sent to PEPCO.

- Fall pruning list has more than 40 trees identified as needing work.

- Storm Damage Repair and Storm Management**-Storm Damage (Sunday July 25th) - Turner Lane, tree down, street blocked; Summit Avenue limb and lines down. Bradley limb down; tree needs to be completely removed (It has been). Shepherd and Brookville cleaned up

- Storm Damage (August storm)** Tree down blocking Shepherd. Various limbs were brought down through community. Winds were reported as high as 80 MPH.

- Leaf bags.** Leaf bags distributed earlier this year at a cost about ½ of what we budgeted. We cleared out the storage bin, distributed only half the amount we had last year and we got a good deal on the bags. They were \$.63 per bag last year and \$.53 per bag this year.

- Street Markings.** Multiple Street stop bars and center lines had been redone, particularly in the north end. The sections that have been not been done because of underlying pavement needs improvements or water leaks need to be repaired by WSSC. The speed humps were re-marked where possible. We were able to piggy-back on the State contract. The cost of the project was \$2,212.80.

- Street Water lines on Oxford.** WSSC Has notified us that they will be releasing an RFP for water line work on Oxford Street. It should take until about March of 2011 for all the workings to be in place for construction to begin. There is a concern about the new storm drains under Oxford that are there.

- Sewer Work was performed by WSSC** on Bradley and Thornapple.

- ***Administrative Work/Issues***

- Reimbursements**-County Municipal tax duplication payment has been received; Cable reimbursements have been delayed.

- Accounting Matters**- Getting ready to move all to the auditors.

- Difficulties** getting utilities assessment amounts from the State.

- Registered with **Montgomery County Volunteer Center** as an acceptable Service hour operation. Deb attended training session and completed materials.

- Meeting with representative from the **Planning Commission** about the Chevy Chase Lake Sector Plan. Chevy Chase Village has been nice enough to head this up.

- ***Up and Coming Work/Project awaiting completion***

- Resident Pam Sacks has volunteered to help with filing and file structure.

- Started to work on snow removal services. Right now we are looking for shovelers. Offered to do a joint project with Section 3 to clear Brookville Rd. but they are not going to shovel Brookville Road.

ADJOURNMENT 9:35 PM

Motion to Adjourn: Filipczyk; 2nd: Alexander; **Vote:** All in favor